

[05] Full Planning Permission

S/079/01078/ 22 **APPLICANT:** Hatton Solar Farms Limited,

VALID: 24/06/2022 **AGENT:** Third Revolution Projects,

PROPOSAL: Planning Permission - Installation of a temporary ground mounted 49.9MW solar farm with associated infrastructure, construction of vehicular accesses, CCTV cameras on 2.5m high poles a 15m high communications tower and security fencing to a maximum height of 2.2m.

LOCATION: LAND ADJACENT SOTBY WOODS, STURTON ROAD, HATTON

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application is referred to Planning Committee following a previous committee decision approving this development. The decision was challenged via Judicial Review by a local resident on three grounds. One of these grounds was that the Council and applicant had failed to address the requirements of a Written Ministerial Statement (WMS) from 2015 which requires applicants to submit the "most compelling evidence" for why the Best and Most Versatile (BMV) agricultural land should be used over land of lesser quality. The challenge did not proceed to a full Judicial Review as the Council agreed to concede on this point and the decision was subsequently quashed by the Courts. The application is now before the committee again for re-determination based on additional information submitted by the applicant to address this previous omission.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site covers 180 acres of agricultural land which is currently cropped, spread over five parcels of land to the east of the hamlet of Hatton. The site lies around 4km to the west of the Lincolnshire Wolds Area of Outstanding Natural Beauty. (AONB). The site is roughly the shape of an inverted 'L' with Sotby Wood in the centre. Sturton Road runs along the southern boundary, the western boundary runs along an open field and beyond this lies residential properties of Hatton, approximately 200 metres away at the closest point. Part of the northern boundary runs along the bottom of Sotby Wood with a small northern boundary (of the upper part of the 'L') running along a field which stretches towards Moor Lane. The eastern boundary runs alongside the Public Bridleway no. 789.

2.2 The site borders a number of parishes. Great Sturton parish boundary runs along the southern boundary of the site and the eastern most part of the site lies in this parish, Sotby Parish lies to the north and includes the northern most parcel of land within its parish with the rest of the site lying in Hatton Parish.

2.3 There is hedging along the southern boundary of the site which screens the site to some extent from certain viewpoints but there are existing

gaps in this hedge from where one can see across the whole site. This gapping is also more noticeable during the winter months. There is hedging along the roadside boundary of Moor Lane to the north which is higher than the site but when this hedge is trimmed during the winter there are views available to the south, across the site.

- 2.4 The topography of the site generally rises up to the south eastern corner of the site, and also from south to the north in the northerly part of the site.
- 2.5 In the south eastern corner of the site, Sturton Road is higher than the application site which affords views across the site.
- 2.6 There are residential properties of Hatton to the west, and two isolated properties to the south on the other side of Sturton Road. One of these, Corner Farm is a Grade II listed building, along with it's associated listed curtilage buildings.
- 2.7 The existing field accesses are off Sturton Road and it is proposed to have the access to the solar farm off this road also.
- 2.8 There is a permissible footpath running through the site, and along part of the northern boundary with Sotby Wood.
- 2.9 The site lies in Flood Zone 1.
- 2.10 There is a high pressure gas pipe running through the site from north east to south west.
- 2.11 To the south west of the application site it is proposed to construct a substation adjacent to the existing substation and the Gas Compressor site. This will be accessed off Panton Road and covers a site area of approximately 2578.7 square metres. There is existing hedging along the boundary of the existing substation.

3.0 DESCRIPTION OF THE PROPOSAL

- 3.1 The proposal is for a 49.9MW solar farm to cover the application site over 5 parcels of land for a period of 40 years. It is proposed to provide a 2.2m security fence around the perimeter of the site which would comprise of timber posts and wire. CCTV poles of 2.5m in height would be installed around the perimeter of the site. The solar panels would be no higher than 3m. It is also proposed to plant additional hedging along the boundaries of the site.
- 3.2 There will be a total of 120,912 modules at an angle of 25 degrees to the horizontal arranged in lines in the separate parcels of land. According to the information submitted with the application, to ensure that the development can generate electricity efficiently, even during the winter months, the rows of solar panels are to be spaced approximately 5m apart from panel edge to panel edge to prevent shading. The lowest edge of the panels will be approximately 0.8 metres above ground level and the top edge will be no higher than 3m above ground level.

- 3.3 Three accesses into the site will be provided off Sturton Road.
- 3.4 It is proposed to keep the permissible footpath open as part of the scheme.
- 3.5 To the south west of the application site it is proposed to construct a substation with a 15m high communications tower adjacent to an existing substation and the Gas Compressor Station. This will be accessed off Panton Road and covers a site area of approximately 2578.7 square metres. It is proposed to plant a hedge around the boundaries of the site.
- 3.6 It is estimated that the construction phase will last six months.
- 3.7 No lighting is proposed.
- 3.8 The planning application is accompanied by the following documents:
 - Biodiversity Net Gain Assessment
 - Arboricultural Impact Assessment
 - Archaeological Desk-Based Assessment
 - Glint and Glare Assessment
 - Construction Management Plan
 - Flood Risk Assessment
 - Heritage Impact Assessment
 - Heritage Rebuttal
 - Landscape Visual Impact Assessment
 - Preliminary Ecological Appraisal
 - Simulation Report
 - Statement of Community Involvement
 - Design and Access Statement
 - Transport Statement
 - Agricultural Land Classification Report
 - Breeding Bird, Great Crested Newts, Water Vole and Otter Surveys
 - Site Search Document
 - Agricultural Land Classification Report
 - Agricultural Considerations Report
 - Outline Soil Management Plan

4.0 CONSULTATION

- 4.1 Set out below are the consultation responses that have been received on

this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

- 4.2 The application has been advertised by means of a press notice and site notice and neighbours have been notified in writing.
- 4.3 Six (6) site notices were placed around the site at appropriate locations.

Consultees

- 4.4 HATTON PARISH MEETING - Object on the following grounds:
 - 1. Loss of good agricultural land;
 - 2. Impact on the landscape;
 - 3. Transport infrastructure;
 - 4. Dubious claims by the developer;
 - 5. Will destroy dark skies of Lincolnshire;
 - 6. Better suited brownfield sites in East Lindsey.
- 4.5 BAUMBER PARISH COUNCIL - Object on the following grounds:
 - 1. The applicant has failed to satisfy the requirements of the Localism Act 2011 and the National Planning Policy Framework (NPPF) through not carrying out adequate public consultation prior to the submission of the planning application.
 - 2. Lack of information submitted and discrepancies within application;
 - 3. Increase in water run off and shade created;
 - 4. Impacts on highways;
 - 5. Short lifespan of solar panels themselves creating waste;
 - 6. Impact on privacy from CCTV system;
 - 7. Noise;
 - 8. Risk of fire from solar farms and in this case an even bigger risk due to gas pipe through site;
 - 9. Visual impact;
 - 10. Impact on permissible footpaths and Sotby Woods;
 - 11. Lifespan of development;
 - 12. Impact on heritage asset;
 - 13. Impact on residential amenities;
 - 14. Impact on biodiversity;

15. Impact on food production and loss of agricultural BMV land;
16. Inadequate site selection information submitted, site has still not been adequately justified.
- 4.6 WRAGBY PARISH COUNCIL – Object due to the additional HGV movements through the village during construction which would place a burden on the road network which is already at capacity and impact on pedestrians.
- 4.7 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - Requests any permission given includes conditions on surface water drainage, construction management plan and method statement, timing of works to the highway including the provision of road widening and seven passing places. No objections to the Site Search Document.
- 4.8 ENVIRONMENTAL SERVICES (Environmental Protection) - No response received at the time of writing this report
- 4.9 ENVIRONMENTAL SERVICES (Drainage) - No response received at the time of writing this report
- 4.10 ENVIRONMENTAL SERVICES (Contamination) - No response received at the time of writing this report
- 4.11 ANGLIAN WATER - Under threshold for comments
- 4.12 LCC (PLACE DIRECTORATE) - Object on the grounds of visual impact, loss of agricultural land which is contrary to NPPF paragraph 175(b) which could have impact on food security and local rural economy, along with impact on soil from construction. The Council is concerned that no other sites have been surveyed as part of the site selection process. The ALC indicates that there could be land available that is not BMV and the applicant should carry out further investigations on these sites prior to the determination of this application. Refer to Lullington court judgement which found that the loss of BMV land outweighed the benefits of the scheme and that no compelling evidence had been submitted to justify the scheme. This appeal is a material consideration. The site selection document does not provide the “most compelling evidence necessary to comply with the WMS.
- 4.13 NATIONAL GRID - Holding objection. National Grid operates a high-pressure gas pipeline that runs through the application site. The pipelines have 24.4m easements in operation (12.2m on either side of the pipe). No development, construction, or landscaping is permitted within the easement without formal written approval from National Grid. Solar Farms can be built adjacent to pipelines but never within the easement. Should planning permission be granted, the developer is to engage with National Grid for further guidance before undertaking any works on site.
- 4.14 NATIONAL GAS – No objection. The area has been found to be within the High Risk Zone from National Gas Transmission plc’s apparatus and the

scheme must not proceed without further assessment from Asset Protection.

- 4.15 ENVIRONMENT AGENCY - No objection. No comments to make on Site Search Document.
- 4.16 HERITAGE LINCOLNSHIRE (ARCHAEOLOGY) - The proposal lies in an area where evidence of prehistoric and Roman finds have been recorded. Archaeological interventions in the area of the substation, to the southwest of the solar farm, have recorded material of prehistoric, Roman, medieval and later date. It is considered that the site offers a potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity. It is recommended that a programme of archaeological evaluation be implemented to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development. No comments to make on Site Search Document.
- 4.17 HERITAGE LINCOLNSHIRE (CONSERVATION) - The main issue with the proposal is the unsightly security fence along the southern boundary of the site close to Corner Farm. If the scheme goes ahead, a condition to secure the maintenance of the landscaping scheme at the boundary to above the height of the security fence would be good to mitigate. Further comments received in response to further information submitted both from applicant and third parties: Reiterate comments of previous conservation officer.
- 4.18 LCC COUNTRYSIDE ACCESS - No objection, provided Public Bridleway 769 is not reduced in width or disturbed in any way during construction. British Horse Society guidance states that an open weave mesh type fence is more appropriate alongside a Bridleway rather than a palisade type fence in case a rider is thrown from their horse. There should be a minimum of 5 metres width left for the Bridleway. A permissive footpath is being promoted as a benefit for walkers through this development. Such routes are not protected and may be withdrawn at any time. If the aim is to give something to the local people in return for the development, then this route must be dedicated as a Public Footpath, so the right to use it can be protected into the future.
- 4.19 NATURAL ENGLAND - No objection. No comments in relation to Site Search Document.

Neighbours

- 4.20 A total of 339 representations have been received at the time of writing this report as follows:

180 letters of objection (including 26 standard letters with no address given and two letters from Victoria Atkins MP and Sir Edward Leigh MP both raising objections to the scheme);

158 letters of support (including 9 standard letters with addresses, 100

standard letters of support with addresses submitted by the agent and a number of standard responses giving the same variation of reasons)

1 letter of representation.

4.21 Letters of objection cover the following issues:

- Loss of BMV agricultural land and insufficient compelling evidence has been submitted to address this;
- Short lifespan of solar parks which create more waste;
- Industrialisation of village;
- Impact on tourism;
- Risk of fire which is worsened by presence of gas pipe through site;
- Impact on wildlife;
- Impact on mental health;
- Should be using brownfield sites and industrial roofs;
- Impacts on local residents from construction works, including heavy construction traffic through Wragby;
- Loss of view;
- Visual impact;
- Public consultation didn't happen;
- The proposal does not comply with planning policies;
- Impact on roads;
- Glare;
- Lack of information on surface water disposal, have seen torrents of water produced at other solar farms during heavy rainfall;
- Proposed hedges will take years to grow to the proposed height to screen the panels;
- No benefits to development;
- If this is approved, other sites may come forward for solar panels in the area and spread over the countryside;
- Impact on the setting of Corner Farm which is a Grade II listed building;
- Noise pollution;
- Cannot see how it will contribute to the local economy and create jobs. It will only benefit landowner and operator of site;
- There are a number of inconsistencies in the documentation;
- Impact on holiday cottage and equine businesses;

- It will clearly be visible from Park House, Sibthorpe Cottage 1, Sibthorpe Cottage 2, The Old Barn, Glebe Farm, Corner Farm, The Old Vicarage, Yew Trees, Glen Dell, Rye Hill, Highfields, The Beeches in Great Sturton, The Cottages, The Swallows, Owl Cottage from Sotby. The site can be seen from the White House in Ranby and other elevations in the Wolds. It can be seen on walks through the village towards Great Sturton and everyone riding a horse on the Bridleway, will also have open views on to the industrial solar farm;
- Council's and UK's net carbon targets can be met by other more effective means;
- Currently the UK energy demands are being met as follows: 35% gas/coal; 16% nuclear; 32% wind; 1.5% solar;
- Cumulative impact of scheme with compressor station which is now double its size;
- Impact on food security;
- Impact on house prices.

4.22 Letters of support cover the following points:

- It will help East Lindsey and the UK meet renewable energy and carbon saving targets, including the Council's target of carbon zero by 2040;
- It will significantly improve biodiversity with a 100% increase in hedgerows;
- The solar farm is reversible at the end of its life with all equipment removed;
- The site already has planning permission for a gas power station, this instead will produce clean green energy;
- We need to decrease our reliance on fossil fuels;
- The site will only take up 0.00042% of land in East Lindsey;
- Will help create energy security;
- Energy generated per hectare from this solar farm will be about two orders of magnitude greater than energy produced by crops used for bio-fuels;
- Good for the environment;
- Cleaner energy;
- Lower energy costs;
- Support the phasing out of fossil fuels;
- Better use of the site;
- Will help local economy;

- Good for kids future;
- Solar energy is future proof;
- Good for village, Parish Council benefits from this;
- Good for ecology;
- Help slow down global warming;
- Diversity of income for farmers.

4.23 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

- 5.1 S/079/1105/22 - Environmental Impact Assessment screening opinion deemed to be not required with respect to the installation of a temporary ground mounted 49.9MW solar farm with associated infrastructure, construction of vehicular accesses and security fencing.
- 5.2 S/079/00348/18 - Planning Permission granted for the erection of a standby electricity generation plant and installation of ancillary equipment, perimeter fencing to a maximum height of 2.4m, bunding to a maximum height of 3.0m and construction of a vehicular access. This development was approved adjacent to the existing compressor station and adjacent to the site of the now proposed substation which forms part of this application. This permission was not implemented and has now expired.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP10 - Design

SP11 - Historic Environment

SP22 - Transport and Accessibility

SP23 - Landscape

SP24 - Biodiversity and Geodiversity

SP27 - Renewable and Low Carbon Energy

National Planning Policy Framework

Written Ministerial Statements 2015 and 2024

6.2 Background Documents

Written Ministerial Statement 2015

Written Ministerial Statement 2024

Planning (Hazardous Substances) Regulations 1992

Land Use Planning Rules (Health and Safety Executive)

Planning Advice for Developments near Hazardous Installations (Health and Safety Executive)

Avoiding Danger from Underground Services (Health and Safety Executive)

Safe Working in the vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties (National Grid)

2005 Kyoto Protocol

UK's Climate Change Programme November 2000

2006 Stern Review

Energy White Paper 2020

Climate Change Act 2008

Energy Act 2013

UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (Oct 2013)

UK Solar PV Strategy Part 2: Roadmap to a Brighter Future (April 2014)

Clean Growth Strategy and Clean Growth Challenge 2017

Renewable Energy Directive 2018

National Planning Policy Framework

Human Rights Act 1998

East Lindsey Landscape Character Assessment 2009

Natural England's National Character Area Profiles (2014)

Planning (Listed Buildings and Conservation Areas) Act 1990

Overarching National Policy Statement for Energy (EN-1) (2024)

National Policy Statement for Renewable Energy Infrastructure (EN-3) 2024

Environment Act 2021

Advice on Solar Farms (The British Horse Society)

Guide to assessing development proposals on agricultural land (2021)
(Natural England)

Protected species and development: advice for local planning authorities
(Natural England)

British Energy Security Strategy

The Powering Up Britain: Energy Security Plan 2023

Net Zero Strategy 2021

The Equality Act 2010

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

7.1 The main planning issues in this case are considered to be:

- Principle;
- Impact on landscape;
- Residential amenity;
- Impact on heritage assets;
- Impact on biodiversity;
- Loss of agricultural land;
- Site selection and whether the most compelling evidence has been demonstrated;
- Glint and glare;
- Highway safety;
- Flood risk and drainage;
- Gas main and fire risk;
- Local finance considerations;

Principle

7.2 There are various national and international policies and initiatives focussed on combating climate change. These include reference to the 2005 Kyoto Protocol, the UKs Climate Change Programme November 2000, the 2006 Stern Review, the Energy White Paper 2020, the Climate Change Act 2008, the Energy Act 2013, the UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (October 2013), the UK Solar PV Strategy Part 2: Roadmap to a Brighter Future (April 2014), the Clean Growth Strategy and Clean Growth Challenge 2017, and the Renewable Energy Directive 2018.

7.3 In January 2024 the National Policy Statement for Renewable Energy

Infrastructure (EN-3) was published. Paragraph 2.3.9 of this documents states that renewable energy resources can only be developed where the resource exists and where economically feasible and paragraph 2.10.9 states that solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. Para 2.10.10 sets out that within the British Energy Security Strategy the government expects a five-fold increase in combined ground and roof-top solar deployment by 2035. This Strategy also sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.

- 7.4 The Overarching National Policy Statement for Energy (EN-1) sets out that the UK needs to become net-zero which will require a huge amount of energy infrastructure. This document sets out the aim to transition from fossil fuels to clearer, renewable energy sources.
- 7.5 The National Planning Policy Framework (NPPF), as revised in December 2023, at paragraph 7 identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. Section (c) of Paragraph 8 sets out the environmental objective that the planning system should aim to meet to achieve sustainable development; it states that this includes moving to a low carbon economy.
- 7.6 Chapter 14, paragraph 157 sets out that the planning system should support the transition to a low carbon future in a changing climate...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 exiting buildings; and the support renewable and low carbon energy and associated infrastructure.
- 7.7 Paragraph 162 seeks to ensure that applications comply with development plan policies for decentralised energy supply and to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 7.8 Paragraph 163 states '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 recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

- 7.9 In Chapter 15, Conserving and enhancing the natural environment, paragraph 180 requires that policies and decisions should contribute to and enhance the natural and local environment by (amongst other matters) 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.
- 7.10 In the December 2023 review, an additional footnote was added to paragraph 181 of the NPPF which states: “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”
- 7.11 Since the last review of the NPPF, the UK has had a change in government and the new Government has outlined some proposed changes to the NPPF which are currently out to consultation. Some of these changes are in relation to renewable energy. The consultation document sets out that the revisions to the NPPF are to increase support for renewable energy schemes, tackle climate change and safeguard environmental resources. The document sets out that “Onshore wind and solar are cheap, efficient and quick to build technologies that are an important part of the energy mix. Between them, they account for over a half of renewable electricity generating capacity in the UK. We know that we will need more if we are to deliver on our clean power mission.”
- 7.12 The consultation states that “we are proposing amendments to existing paragraph 163 to direct decision makers to give significant weight to the benefits associated with renewable and low carbon energy generation, and proposals’ contribution to meeting a net zero future. In doing so, this aims to increase the likelihood of local planning authorities granting permission to renewable energy schemes and contribute to reaching net zero carbon electricity generation by 2030”.
- 7.13 In relation to the footnote added in December 2023 regarding the availability of agricultural land for food production, it is considered by the current Government that this footnote does not add anything material to what is already in the NPPF, particularly as there is no indication of how authorities are to assess and weigh the availability of agricultural land when making planning decisions. They are therefore proposing that this footnote is removed.
- 7.14 Although these changes are still at consultation stage, they are a material consideration.
- 7.15 In March 2014, the Government published its online Planning Practice Guidance (‘PPG’). The PPG contains various guidance of relevance to the registration, processing and consideration of planning applications.

7.16 The PPG offers practical advice in relation to the following areas, of relevance to the Proposed Development:

Renewable and low carbon energy;

Climate change; and

Natural Environment.

7.17 In terms of renewable and low carbon energy, the PPG states that “Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. 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”.

7.18 The East Lindsey Local Plan Core Strategy Chapter 14 addresses Renewable and Low Carbon Energy. It seeks to exploit the range of renewable energy and Low Carbon sources that have potential whilst at the same time protecting valued landscapes. It outlines the relevance of the Council's Landscape Character Assessment 2009 and the Wolds Area of Outstanding Natural Beauty (AONB). At paragraph 14.5 it states that large scale development that does not have special locational requirements should be located within or alongside centres of population to minimise the effects of distribution and its impact on the landscape and, where appropriate, should have direct access to the strategic road network in order to facilitate the delivery and removal of fuel and waste products. In addition, paragraph 14.5 states that the quality of the District's water environment should be protected and development should not have an impact on residential amenity, for example with regard to visual intrusion, noise, smell, odour or vibration.

7.19 With specific reference to solar power, paragraph 14.8 reiterates national policies that prioritise the use of previously developed land and minimising the use of the best and most versatile agricultural land (chapter 15, paragraph 170) and these matters should be given due consideration in assessing any application. Impact of the proposals on biodiversity, and ability of the scheme to accommodate this, may also be a factor on both brownfield and greenfield sites. Although often sitting low in the landscape, solar farms can still have an impact locally, in long distance views or where overlooked from higher ground. Proposals should set out how the impact on the landscape has been considered in site selection and should be accompanied by a landscaping scheme, showing how the impact of the proposal has been mitigated. Proposals should also take account of the impact on heritage assets. Assessing the level of harm either directly or on the setting of that asset and showing how any potential impact has been addressed through siting, scale, layout and landscaping of the proposal.

7.20 Clause 1 of SP27 - Renewable and Low Carbon Energy Policy states:.

1. Large-scale renewable and low carbon energy development, development for the transmission and interconnection of electricity, and infrastructure required to support such development, will be supported where their individual or cumulative impact is, when weighed against the benefits, considered to be acceptable in relation to:

a) residential amenity;

b) surrounding landscape, townscape and historic landscape character, and visual qualities;

c) the significance (including the setting) of a historic garden, park, battlefield, building, conservation area, archaeological site or other heritage asset;

d) sites or features of biodiversity or geodiversity importance, or protected species;

e) the local economy;

f) highway safety; and

g) water environment and water quality.

7.21 Clause 3 of the policy advises:

'Development within or affecting the setting of the Lincolnshire Wolds Area of Outstanding Natural Beauty, and landscape areas defined as highly sensitive within the East Lindsey Landscape Character Assessment, will only be permitted in exceptional circumstances, where the development is in the public interest and considering the following:

a) The need for the development, including any national considerations, and the impact of permitting it, or refusing it, upon the local economy; and

b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be satisfactorily moderated.'

7.22 The original decision for this application was quashed in light of a JR challenge where the Council agreed to concede on the lack of reference to the Written Ministerial Statement (WMS) 2015 and the guidance contained within that statement. The WMS 2015 relates to solar energy and sets out that meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. The Statement goes on to outline that "we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be

justified by the most compelling evidence”.

- 7.23 Since this proposal was initially considered, and since the JR challenge, a further WMS has been issued, dated 15th May 2024, titled “Solar and protecting our Food Security and Best and Most Versatile (BMV) Land. This Statement sets out that food security is an essential part of national security and it is important that the best agricultural land is protected and food production prioritised. It also goes on to set out that the UK has also seen it’s energy security threatened and that renewable energy is key to addressing this. It states that “solar power is a key part of the Government’s strategy for energy security, net zero and clean growth.” The WMS states that “Government recognises that, in some instances, solar projects can affect local environments which may lead to unacceptable impacts for some local communities. The planning system is designed to balance these considerations against the need to deliver a secure, clean, green energy system for the future.” The WMS reiterates much of what is included in National Policy Statement (EN-3).
- 7.24 The WMS goes on to set out that for all solar applications “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. 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 high quality land is necessary.”
- 7.25 In addition, the WMS introduces a requirement to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several solar farm proposals come forward in the same locality. As part of this, it outlines that “while the total area of agricultural land used for solar is very small, and even in the most 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, such as in Lincolnshire”
- 7.26 Soil surveys are also covered in this WMS, and that the Government aims to ensure Agricultural Land Classification Soil Surveys are of a high standard, requiring surveyors to demonstrate meeting an agreed minimum requirement of training/expertise. Although this statement is contained within the WMS, no further advice was issued on what the minimum requirements would be and shortly after this WMS, there was a change in government.
- 7.27 Since the new Government, a further statement has been made by the Secretary of State for Energy Security and Net Zero on 18th July which sets out the Government’s mission to make Britain a clean energy superpower and that they have a driving philosophy of homegrown clean energy helping to achieve energy security. This statement relays that “credible external estimates suggest that ground-mounted solar used just 0.1% of our land in 2022. The biggest threat to nature and food security

and to our rural communities is not solar panels or onshore wind, it is the climate crisis, which threatens our best farmland, food production and the livelihoods of farmers.” This statement is not a formal Written Ministerial Statement and so is not considered to carry significant weight unlike the WMSs outlined in this report but this Statement does outline the response of this new Government to renewable energy.

- 7.28 For clarity, a recent appeal decision dated 18th July 2024 (ref APP/D0840/W/23/3334658) allowing a solar farm in Cornwall detailed that the most up-to-date statement on national policy on energy and renewable energy are contained in National Policy Statements (NPS) EN-1, EN-3 and the May 2024 WMS. The Inspector confirms that whilst NPSs have effect for decisions on applications for energy developments that are nationally significant under the Planning Act 2008, they can be a material consideration in decision making on appeals made under the Town and Country Planning Act 1990 (as amended).

Impact on landscape

- 7.29 Paragraphs 180 -184 of the NPPF sets out the Governments position on Conserving and enhancing the Environment. Paragraph 180 seeks proposals to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 7.30 To support the policies of the NPPF, the Government has produced Planning Practice Guidance (PPG) covering a number of topics. Under the section of Natural Environment, Landscape it introduces that Natural England's National Character Area profiles and Local Assessments are valuable tools in assessing impacts. In addition, to demonstrate the likely effects of a proposed development on the landscape, a Landscape and Visual Impact Assessment can be used.
- 7.31 These general, broad level policies are reiterated at local level in the Local Plan where SP10 (Design) seeks to ensure proposals reflect the character of the surroundings and to provide on-site landscaping to integrate the development into its wider surroundings. SP23 specifically relates to the 'Landscape'. It reiterates the need for landscapes to be protected, enhanced, used and managed to provide an attractive and healthy working and living environment. It states that development will be guided by the District's Landscape Character Assessment and landscapes defined as highly sensitive will be afforded the greatest protection. As already set out in this report, Policy SP27 ensures that the effect on landscapes is appropriately considered when addressing renewable energy proposals.
- 7.32 Submitted with the application is a Landscape and Visual Impact Assessment (LVIA).
- 7.33 This document sets out that the site lies in the Central Lincolnshire Vale (National Character Area 44) and in terms of local character, the site lies in the E1 Wragby to Horsington Vale Woodland landscape character area

and in close proximity to the G3 area of Hainton to Toynton All Saints Wolds Farmland, as set out in the East Lindsey Landscape Character Assessment. The LVIA sets out the following as the characteristics of the Wragby to Horsington Vale Woodland landscape character area:

- 7.34 '- An open, fluted and gently rolling broad vale intersected with small valleys...A patchwork of medium to large mixed agricultural fields, with smaller pastoral fields in irregular patterns around small villages and hamlets;
- Trees are an important element in the landscape with scattered ancient lime woods, small mixed deciduous and coniferous woodland blocks and strips, as well as frequent hedgerow trees;
 - Settlements include the busy historic market town of Horncastle and widely scattered hamlets, villages and farmsteads;
 - Scattered scheduled monuments and heritage features;
 - A distinctive intact and peaceful rural landscape with very few detractors.'
- 7.35 The information submitted with the application details that the proposals will maintain existing field boundaries and include enhancement with additional native planting 'gapping up' the existing vegetation framework. It is proposed to fill in existing gaps in the hedging and provide new hedging along the boundaries where there is no existing boundary treatment. It is proposed to plant new native species mixed hedging along the western boundary (which is currently open), along the northern most boundary which is also currently open and along the Bridleway to the east of the site. All hedges (both new and existing) are on the outside of the security fence. The LVIA acknowledges that landscaping will take until year 15 to be effective but goes on to confirm that once it is grown the landscaping will be effective at screening the solar farm.
- 7.36 The solar panels will be installed 3m away from hedges to avoid overshadowing. In this offset area wildflower zones will be incorporated and it is proposed to allow the hedgerows to grow to a minimum height of 1.5m-1.8m.
- 7.37 In terms of any visual impacts from the construction phase, the LVIA sets out that this phase will result in uncharacteristic features in the landscape but they will be temporary. It is estimated that the construction phase will last six months.
- 7.38 The landscape and visual impact of the scheme at various viewpoints/receptors have been assessed as part of the LVIA, both at the construction stage, initial stage of the solar farm coming into operation (year 1) and in year 15 when the landscaping has become established. In total there are 24 viewpoints and these can be viewed in detail from page 27 of the LVIA. The plan on page 27 showing the visual envelopes of the scheme will be included in the Committee presentation for ease of

reference.

- 7.39 To summarise the findings from the assessment of the viewpoints, the LVIA describes that the 'land use of the site, and hence character, will alter as a direct result of the development of the site. However, the site itself is well contained by mature hedgerow vegetation along boundaries and localised changes in topography. The majority of the residual landscape effects are considered to be Negligible and None.' It goes on to explain that 'the surrounding undulating topography and layers of existing vegetation, establishes a Visual Envelope (VE), which is curtailed to the near distance, with middle and longer distance views being screened. Of the two viewpoints from the foot of the AONB, none experience any change in view.'
- 7.40 The most sensitive receptors within the near distance include local Public Rights of Way and users of Sturton Lane to the south of the site. These will experience the greatest level of visual effects. The LVIA describes that 'such effects will be mitigated by the design of the proposed development in terms of the retained existing mature hedgerows in conjunction with new hedgerow planting, although it will take time for new planting to become established.' It states that 'Long-term adverse effects are considered to be Negligible in the majority'.
- 7.41 The LVIA sets out the following conclusions:
- 7.42 'Although there will be localised visual and landscape effects, the proposed development will not dominate the view and will be a small component within a wider landscape. Strategic landscape infrastructure retained mature hedgerows and enhancement of existing vegetation will help to visually integrate the development into the surrounding landscape. The proposal responds to the local context in terms of character and visual sensitivities. The nature of the solar PV panels, ease of removal at end of useful life and the minimal impact to landscape character and visual amenity, lend this site to the proposed use. On balance, the site is well contained within the wider landscape and visual effects are localised, with no impact upon the AONB. In conclusion, in landscape terms there are no overriding landscape or visual effects that should prevent the development of the site as proposed.'
- 7.43 It is acknowledged that there will be some change to the landscape of the area, albeit on a temporary basis of 40 years and this change has to be assessed as part of the overall planning balance and the benefits of the scheme.
- 7.44 The proposed substation is to be sited adjacent to the existing substation so will appear as a continuation of this existing area of development. To the west of this site is the location of an approved gas peaking station which received planning permission in 2019 but has not been constructed (and the planning permission has now lapsed). This represented a much larger development and would have been visible from surrounding roads. The proposed substation is on a smaller scale and would have less of a

visual impact than the previously approved scheme.

- 7.45 Many of the third party objections received refer to the industrialisation of Hatton due to the presence of the existing Gas Compressor Station to the west of the village, an existing substation and now the proposed solar farm. The compressor station is sited to the east of the village and has increased in size since the original determination of this application. The station lies in a landscaped area although some of this landscaping appears to have been removed/thinned out since the time of the previous decision. It is acknowledged there are views of it, particularly during the winter months. The solar farm involves the provision of development at a much lower scale in the landscape to the east of the village. Although the proposal would result in two energy developments on two sides of the village, they are different in character and not readily visible within the same context. The LVIA concludes that the solar farm would not result in overriding landscape effects and so would not contribute to any resultant landscape impacts of the existing gas compressor station. The cumulative effect of these two developments has been considered as part of the application submission.

Residential amenity

- 7.46 SP10 of the East Lindsey Local Plan sets out that development should not adversely affect residential amenity.
- 7.47 There are a number of properties in close proximity to the application site. Corner Farm and Glebe Farm lie due south of the site on the southern side of Sturton Road. Corner Farm is a Grade II listed farmhouse with associated outbuildings and lies at a higher point in the landscape so will have some views over the application site. The occupiers of the property have objected to the proposal. The occupiers of Glebe Farm have stated they have a neutral stance on it.
- 7.48 There are also a number of properties to the west of the site on Sturton Road which will have some views across to the application site, Park Farm Cottage, The Old Barn, 1 and 2 Sibthorpe Cottages and Park House form a small cluster of dwellings to the west of the application site. The boundaries of these properties lie approximately between 200 - 270m away from the south western boundary of the development. Between these properties and the application site will remain agricultural land.
- 7.49 The occupiers of these properties have all objected apart from 1 Sibthorpe Cottage who have not responded to the consultation. The occupiers of The Old Barn have objected to the scheme for a number of reasons, most notably on visual impact and impact on their holiday and equine businesses. They have a holiday cottage on the site with an outside hot tub and objections have been raised in relation to the visual impact of the solar farm impacting on their business.
- 7.50 Viewpoint 9 in the LVIA is on the Public Right of Way at the rear of The Old Barn, adjacent to the courtyard where the hot tub is positioned. The

LVIA concludes that in the short term there will be some disturbance from the construction period so the scheme will have a "moderate adverse" impact. This is also the case at year 1. It is set out that the proposal is set back, forming a small uncharacteristic part of the view. The key landscape characteristics remain such as hedgerow field boundaries, tree belts and woodlands. This impact alters to "minor adverse" at year 15. The LVIA sets out that the solar farm would be visible, although set back and diminished by distance. It would not block out key landscape elements such as Sotby Wood. It concludes that over time, strategic landscaping will screen the development from this view.

- 7.51 With respect to the equine business operated from this site, the applicant's agent has addressed concerns raised about impact on horses using guidance from the British Horse Society (BHS). The objection from this resident raises concerns about construction traffic affecting the ability to walk horses along the roads to the bridleways and noise and glare from the development. The BHS has published guidance on solar farms. This guidance ultimately advises that the use of planning conditions can ensure developments do not have an adverse impact on equestrians. The applicant has confirmed that they will accept planning conditions restricting construction working hours from 8am to 5pm to restrict both noise and traffic on the roads. The BHS advise most horses are walked early in the morning so would avoid these times. The applicant has confirmed that all inverters are located within the site and away from bridleways and The Old Barn so as to not result in noise impacts to equestrians. The BHS also confirm that car windscreens and windows tend to produce more glint and glare than solar panels. A Glint and Glare assessment has been submitted with the application which confirms that there would be no adverse impact on receptors, and an addendum to this report was submitted addressing impact on the bridleway which confirmed there would be no impact from glint and glare to users of the bridleway. There is no evidence to suggest that the proposed development would result in an adverse impact on the two businesses at The Old Barn.
- 7.52 At the time of writing this report, 179 objections have been received, with a number of local residences objecting. The solar farm will be seen from a number of properties, particularly during the winter months so loss of view and visual impact of the scheme are two of the most common objections cited. Loss of agricultural land and impact on mental health are also raised, along with fire risk and the industrialisation of Hatton. Some of these issues are discussed in other sections of this report.
- 7.53 In terms of visual impact and loss of view, the proposed development will provide additional landscaping to help screen the development. The applicant has agreed to implement additional landscaping, including 2-3m high trees from the offset, along the south western boundary (the nearest boundary to Hatton village) to further screen the development from the properties in Hatton. The panels will be seen in the distance against the backdrop of Sotby Woods, with the nearest panels being approximately

200m away at the nearest point. It is considered that the proposed landscaping, along with the distance will help to suitably diminish the prominence of the panels from the properties themselves.

- 7.54 It is acknowledged that the countryside has an important role in the mental wellbeing of the public and whilst it is accepted the scheme will have some visual impact on the bridleway along the eastern boundary of the scheme, this bridleway will remain open for walkers and equestrians to use for their health. Other public footpaths will remain open and available in the locality and the applicant has agreed to retain the permissive footpath along the northern boundary of the site. There will still be open views of the countryside available to the east of the bridleway to retain some openness to this public right of way.
- 7.55 A noise report has been submitted with the application which shows that there will be no adverse noise increase as a result of the development.
- 7.56 The objections from local residents are acknowledged and have been carefully considered. In terms of residential amenity, the documents submitted with the application show that with landscaping, in time, there will be minimal visual impact at residential properties and there is no evidence to suggest that the two businesses at The Old Barn would be adversely affected by the scheme, subject to suitably worded planning conditions. It is therefore considered, on balance, that the proposed solar farm would not result in an adverse impact on residential amenities.

Impact on heritage assets

- 7.57 In determining applications involving listed buildings there is a statutory requirement (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) for Local Planning Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.58 Paragraph 196 of the NPPF refers specifically to heritage assets and says that Local Planning Authority's should take into account;
- a)The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation,
 - b)The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c)The desirability of new development making a positive contribution to local character and distinctiveness;
 - d)Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 7.59 NPPF paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more

important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.60 Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 7.61 SP11 of the Local Plan is in line with the NPPF. It seeks to support proposals that secure the protection or enhancement of heritage assets in East Lindsey, contribute to the wider vitality and regeneration of the areas in which they are located and reinforce a strong sense of place. With regard to listed buildings it says that proposals will be expected to demonstrate that they are compatible with the significance of the building and its setting. SP27, in addressing renewable energy, also requires an acceptable relationship to heritage assets.
- 7.62 Corner Farm to the immediate south of the site on Sturton Road is a Grade II listed building with associated listed outbuildings. The occupants of this property have objected, with one of the grounds raised being impact on the setting of the listed building. The application was originally accompanied by a Heritage Impact Assessment which was reviewed by the Council's conservation advisors. They advised that the main issue with the proposal is the unsightly security fence along the southern boundary of the site close to Corner Farm. They have concluded that if the scheme goes ahead, a condition to secure the maintenance of the landscaping scheme at the boundary to above the height of the security fence would be good to mitigate.
- 7.63 As part of the reconsideration of the application, an independent Heritage Impact Assessment has been submitted by third parties which disagrees with the findings of the originally submitted Heritage Report and concludes that the proposal will have a detrimental impact on the setting of Corner Farm. A rebuttal to this was submitted by the applicant and both of these documents have been assessed by the Council's conservation advisor. She has confirmed that she agrees with the comments originally submitted by the conservation officer as part of the original application which set out that "the proposal would have substantial landscape impacts causing cumulative harm and not balanced by the public benefit" and has also stated that she agrees with the findings of the third party Heritage Impact Assessment. She has set out that the application has quite severely understated the harm of the scheme on the setting of Corner Farm and concluded that a condition is required regarding the maintenance of the landscaping scheme along the boundary to sufficiently mitigate as much harm as possible.
- 7.64 As per paragraph 206 of the NPPF, any harm to heritage assets requires clear and convincing justification. It is acknowledged that the scheme will result in harm to the setting of Corner and an assessment must be made

as to the level of harm caused by the development and where this level of harm lies on the spectrum of harm. Corner Farm, as a listed farm complex, will take some of its significance from its wider setting in the agricultural landscape and the proposed solar farm will be visible within the context of Corner Farm. The Council's conservation officer originally commented that the most notable impact of this proposal would be on the landscape itself with the most harmful aspect of the solar farm on the listed building itself being the proposed security fence. Whilst the landscape forms part of the wider setting for the heritage asset, this setting will still be readable in terms of the wider landscape. The proposed solar farm is following the existing field pattern and no hedgerows are to be removed as part of the scheme. A landscaping scheme will ensure the security fence is screened. Overall, it is considered that the proposed development will result in less than substantial harm to Corner Farm but that the level of harm is towards the upper end of the spectrum of less than substantial harm. This conclusion also demonstrates that the proposal would be in some conflict with SP11 and Clause 1 of SP27 of the East Lindsey Local Plan.

- 7.65 In light of this, as required by paragraph 206 of the NPPF, it needs to be considered whether a clear and convincing justification been put forward to justify this harm the benefits of the proposal justify this level of harm. The site has a ready grid connection which according to information submitted as part of the application, is relatively hard to find. The scheme would therefore contribute to the supply of clean energy very quickly after construction and would help to contribute to the UK's net zero legal obligations. This would provide clear benefits to the UK and help to address the wider issue of climate change which is being felt at local levels. In the opinion of officers, a clear and convincing argument has been put forward to justify the temporary, less than substantial harm to the heritage asset of Corner Farm. Whilst it is considered there is compliance with paragraph 206 of the NPPF, the lack of compliance with SP11 and part of SP27 of the Local Plan is a material consideration which must be considered in the planning balance.
- 7.66 With regards to archaeology, a desk-based assessment has been carried out and the Council's archaeological advisors have been consulted. They have advised that the proposal lies in an area where evidence of prehistoric and Roman finds have been recorded. The lines of a Roman road lies to the north of the proposed development area. Archaeological interventions in the area of the substation, to the southwest of the solar farm, have recorded material of prehistoric, Roman, medieval and later date. The proposals for construction of a solar farm will necessarily have an impact on any buried archaeological remains. Piling, building foundations, cable trenching, access roads, building compounds and construction traffic area all known impacts and the cumulative effect will be significant. Further the decommission phase is likely to have as high, if not greater, impact as the construction phase and will also need to be considered prior to development. It is considered that the site offers a

potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity and it is therefore recommended that conditions are attached to require further information to be submitted regarding archaeology.

- 7.67 It is therefore considered that subject to suitable conditions, any archaeology can be suitably recorded and mitigated for if necessary.

Impact on biodiversity

- 7.68 Paragraph 180 of the NPPF sets out the Governments position on conserving and enhancing the environment. It seeks to contribute to, and enhance, the natural local environment by protecting and enhancing sites of biodiversity and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.69 Paragraph 186 of the NPPF states that 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.
- 7.70 Local Plan Policy SP24 Biodiversity and Geodiversity echoes the NPPF advice by ensuring that development proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings, and minimise fragmentation and maximise opportunities for connection between natural habitats. In addition, the policy seeks to protect sites designated internationally, nationally or locally for their biodiversity and geodiversity importance, species populations and habitats. SP24 also allows for exceptional circumstances where adverse impacts are unavoidable but mitigation, compensation or enhancement is provided.
- 7.71 Accompanying the application is a Biodiversity Net Gain Assessment, a Preliminary Ecological Appraisal and separate surveys for breeding birds, Great Crested Newts, Water Voles and Otters. The initial Ecological Appraisal found that further surveys would be needed for a number of protected species which have now been done by the applicant, apart from the bat survey which needs to be done at certain times of the year and only if the works affect the trees. This can be subject to a condition.
- 7.72 An update from the ecologist who write the initial report for the application has been provided to confirm that the original findings of the Preliminary Ecological Appraisal still stand but if work does not commence prior to March/April 2025, updated surveys will be required. This can be addressed by planning condition.
- 7.73 The Breeding bird survey found that the majority of the habitats of the site are considered 'key' for a number of bird species such as arable fields, hedgerows, pond, wet ditches, woodland plantation and hedgerow margins. The survey confirmed that 20 species are breeding on the site and 29 species are 'likely' to be breeding. It is recommended within the report that these habitats are retained and enhanced where possible.

- 7.74 The report sets out a number of mitigation measures to be incorporated into the development such as planting wildflower margins, retaining existing grass margins, additional hedgerow planting, security fence to have wide mesh or clearance at the base, and provision of bird boxes. It concludes that if the majority of these mitigation measures and enhancements can be incorporated it is considered that the local population of important bird species can be retained and possibly increased due to providing more opportunities for foraging and nesting. It is advised that these mitigation measures are detailed within a Landscape and Ecological Management Plan which can be secured by condition.
- 7.75 The surveys found no evidence of Great Crested Newts at the site. There is likely to be a low population of water vole currently using the ditch along the site boundaries. The proposal include a buffer between the development and the wet ditch, except one access track that goes across the ditch that will need a water vole check prior to works commencing. A copy of an email from the Forestry Commission outlining that there are newts present in the woodland adjoining the site has been submitted by a local resident. The applicant's ecologist has reviewed this email and confirmed that their original conclusions still remain valid. They have outlined that the woodland is optimal terrestrial habitat for Great Crested Newts and therefore any population within the woodland ponds are unlikely to commute onto the development site habitats. They have suggested that they can provide, as a precautionary measure, a Reasonable Avoidance Measure document specifically for Great Crested Newts which can be secured through a planning condition.
- 7.76 Overall the proposed scheme proposes to incorporate a number of biodiversity measures to improve the existing situation and to help mitigate against the scheme, including through the provision of new hedgerows, gapping up existing hedgerows, planting of wildflower areas, provision of bird boxes on retained trees, and the provision of solitary bee hives.
- 7.77 A biodiversity net gain assessment has been done on the proposal and this reveals that the proposal would result in a net gain of habitat units of 70.26% (including habitat retention, creation and enhancement) and an increase of 103.61% of hedgerow units. This demonstrates that the scheme would result in a significant increase in biodiversity at the site. The application was submitted prior to the legal requirements for Biodiversity Net Gain but the applicant has addressed this as part of the submission in any case. It is a benefit of the scheme that will go into the balance and the biodiversity improvements at the site can be secured by condition.

Loss of agricultural land

- 7.78 To assist in assessing land quality, the Ministry of Agriculture, Fisheries and Food (MAFF) developed a method for classifying agricultural land by grade according to the extent to which physical or chemical characteristics

impose long-term limitations on agricultural use for food production. The MAFF Agricultural Land Classification (ALC) system classifies land into five grades numbered 1 to 5, with grade 3 divided into two sub-grades (3a and 3b). Annex 2 of the NPPF defines 'best and most versatile agricultural land' as land in grades 1, 2 and 3a of the Agricultural Land Classification system.

- 7.79 Chapter 15 – Conserving and enhancing the natural environment, at paragraph 180 (b) of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by...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'. Furthermore footnote 62 sets out 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 and that the availability of agricultural land for food production should be considered when deciding what sites are most appropriate for development.
- 7.80 The Local Plan, which predates the current NPPF has a different emphasis that is in tune with the version of the NPPF at the time. At paragraph 14.8 of the Local Plan it states 'Careful consideration needs to be given to the siting of these proposals. Solar farms can, depending on their scale, require a large land take. National policies exist seeking to prioritise the use of previously developed land and minimising the use of the best and most versatile agricultural land and these matters should be given due consideration in assessing any application'.
- 7.81 Strategic Policy 27 (SP27) – Renewable and Low Carbon Energy, states (amongst other criteria) that 'Large-scale renewable and low carbon energy development, development for the transmission and interconnection of electricity, and infrastructure required to support such development, will be supported where their individual or cumulative impact is, when weighed against the benefits, considered to be acceptable in relation to...(d) sites or features of biodiversity or geodiversity importance, or protected species.
- 7.82 Local Policy SP10 (design) states the Council will support well-designed sustainable development, which maintains and enhances the character of the District's towns, villages and countryside by where possible supporting the use of brownfield land for development, unless it is of high environmental value, seeking to use areas of poorer quality agricultural land in preference to that of a higher quality.
- 7.83 NPS EN-3 sets out that land type should not be a predominating factor in determining the suitability of the site location. Where the use of agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of BMV where possible. The use of BMV land is not prohibited although the impact on it

is expected to be considered.

7.84 It is clear that the loss of agricultural land is a material consideration and the weight afforded to that loss will depend on the grade of the land and the extent of the loss set against other material considerations.

7.85 An Agricultural Land Classification Report (specific for this site) was submitted with the application initially, and it sets out the following percentages for land type on the application site:

	ha	percentage
Grade 1	0	0
Grade 2	4	5.27
Grade 3a	56	73.68
Grade 3b	16	21.05

7.86 This shows the majority of the application site to be defined as Best and Most Versatile agricultural land.

7.87 As part of the review of information submitted to help address the compelling evidence test as set out in the 2015 WMS and to provide evidence as to why land of lesser quality cannot be used, a further Soil Survey (in June 2024) has been carried out. This surveyed 709 hectares (which covers the application site and the wider search area) and looked into matters affecting the soil quality in this location. It looked at wetness and droughtiness which are factors that affect crops. This survey found that the site sits on the border between wetness class III and wetness class IV. It just falls into Wetness Class IV which would then result in most of the site falling into subgrade 3b which is not BMV quality.

7.88 The majority of the third party objections received refer to this issue and describe the site as being important to aid in the country's food security. They also argue that solar panels would be better located on brownfield sites and on roofs of industrial buildings.

7.89 As part of the initial submission, the applicant's agent addressed this by commenting that the project has been under development for several years and that it has proven to be challenging to identify a suitable location that is technically and economically viable as each site investigated has advantages and disadvantages that on balance rendered the alternative sites unviable. For the site to be viable, the location must not be too distant from the point of grid connection. This is due to cost and technical challenge of laying a long cable becoming more significant the further away the solar array is located to the site. They have gone on to explain that in this case they consider the maximum economically viable distance to be approximately 5km. They did a cursory assessment of the existing roof and unused ground areas within the search radius and there was nowhere adequate and all sites were too small so the scheme would not be viable through the use of rooftops and brownfield land.

They would have been too small for the grid connection.

- 7.90 In the submitted planning statement the applicant's agent has gone on to explain that the grid connection has already been established at the site (and has consequently confirmed that a connection approval is still in place), as it was originally intended to connect a 60MW gas fuelled power station, the site would allow for the proposed development to be large enough to generate a sufficient amount of electricity for the grid, the landowner is willing to and has entered into an agreement to promote the land, the site avoids any land designations and is relatively flat with little flood risk, the site is easily accessible from the A158 and after an extensive review, there is no non-agricultural/previously developed land within the search area to which the scheme could be alternatively provided. They concluded that it is therefore necessary for the development to be located on agricultural land.
- 7.91 It is acknowledged by the applicant that the land at Hatton is located predominantly within Grade 3 land but they believe that the potential loss/harm to agricultural land in this area is outweighed by the District's need for renewable energy sources, as well as the enhancement of biodiversity which is proposed.
- 7.92 Following the JR challenge, a detailed Site Selection document has been submitted to further explain the site selection process and this is addressed in the next section of this report.
- 7.93 The information submitted with the application demonstrates that the applicant has considered alternative sites but that by virtue of the land uptake required for solar farms, there is necessity for them to be located on agricultural land due to the lack of brownfield sites of sufficient size in the locality. Natural England has said the following in their consultation response: "From the description of the development this application is likely to affect 60ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed." They have gone on to advise that the management of the soil is important to ensuring the land is returned to its pre-development state following the removal of the solar farm and this can be addressed by condition.
- 7.94 An Agricultural Consideration Report has now been submitted which goes into detail about the quality of the land and how the provision of the solar farm will not ultimately affect the quality of the land. It summarises that "it is widely recognised that the installation of solar PV arrays does not adversely affect agricultural land quality. Only small areas are disturbed, for tracks and fixed infrastructure, and these areas can be restored fully on decommissioning." It is detailed that the process of installing the solar

PV arrays is not generally disturbing to land because the legs make little impact and do not involve any movement of soil and as such do not alter land quality. Only in areas where there is removal of soil, to create tracks and inverters is there potential for agricultural land quality to be affected. These areas are limited to 1.4 ha of land and can be restored to comparable grade at the decommissioning phase. As a result, their "loss" is described as temporary. It is described that the ALC grade will not be affected or downgraded. The resource would remain and as such it is put forward by the applicant that BMV land would not be lost.

- 7.95 This report also outlines that continued arable production is generally not good for soils and that conversion to grassland is generally good for soils. Furthermore, the report outlines that the application site is currently mostly used for non-food production (across the holding is mostly grown crops for bio-ethanol or animal feed, not direct for human consumption) and that a third of the farm has been entered into the Sustainable Farming Initiative. It is detailed that this part of the farm crops only average production yields and that at a high yield, the site would produce 100 tonnes of wheat per annum. This is put into the context of the UK as a whole. "The UK produced almost 22 million tonnes of cereals...The potential reduction of 100 tonnes is negligible." In terms of the context of Lincolnshire, in 2021 Lincolnshire grew 253,856 hectares of cereals. The site, in context, is negligible (0.03% of cereal land in the county).
- 7.96 Further figures are given stating that an estimated 67% of Lincolnshire is BMV, and almost 64% of East Lindsey is BMV. The report details that this site is some of the poorest land within the Estate of which it forms part.
- 7.97 Generally, in terms of food production, DEFRA have confirmed that the UK is largely self-sufficient in food production. An appeal decision (dated July 2024, ref APP/D0840/W/23/3334658) allowing a solar farm in Cornwall, set out that DEFRA have identified that the UK's food supply chain remains highly resilient with the nation's high degree of food security built on supplies from diverse sources.
- 7.98 It is also outlined in the application submission that solar developments preserve agricultural land and a development is time limited and will be fully removed at the end of its life with the soil restored. It is also outlined that the use does not prevent the option of a more intensive agricultural use in the future, should national or local priorities change and so the solar farm will not have a negative impact on food security.
- 7.99 It is considered that the information submitted with the application shows that the application site is of poorer quality than initially set out as part of the original submission. It does not generate high yields and is generally not used for food production for human consumption. The proposed solar farm would not result in the loss of BMV land as the development is temporary in nature and would actually give the opportunity for the soil quality to be improved through bringing the soil out of arable production for a temporary period of time.

Site selection and whether the most compelling evidence has been demonstrated

- 7.100 One of the reasons for the legal challenge of the original decision made by Planning Committee in March 2023 was that the use of BMV land had not been justified by the "most compelling evidence" as required by the Written Ministerial Statement (WMS) 2015. As set out in the previous section of this report, the proposed development would utilise an area of 60 hectares of BMV which is the majority of the site.
- 7.101 Since this WMS was published in 2015, the National Planning Policy Framework (NPPF) has been updated, including the latest update in December 2023. NPPF Footnote 62 details 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 other policies in this Framework when deciding what sites are most appropriate for development".
- 7.102 In addition, since the original decision date, the National Policy Statement for Renewable Energy Infrastructure (EN-3) has come into force. Whilst this document is in relation to National Infrastructure Projects, the guidance in it is of relevance to solar farms generally. Paragraph 2.10.29 states "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". Paragraph 2.10.30 goes on to state that "Whilst the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land...the impacts of such are expected to be considered". Paragraph 2.10.31 states "It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land."
- 7.103 Para 2.10.25 sets out "to maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity".
- 7.104 Para 2.10.26 outlines that applicants should consider the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure.
- 7.105 An Inspector in a recent appeal decision (dated 18th July 2024, ref APP/D0840/W/23/3334658) confirmed that there is "no requirement for a sequential test to be carried out" and further set out that as set out in NPS EN-3, "of all the factors involved in site selection, the key one is the

ability to obtain a network connection. Access to the grid is the largest constraint to solar energy development, some connection dates are being offered for late 2030s. In this case, there was a grid connection, making the use of agricultural land necessary.”

7.106 To address this issue the applicant has now submitted a Site Search document which details how the site has been chosen and why the site represents the best site for the development and that the development cannot be located on land that is of a lower agricultural grade. They have summarised that their submitted document demonstrates that:

- The use of agricultural land has been shown to be necessary;
- That the use of poorer quality land has been explored in preference to higher quality land;
- The proposal allows for continued agricultural use and encourages biodiversity improvements around arrays.

7.107 It is outlined that “the site selection process starts by locating those areas within the distribution network where there is capacity to connect additional electrical input. Having identified capacity, there follows a long process of identifying sites within a viable distance from the point of connection, where material planning considerations are or are likely to be able to be made acceptable, and where a site is deliverable.” It is explained that that the electricity network was designed for centralised generation and as a result, large parts of the network do not have the capacity to accommodate new connections. Therefore, project locations are determined in relation to available grid connection capacity.

7.108 A grid connection was successfully obtained by the applicant’s group company at the site and planning permission for a 60MW gas fuelled power station was granted (reference S/079/00348/18 approved August 2018). This permission was not implemented and has now lapsed but the grid connection is still available.

7.109 The applicants refer to an appeal decision which recognised the constraints in the availability of grid connection nationally and that the Inspector was clear that grid capacity is a key determinant of location (APP/C/1570/W/23/3319421). They have gone on to explain that this grid connection (approved for the peaker gas station) was the only available capacity within the locality to support the proposed scheme and the agreement by the Distribution Network Operator (DNO) to allow this grid connection to be transferred to the proposed solar farm came with the restriction that it must be located within the same land ownership. This grid connection has therefore determined the site selection location.

7.110 In a recent appeal decision at Berden Hall Farm dated 18th July 2024 (ref S62A/22/0006) , the Inspector was of the opinion that the site selection exercise carried out looking at the grid connection was “not

unreasonable”.

- 7.111 The application submission has detailed this further by outlining that there are 6 DNOs operating in 12 territories in England and Wales and the applicant’s process for finding sites is to consult the data released by the relevant DNOs and finding suitable grid paths. Once a territory has been identified, the publicly available information relating to the grid is consulted to confirm available capacity. This location was identified as having some capacity to connect a generation project.
- 7.112 The applicant has then gone on to look at other land within the same ownership within a suitable distance of the grid connection because a caveat of the grid connection agreement is that the connection must be by the same landowner that previously received consent.
- 7.113 Firstly, the applicant looked to establish whether the use of agricultural land is necessary. Previously developed sites were assessed on the Council’s brownfield land register but no sites were available within the study area and there are no rooftops large and strong enough to support a solar scheme of this size. They have therefore put forward that the proposed use of agricultural land is necessary.
- 7.114 An analysis was then carried out of whether any other land within the same land ownership is of a lesser agricultural value that could be developed in preference to the application site. The study area comprises of land that has either a high likelihood of most versatile land or moderate likelihood. This is based on the Agricultural Land Classification maps which show what grade agricultural land is predicted to be. The only way to test this is by soil sampling.
- 7.115 Areas that included any environmental designations and woodland areas were excluded from the study area. Some areas of the study area are designated priority habitat which have also been excluded from the search area.
- 7.116 The land was then split into land parcels ranging in size and were assessed with the following criteria included:
- Areas with the fewest landscape and visual impacts;
 - Areas with the fewest heritage and archaeological constraints;
 - Areas with the lowest agricultural quality;
 - Areas that are sufficiently accessible from the public highway;
 - Areas that are available from the landowners.
- 7.117 A traffic light system was then used to assess each site.
- 7.118 The details of each assessment of the parcels of land can be viewed in full on the Council’s website within the Site Search document received on

13th February 2024.

7.119 In summary:

Parcel A (land to the north of Baumber) was designated a red light because the site contained a higher proportion of BMV land than the application site, based on the landowner's experience. Landowner did not want to make site available.

Parcel B (land north of Baumber Walled Garden) was also given a red light because it contained a higher proportion of BMV land.

Parcel C (land west of Baumber Walled Garden) was given a red light because of the presence of heritage assets meaning a likely requirement for significant offsetting which could make this parcel unviable. Site also contains more Grade 2 land than application site. Landowner did not want to make site available.

Parcel D (central site) was given a red light. Although this site contains less BMV land than the application site, there is a Grade II listed building in the corner of the site but a significant offsetting from this heritage asset could make scheme unviable. Land is also very visible to road users. The landowner wasn't prepared to make it available.

Parcel E (application site) was given a green light. Although the majority of land is BMV land, the landowner reports that the land quality is poor. This parcel is not close to any site of biodiversity or geodiversity importance and is located away from the nearby villages. Topography means site is better screened than most of the rest of the farm.

Parcel F (land to north east of A158) was given a red light. Site has two gas mains running through it which limits developable area considerably, along with presence of public right of way. Land could have less BMV land but landowner's experience is that the quality of land is actually better than the application site. Landowner did not want to make site available.

7.120 The ALC survey was used as a basis for this assessment, along with utilising the landowner's own knowledge of the land and no further soil sampling, other than on the application site, was initially carried out.

7.121 However, following discussions with the applicant's agent and after receiving legal advice on the submitted information, the applicant was advised to carry out further soil sampling to provide further evidence for the basis of their conclusion in the Site Selection Document. Prior to this soil sampling taking place it was considered that the evidence submitted was mainly anecdotal rather than evidence based.

7.122 An Agricultural Land Classification Report has been submitted which details a number of soil sampling holes carried out across the site selection area. This document details what can affect the quality of soil including wetness and droughtiness. This report shows that due to the wetness of parts of the application site, the areas currently classed as

BMV 3a land is very close to being downgraded to 3b land which would take these areas out of the BMV category.

- 7.123 Although there are some other areas of land in the wider search area found to be grade 3b land, these areas are enclosed by higher grade land. There is nowhere within the site selection area that consists of non BMV land large enough to accommodate the whole solar farm.
- 7.124 The Site Search assessment concludes by saying “the chosen site has a willing landowner, is available for development within a reasonable timescale and therefore is considered deliverable, as defined by the NPPF. It is of a suitable size to accommodate a viable project, it avoids all key designations and have been demonstrated in the accompanying Planning Statement and surveys...to be able to overcome all physical, environmental, policy and amenity constraints. ”
- 7.125 The applicant has gone on to describe that the scheme allows for continued agricultural use through the grazing of sheep underneath and around the panels and this approach has been backed by an appeal inspector (reference APP/L3245/W/23/33314982).
- 7.126 Included in this document is reference to a number of appeals that back this approach including one (reference APP/C1570/W/23/3319421) where an inspector concluded that there was no compelling evidence that taking out of production almost 55ha of NMB land for a 40 year duration would have a significant negative impact on food security. Another appeal reference (APP/G2713/W/23/3315877) referred to other government schemes that actually encourage farmers to take land out of production and put it to grass, meadows or trees for carbon capture and this Inspector again was satisfied that the proposed use of the land would not be detrimental to the nation’s food security.
- 7.127 The applicant concludes by setting out their “most compelling argument” for the use of this site by outlining the reversibility of the scheme in that it will be removed after 40 years; the scheme will help to address climate change, will aid farm diversification, there will be no significant impact on food security, the solar farm will deliver a range of ecosystem services through the significant biodiversity net gain associated with the scheme, and will aid a strong economy through feeding low cost energy supplies into the local distribution network and the development will provide significant and ongoing business rates contributions along with employment during the construction period. They conclude by stating “in summary, compliance with policy and guidance, combined with significant benefits create a compelling case for using a portion of higher grade land.”
- 7.128 The applicant has referred to a number of appeal decisions in relation to solar farms, including a court judgement that backs this approach to site selection. The Bramley court judgement from November 2023 sets out that a sequential test approach to site selection is not required and a connection agreement was secured at the site. This court judgement did

not make reference to the WMS 2015. The application site in this case consisted of 53% BMV land with not all of this being covered by solar panels. Other appeals referred to by the applicant took the approach that the amount of BMV land lost as part of the solar developments would be small when considering the amount of BMV land in the area and indeed nationally (APP/C1570/W/23/33194421). This appeal also found that the presence of a grid connection is an important factor, particularly when considering the constraints on connection to the National Grid which can cause significant delays to the contribution of renewable energy to energy goals. The Inspector in this case also set out that it was unreasonable to expect developers to do field studies to justify their proposals however the Inspector did conclude that the loss of BMV land for agriculture for a period of 40 years did weigh moderately against the development but on balance allowed the appeal.

7.129 Another appeal referred to by the applicant (APP/B3030/W/21/327/95/33) did not concern BMV land but in terms of site selection the Inspector detailed that one of the elements of site selection is the availability of a grid connection and that the scheme in this appeal case could make an early and significant contribution to achieving net zero. This Inspector also was of the opinion that the assessment of loss of agricultural land versus food security should be done at a national level, and not as part of individual applications.

7.130 However, these appeal decisions and court judgement pre-date the Lullington court judgement which was handed down in February 2024. In this case, half of the application site was BMV land and the site selection process had utilised the ALC map. The court judgement followed the dismissing of an appeal where the Inspector found that the loss of just under 50% of BMV was a significant negative aspect of the appeal proposal which weighed heavily against the development. The Inspector found that the scheme would make an unacceptable indent on the contribution that a large proportion of the site made towards food security for a significant period of time. As part of the assessment of the appeal, the Inspector considered that, as part of the site selection process, it was not practicable to investigate every possible location for a solar farm within a wide study area however the Inspector took the approach (which was ultimately backed by the judge) that the site selection assessment of other sites was not sufficiently robust because it failed to carry out any investigation of soil quality outside the appeal site. The ALC suggested that there were other sites of grade 3 land which could contain non-BMV land so should have been investigated.

7.131 However, this court judgement appears to be a standalone decision and subsequent to this, there have been a number of appeal decisions allowing solar farms on BMV land and which have not taken as strict a stance on site selection.

7.132 For example, the Appeal Inspector in the Berden Hall Farm decision (ref S/62A/22/0006, which followed a quashing order of the original planning

permission) set out the following:

"... it is my conclusion that while the proposal would take best and most versatile land out of productive use for the duration of its operation, the ease of access to the grid that the site provides is a compelling reason to do so". He also explained that BMV land would not be lost like it would if the scheme was for housing.

7.133 There are also appeal decisions concluding that no weight can be given to the requirement for site selection assessments and the use of BMV land as set out in the 2015 WMS and in the PPG, due to these documents pre-dating the updates to the NPPF, the suite of Energy NPSs and the Climate Change Act which made reaching net zero by 2050 a legally binding requirement. The Inspector (in appeal ref APP/D/0840/W/23/3334658) summarised as follows:

"Whilst the 2015 WMS refers to "...the most compelling evidence", the Framework, paragraph 180, refers to "..recognising..." the benefits of BMV land, NPS EN-3 refers to poorer quality land being "...preferred..." and BMV land avoided "...where possible..." and the 2024 WMS reference to "...due weight needs to be given to the proposed use of..." BMV land."

7.134 The Inspector placed further emphasis on the importance of the grid connection by stating "Importantly, the proposal has a ready grid connection so the contribution could come forward quickly. In an unstable world, that is an important consideration. These matters attract considerable weight." Furthermore, it is outlined "It is my view wholly unrealistic to think that attaining 'net zero' can be achieved without some harmful impacts on the landscape, heritage assets, and/or other considerations."

7.135 In conclusion, the evidence submitted with the application now demonstrates that there are no sites of sufficient size that consist of non-BMV land that could accommodate the proposed development within the site search area, which are also not affected by other constraints. It is considered that the site selection process undertaken by the applicant is robust. Any loss of BMV land, as a result of the access roads and inverters, would be small in size and although its loss attracts some weight in the planning balance, the provision of renewable energy in a location where there is a ready grid connection outweighs this impact.

7.136 However, even if the site selection process was not robust and even accounting for the temporary loss of BMV, the harm associated with this would not justify the refusal of planning permission in any event, as the benefits of the proposal would overcome this harm (and all other harms).

7.137 Overall, it is considered by officers, that the applicant has put forward sufficient compelling evidence to justify the use of BMV land for the proposal, whilst also taking into account the new evidence that the site could be considered as not being BMV land.

Cumulative impact

- 7.138 The 2024 WMS sets out a requirement for the cumulative impact of solar farms to be considered. A Cornwall appeal decision (dated 18th July 2024, ref APP/D0840/W/23/3334658) sets out that given the need to locate development where a grid connection is available and avoid designated landscapes, it is inevitable that some clustering will occur.
- 7.139 However, there are no solar farms of significant size close to the application site. Although a few have been granted permission by East Lindsey, these are mainly found in the southern and coastal areas of the District at Wainfleet, Irby in the Marsh, Croft, Sibsey and Conisholme. These are all a considerable distance away from the application site so will not result in a clustering effect and in turn will not result in any cumulative impacts from the proposed development.
- 7.140 East Lindsey as a Council has been consulted on a number of large solar schemes outside the District but again, these are all a considerable distance from Hatton, including schemes at Heckington Fen, south of Lincoln, south of Gainsborough and in Nottinghamshire.

Glint and glare

- 7.141 A Glint and Glare Assessment has been submitted with the application and this assessment includes assessments for road receptors on Panton Road, Buttergate Hill and Sturton Road, on residential receptors, and on Wickenby Aerodrome along with an additional assessment covering impacts on the bridleway.
- 7.142 The assessment found that there would be high impacts at residential and road receptors but that with mitigation, the effect of glint and glare would be none. The report outlines that the proposed vegetation will screen all glint and glare. No impact was found at Wickenby Aerodrome.

Highway safety and public rights of way

- 7.143 A Transport Statement and a Construction Management Plan has been submitted with the application. Vehicular Access into the solar farm will be from Sturton Road/Sturton Lane to the south. A number of the third party objections received refer to the impact on construction vehicles through the village and the use of narrow country lanes for the development.
- 7.144 The application details that it is expected for the construction period to last 20 weeks. The Transport Statement sets out a routeing plan for the construction phase of the development and for the proposed substation. Vehicles arriving at the site are advised to travel in the following direction to access the site; A158 - Unnamed road - Sturton Road/Sturton Lane. When leaving the site, vehicles will be advised to go the following route; Sturton Road/Sturton Lane - Buttergate Hill - B1225 - A158.
- 7.145 During the construction phase, no abnormal loads will be expected to be required and the largest vehicles expected will be standard articulated vehicles and concrete mixer wagons. The Transport Statement sets out

that the construction phase is anticipated to generate 530 Heavy Commercial Vehicle (HCV) trips, or 1068 two way trips. Staff will arrive at the site in either cars, small Light Commercial Vehicles (LCV) or minibuses. Parking areas for staff will be provided within the site with no parking on adjoining roads.

- 7.146 During the operational phase of the development, the solar farm will generally operate on an unmanned basis with approximately 10 to 20 vehicle trips per annum to support site operations and maintenance activities.
- 7.147 The Statement concludes that the proposed development would have a negligible impact on the operation of the local highway network. LCC as Local Highway Authority have been consulted on the proposal and have raised no objection and requested a number of planning conditions to be attached to any approval to include the submission of a Construction Management Plan and the road widening works to be carried out prior to the commencement of the development.
- 7.148 Based on the information submitted and the comments received from LCC as Highways Authority, the proposal will not result in an adverse impact on highway safety.
- 7.149 The applicant has confirmed that the Bridleway running along the eastern boundary of the site will remain open throughout the course of the construction works. The applicant has also confirmed that the permissive footpath along the southern boundary Sotby Wood will be retained as part of the development. There is a public footpath running through the site of the proposed substation which will require a temporary diversion during construction.

Flood risk and drainage

- 7.150 The majority of the site lies in Flood Zone 1 with a narrow stretch of Flood Zones 2 and 3 running through the site, along the southern boundary of Sotby Woods, following the line of the watercourse.
- 7.151 Paragraph 165 of the NPPF sets out that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere." The NPPF goes on to set out the requirement for the sequential and exception tests to be applied to developments in flood zones. Paragraph 168 states that "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source." Paragraph 169 states that "if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability

Classification set out in Annex 3."

- 7.152 With regards to the sequential test, the majority of the site is flood zone 1 and only a relatively small area of the solar panels will be within this flood zone area. All other areas of the site are utilised for the development so the panels cannot be moved to an area of lesser risk. As part of the submission the applicant has set out that other sites have been explored but this represents the best site for connection to the grid and landowner agreement. It is therefore considered that there is nowhere that the solar panels can be located outside of the flood zone that meets the site's requirements. The NPPF goes on to explain that if it is not possible to locate the development in an area of lesser flood risk, the exception test may need to be applied.
- 7.153 Annex 3 of the NPPF sets out that solar farms are classed as essential infrastructure when considering the flood vulnerability of different uses. Table 3 in Annex 3 sets out what types of development are acceptable in which flood risk zones. This table states that essential infrastructure in Flood Zone 2 is deemed to be acceptable development. With regards to essential infrastructure in Flood Zone 3, the exception test needs to be applied. There are two parts to the exception test, namely it must be demonstrated that the development will be safe for its lifetime and that it will provide wider sustainability benefits. The FRA submitted with the application demonstrates that the development can be made safe for its lifetime with adequate mitigation measures. The provision of renewable energy will help to meet local and national targets for a low carbon economy and that it will help to combat against climate change. It is therefore considered that the proposal passes the exception test.
- 7.154 The Environment Agency maps show the site to be at a very low (less than 0.1%) risk of surface water flooding at the site. The proposed substation location is indicated as being in proximity to an area of low surface water flood risk of below 300mm, however the Flood Risk Assessment (FRA) deems this to be likely related to the nearby field ditches and it is considered to be of low risk. Thus, the Council take the view, as a matter of planning judgement, that the sequential and exception tests are not engaged in respect to the site given that the site is at a low risk.
- 7.155 In terms of surface water flooding generated by the proposal itself, the FRA sets out that the proposed area for the solar panels is currently undeveloped. "The site will see an increase in impermeable area post construction, however it can be effectively managed by the use of SuDs systems to reduce flood risk. The risk of surface water flooding from the site as a result of the development is therefore considered low."
- 7.156 LCC as Lead Local Flood Authority have requested a condition be attached to any planning permission requiring a detailed drainage strategy to be submitted to and agreed by the Council. The Environment Agency has confirmed they have no objection to the application.

Gas pipe and fire risk

- 7.157 A high pressured gas pipe runs through the application site. National Grid has submitted a holding objection to the proposal based on the presence of the gas pipe. This holding objection sets out various measures that the applicant will need to implement in order to make the development acceptable to meet National Grid requirements. The applicant has confirmed that they will work with National Grid to meet their requirements and this holding objection is not a reason to withhold any planning permission. The proposal incorporates a wide buffer either side of the gas pipe and only construction roads will cross over the pipe.
- 7.158 A further response has been subsequently received from National Gas which states they have no objection to the scheme. They state that the area is within the high risk zone from National Gas Transmission plc's apparatus and the scheme must not proceed without further assessment from Asset Protection. National Gas will have their own processes in place to control the development.
- 7.159 Many of the third party objections refer to the risk of fire from the solar farm. They have quoted references to other fires from solar farms and the presence of the gas pipe will make this situation more dangerous. The applicant has advised the instances of fires at solar farms are rare and they have been attributed to poor installation practices, faulty products or system design errors. The applicant's agent has confirmed that the proposals adhere to fire safety guidance, best design practice and incorporate appropriate fire suppression equipment systems in appropriate buildings (e.g. substations). It has also been confirmed that all safety inspection checks would be carried out during construction and operation.
- 7.160 Lincolnshire Fire and Rescue has been consulted on the application, but no response has been received at the time of writing this report. Members will be updated on the supplementary agenda if a response is received.

Local Finance Considerations

- 7.161 Local Authorities receive business rates from commercial developments and 100% of the business rates generated by renewable energy schemes go to the Local Authority. This is a material consideration when considering renewable schemes.

8.0 CONCLUSION

- 8.1 The proposal is for a 49.9MW solar farm covering the application site over 5 parcels of land for a period of 40 years. It is proposed to provide a 2.2m security fence around the perimeter of the site which will be timber posts and wire. CCTV poles of 2.5m in height are to be installed around the perimeter of the site. The solar panels will be no higher than 3m. It is proposed to plant additional hedging along the boundaries of the site. The site of the proposed substation is on a separate parcel of land adjacent to the existing substation and which has previously had planning

permission granted for a gas peaking station. A gas pipeline runs through the centre of the site.

- 8.2 The proposed solar farm is sited in an attractive, rolling countryside setting, set against the backdrop of Sotby Wood. The site is gently undulating in places. It would utilise mostly Grade 3a land, with some 3b and a small area of Grade 2. This means the proposal would be utilising Best and Most Versatile (BMV) agricultural land, although subsequent updated information submitted from the applicant provides evidence to suggest that parts of the site could be considered as grade 3b which is not classed as BMV land.
- 8.3 There are a number of residential properties nearby with two immediately to the south, including Corner Farm which is a Grade II listed building, with the next nearest properties being to the west, approximately 200m away at the closest point.
- 8.4 The application has received correspondence from third parties, of which 158 are in support and 180 are against the application.
- 8.5 Both national and local policies support the principle of renewable energy such as that proposed. However, that support needs to be balanced against other policies, which seek to protect issues such as heritage assets, valued landscapes and biodiversity interests. In addition, policy requires that the loss of prime agricultural land needs to be considered as part of the overall planning balance.
- 8.6 With respect to the impact of the scheme on heritage assets, it has been found that the proposal will result in less than substantial harm to Corner Farm which conflicts in part with SP11 and SP27 of the Local Plan which has been considered as part of the planning balance. This harm has been justified by the provision of renewable energy (which will help to meet the renewable energy target of net zero by 2025) in a location where there is a ready grid connection. Regard is also had for the temporary nature of the proposal. As noted in the report, it is considered by officers that the proposal demonstrates compliance with paragraph 206 of the NPPF and on balance, in the professional opinion of officers, the harm to Corner Farm is outweighed by the public benefits of the scheme which carries significant weight in the planning balance.
- 8.7 This report has outlined that the proposal complies with both national and local policies on all other issues, either with or without conditions. Clause 1 of SP27 outlines the circumstances in which renewable schemes can be considered to be acceptable, either individually or cumulatively, and the proposal complies with points a to g with the exception of point c regarding heritage assets which has been covered in the previous paragraph of this report. In conclusion there is much policy support for the application. Whilst it does involve the loss of prime agricultural land for a period of 40 years this does not equate to grounds for refusal because the benefits of the scheme and the wider policy support outweigh this.

- 8.8 A significant amount of information has been submitted demonstrating compelling evidence for the use of BMV land indicating compliance with the requirements of the Written Ministerial Statement 2015, and the contribution of the scheme towards meeting net zero attracts significant weight, based on the findings of recent appeal decisions.
- 8.9 The requirements of the Equality Act 2010 are acknowledged and have been taken into account as a material consideration as part of the application process and in writing this report, but in the professional opinion of officers, there is no aspect of the Act that is of direct relevance to this proposal.
- 8.10 On this basis, the application is recommended for conditional approval.
- 8.11 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

9.0 OFFICER RECOMMENDATION

- 9.1 Approve with conditions

RECOMMENDATION:

Approval with Conditions

subject to the following conditions:

1. Full Permission
The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall only be undertaken in accordance with the following approved plans;

Plan No. P044.220.02	Received by the LPA on 01/06/2022.
Plan No. P044.300.00	Received by the LPA on 01/06/2022.
Plan No. P044.307.00	Received by the LPA on 01/06/2022.
Plan No. P044.303.01	Received by the LPA on 10/06/2022.
Plan No. P044.304.00	Received by the LPA on 10/06/2022.
Plan No. P044.305.00	Received by the LPA on 10/06/2022.
Plan No. P044.306.00	Received by the LPA on 10/06/2022.
Plan No. P044.308.00	Received by the LPA on 10/06/2022.
Plan No. P044.309.00	Received by the LPA on 10/06/2022.
Plan No. P044.310.00	Received by the LPA on 10/06/2022.
Plan No. P044.311.00	Received by the LPA on 10/06/2022.
Plan No. P044.312.00	Received by the LPA on 10/06/2022.
Plan No. P000.301.01	Received by the LPA on 24/06/2022.
Plan No. P044.307B.01	Received by the LPA on 24/06/2022.
Plan No. P044.307C.01	Received by the LPA on 24/06/2022.

Plan No. P044.301.03 Received by the LPA on 02/02/2023.

Plan No. P044.302.02 Received by the LPA on 02/02/2023.

Reason: For the avoidance of doubt and the interests of proper planning.

- 3 Prior to the commencement of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. The details shall include full details, including final minimum height of the hedge along the southern boundary. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within the first planting season following the date on which development is commenced or in line with a phasing strategy agreed in writing by the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum 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.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area and also to preserve the setting of Corner Farm. This condition is imposed in accordance with SP10, SP11 and SP23 of the East Lindsey Local Plan.

- 4 No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should 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.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with paragraph 199 of the National Planning Policy Framework.

- 5 The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. 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. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with paragraph 199 of the

National Planning Policy Framework.

- 6 A report of the archaeologists findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; 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.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site and in accordance with paragraph 199 of the National Planning Policy Framework.

- 7 The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development. This condition is imposed in accordance with SP16 of the East Lindsey Local Plan.

- 8 No development shall take place until a Construction Management Plan and

Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: In the interests of highway safety and the amenities of local residents. This condition is imposed in accordance with SP10 and SP22 of the East Lindsey Local Plan.

- 9 No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of road widening to all areas as shown on drawings LTP 4899 T2 00 01, T3 01 01, T1 01 04, 01 05, 01 06, 01 07 and 01 09 including 7 passing places to and from the substation and solar farm routes have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development in accordance with SP22 of the East Lindsey Local Plan.

- 10 Prior to the commencement of the development hereby permitted, full details of all mitigation measures to protect and enhance biodiversity at the site, based on the enhancement measures detailed in the Preliminary Ecological Appraisal dated December 2021 by James Blake Associates submitted with the application, shall be submitted to and agreed in writing by the Local Planning Authority. The details shall take the form of a Landscape and Ecological Management Plan. The agreed protection and enhancement measures shall be incorporated into the development in accordance with a timetable agreed with the Local Planning Authority and retained in place in accordance with the details.

Reason: To protect and enhance biodiversity at the site in accordance with paragraph 174 of the National Planning Policy Framework.

- 11 The permission hereby given for the solar farm shall be for a limited period of 40 years from the date of the first export of electricity from the site, which date must be notified to the Local Planning Authority in writing within one month of the date. At the end of this period or upon cessation of the use for the generation of electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared, including of any below ground concrete. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the land is returned to beneficial use at the end of the operational period in the interests of the visual amenities of the area and the good use of land having regard to Policies SP10, SP11, SP23 and SP27 of the East Lindsey Local Plan.

- 12 No external lighting shall be installed on site.

Reason: In the interests of the character and appearance of the development and in the interests of the amenity of local residents. This condition is imposed in accordance SP10 of the East Lindsey Local Plan.

- 13 Construction of the development hereby approved, including deliveries, must only be carried out between the hours of 08:00-17:00 Monday to Friday, 08:00 – 13:00 on Saturday and must not be carried out at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.

- 14 Prior to the commencement of the development hereby approved, a scheme for the management and protection of the soil on the site shall be submitted to and approved in writing by the Local Planning Authority. The soil shall be managed in accordance with the approved scheme for the lifetime of the development.

Reason: To ensure the soil is protected and managed appropriately so it retains its high land classification grade and that the land can be used for agriculture again once the solar farm has been removed from the site. This condition is imposed in accordance with paragraph 174 of the National Planning Policy Framework.