

Statement of Case

Section 78 Appeal: Hatton Solar Farm

Land adjacent to Sotby Woods, Sturton
Road, Hatton

Third Revolution Projects on behalf of Hatton Solar Farm Ltd

March 2025

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Version – Submission

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Third Revolution Reference: 1152_SoC

Appellant: Hatton Solar Farm Ltd.

1.0 Introduction

1.1.1 This Statement of Case ('SoC') has been prepared by Third Revolution Projects on behalf of Hatton Solar Farm Limited. ('the appellant') and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning a proposed development ('Hatton Solar Farm') at land adjacent to Sotby Woods, Sturton Road, Hatton ('the site').

1.1.2 The appeal follows the decision of East Lindsey District Council ('the Council') to refuse an application for full planning permission (LPA ref: S/079/01078/22, ('the application') for the Hatton Solar Farm, which was described as follows:

"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".

1.1.3 The planning application was validated by the Council on 24th June 2022; it was initially reported to the Council's Planning Committee on 1st March 2023 with an officer recommendation for approval. The Planning Committee issued a resolution to grant consent on 9th March 2023, subject to reference to the Secretary of State, as pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Secretary of State had directed the Council not to grant permission on this application without specific authorisation. This direction was issued to enable them to consider whether they should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to them for determination.

1.1.4 The Secretary of State considered the Application against call-in policy, as set out in the Written Ministerial Statement on Planning Applications in October 2012 (CD5.32) (which makes it clear that the power to call in a case will only be used very selectively). The Secretary of State decided not to call in the Application (CD4.9), being content that it should be determined by the Council. The Application was subsequently approved, as confirmed in the decision notice issued on 27th October 2023 (CD4.2).

1.1.5 The planning permission was then challenged via Judicial Review (CD4.12) by a local resident on three grounds:

1.1.5.1 that the Council and applicant had failed to address the requirements of a Written Ministerial Statement ('WMS') from 2015 (CD5.6) 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;

1.1.5.2 that the Council failed to have regard to an obviously material consideration, namely the advice of Natural England that to consider the permanent loss of best and most versatile agricultural land and to act in accordance with paragraph 5-013 of the then Planning Practice Guidance;

1.1.5.3 that the Council had regard to an immaterial consideration, failed to have regard to an obviously material consideration and made an error in fact in relying upon the Interested Party’s Landscape and Visual Impact Assessment which erroneously assessed the solar arrays at 2.1m in height, when they are 2.98 metres high.

1.1.6 The challenge did not proceed to a full Judicial Review as the Council agreed to concede on the lack of reference to the 2015 WMS, and the planning permission was subsequently quashed by a consent order issued by the Court.

1.1.7 Additional information was invited by the Council and the appellant provided this by way of (1) an updated Agricultural Land Classification Report (CD2.26), (2) Agricultural Considerations report (CD2.27), (3) Outline Soil Management Plan (CD2.28) and (4) an additional Site Search Justification Report (CD2.29).

1.1.8 The Application then went before the committee on 3rd October 2024 (CD4.8) for re-determination with the additional information submitted by the appellant to address the previous omission. The Application was refused by the second Planning Committee on 3rd October 2024, as confirmed in a decision notice dated 31st October 2024 (CD4.3) citing a single (albeit lengthy and convoluted) reason for refusal as follows:

“The proposed development would introduce solar panels and associated infrastructure onto a large area of 180 acres of land in a rural, agricultural landscape, adjacent to the Grade II listed Sturton Harden Corner Farm House with associated curtilage listed barns. Sturton Harden Corner Farm House sits atop a raised area of land resulting in there being clear views available of the farmhouse from immediately adjacent to the site and from some longer distance views from surrounding countryside. The sense of openness around the farmhouse and its visual connectivity with the surrounding farmland is an important part of its setting and significantly defines how the farmhouse and its barns are experienced. This openness would be compromised as a result of the proposed development which would also restrict some views of the farmhouse and barns from the public right of way GtSt/789/1. Furthermore, the Landscape Visual Impact Assessment submitted

with the application advises that the proposed landscaping would take 15 years to become effective in screening the development. The proposed development would therefore detract from the defining rural character of the site and immediate area when viewed in close proximity and in longer distance views for at least a 15-year period. Furthermore, the proposed development would also notably and harmfully detract from views towards the listed building and its immediate setting resulting in less than substantial harm on the significance of the designated heritage asset. Notwithstanding the significant benefits of the scheme, namely the provision of renewable energy and a potential increase in biodiversity at the site, these would not outweigh the cumulative harm to the countryside character of the area and the adverse impact on the setting and significance of Sturton Harden Corner Farm House. The proposed solar farm is therefore considered to be contrary to SP11, SP23 and SP27 of the East Lindsey Local Plan and paragraphs 180, 206 and 208 of the National Planning Policy Framework”.

1.2 Request for the appeal to be determined by Public Inquiry

1.2.1 Having considered the criteria for each appeal procedure set out within the Procedural Guide: Planning Appeals – England (September 2024), the appellant concludes this appeal should be determined by the Public Inquiry procedure for the following reasons:

- The inconsistencies in the decision-making process to date, meaning that there is a need for the evidence to be properly tested through formal cross-examination.
- Matters of indicated heritage, landscape and visual harms are of sufficient complexity to require testing through formal questioning by an advocate.
- The appeal has generated substantial local interest both in support and opposition (including the successful legal challenge of an earlier decision) and it is likely that a large number of people will want to participate in the event; potentially a Rule 6 party will form.

1.2.2 The appellant considers that a 4–5-day Inquiry is necessary, including the Inspector’s site visit, legal submissions and reserve the right to add to the statement of case if the procedure granted is a hearing.

1.3 Structure of Statement of case

1.3.1 The remainder of this Statement of Case (SoC) is structured in the following format:

- Section 2 – The site and surrounding area

- Section 3 – Application plans and documents
 - Section 4 – Proposed development
 - Section 5 – Environmental Impact Assessment screening, pre-application engagement and public consultation
 - Section 6 – Relevant planning policy
 - Section 7 – Site capacity
 - Section 8 – Matters not in dispute and consultee comments
 - Section 9 – Timeline of the Application
 - Section 10 - Clarifications and proposed minor enhancements to the appeal scheme
 - Section 11 – Appellant’s case
 - Section 12 – Planning balance
 - Section 13 – Section 106 and CIL
 - Section 14 – Conditions
 - Section 15 – Conclusion
- 1.3.2 This SoC sets out the Appellant’s case in response to the sole reason for refusal, demonstrating how this is inconsistent with the Council’s earlier assessment of the proposal and is clearly not justified. The SoC includes input from technical experts on landscape, heritage and planning. Proofs of evidence will be submitted prior to the Inquiry.
- 1.3.3 This SoC should be read in conjunction with the core application documents and supporting information submitted on behalf of the applicant, Hatton Solar Farm Ltd, as part of the planning application. A schedule of planning application documents, drawings and supporting information is provided within the draft Core Documents List (CD7.3). The appellant reserves the right to amend or add to this list during the course of the Appeal.
- 1.3.4 A draft Statement of Common Ground (‘SoCG’) (CD7.2) has been prepared and submitted as part of this appeal. This provides the background to the appeal, including site description, planning history, relevant planning policies and matters considered and resolved during the consideration of the application and which the appellant reasonably believes are common ground with the Council. The SoCG will be agreed with the Council prior to the Inquiry.

- 1.3.1 This Statement concludes by demonstrating how the proposals deliver a sustainable development and comply with the development plan when taken as a whole, before explaining that the substantial public benefits outweigh any potential heritage harm, and the planning balance weighs heavily in favour of the proposals.

2.0 The Site and Surrounding Area

2.1 The site and surrounding area

- 2.1.1 The site covers approximately 73 hectares (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 approximately 4km to the west of the Lincolnshire Wolds National Landscape (previously the Lincolnshire Wolds Area of Outstanding Natural Beauty). The site is roughly the shape of an inverted 'L' with Sotby Wood in the centre. Sturton Road along the southern boundary, the western boundary runs along an open field and beyond this lies residential properties of Hatton, approximately 200m away at the closest point. Part of the northern boundary runs along the 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).
- 2.1.2 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 Hatton and Great Sturton. 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.
- 2.1.3 There is hedging along the southern boundary of the site which screens the site to some extent from certain viewpoints. There is hedging along the roadside boundary of Moor Lane to the north which is higher than the site.
- 2.1.4 The site is gently undulating, at the northern boundary it is 45m AOD, dipping to 39m AOD in the middle of the eastern edge, and then rises again to 45m AOD as it abuts Sturton Road. Therefore, the topography of the site generally rises up to the southeastern corner of the site, and also from the south to the north in the northerly part of the site.
- 2.1.5 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 its associated curtilage listed buildings. Just past the western edge of the site, there are a further five detached residential buildings.
- 2.1.6 The existing field accesses are off Sturton Road. The access to the site will also be from this road via existing breaks in the boundary hedgerows to allow for agricultural vehicular access.
- 2.1.7 There is a permissive footpath running through the site, and along part of the northern boundary of Sotby Wood.

2.1.8 There is one Public Right of Way (PRoW) (Sotb/789/1 that runs through the northern site boundary joining Roman Road on the northern side to Sturton Road on the southern side. Further to the west of the site is PRoW Hatt/103/1 that joins the centre of the hamlet of Hatton with Sturton Road at Park Farm.

2.1.9 The site's trees are typical of an agricultural location, with all trees located to field boundaries and or specific groups. The trees are generally native species including Oak, Ash, Hawthorn, Willow and Pine. There is a range of age from young to mature to with some large individual trees (CD.2.21.1-7).

2.1.10 There is a high-pressure gas pipe running through the site from north east to south west.

2.1.11 To the south west of the 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 an area of approximately 2578sqm. There is existing hedging along the boundary of the existing substation.

2.2 Designations and constraints

2.2.1 The site avoids any pertinent land designations apart from being identified on the East Lindsey District Council DPD policies map as 'Countryside outside of settlement boundaries'.

2.2.2 There are no designated or non-designated heritage assets within the subject site. The nearest heritage asset to the vicinity of the scheme is to the south of Sturton Road/Buttergate Hill: Sturton Harden Corner Farmhouse, designated at Grade II on the National Heritage List for England (List Entry No: 1063099).

2.2.3 Two further farmsteads, Moor Farm to the north of the subject site, and Glebe Farm to the south are identified within the HER for Lincolnshire as 19th Century farmsteads and subsequently have been labelled as non-designated heritage assets by Heritage Lincolnshire. The site does not fall within any Conservation Area (CA), or the setting or wider setting of any CA.

2.2.4 The landscape within the study area comprises the Central Lincolnshire Vale (NCA 44). More locally, the site lies within the E1 Wragby to Horsington Vale Woodland and Farmland and is in close proximity to the G3 area of Hainton to Toynton All Saints Wolds Farmland (as identified by the Landscape Character Area of East Lindsey District Council) (CD5.34.40).

2.3 Planning history

2.3.1 The appeal site has some planning history, including previous applications that are relevant to the current proposals:

- 2.3.1.1 S/094/262/92 granted permission for alterations to existing vehicular and pedestrian access.
 - 2.3.1.2 S/094/1364/18 granted permission in 2018 for the erection of a storage building in connection with existing manufacturing business.
 - 2.3.1.3 S/070/00348/18 granted permission 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 3m and construction of vehicular access. This development was approved adjacent to the existing compressor station and adjacent to the site of the now proposed substation which part of the appeal proposal. This permission was not implemented and has since now expired.
- 2.3.2 The appeal Application (Ref: S/079/01078/22) was originally approved on 27th October 2023 following consideration by the Council's Planning Committee and the Secretary of State. In response to a legal challenge, the Council consented to the decision being quashed. Additional information was then provided as part of the Application's further consideration. The Application was reconsidered by the Planning Committee in October 2024, at which point it was refused with the Decision Notice received on 31st October 2024.

3.0 Application Plans and Documents

3.1.1 The core application plans that comprised the planning application at the time the appeal was lodged, were as follows:

- CD1.1: P044.300.00 Site Location Plan, prepared by SPD Studio, dated 23rd February 2022
- CD1.2: P044.220.02 Existing Site Layout Plan, prepared by SPD Studio, dated 12th July 2021
- CD1.3: P044.301.03 Site Layout Plan, prepared by SPD Studio, dated 25th February 2022
- CD1.3.1: P044.301.02 Site Layout Plan (Superseded), prepared by SPD Studio, 21st January 2022
- CD1.4: P044.307.00 DNO Substation Details, prepared by SPD Studio, dated 4th April 2022
- CD1.5 P044.306.00 Mounting Structure Details, prepared by SPD Studio, dated 11th March 2022
- CD1.6: P044.303.01 Fence and CCTV Layout Plan, prepared by SPD Studio, dated 21st January 2022
- CD1.7: P044.308.00 Private Substation Details, prepared by SPD Studio, dated 4th February 2022
- CD1.8: P044.311.00 Storage Container Details, prepared by SPD Studio, dated 4th February 2022
- CD1.9: P044.312.00 Pad Mount Transformer Details, prepared by SPD Studio, dated 4th February 2022
- CD1.10: P044.310.00 Communication Cabinet Detail, prepared by SPD Studio, dated 4th February 2022
- CD1.11: P044.309.00: Inverter and Transformer Details, prepared by SPD Studio, dated 4th February 2022.
- CD1.12: P044.305.00 Compound Plan, prepared by SPD Studio, dated 30th March 2022
- CD1.13: P044.304.00 Projected Noise Pattern Plan, prepared by SPD Studio, dated 21st March 2022
- CD1.14: P044.307B.01 DNO Substation Details, prepared by SPD Solutions, dated 21st June 2022
- CD1.15: P044.307C.01 Private Substation Details, prepared by SPD Studio, 4th February 2022
- CD1.16: P044.302.02 Landscape Ecology Mitigation Plan, prepared by SPD Studio, 23rd February 2022.
- CD1.17: Sequential Analysis Plan, prepared by SPD Studio, dated 31st March 2022.

- CD1.18: Elevation Plan, prepared by Third Revolution Projects
- CD1.19: P044.200.02 Proposed Concept Plan, prepared by SDP Studio, dated 9th July 2021

3.1.2 The core supporting documents that comprised the planning application at the time the appeal was lodged, were as follows:

- CD2.1: Agricultural Land Classification Report, prepared by Soil Environment Services Ltd, dated 9th September 2022
- CD2.2: 37016NOLS-01-09 Topographical Survey Sheet, prepared by Survey Solutions, dated 7th December 2021
- CD2.3: Transport Statement, prepared by Local Transport Studio, dated 8th April 2022
- CD2.4: Design and Access Statement, prepared by SPD Studio, dated 20th March 2022
- CD2.5: Preliminary Ecological Appraisal, prepared by James Blake Associates (Ref: JBA 21-393_ECO01), dated December 2021
- CD2.6: Badger Survey, prepared by James Blake Associates, dated May 2022
- CD2.7: eDNA Survey Report, prepared by James Blake Associates, dated 27th May 2022.
- CD2.8: Water Vole and Otter Survey, prepared by James Blake Associates, dated August 2022
- CD2.9: Breeding Bird Survey Report, prepared by James Blake Associates, August 2022.
- CD2.10: Flood Risk Assessment Rev A, prepared by Syntegra, 17th March 2022
- CD2.11: Supporting Flood Risk Assessment Mapping, prepared by Environment Agency, dated 15th Nov 2021
- CD2.12: Glint and Glare Assessment, prepared by Neo Environmental, dated 2nd December 2021
- CD2.13: Glint and Glare Assessment Addendum, prepared by Neo Environmental, dated 15th February 2023
- CD2.14: Heritage Impact Assessment, prepared by Oxford Heritage Partnership, dated March 2022
- CD2.15: Heritage Assessment, prepared by Fuller Long, dated 19th October 2022
- CD2.16: (Superseded) Landscape and Visual Impact Assessment, prepared by James Blake Associates, dated December 2021

- CD2.17: Supporting Planning Statement, prepared by SPD Studio, dated 8th April 2022
- CD2.18: Statement of Community Involvement, prepared by SPD Studio, dated 8th April 2022
- CD2.19: LTP/4899/T2/00.01 Rev 0: Construction Access Routing (Overview Plan), 17th August 2022.
- CD19.1: LTP 4899 T2 00 01 Construction Access Routing (Swept Path Analysis), prepared by Local Transport Projects, dated 17th August 2022
- CD2.20: LTP 4899 T3 01 01 Substation Compound, prepared by Local Transport Projects, dated 17th August 2022
- CD2.21.1: Arboricultural Impact Assessment 1, prepared by Oakfield, dated February 2022
- CD2.21.2: Arboricultural Impact Assessment 2, prepared by Oakfield, dated February 2022
- CD2.21.3: Arboricultural Impact Assessment 3, prepared by Oakfield, dated February 2022
- CD2.21.4: Arboricultural Impact Assessment 4, prepared by Oakfield, dated February 2022
- SCD2.21.5: Arboricultural Impact Assessment 5, prepared by Oakfield, dated February 2022
- CD2.21.6: Arboricultural Impact Assessment 6, prepared by Oakfield, dated February 2022
- CD2.21.7: Arboricultural Impact Assessment 7, prepared by Oakfield, dated February 2022
- CD2.22: Archaeological Desk-Based Assessment, prepared by RPS, dated December 2021
- CD2.23: Biodiversity Net Gain Statement, prepared by James Blake Associates, dated 25th March 2021
- CD2.24: Biodiversity Net Gain Assessment prepared by James Blake Associates, dated 25th March 2022
- CD2.25: Construction Management Plan, prepared by SPD Studio, dated 8th April 2022
- CD2.26: Agricultural Land Classification Report, prepared by Amet Property, dated 30th July 2024
- CD2.27: Hatton Agricultural Considerations Report, prepared by Kernon Countryside Consultants, dated August 2024
- CD.2.28: Outline Soil Management Plan, provided by Kernon Countryside Consultants, dated August 2024

- CD2.29: Site Search Document, prepared by Third Revolution projects, dated February 2024
- CD2.30: Simulation Report, prepared by SPD Studio, dated 22nd March 2022
- CD2.31: Planning Statement Addendum, prepared by Third Revolution Projects, dated 24th October 2022

3.1.3 The following appeal decisions and rulings are also relevant to this appeal:

- CD6.1: Land known as Penhale Moor. Appeal Decision (Ref: APP/D0840/W/23/3334658), dated 18th July 2024
- CD6.2: Land west of Thaxted, Cutlers Green Lane. Appeal Decision (Ref: APP/C/1570/W/23/3319421), dated 18th December 2023.
- CD6.3: Land north of Halloughton. Appeal Decision (Ref: APP/B3030/W/21/3279533), dated 18th February 2022.
- CD6.4: Land to the south of Marsh Farm, Fobbing. Appeal Decision (Ref: APP/M1595/W/23/3328712), dated 22nd March 2024.
- CD6.5: Belvoir. Appeal Decision (Ref: APP/Y2430/W/24/3340258), dated 25th February 2025.
- CD6.6: Bramley, Hampshire. Appeal Decision (Ref: APP/H1705/W/22/3304561), dated 13th February 2023.
- CD6.6.1: Bramley, Hampshire. High Court Ruling. Bramley Solar Farm Residents Group v Secretary of State [2023] EWHC 2842 (Admin) (Case Number: CO/11/2023/AC-2023-LON-000276), dated 15th November 2023.
- CD6.7: New Works, Telford. Appeal Decision (Ref: APP/C3240/W/22/3293667), dated 27th March 2023.
- CD6.8: Land at Graveley Lane. Appeal Decision (Ref: APP/X1925/V/23/3323321), dated 11th March 2024.
- CD6.9: Land to the west of Honiley Road, Kenilworth. Appeal Decision (Ref: APP/X1925/V/23/3332671), dated 23rd July 2024.
- CD6.10: Land to the east of Squirrel Lane, Ludlow. Appeal Decision (Ref: APP/L3245/W/23/3314982), dated 7th July 2023.
- CD6.11: Feltham Lane. Appeal Decision (Ref: G2713/W/23/3315877), dated 27th June 2023.

3.1.4 Additional core documents that are of relevance to this appeal are included on the Core Documents List CD3.1 – 5.41 and CD7.1 – 7.11.

4.0 Proposed Development

4.1 Development objectives

4.1.1 The proposed development has the following objectives:

- To support the urgent need for renewable energy generation in line with national and local climate commitments, contributing to decarbonisation and energy security.
- To utilise a well-screened and appropriately located site to minimise visual and environmental impact while maximising solar energy generation potential.
- To develop a sensitively designed solar farm that respects the character of the site and surrounding landscape through careful layout, screening and ecological enhancements.
- To integrate biodiversity improvements, including wildflower meadows, hedgerow planting, and habitat creation, supporting local wildlife and delivering environmental net gains.

4.2 Development proposals

4.2.1 The planning application sought planning permission for “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”.

4.2.2 The appeal scheme is fully described in the Planning Statement (CD2.17) and Design and Access Statement (CD2.4) submitted in support of the Application, but in summary it sought permission for the installation and operation of a ground-mounted solar farm of around 49.9MW that would generate and deliver electrical power to the local distribution network. The scheme would be operational for 40 years, so the application was temporary in nature.

4.2.3 Hatton Solar Farm Limited is the appellant.

4.3 Land use

4.3.1 The ALC survey (CD2.26) has demonstrated that the majority of the development area is on land classified as Grade 3a (73.68%), and 21.05% classified as Grade 3b, and 5.27% Grade 2. Minor changes have been proposed by way of clarification as part of the Appeal and are shown on updated drawings, including landscape mitigations plan (CD7.5).

- 4.3.2 The appeal proposals would be operational for up to 40 years and so the Application sought permission for 40 years plus up to 1 additional year each for construction and decommissioning, totalling 42 years. Once decommissioned, the development would be removed and the site returned to its previous agricultural use. During the course of the Application, the appellant confirmed to the Council that a construction and decommissioning plan would be prepared via a planning condition, should this be required, and throughout the Application process, the appellant expressed commitment to restoring the land to its original state following the decommissioning of the solar farm. There would also be continued agricultural use through sheep grazing during the project's operational lifespan.
- 4.3.3 The full drawing pack is included alongside this Statement of Case. The key components are summarised below.
- 4.3.4 Solar arrays: A solar farm consists of solar PV panels organised into arrays alongside ancillary infrastructure. Most of the site would remain open as grassed spacing between rows and field margins. The solar panels would be mounted on galvanised metal frames set into the ground by either direct or screw piling. In order to achieve optimum solar gain, the panels would be laid out in east-west rows and will be fixed at an angle of inclination. The height of the solar arrays would be approximately 3 metres from ground level to the top of the back of the panel frame. The lowest edge of the panels would be raised above ground by around 1 metre to allow grazing of small livestock underneath and around the frames, yet the panels would be low enough to minimise visibility from surrounding areas.
- 4.3.5 Inverters: Inverters would be included to convert the direct current (DC) electricity output from the solar arrays into usable alternating current (AC) power for the electricity distribution network. These are expected to be located with the transformer in centralised inverter cabins (as shown on CD1.11) Colours can be agreed, if required.
- 4.3.6 Transformers: Transformers would be installed for each inverter to step up the low voltage electricity produced at the site to high voltage for efficient transportation around the site and to the grid connection point. The transformers are housed with the inverters in cabins (as shown in CD1.11).
- 4.3.7 Substations and grid connection: The solar farm would contain grid switchgear equipment, one for the District Network Operator DNO and one for the operator of the facility. This equipment forms part of the electrical power system and would be housed within the substation located adjacent to

the majority of inverter cabins in the central eastern portion of the site with one additional inverter cabin located in the west of the site (CD1.14).

- 4.3.8 To the south west of the appeal 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 would be accessed off Panton Road and covers a site area of approximately 278sqm.
- 4.3.9 Fencing, security and screening: An approximately 2m high wire mesh deer fence (As shown in CD1.6) would be constructed around the compound, with small mammal gates and vehicle entrance gates to allow vehicle and pedestrian access (not public access). This will act as the only security fencing within the site. Appropriate safety signage will be displayed on the fencing and gates.
- 4.3.10 Infra-red and/or thermal imaging CCTV cameras will be installed to the fence to provide security coverage of the site (CD1.6). These cameras will monitor the interior of the site and gap between the perimeter hedges and fence line and will not point outside of the site including any neighbouring properties.
- 4.3.11 No external lighting would be required at the solar site itself other than temporarily during construction. Emergency lighting would be brought to site only when required. The substation has a CCTV/Floodlight column.
- 4.3.12 Screening of the edge of the site would be provided by managing existing hedgerows and trees and planting new ones, where appropriate as depicted under (CD1.16).
- 4.3.13 Equipment Storage: A storage building will house spare parts and maintenance equipment. This will measure approximately 2.7m high and is shown on (CD1.8).
- 4.3.14 Existing utilities: Prior to construction, the presence of any existing utilities or underground cables will be assessed and precautions taken to protect them. Such measures may include temporary 'goal posts', physical barriers and markings on ground. On-site cabling will be ducted underground at a typical depth of around 1 metre.
- 4.3.15 Construction compound: A temporary construction compound will be created during the construction period to accommodate portacabin-type buildings in addition to providing an area for material storage and construction vehicles to turn around. Portacabins are required for offices, toilets, canteen and storage and will contain temporary parking spaces for staff. There will be no need to remove trees or hedgerows, and the compound will be entirely removed at the end of the construction phase (CD1.12).

The compound does not form part of the Application and is shown for information only.

- 4.3.16 Construction: The total construction period will be approximately 20 weeks including any pre-preparation of the site, fencing, assembly and erection of the photovoltaic arrays and installation of the inverters/transformers and grid connection.
- 4.3.17 Access: Access into and out of the site would be reached from Sturton Road, as shown on the site layout plan (CD1.3). The accesses will be made suitable for HGVs using the standards specified by National Highways. The Transport Statement and Construction Traffic Management Plan submitted with the appeal demonstrates safe manoeuvrability of vehicles into and out of the site.
- 4.3.18 Landscaping: The Application includes additional landscaping and biodiversity measures, including adding to existing hedges to be widened with native species and grown to 3m high to provide year-round screening, as shown on the Mitigations and Enhancement Plan (CD1.16).

5.0 Environmental Impact Assessment Screening, Pre-Application Engagement and Consultation

5.1 Environmental Impact Assessment Screening

5.1.1 In accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, an Environmental Impact Assessment Screening Request (Ref: S/079/02114/21) (CD4.13) was submitted and validated on 7th October 2021. On 26th October 2021, the Council issued their screening opinion (CD.4.14), confirming that the appeal site falls into the Schedule 2 category, and concluding that the proposals do not constitute an EIA development and that it was not necessary for the application to be accompanied by an Environmental Statement.

5.2 Pre-application advice

5.2.1 The appellant undertook detailed pre-application discussions with officers at the Council. Full details of the pre-application discussions are set out within the Statement of Community Involvement (CD2.18).

5.2.2 Pre-application advice was provided by the Council on 16th August 2021 (CD4.16). The advice addressed all development areas, plus an additional parcel to the east of the site that the appellant subsequently did not include within the application. The proposed development was therefore smaller than that initially proposed at pre-application stage.

5.3 Post application discussions/engagement

5.3.1 Following submission of the application, the appellant team continued to engage positively with officers to respond to comments.

5.3.2 In summary, the following amendments were made:

- Providing further details on the site's topography.
- Enhancing ecological survey efforts.
- Addressing gas pipeline safety considerations.
- Submitting a glint and glare assessment addendum, specifically addressing bridleway receptors.
- Responding to concerns regarding potential harm to food security.
- Conducting additional Agricultural Land Classification and use work.

- Updating the Site Justification Report to reflect these considerations.
- Providing additional assessment of heritage potential harm and increased screening of the development from Corner Farm.
- Providing clarifications on comments raised by the community.

5.4 Public consultation

- 5.4.1 The appellant engaged in a proactive and robust public consultation process. Both elected representatives and community groups were contacted and invited to the in-person public consultation event and offered either a one-to-one meeting or further information. A project specific website was launched, and leaflet with information pertaining to the proposals, a link to the website and contact information for the team was issued on letters which were sent out to local households surrounding the site, the 2m radius of which is shown at Appendix B of the Statement of Community Involvement (SCI) (CD2.18) which publicised the exhibition event, communicated information about the scheme, and encouraged local residents to share their views about the proposal alongside a consultation website.
- 5.4.2 The online consultation period ran from 11th February 2022 for two months, but comments received after this date were taken into consideration.
- 5.4.3 As a result of the event, a number of clarifications and adjustments were made to the proposals which are summarised in the SCI.
- 5.4.4 The appellant also undertook further consultation with the community post submission of the Application.

6.0 Relevant Planning Policy

- 6.1.1 This section sets out the planning policy framework which is of relevance to the Appeal. It will be demonstrated in evidence how the proposed development is consistent with the objectives of local and national policy and with the policies themselves.

6.2 Development plan

- 6.2.1 Section 38 (6) of the Planning Compulsory Purchase Act 2004 states that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the development plan unless material considerations indicate otherwise.”

- 6.2.2 The development plan applicable to the site and proposed development comprises:

- East Lindsey Local Plan (adopted 2018) and adopted Policies Map.
- East Lindsey Settlement Proposals Development Plan Document (adopted July 2018)

- 6.2.3 The following policies are considered relevant to the appeal scheme:

[East Lindsey Local Plan \(2018\) \(CD5.41\)](#)

- SP1: A sustainable pattern of places - Guides development to sustainable locations, balancing growth with environmental protection, infrastructure needs, and community well-being. It promotes resilient, well-connected, and thriving settlements while safeguarding natural and historic assets.
- SP10: Design - Promotes high-quality, sustainable design that enhances local character, ensures accessibility, and fosters a safe, attractive environment
- SP11: Historic Environment - Protects and enhances the district’s historic assets, ensuring new development respects heritage significance and local distinctiveness.
- SP13: Inland Employment - Supports economic growth by encouraging diverse employment opportunities, promoting business expansion, and enhancing rural enterprise.
- SP16: Inland Flood Risk - Manages flood risk through resilient development, sustainable drainage systems, and proactive mitigation to protect communities.
- SP22: Transport and Accessibility - Improves transport networks, encourages sustainable travel, and enhances accessibility to key services and facilities.

- SP24: Biodiversity and Geodiversity - Safeguards and enhances natural habitats, ensuring development supports ecological networks and protects species diversity.
- SP27: Renewable and Low Carbon Energy - Encourages renewable energy projects and low-carbon technologies to reduce emissions and promote sustainability.

6.2.4 The site is not situated within a Neighbourhood Plan area.

6.3 Other material considerations

6.3.1 East Lindsey published a Regulation 18 Issues and Options consultation in 2021/22. This has not progressed beyond this point and the appellant therefore gives this no weight.

6.3.2 To support the decision-making process, there is a range of guidance that form material considerations. These are set out within the draft SoCG, and include:

- CD5.1: National Planning Policy Framework (NPPF, December 2024, amended February 2025)
- CD5.2 National Policy Statement EN-1 (January 2024)
- CD5.3 National Policy Statement EN-3 (January 2024)
- CD5.15: WMS titled “Energy Infrastructure Planning Projects” (May 2024)

6.3.3 A revised version of the NPPF was published in December 2024 and more recently in February 2025 following the Council’s decision and so the Application documents and Officer reports refer to the previous versions of the Framework.

6.3.4 NPPF Paragraph 161 is clear that *“the planning system should support the transition to a low carbon future in a changing climate.”* Paragraph 168 goes on to state that *“when determining planning applications for renewable and low carbon development, local planning authorities should...not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future.”*

6.3.5 In respect to the use of agricultural land for renewable energy development, footnote 65 states that *“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”* Reference to food security has been removed.

6.3.6 Paragraph 11 of the NPPF notes that there is a presumption in favour of sustainable development. For decision-making, this means: *“approving development proposals that accord with the*

development plan without delay” and that development proposals that are in accordance with the development plan, promote growth and infrastructure, improve the environment, mitigate climate change should be granted planning permission without delay.

National Planning Policy Guidance (NPPG)

6.3.7 The NPPG takes forward the policies and objectives of NPPF and provides LPAs with guidance on the relevant factors with which to base their decisions. The NPPG recognises the imperative for the UK to provide a secure energy supply to cope with the varying demand. The planning guidance sets out a list of factors to consider when assessing ground-mounted solar projects, including:

- *“Encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.*
- *Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*
- *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.*
- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun.*
- *The need for, and impact of, security measures such as lights and fencing.*
- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges.*
- *The energy generating potential of the proposals, which can vary for a number of reasons including, latitude and aspect.” (013 Reference ID: 5-013-20150327)*

Written Ministerial Statements

6.3.8 The May 2024 Written Ministerial Statement (WMS, CD5.33) titled “Energy Infrastructure Planning Projects” referred to in the decision (published prior to the election of the current Central Government administration) largely reiterates the position set out in NPS EN-3, stating that *“where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to higher quality. The availability of agricultural land used for food*

production should be considered, alongside other policies in the framework, when deciding what sites are most appropriate for development.”

- 6.3.9 The appellant is of the opinion that this and more recent Government policy supersedes the WMS titled “Solar energy protecting the local and global environment” (March 2015, CD5.6)
- 6.3.10 It is common ground that the quality and availability of land have been robustly considered by the Agricultural Land Classification Reports (CD2.1 and CD2.26), Agricultural Land Considerations report (CD2.27) and Site Search document (CD2.29).

National Policy Statements

- 6.3.11 In January 2024, National Policy Statement NPS EN-1 (Overarching National Policy Statement for Energy) was approved and sets out the overall national energy policy for delivering major energy infrastructure. It covers, amongst others, Government policy, assessment principles and generic impacts. Although primarily relevant to determining Nationally Significant Infrastructure Projects, NPS are a material consideration with respect to energy infrastructure-related planning applications dealt with under the Town and Country Planning Act (and is referred to in the Officer Reports). The appeal site’s capacity is on the cusp of the threshold for an NSIP, and weight should be given to the NPS.
- 6.3.12 Alongside reiterating urgent need to bring forward renewable energy projects in order to reduce emissions and facilitate the transition to a net-zero economy, NPS EN-1 provides some guidance with respect to the use of agricultural land for solar developments. Paragraph 5.11.4 recognises that *“development of land will affect soil resources, including physical loss of and damage to soil recourses, through land contamination and structural damage. Indirect impacts may also arise from the changes in the local water regime, organic matter content, soil biodiversity, and soil process.”* Paragraph 5.11.12 goes on to guide applicants to *“seek to minimise seek to minimise impacts on the best and most versatile agricultural land identified as land in Grades 1, 2 and 3a of the Agricultural Land Classification and preferably use land in areas of poorer quality (Grades 3b, 4 and 5).”*
- 6.3.13 NPS EN-3 is also a material consideration. Its opening text asserts that *“electricity generation from renewable sources is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6).”*
- 6.3.14 NPS EN-3 expands on the guidance provided in NPS EN-1 in respect to development of solar photovoltaic generation. It includes more specific guidance on factors influencing site selection and design, including agricultural land classification within paragraph 2.10.28, which notes that solar is highly flexible and as such can be deployed on a wide variety of land. Paragraph 2.10.29 goes on to

recognises that “*applicants should, where possible use non-agricultural land*” and “*that where the use of agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land,*” it provides clear guidance to decision-makers that “*land type should not be a predominating factor in determining the suitability of the site’s location.*”

6.3.15 EN-3 confirms at paragraph 2.10.53 that that “the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity.” At 2.10.54 that “The capacity threshold is 50MW (AC) in England.” And at 2.10.55 “*The installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. There is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays.*”

6.3.16 Other topics covered within EN-3 include accessibility, public rights of way and security, some of which are also addressed in the NPPF and NPPG. It includes technical considerations, including how the capacity of a site should be calculated, starting at paragraph 2.10.50, project lifetime and decommissioning and flexibility in details. It also provides detail on solar specific impacts, including but not limited to biodiversity, landscape and heritage.

[Supplementary planning documents](#)

6.3.17 The East Lindsey Landscape Character Assessment (2009). It is not an adopted policy document but serves as an evidence base for planning policies and a resource for planning applications prior to the adoption of the local plan. key document guiding planning decisions within the District. While it considers the sensitivity of landscape character areas, it does not specifically consider solar farms.

[Legislation and wider context](#)

6.3.18 The following key documents are also noted given their wider relevance to renewable projects in the UK.

6.3.19 **The United Nations Adoption of the Paris Agreement COP21 (2015):** This international treaty aims to reduce global GHG emissions to limit global temperature rise to 1.5°C above pre-industrial levels. The UK is committed to reducing economy-wide GHG emissions by at least 68% by 2030, compared to 1990 levels. Progress and targets were revisited during COP26 (Glasgow, 2021) and COP27 (Sharm El-Sheikh, 2022).

- 6.3.20 **The UK Climate Change Act 2008 (as amended in 2019):** the legislative basis for the UK to reduce net greenhouse gas emissions and setting out net zero targets. The scale of the challenge is described as “colossal”.
- 6.3.21 **Net Zero Strategy:** In 2019 Parliament declared that the UK is facing a climate change emergency (1.5.2019) and the 2021 Net Zero Strategy (Net Zero Build Back Greener) (October 2021) sets out the carbon reduction policy focusing clean energy by 2035. A key is the Government’s commitment to accelerating the deployment of low-cost renewable energy, such as wind and solar.
- 6.3.22 **The British Energy Security Strategy (April 2022):** expects a 5-fold increase from current 14GW of solar capacity in the UK by 2035.
- 6.3.23 **The UK’s Sixth Carbon Budget (2021):** establishes legally binding interim targets for GHG reductions and emphasizes the need for rapid deployment of renewable energy infrastructure, including solar farms, to meet climate obligations.

7.0 Site Capacity

- 7.1.1 The site capacity is 49.9MW based on the 'combined-inverters method' and as such it is common ground that the application is not Nationally Significant Infrastructure under the Planning Act 2008 and should be considered under the Town and Country Planning Act 1990 (as amended). The site contains a total of 9 inverter cabins (as shown in the site layout plan), which are used for converting the DC electricity produced by the solar panels into AC power for export to the grid. There are 3 different types of inverters of different capacities, which have an aggregate AC (alternating current) rating of 49.83. The final selection or combination of inverters may change but will not exceed the site capacity of 49.9MW.

8.0 Matters Not in Dispute and Consultee Comments

Matters not in dispute

- 8.1.1 A draft Statement of Common Ground has been prepared by the appellant, who will seek agreement to this with the Council prior to the Inquiry.

Specialist consultees

- 8.1.2 From the further detail provided in the Officer Report (CD4.8), the Council's officers were supportive of the Application following assessment from specialist consultees:

- Environment Agency – No objection, did not recommend conditions and had no comments on the Site Search document.
 - Heritage Lincolnshire (Archaeology) – No objection subject to archaeological evaluation secured by condition.
 - Historic England – No advice offered.
 - LCC Highways and Lead Local Flood Authority – No objection subject to conditions. No objections to the Site Search document (CD2.29).
 - Environmental Services (Environmental Protection) – No comments provided.
 - Environmental Services (Drainage) – No comments provided.
 - Environmental Services (Contamination) – No comments provided.
 - Anglian Water – Under the threshold for comment.
 - ELDC Arboricultural Officer – No objection subject to condition.
 - LCC Countryside Access – No objection, provided Public Bridleway 769 remains undisturbed during construction
 - Natural England – No objection and stated that the temporary nature of the development should not lead to a permanent loss of Best and Most Versatile (BMV) agricultural land.
- 8.1.3 National Gas – No objection.
- 8.1.4 National Grid: Issued a holding objection due to the presence of a high-pressure gas pipeline running through the site. This holding objection sets out various measures that the appellant will need to implement in order to make the development acceptable to meet National Grid

requirements. The appellant 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 which was agreed by Officers at Paragraph 7.157 of CD4.8.

8.1.5 Lincolnshire County Council (Place Directorate): objected due to:

- Alleged harm to visual impact
- Loss of agricultural land (Contrary to NPPF Paragraph 175b [187b in the December 2024 NPPF])
- Potential impact on food security in the rural economy
- Concerns about soil impact from construction
- Insufficient site selection process.

[Other comments](#)

8.1.6 The appellant has submitted a Statement of Community Involvement (CD2.18). During determination of the application 339 representations were submitted to the LPA, of which 180 objected, 1 made a representation and 158 supported the application.

8.1.7 Hatton Parish Council – objection

8.1.8 Baumber Parish Council – objection

8.1.9 Wragby Parish Council – objection

9.0 Timeline of the Planning Application

- 9.1.1 As noted earlier, the initial approval decision was subsequently challenged via Judicial Review by a local resident in December 2023 on three grounds (C4.12). One of these grounds was that the Council and the applicant had failed to address the requirements of a Written Ministerial Statement (WMS) from 2015 (CD5.6) which requires applicants to submit the “most compelling evidence” for why Best and Most Versatile (BMV) agricultural land should be used over land of lesser quality. The grounds for this part of the claim were worded as follows:
- 9.1.2 *“(i) The Council failed to have regard to an obviously material consideration, namely the policy of the Secretary of State that the necessity of using high-quality agricultural land has to be demonstrated and ‘any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence’ (Written Ministerial Statement, 25 March 2015; Planning Practice Guidance, Reference ID: 5-013-20150327)”.*
- 9.1.3 Further information in para 22 of the claim sets out why the claimant had assessed the Council’s committee report (CD4.7) as deficient in terms of not having regard to “obviously material considerations” as follows:
- (a) not identifying the policy requirement for the use of best and most versatile agricultural land to be necessary;
 - (b) not identifying the requirement for there to be compelling evidence to justify the use of such land;
 - (c) failing to conclude whether it was necessary to site the solar farm on best and most versatile agricultural land. The conclusion on necessity only related to the use of agricultural land.
 - (d) failing to conclude whether there was compelling evidence for the use of this best and most versatile agricultural land.
- 9.1.4 Two further areas of claim related to the Natural England response to the application (CD3.1) and an error in the appellant’s LVIA regarding the height of the solar arrays.
- 9.1.5 The challenge did not proceed to a full Judicial Review as the Council agreed to concede on point one of the claim, and on 8th February 2024, the decision was quashed by way of a consent order issued by the Court.

- 9.1.6 In February 2024, additional information was then submitted by the appellant to address the site search issue raised through the judicial review. This information was presented as a site search document (CD2.29), forming an application document. A reconsultation on the application also began during February 2024.
- 9.1.7 On 24th April 2024, further comments were submitted by the appellant (24th April 2024) in response to comments made by Lincolnshire County Council on food security and the local rural economy.
- 9.1.8 Regarding technical updates, the appellant submitted a noise patter plan (CD1.13). The Parish Council, neighbours and the Environmental Health team were reconsulted.
- 9.1.9 A heritage rebuttal (CD3.31) prepared by the appellant's heritage consultant, Fuller Long, was uploaded to the Council's public access system on 18th July 2024. A report by Kernon Associates regarding the agricultural considerations of the scheme (CD2.27) was uploaded on 1st August 2024. This was followed by an outline soil management plan, also prepared by Kernon Associates and uploaded by the Council on 30th August 2024. See also Section 5.3.
- 9.1.10 Despite the officer recommendation for approval, subject to conditions, the Application was refused by the members of the Council's Planning Committee on 3rd October 2024, with the decision notice not issued until 31st October 2024. There was a single reason for refusal, set out in full in para 1.1.9. The appellant notes that reason for refusal does not make reference to the specific requirements to assess the public benefits in the context of heritage harm.

10.0 Clarifications and Proposed Minor Enhancements to the Appeal Scheme

10.1.1 While the Appellant will maintain that the application scheme is acceptable in its current form and that the benefits demonstrably outweigh any alleged harm, following the Committee's refusal against officer recommendation a number of additional minor refinements have been prepared to provide clarification and further enhance the proposal.

10.1.2 These adjustments are not considered necessary to make the proposal acceptable but are offered to provide additional clarity and enhancement. These amendments are in line with Section 16 of the Procedural Guidance:

- The proposals are essentially the same scheme that was considered by the Council and interested parties at the Application stage and do not, taken together, amount to a substantial difference or fundamental change.
- Would not cause unlawful procedural unfairness as these could have been secured by planning condition if necessary and the Appellant is intending to consult on these with the community and specialist consultees.

10.1.3 The proposed refinements are:

- **'Red line' boundary** – Amendments have been made to clarify and ensure consistency in the site boundary. This is shown on the updated Site Location Plan (CD7.8), Site Layout Plan (CD7.9) and the associated Red Line Annotation (CD7.10).
- Whilst preparing the appeal submission documents, the appellant became aware of a slight discrepancy with the application redline plan while undertaking a review. This was a minor unintentional issue and does not affect the substance of the application or appeal.
- **Increased setback of panels and security measures from Grade II Listed Corner Farm** - A number of solar panels, which equates to 7 rows, and 0.91ha) have been removed from the area closest to Corner Farm, increasing the separation distance and further reducing any perceived heritage impact. This area is shown clearly on the updated Site Layout Plan (CD7.9) and associated landscape drawings (CD7.4-6).

- **Reinstatement of historic hedge line** – The proposal includes the reinstatement of a historic field boundary near Corner Farm, providing a heritage enhancement, an additional landscape enhancement and limiting views of the proposed site further (CD7.4-7.6).

11.0 Appellant's Case

11.1 Form of appeal

- 11.1.1 This section should be read in conjunction with the application documentation submitted and as listed within the draft Core Documents.
- 11.1.2 The application received a positive assessment by the planning case officer on two occasions with reports being prepared for committee that recommended the Application for approval (CD4.7 and 4.8), subject to planning conditions. The Planning Committee shared this view on the first occasion and the Application was approved. On the second occasion, with no change to the Application and no material adverse change to policy, the Committee did not vote with the officer recommendation and the Application was refused.
- 11.1.3 The Appellant considers that the proposal accords with the Development Plan as a whole, and will present evidence to demonstrate that planning permission should be granted without delay and will call expert evidence to address the following matters:
- Heritage matters with the evidence to be given by Ms Virginia Gillece of Fuller Long Associates
 - Landscape Visual matters with evidence to be provided by Mr Andrew Furness of James Blake Associates
 - Planning policy, guidance and material consideration analysis, with evidence presented by Mr Robert Shaw of Third Revolution Projects.
 - Other matters raised by third parties as required.
- 11.1.4 Evidence will be presented by the appellant to address each part of the reason for refusal.

11.2 Heritage

- 11.2.1 Policy SP11 is a positively worded policy, with Part 2 stating that proposals will be supported where they protect or enhance heritage assets.
- 11.2.2 The reason for refusal can be summarised as a less than substantial harm on the significance of Sturton Harden Corner Farm House which is a Grade II listed building, together with Sturton Harden farmstead buildings which are considered curtilage to the main farmhouse. The impact of the proposal on the designated heritage asset was assessed by the Council as less than substantial

harm. This is common ground between the Council and the appellant. However, the degree of harm within this scale is a matter which is now in dispute.

- 11.2.3 Heritage matters were assessed positively by the Council earlier in the Application process, resulting in an earlier resolution to grant consent. They were also assessed positively by the officer in the report to committee in October 2024 (CD4.8) where the officer summarised at para 7.65 that:

“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”.

- 11.2.4 Section 9 describes the appellant’s approach to the application of para 215 of the NPPF and confirms that the public benefits outweigh the less than substantial harm to the heritage asset. The Council officer made the same assessment. Whilst Councillors refused the application, partially on heritage grounds, there is no information available to support their decision. There is no clarity on Councillors’ assessment of the extent of harm to the heritage asset. There is no evidence in the minutes of the planning committee meeting (CD4.8.1) that they undertook the required assessment of the public benefits in making their decision.

- 11.2.5 The following summarises the arguments that Ms Gillece will make at the Inquiry:

- 11.2.6 The significance of Corner Farm is weighted towards the architectural and historical interest embodied in the architecture, fabric and the historical and evidential interest of the relationship between the farmhouse and the enclosed courtyard. This interest is supported by the immediate grounds and farmhouse garden. The wider farmland beyond the farmstead is considered to contribute to the setting to a lesser degree. The Council has attributed considerable weight to the contribution the appeal site, i.e. the wider setting of Corner Farm, makes to its significance. As such, a thorough analysis of viewpoints has been carried out to ascertain areas of Corner Farm’s wider setting that will be sensitive to change.

- 11.2.7 In summary, the immediate setting of Corner Farmhouse consists of the farmyard’s historic plot, its associated enclosed garden to the east and south and the enclosed courtyard and farm buildings which occupy the northern portion of the farmstead. This immediate setting clearly forms the most tangible and definable setting within which the grade II listed farmhouse can be understood and appreciated.

- 11.2.8 The south elevation of the grade II listed farmhouse faces onto the garden to the south and wide sweeping views, whilst the utilitarian buildings are closer to the road, as were present at the time

of construction. This arrangement gives insight into building status within a farmstead and is of illustrative historical value. The view of the farmhouse's south elevation is clearly of importance and will be more sensitive to change due to the original design intention of keeping the south portion of the farmstead open for the garden and long-range views looking south towards the Sturton Hall Estate of which the farmhouse was once part. The rear of the farmstead has a more utilitarian character and its proximity to the road and hedgerows in the west and northern portion provides a small backdrop to the farmstead when viewed from the south on Sturton Lane. The open fields to the south of the grade II listed farmhouse and farmstead contribute most significantly to the overall setting and its significance. The principal elevation of the farmhouse and the private outlook from the farmhouse and its garden are best appreciated from this southern perspective.

11.2.9 During the application process, the determined scheme and proposed mitigation measures were considered acceptable by the Council and as such the planning application was recommended for approval but was subsequently refused by the members of the Council's Planning Committee. The appellant contends that the public benefits of the refused scheme outweigh the harms. However, in light of the refusal, the appellant team has assessed how harm to Corner Farm could be further reduced through design mitigations. The originally proposed solar panels in the field directly opposite (north) of Corner Farm are to be removed (Section 10.0 of this Statement). The minor amendments will retain a large section of the field opposite Corner Farm as native buffer planting. Ms Gillece will show the proposal will further preserve the openness when viewing Corner Farm from Sturton Lane and west and east from Buttergate Hill, that the existing vegetation and topography mean the visual impact will be negligible before the proposed vegetation reach the full 3m height, and proposed features will be in keeping with the verdant character of the area. The appellant has commissioned AVRs to present a more accurate representation of the visual impact.

11.2.10 As such, the setting of Corner Farm will be preserved as per Strategic Policy 11 (SP11) – Historic Environment of the Local Plan.

11.2.11 Ms Gillece will show that while it is true that the appeal site has remained unchanged since the construction of Corner Farm, in the case of this appeal, it is how the heritage asset is experienced, appreciated and understood within that setting that must be assessed. A thorough analysis of viewpoints has enabled a full understanding of what parts of the setting contribute to Corner Farm and areas that are less sensitive to change. The group value and the setting to the south are of particular significance. The proposal will not visually impact the group value or views of the

farmhouse's south elevation. Further mitigations are proposed to ensure that the solar panels will not be visible in any views where Corner Farm is well represented.

11.2.12 Ms Gillece will acknowledge that the proposals will change the character of the appeal site, but this can be accommodated with minimal harm to the setting of Sturton Harden Corner Farmhouse, a grade II listed building, its curtilage buildings and their contribution to the character of the surrounding area. Corner Farm has been part of the landscape for over one hundred years and will likely remain for centuries whilst solar farms are reversible and comparatively transient with circa 40-year lifespan. The proposed solar farm will result in no physical alterations or loss of any historic fabric that contributes to the ability to understand and appreciate the significance of Corner Farm. In line with paragraph 215 of the NPPF, Ms Gillece will show that the proposed scheme will lead to less than substantial harm to the setting of the designated heritage asset. However, it is suggested that this level of harm is at the lower end of the scale, and it will be temporary while the proposed hedgerows grow to the 3m height.

11.2.13 Ms Gillece will conclude that the low level of less than substantial harm to the significance of a designated heritage should be assessed against its public benefits.

Public benefits

11.2.14 The appellant will demonstrate that there are very substantial public benefits that outweigh the less-than-substantial heritage harm. These are summarised as follows:

Mitigation of climate change and generation of renewable energy

11.2.15 The benefits of the scheme are extensive and wide ranging, and the key benefit is the contribution the transition to a zero-carbon energy system by generation renewable energy. This grid connection is deliverable, and capacity is available. It does not require any National Grid upgrade works prior to connection (as affects many other renewable energy projects currently).

11.2.16 The Appeal proposal would have an installed capacity of 49.9 MW with an estimated power output of approximately 70GWh of renewable energy per annum which is enough to power the equivalent of 21,000 homes in the local area. The equivalent saving of carbon emission is estimated as 12,500 tonnes of CO₂ every year. This output will contribute towards social sustainability by providing low cost, clean power to the local grid which will benefits homes and businesses in the area.

11.2.17 Government strategy is to reach net zero by 2050 and the NPPF is clear (para 161) that the planning system should support this transition and support renewable and low carbon energy. Solar power is crucial in meeting the net zero target.

11.2.18 Para 168 (a) of the NPPF refers to the determination of planning applications for all forms of renewable and low carbon energy developments. This states that local planning authorities should

“...give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future”

11.2.19 The appellant will explain how the appeal proposal, given its confirmed grid connection and no other constraints to prevent early implementation will make an early contribution to meeting national 2030 targets for renewable energy supply, national climate change targets, and local 2040 net zero and interim 45% reduction by 2027 targets. Given the size of the appeal scheme, this provides a very substantial public benefit.

Recreational amenity

11.2.20 The appellant is maintaining the permissive footpath along the northern boundary of the site. This path does not form part of the public rights of way network and is therefore only available to the public if the landowner allows it. The scheme therefore secures the future use of the permissive path for the duration of the solar farm. This provides a moderate public benefit.

11.2.21 The proposed amendments set out in Section 10.0, introduce new landscaping along the length of the permissive path, and can in itself be considered a further significant public benefit.

Ecological enhancements

11.2.22 The appellant undertook a comprehensive set of ecological surveys and have demonstrated that there will be no significant impact on ecological habitats or protected species. It is common ground that whilst the application was submitted before biodiversity net gain became mandatory, enhancing the current situation has been a key element of the proposal, with ecological advice sought from the earliest stages of preparation.

11.2.23 A BNG assessment has been carried out which shows 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 constitutes a significant net gain above and beyond the statutory 10% net gain requirement.

11.2.24 The ecology benefits can be secured via planning condition. This is a substantial public benefit.

Landscape enhancements

11.2.25 The Application included landscape enhancements including new trees, gapped up and new hedges, plus new grassland and meadow planting. These are a moderate public benefit as they can

remain in perpetuity and the proposed amendments will add new landscaping along the publicly accessible permissive footpath.

Economic benefits

11.2.26 The scheme will provide a range of economic benefits. The proposal will help the farm diversify its operations, enhance financial stability, and support future investments. This provides a significant public benefit.

11.2.27 The appellant will also set out how the solar farm will assist a strong economy through feeding low-cost energy supplies into the local distribution network and how the proposal will provide significant and ongoing business rates contributions along with employment during the construction period. The appellant will seek to employ local people during construction and the scheme will contribute to local business rates, supporting the local economy and contributing to energy security. This provides a moderate public benefit.

11.3 Landscape and visual

Landscape value

11.3.1 An appraisal of the site and surrounds in relation to the policy criteria to consider when determining whether a landscape is valued or not, (Box 5.1 GLVIA3 and Table 1 of the LI TGN 02-21) is outlined in Table 2; LVIA Rev A page 27.

11.3.2 Evidence will be presented that the site does not sit within any landscape designation. It is set within a rural landscape, consisting of medium to large scale arable fields with gently undulating topography and mature field boundary hedgerow boundaries.

11.3.3 Mr Furness will show that whilst the site and surrounds are likely to be valued by the community locally, there are few features which elevate the site above the ordinary. Given the assessment outline in Table 2, whilst some factors are considered to be of medium value, many do not contribute towards the overall value, and Mr Furness will show that the site is not a valued landscape in the context of the NPPF and therefore the requirement is to 'recognise' the intrinsic character and beauty of the countryside (NPPF 2024 paragraphs 187 a & b) which this application does.

Landscape effects summary: temporary and residual effects at year 1 / year 15

11.3.4 Mr Furness will show that the scheme has been designed to minimise its effects and to integrate the site into the wider landscape to include the retention and enhancement of the existing landscape structure.

- 11.3.5 Any change to the topography of the site will be minor and this will not alter once the development has been completed resulting in a permanent scale of effect of Negligible at Year 1 with no further change.
- 11.3.6 The scheme would result in a semi - permanent change in land use. There will be a permanent Minor Adverse effect at Year 1, reducing to a Negligible scale of effect on land use at the site level.
- 11.3.7 The retained boundary vegetation will provide a mature landscape setting to the scheme. The effect of new planting will initially be limited. As this planting matures, improving both landscape and ecological diversity the scale of effect will be Negligible by Year 15.
- 11.3.8 The area of the site identified as developable will temporarily change from green field land to a solar PV farm. Mr Furness will show how the design and layout of the scheme considers the character of the surrounding landscape. Retained vegetation to the site boundaries, new hedgerow planting and gapping up will incorporate locally appropriate native species. The effect on the character of the site will initially be Moderate Adverse decreasing to Minor Adverse over time as vegetation matures and the proposals settle into the surrounding landscape.
- 11.3.9 The proposed development of land identified as developable will be relatively contained by existing well vegetated boundaries and undulating topography, with its visibility further decreasing over time as the proposed landscape mitigation measures and new hedgerow matures. The overall scale of effect on the wider Wragby to Horsington Vale Woodland and Farmland LCA, of which the site forms a small part, will be Negligible in Year 1 with no further change.
- 11.3.10 Sturton Harden Corner Farm House has the greatest potential for adverse effects on the character and setting. While Mr Furness will argue that the limited landscape effects of the refused scheme are acceptable, the proposed amended layout and mitigation planting along the site boundary, Buttergate Hill and across the former Bull Pen field boundary (Section 10.0 of this Statement) can further reduce adverse effects on the character and setting of Corner House Farm.
- 11.3.11 The effect on the settlement character of Hatton and Great Sturton are both Negligible. Hatton is a small village and civil parish in the East Lindsey district of Lincolnshire. Hatton is approximately 500m west of the site boundary near Sotby Wood. Viewpoint 12 illustrates the effect of any adverse influence at Year 15 is Negligible where distant and partial angled views to the site are filtered and diffused by a combination of existing intervening topography and vegetation.

11.3.12 Great Sturton is approximately 1500m to the east of the site boundary. Viewpoint 102 illustrates the effect of any adverse influence at Year 15 is Negligible where distant views to the site are screened by a combination of existing intervening topography and vegetation.

Visual effects summary: visual effects at year 1 / year 15 and visual experience

11.3.13 Mr Furness will show that the site, although large, is primarily set along a tributary valley and is enclosed to the north and west by Sotby Wood, a large mature woodland with Pines and oaks forming a dense vegetative boundary. The remaining boundaries are defined by well-maintained hedgerows and treebelts. The site is surrounded by a mature network of field boundaries. These layers of existing vegetation are dense and mature enough to provide a good level of filtering and screening during winter months. The undulating topography further reduces the visibility of the site.

11.3.14 Due to the gently undulating topography, and layers of existing vegetation, the site is screened in the majority of views; the effects will be limited and localised.

11.3.15 The 36 viewpoints appraise the site and surroundings and the potential effects of the proposed solar PV farm. Mr Furness will show that eleven views experience adverse effects, one determined as experiencing Major Adverse effects and one determined as experiencing Moderate Adverse effects, however they are all taken from the near distance. He will show that the only views identified as experiencing significant effects are Viewpoints 106 and 107 are significant (Moderate and Major adverse) both taken from Sotby Wood looking south, in close proximity to the site.

11.3.16 The site is highest at Corner House Farm (45m AOD) where it falls away to the north from Buttergate Hill to the north-west at Sotby Wood (30m AOD). While Mr Furness will argue that the limited visual effects of the refused scheme are acceptable, the proposed amendments (Section 10.0 of this Statement) will leave a small triangle of land (former Bull Pen) vacant so the solar panels are set back slightly from Buttergate Hill at this location to restrict any visual intrusion and influence on the Listed Building whilst all permissive footpaths will be screened with a new field boundary hedgerow to reduce any adverse effects.

11.3.17 Mr Furness will demonstrate the greatest level of visual effects will be experienced by those receptors within the near distance. Such effects will be mitigated by the design of the scheme in terms of the area to be developed, in conjunction with strategic planting, although it will take time for new planting to become established. Long-term adverse effects will be restricted to users immediately adjoining the Proposed Development along Sotby Wood looking south, in close proximity to the site.

- 11.3.18 The effects on the Sturton Harden corner House Farm Listed Building has been assessed and addressed in further mitigation proposals in Section 10.0 of this Statement to further restrict any adverse intrusion and influence.
- 11.3.19 Mr Furness will highlight that any development will give rise to change in the landscape of the area and the views of receptors. The degree of change will influence the judgement on acceptability and will need to be balanced with the overall benefits delivered by the scheme.
- 11.3.20 Mr Furness will provide evidence to refute the reasons for refusal in the decision notice relating to landscape and visual effects, including that the scheme will not dominate the view, with the majority being screened by existing mature hedgerows. Longer distance, elevated views from the south east will be screened by the existing topography and field boundary hedgerows and vegetation. Strategic landscape infrastructure, retained mature hedgerows and enhancement of existing vegetation will help to visually integrate the development into the surrounding landscape and significantly reduce adverse visual effects.
- 11.3.21 In the context of policy, the solar farm has been designed to minimise its impact on the landscape while contributing significantly to national and local renewable energy targets. NPS EN-3 (January 2024) recognises that *“electricity generation from renewable sources is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6).”* It further acknowledges that while landscape effects are a material consideration, land type should not be the predominating factor in determining site suitability. The NPPF also emphasises the presumption in favour of sustainable development, stating that planning authorities should *“approve development proposals that accord with the development plan without delay”* and *“give significant weight to the benefits associated with renewable energy generation”*.
- 11.3.22 In addition, the East Lindsey Local Plan (2018) Policy SP27 encourages the deployment of renewable and low-carbon energy while ensuring that adverse environmental impacts, including landscape and visual effects, are appropriately mitigated. Mr Furness will provide evidence that demonstrates that the strategic siting of panels and implementation of landscape enhancements, including hedgerow planting and ecological improvements, will ensure that any effects are minimised over time.

12.0 Planning Balance

12.1.1 Turning to the overall planning balance, Paragraphs 14 onwards of this Statement, confirm the substantial public benefits. The appellant will then demonstrate that the harms will be outweighed by the benefits in the planning balance:

- Mitigation of climate change and generation of renewable energy – given the size of the appeal scheme, this has a very substantial weight in the planning balance.
- The appeal scheme has a secure grid connection and can begin exporting renewable energy to the grid as soon as construction is complete. This carries significant weight.
- Delivering energy security is a further matter that is both urgent and of critical importance to the country. This is a separate benefit, as it turns on how and where energy is produced and therefore how secure it is. It should be given substantial weight.
- Ecological enhancements and very high BNG carries substantial weight.
- Recreational amenity carries moderate weight.
- Landscape enhancements from new and managed hedges carries moderate weight.
- Economic benefits from farm diversification and contribution to jobs and the economic carry moderate weight.
- Temporary change in use of best and most versatile land carry neutral weight.
- Transport and access carry neutral weight.
- Amenity, including noise and glint and glare on nearby properties carry neutral weight.

12.1.2 The appellant acknowledges paragraph 212 of the NPPF that great weight should be given to an asset's conservation. The overall weight in the planning balance is influenced by the importance of the asset and degree of harm. Less than substantial harm to a single Grade II listed asset has been assessed and measures agreed with officers (and additional measures proposed as part of the appeal) to minimise this harm. Additionally, Corner Farm has been part of the landscape for over one hundred years and will likely remain for centuries whilst solar farms are reversible and comparatively transient with circa 40 year lifespan. Therefore, the appellant will produce evidence to demonstrate that the less-than-substantial-heritage harm is at the lower end of the scale and that moderate adverse weight should be given to this harm in the planning balance.

- 12.1.3 The proposed development will give rise to landscape and visual effects on site and immediate surroundings but these are localised. Therefore, the appellant will argue that moderate adverse weight be given to landscape and visual effects.

13.0 Section 106 and CIL

- 13.1.1 ELDC is not a Community Infrastructure Levy (CIL) charging authority. No Section 106 contributions have so far been sought in respect of the proposals.

14.0 Conditions

- 14.1.1 As detailed in the Officer's Report, the titles of the Council's proposed conditions are listed in the SoCG. The appellant is satisfied to accept the Council's proposed conditions under these headings in the event that this appeal is allowed, and the precise wording will be agreed through the finalised Statement of Common Ground.

15.0 Conclusion

- 15.1.1 The appellant's case is that taking into account the relevant national and local planning policies, guidance and relevant material considerations, given the substantial public benefits that outweigh the temporary and less than substantial harm to a single listed building and the weight given in the planning balance to the benefits relative to the heritage and landscape and visual harms, the proposals are considered to comply with the development plan when taken as a whole, as well as with the relevant provisions of the NPPF.
- 15.1.2 It is therefore respectfully requested that the appeal is allowed.