

Draft Statement of Common Ground

In Respect of Section 78 Appeal: Hatton Solar Farm

Appellant: Hatton Solar Farm Limited

Agent: Third Revolution Projects Ltd

Date: March 2025

Between:

Hatton Solar Farm Limited

&

East Lindsey District Council

Contents

Contents.....	2
1 Introduction.....	3
2 The Site and its Surroundings	4
2.1 Designations.....	5
2.2 Planning history.....	5
3 The Proposed Development	7
4 Core Application Plans and Documents.....	8
5 Background and Reasons for refusal	12
6 Relevant Planning Policy.....	15
6.1 Development plan.....	15
6.2 East Lindsey Local Plan (2018)	15
6.3 Planning guidance	15
6.4 Other material considerations	15
7 Matters not in Dispute	17
8 Matters that Remain in Dispute.....	29
9 Planning Conditions	30
10 Core Documents	34

1 Introduction

- 1.0.1 This Statement of Common Ground (SoCG) relates to a Section 78 appeal concerning the proposed development at Land adjacent to Sotby Woods, Sturton Road, Hatton ('the appeal site'). The purpose is to identify the areas where the principal parties (the appellant and the Council) are in agreement and to narrow down the issues that remain in dispute. This will allow the forthcoming appeal inquiry to focus on the most pertinent issues.

2 The Site and its Surroundings

- 2.0.1 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)
- 2.0.2 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 Parishes. 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.
- 2.0.3 The boundaries are typically mature hedgerow and are well vegetated, screening the majority of views in and out of the site. 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.
- 2.0.4 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 the site 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.
- 2.0.5 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 dwellings.
- 2.0.6 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.
- 2.0.7 There is a permissible footpath running through the site, and along part of the northern boundary of Sotby Wood.
- 2.0.8 There is one Public Right of Way (PRoW) (Sotb/789/1 that runs through the northern site boundary joining Romand 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.

- 2.0.9 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).
- 2.0.10 There is a high-pressure gas pipe running through the site from north east to south west.
- 2.0.11 To the south west of the site of 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.

2.1 Designations

- 2.1.1 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.
- 2.1.2 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).
- 2.1.3 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's.
- 2.1.4 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).

2.2 Planning history

- 2.2.1 The appeal site has some planning history, including previous applications that are relevant to the current proposals:
 - 2.2.1.1 S/094/262/92 granted permission for alterations to existing vehicular and pedestrian access.
 - 2.2.1.2 S/094/1364/18 granted permission in 2018 for the erection of a storage building in connection with existing manufacturing business.

2.2.1.3 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.

2.2.2 The proposal which is the subject of this appeal (Ref: S/079/01078/22) was originally approved on 27th October 2023 following consideration by the Planning Committee and referral to the Secretary of State. In response to a legal challenge, the Council conceded, and the decision was quashed. Additional information was then provided as part of the application's further determination. The application was reconsidered by the Planning Committee in October 2024, when it was refused with the Decision Notice received on 31st October 2024.

3 The Proposed Development

- 3.0.1 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.
- 3.0.2 The scheme would be operational for up to 40 years and so the application was temporary in nature, seeking permission for 40 years plus up to 1 additional year each for construction and decommissioning, totalling 42 years. Once decommissioned, the appeal scheme would be completely removed and returned to its current use.

4 Core Application Plans and Documents

4.0.1 The supporting drawings that comprised the planning application at the time that the appeal was determined, 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 SDP Studio, dated 12th July 2021
- CD1.3: P044.301.03 Site Layout Plan, prepared by SPD Studio, dated 21st January 2022
- CD1.3.1: P044.301.02 Site Layout Plan (Superseded), prepared by SPD Studio, 25th February 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

4.0.2 The following supporting reports were submitted:

- 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 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

4.0.3 The following procedural documents were relevant to the application:

- CD4.1: LPA Notification Advert, dated 6th July 2022
- CD4.2: Decision Notice 1 (ELDC Ref: S/079/01078/22), dated 27th October 2023- approval
- CD4.3: Decision Notice 2 (ELDC Ref: S/079/01078/22), dated 31st October 2024- refusal
- CD4.4: Extension of time agreement 20.01.22
- CD4.5: Extension of time agreement 07.04.23
- CD4.6: Extension of time agreement 04.07.23
- CD4.6.1: Extension of time agreement 31.10.24
- CD4.7: Planning Committee Officer Report, dated 1st March 20023
- CD4.8: Planning Committee Officer Report, dated 24th September 2024
- CD4.9: Secretary of State Non-Intervention Letter (Ref: PCU/RTI/D2510/3303494), dated 28th September 2023
- CD4.10: Appellant letter to SoS, dated 3rd April 2023

- CD4.11: SoS Direction Letter, dated 10th February 2023
- CD4.12: R (MacPherson) v East Lindsey DC Claim Bundle
- CD4.13: EIA Screening Request (Ref: S/079/02114/21)
- CD4.14: EIA Screening Decision (Ref: S/079/02114/21)
- CD4.15: Application Form

5 Background and Reasons for refusal

- 5.0.1 The planning application was validated by the LPA on 24th June 2022. The application was initially reported to the Council’s Planning Committee on 1st March 2023 with an officer recommendation for approval. It was approved by the Planning Committee on 9th March 2023, subject to the Secretary of State’s final approval. In exercise of their powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Secretary of State 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.
- 5.0.2 The Secretary of State carefully considered this case against call-in policy, as set out in the Written Ministerial Statement on Planning Applications in October 2012 (CD5.14). The policy makes it clear that the power to call in a case will only be used very selectively.
- 5.0.3 In considering whether to exercise the discretion to call in the application, the Secretary of State considered their policy on calling in planning applications. This policy gives examples of the types of issues which may lead him to conclude, in their opinion that the application should be called in. The Secretary of State decided not to call in this application (CD4.9). They were content that it should be determined by the local planning authority.
- 5.0.4 The application was subsequently approved, as confirmed in the decision notice issued on 27th October 2023 (CD4.2).
- 5.0.5 The decision was then 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 (CD5.5) 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 (the lack of reference to the 2015 WMS) and the decision was subsequently quashed by the Courts.
- 5.0.6 Additional information was invited by ELDC and the appellant provided additional information by way of an updated Agricultural Land Classification Report (CD2.26), Agricultural Considerations report (CD2.27), Outline Soil Management Plan (CD2.28) and additional Site Search Justification Report (CD2.29).
- 5.0.7 The application then went before the committee on 3rd October 2024 (CD4.8) again for re-determination based on additional information submitted by the appellant to address this previous

omission. The positive aspects highlighted by the Case Officer in the Planning Committee Report are summarised below:

- 5.0.8 **Strong support for renewable energy.** The proposal aligns with national and local policies promoting renewable energy development, contributing to the UK's net zero targets and climate change commitments. Government policy revisions further emphasise significant weight to be given to renewable energy projects.
- 5.0.9 **Established energy connection and quick energy contribution.** The site already has an established ready grid connection, making it feasible for rapid deployment of solar energy. This minimises infrastructure costs and ensures an efficient energy supply, directly benefiting national energy security.
- 5.0.10 **Biodiversity and environmental enhancements.** The project will result in significant net gain in biodiversity, including 100% increase in hedgerows and other ecological improvements. The temporary nature of the solar farm ensures that the land can be fully restored after decommissioning, preserving future agricultural potential.
- 5.0.11 **Well-justified use of agricultural land.** It was acknowledged that the applicant had demonstrated that alternative brownfield sites are not viable, making the use of agricultural land necessary. Studies confirm that the land quality will not be permanently affected, as only minimal soil disturbance occurs.
- 5.0.12 **Minimal landscape and visual impact.** The proposal includes landscaping measures, including tree planting, which were recognised as mitigating visual impact over time. It was also acknowledged that the panels will be set against Sotby Woods, blending into the natural environment.
- 5.0.13 **Limited impact on heritage assets.** While some less than substantial harm to the setting of the Corner Farm (Grade II listed) is acknowledged, the public benefits of renewable energy outweigh this harm.
- 5.0.14 **No cumulative impact on nearby solar projects.** The report confirms that the development will not result in clustering or cumulative landscape impact, as other solar farms in the district are located far away.
- 5.0.15 **Glint and glare assessment confirms no adverse effects.** A detailed Glint & Glare Assessment found that mitigation measures will completely eliminate any glare impact on residents, roads and aviation.
- 5.0.16 **Minimal impact on Highways and Public Rights of Way.** A Transport Statement confirmed that the construction phase will be managed to avoid local disruption. Public Rights of Way will remain open, and permissive paths will be retained.

- 5.0.17 **Business Rates contributions to Local Authority.** The development will generate 100% of business rates revenue for the local council, providing a direct financial benefit to the community.
- 5.0.18 **Fire safety and design compliance.** The project adheres to best fire safety design standards, ensuring low risk of fire incidents in respect of solar equipment. The proposals include fire suppression systems where required.
- 5.0.19 The application was refused at the second planning committee for the following single reason for refusal:

“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 it’s 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”.

6 Relevant Planning Policy

6.0.1 This section sets out the planning policy framework and guidance which is of relevance to the appeal.

6.1 Development plan

6.1.1 Both parties agree and accept that under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.1.2 At the time of preparing this SoCG, the Statutory Development Plan covering the appeal site comprises:

- East Lindsey Local Plan Core Strategy (adopted July 2018)
- East Lindsey Settlement Proposals Development Plan Document (adopted July 2018)

6.1.3 The following policies are considered relevant to the proposed development by both parties:

6.2 East Lindsey Local Plan (2018)

- Policy SP10 – Design
- Policy SP11 – Historic Environment
- Policy SP22 – Transport and Accessibility
- Policy SP23 – Landscape
- Policy SP24: Biodiversity and Geodiversity
- Policy SP25: Green Infrastructure
- Policy SP27: Renewable and Low Carbon Energy

6.3 Planning guidance

6.3.1 There is no supplementary planning guidance of relevance to this appeal.

6.4 Other material considerations

6.4.1 It is common ground that East Lindsey published a Regulation 18 Issues and Options consultation in 2021/22 and because this has not progressed beyond this point it currently carries no weight.

6.4.2 It is agreed that there are a number of policy statements and guidance dealing with planning policy at the national level which are material considerations in the determination of the appeal. They include:

- National Planning Policy Framework (December 2023, amended February 2025) (CD5.1)
- National Policy Statement EN-1 (November 2023) (CD5.3)

- National Policy Statement EN-3 (November 2023) (CD5.4)
- Written Ministerial Statement titled “Energy Infrastructure Planning Projects” (16 May 2024) (CD5.33)

6.4.3 A full list of the National Planning Policy, Guidance and Legislation is provided in the Core Documents List under CD5.

6.4.4 The NPPF sets out the Government’s planning policies. At the heart of the document is a presumption in favour of sustainable development. The Framework has been supported by Planning Practice Guidance since 2014. Of primary relevance to this appeal is section 14, which sets out the national approach to meeting the challenge of climate change. The following sections are also relevant:

- 4 – Decision-making
- 6 – Building a strong, competitive economy
- 11 – Making effective use of land

6.4.5 It is agreed that the following paragraphs of the updated NPPF are relevant to the determination of this appeal: 2, 3, 6, 8, 11, 48, 161, 166, 168, 187, 193 and Section 16. In addition, footnote 65 is relevant, as well as the definition for ‘renewable and low carbon energy’ contained in Annex 2: Glossary.

7 Matters not in Dispute

- 7.0.1 The parties agree the acceptability of the development in-principle, and agree that at a national level the NPPF (in particular paragraph 168) as well as National Planning Guidance (paragraph 001, Reference ID: 5-001-20140306) supports the delivery of solar farm developments, and directs decision makers to ‘give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future’.
- 7.0.2 The parties agree that the Development Plan supports the principle of renewable energy development. In particular, Chapter 14 of the Local Plan Core Strategy supports the delivery renewable energy proposals, subject to the acceptability of wider impacts on valued landscapes. With specific reference to solar power, Policy SP27 states that renewable energy developments will be supported where their individual or cumulative impact is, when weighed against the benefits, considered to be acceptable in relation to residential amenity, surrounding landscape, townscape or historic character, significance of historic assets, features of biodiversity or geodiversity, the local economy, highway safety and water environment and water quality.
- 7.0.3 In this context, the following matters are not in dispute between the appellant and the Council:

Common Ground Reference	Topic	Common Ground Detail
1	Format of planning application and supporting material	It is agreed that the format of the full planning application forms, plans and supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission. It is agreed that the development does not need to be supported by an Environmental Statement to permit a lawful decision to be made.
2	Existing use	The site is a 180 acres/72ha plot comprised of 5 parcels, some of which is arable land in use for agricultural purposes. There are no buildings or any other uses within the site boundary.
3	Proposed use	The appeal scheme is a sui generis use-class as defined in the Town and Country Planning (Use Classes) Order 1987, as amended.

4	Capacity	The 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).
5	Principle of development	<p>It is agreed that the principle of a solar farm and ancillary infrastructure is acceptable and supported by local and national policy.</p> <p>It is agreed that the appeal scheme will make a very significant contribution to national and local renewable energy and climate change targets.</p> <p>It is agreed that while applicants are not required by planning policy to demonstrate need for renewable energy developments, there is an unconstrained and urgent need for this development in the context of the Government’s Clean Power 2030, and targets for Net Zero by 2050 nationally and by 2040 locally.</p>
6	Agricultural land classification and use	<p>There will be no loss of agricultural land during the lifetime of the project.</p> <p>Both parties agree that 78.95% of the total site area comprises ‘Best and Most Versatile Land’. This is made up of 4ha (5.27%) Grade2, 56ha (73.68%) Grade 3A.</p> <p>The remaining 16ha (21.05%) is Grade 3B (non ‘BMV’).</p> <p>The proposed development will not have an adverse impact on the quality of the land and may improve it by virtue of removing the land temporarily from intensive agriculture.</p> <p>There is no conflict with national or local policy, Written Ministerial Statements or guidance relating to the use of agricultural land or BMV.</p>
7	Site Justification Report	It is agreed that there is no policy requirement to undertake a sequential analysis, or in this instance to consider alternative sites.

		<p>The methodology used for the site justification is appropriate, including the study area and review of potential locations. Therefore, the report is robust.</p>
8	Temporary Nature	<p>Both parties agree that the appeal proposals are temporary in nature. They 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 returned to its current use.</p> <p>A construction and decommissioning plan could be prepared via a planning condition.</p>
9	Continued agricultural use	<p>Both parties agree that the development has been designed to allow the site to remain in agricultural use during operation for the grazing of sheep or similar underneath and around the panels.</p>
10	Design and Layout	<p>In relation to design and site layout, both parties agree that the appellant has sought to bring forward a development proposal that is appropriately sited, responding positively to the surrounding area, the site's topography and the existing hedgerow boundaries.</p>
11	Glint & Glare	<p>A Glint and Glare assessment was submitted with the application. It is agreed between both parties that this confirms that there would be no adverse impact on road, residential, or aviation receptors once the proposed mitigation measures were secured.</p> <p>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 and no evidence to suggest that the proposed development would result in an adverse impact on two business at the Old Barn.</p> <p>The proposed layout of the solar arrays has given regard to aviation safety and residential amenity.</p>

12	Aviation Safety	In respect to aviation safety, both parties agree that a Glint & Glare Assessment has been prepared which confirms there would be no impact on aviation receptors.
13	Bridleways	<p>Both parties agree that the Bridleway running along the eastern boundary of the site will remain open throughout the course of the construction works.</p> <p>Both parties agree that all noise generating equipment have been located away from bridleways and are appropriately positioned within the site.</p> <p>Both parties agree with the findings of the Glint & Glare Addendum (CD2.13).</p> <p>It is agreed that available British Horse Society guidance has been followed, and all reasonable steps have been taken to minimise risk to horses and riders. Measures proposed in the Landscape Mitigation drawings (CD7.4-7.6) can be secured via a planning condition.</p>
14	Public Rights of Way	<p>Both parties agree that users of the nearest Public Right of Way and Sturton Lane will be able to see the development, but such effects will be mitigated by the design of the proposed development in terms of the retained existing mature hedgerows in conjunction with the new hedgerow planting. It is agreed that long term adverse effects are considered negligible to none.</p> <p>Public footpaths are protected in accordance with Paragraph 100 of the NPPF and there is no significant effect on the amenity of walkers.</p> <p>There have been no objections from Lincolnshire Public Rights of Way officers</p>
15	Transport and site access	Both parties agree that the site's proximity to the strategic roads network means that it is suitably located from an access perspective, and that all the proposed site access points meet the guidance set out in Policy SP22 of the Local Plan.

		<p>It is agreed that effects on the highway will be limited to the construction and decommissioning stages. During operation, effects will be negligible.</p> <p>The Highway's Authority have reviewed the proposals and identified that any impacts on the roads network is unlikely to result in highway safety concerns.</p> <p>The parties agree that the Bridleway and existing permissive footpath will remain open for public use during the construction, operation and decommissioning stages.</p> <p>It is agreed that proposed Condition 8 (Construction Management Plan) is suitable and can be imposed to mitigate any impact.</p> <p>Both parties agree that proposed access locations, and their design are acceptable, subject to the aforementioned condition.</p>
16	Trees	<p>Both parties agree that the proposed development would not result in an unacceptable loss of trees and is in accordance with Local Plan Policies SP24 and SP25.</p> <p>The ELDC Arboricultural Officer agreed that the mitigation set out provided suitable protection in relation to trees.</p> <p>Both parties agree that the proposed additional planting of trees constitutes a benefit of the proposals.</p>
17	Ecology	<p>Both parties agree that the appellant has undertaken appropriate ecological surveys, using a suitable methodology and engaged proactively with the Council to fully address ecology comments during the application process.</p> <p>Following scheme amendments, appropriate mitigations have been integrated into the scheme design to ensure that no unacceptable ecological impacts on habitats or protected species on or off-site will arise as a result of the development (provided the appropriate conditions are agreed).</p>

		<p>It is agreed that with the proposed measures in place, any alleged harm on foraging/commuting bats and nesting birds, but with such measures in place such impacts would be acceptably mitigated. The proposals are therefore considered to be in accordance with Local Plan Policies SP24 and SP25.</p>
18	Biodiversity net gain	<p>Both parties agree that there is no requirement to meet the mandatory national 10% biodiversity net gain as the application was submitted prior to February 2024. However, the proposed development would result in significant biodiversity net gains and so would be in accordance with Local Plan Policies SP24 and SP25. New habitats for wildlife would increase by 70.26% and hedgerow would increase by 103.61%. This represents a substantial public benefit and carries substantial weight in the planning balance.</p> <p>It is agreed that these gains can be secured through a planning condition.</p>
19	Heritage	<p>The parties agree that the appellant has appropriately described the significance of any affected heritage asset in a way proportionate to the assets' importance. The submitted Heritage Impact Assessment (CD2.14), Heritage Assessment (CD2.15) and rebuttal (CD3.31) are therefore robust.</p> <p>Both parties agree that the proposals would only impact on a single designated or non-designated heritage assets and/or their setting – Grade II Listed Building, Corner Farm – and that the significance of the impact would be less than substantial with additional mitigated measures proposed.</p> <p>In the context of the listed building, the 40-year operational period for the solar farm is short.</p> <p>It is agreed that the following public benefits exist:</p> <ul style="list-style-type: none"> ▪ Mitigation of climate change and generation of renewable energy. ▪ Recreational amenity.

		<ul style="list-style-type: none"> ▪ Ecological enhancements. ▪ Landscape enhancements. ▪ Economic benefits. <p>It is agreed that there will be no harm to any other designated heritage or non-designated heritage assets, including Glebe Farm and Moor Farm.</p>
20	Archaeology	<p>Both parties agree that the appellant has suitably assessed the site for archaeological potential and described the significance of any assets in a proportionate way and accordance with local policy and paragraph 207 of the NPPF.</p> <p>It is considered by Archaeology Officers that the site offers a potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity.</p> <p>Proposed condition 4 which requires a Written Scheme of Archaeological Investigation is therefore agreed to be an acceptable means of understanding any potential impacts of the proposal on their significance, in accordance with paragraph 207 of the NPPF.</p>
21	Visual Impact and Landscape	<p>The parties agree that the submitted LVIA used an appropriate methodology and provides a robust assessment of landscape and visual matters relation to the proposed development.</p> <p>Both parties agree 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 Character Assessment.</p> <p>It is agreed that the site is not within a valued landscape, nor is there a significant effect on a valued landscape, including the Lincolnshire Wolds National Landscape.</p> <p>Both parties agree that the proposals will maintain existing field boundaries and include enhancement with additional</p>

		<p>native panting ‘gapping up’ the existing vegetation framework. 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.</p> <p>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 of the benefits of the scheme.</p> <p>It is agreed that the site is well contained by mature hedgerow vegetation along boundaries and localised changes in topography. The development will not dominate the view and will be a small component within a wider landscape.</p> <p>The majority of the residual landscape effects are considered to be Negligible and None.</p> <p>Regarding visual receptors, the surrounding undulating topography and layers of existing vegetation, establishes a Visual Envelope, which is curtailed to the near distance, with middle and longer distance views being screened, including from the National Landscape.</p> <p>The most sensitive visual receptors are users of the PRoW and Sturton Lane and such effects will be mitigated over time by the retained existing mature hedgerows in conjunction with new hedgerow planting.</p> <p>It is agreed that the location of the substation is appropriate in landscape and visual terms.</p>
22	Cumulative impacts	<p>It is agreed that a robust assessment of potential cumulative impacts has been carried out and no impacts will result from the appeal scheme, including with the operational compressor station.</p>

23	Amenity impacts on residential dwellings	<p>Both parties agree that the appropriate assessments have been undertaken to enable a robust assessment of potential impacts on visual amenity, noise, air quality and glint and glare, over time, landscaping will screen the development from views, and that the development would not result in any unacceptable amenity impacts on surrounding residential dwellings, publicly accessible spaces or other receptors, in accordance with Local Plan Policy SP10 and CP3.</p> <p>There will be no significant operational noise outside of the site after the short construction period, no lighting other than an emergency light within the substation compound, and no significant risk of glint and glare.</p>
24	Flood risk and drainage	<p>Both parties agree that the majority of the site is within flood zone 1 (the lowest risk of flooding) and at low risk of other forms of flooding, that the proposed layout is suitably designed in respect to flood risk, and that the proposed drainage strategy is acceptable in planning terms, with reference to Local Plan Policy SP16.</p> <p>Neither the Environment Agency nor the Lead Local Flood Authority have raised concerns that cannot be addressed via planning condition. Both parties agree that the condition attached by the LCC As Lead Local Flood Authority requiring a detailed drainage strategy to be submitted is appropriate. The Environment Agency have confirmed they have no objection to the application.</p> <p>Officers agree that only a relatively small area of the solar panels will be within areas at risk of flooding. 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 the appeal site represents the best site for connection to the grid and landowner agreement. It is therefore considered that there is nowhere that the solar</p>

		<p>panels can be located outside of the flood zone that meets the site's requirements and so the sequential test has been passed.</p> <p>It is agreed that the site passes the exceptions test.</p> <p>It is agreed that the risk of surface water flooding as a result of the development is considered low.</p>
25	Economic effects	<p>It is agreed that the proposed development comprises a positive form of farm diversification.</p> <p>The development will bring positive economic benefits from jobs and use of local services during construction and operational phases.</p>
26	Impact on existing farm business	<p>Both parties agree that it is not within the remit of planning to address any purported impact on the business which at present farms the site.</p>
27	Gas pipe and fire risk	<p>It is agreed that an appropriate size of buffer around the high-pressure gas people has been included in the layout, that the appellant will work with National Grid Transmission's Asset Protection to meet their requirements and that their holding objection is not a reason to withhold planning permission.</p> <p>It is agreed that fire risk from solar farms is very low, and that residual risks can be managed by the appellant adhering to fire safety guidance, best design practice, use of appropriate fire suppression equipment systems in appropriate buildings (e.g. substations) and use of safety inspection checks carried out by the appellant during construction and operation.</p>
28	Planning benefits	<p>Both parties agree that the appeal scheme would result in the following benefits:</p> <ul style="list-style-type: none"> ▪ 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.

		<ul style="list-style-type: none"> ▪ The appeal scheme has a secure grid connection and can begin exporting renewable energy to the grid as soon as construction is complete. This minimises infrastructure costs and ensures an efficient energy supply, directly benefiting national energy security. This carries significant 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.
29	Planning conditions	Both parties agree that the proposed conditions set out in paragraph 9 (Page 51 onwards) of the Officer's Report are acceptable in principle, pending review of the precise wording. The parties will review the proposed conditions during the course of the Inquiry.
30	Public consultation	<p>The parties agree that the Appellant undertook an appropriate pre-submission consultation with the community in line with ELDC's Statement of Community Involvement and the NPPF.</p> <p>They also agree that consultation with the community and specialist consultees has been carried out and there has been no procedural unfairness in accordance with Paragraph 16.4 of the PINS Procedural Guidance.</p>

31	Section 106 and CIL	It is agreed that ELDC is not a CIL charging authority and that a section 106 agreement is not necessary to make the scheme acceptable in planning terms.
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8 Matters that Remain in Dispute

8.0.1 The following are the only matters which are not agreed between the Appellant and the Council:

- Impact on the setting of Heritage Assets: The development's proximity to Sturton Harden Corner Farm House (Grade II listed) and its curtilage-listed barns would harm their setting by reducing the sense of openness and restricting key views, particularly from public right of way GtSt/789/1.
- Level of Harm to Heritage Significance: It is agreed that the proposal would result in "**less than substantial harm**" to the listed farmhouse and barns, but the degree of this harm and whether the public benefits outweigh this harm remain contested.
- Balance of Harm vs Benefits: The benefits of the scheme are not considered by ELDC to outweigh the identified harm to the landscape and heritage setting. The weight attributed to the benefits of the scheme are therefore not agreed upon.
- Policy Conflict: The proposal is deemed contrary to SP11, SP23, and SP27 of the East Lindsey Local Plan and paragraphs 180, 206, and 208 of the NPPF [in the December 2024/February 2025 version of the NPPF, the paragraph references read 187, 213, 215], but the extent to which these policies should weigh against the granting of permission would significantly and demonstrably outweigh the benefits.

9 Planning Conditions

9.0.1 It is agreed that the conditions set out in the committee report are appropriate and meet the test for conditions. These are set out below:

- **Condition 1:** The development hereby permitted shall begin not later than [3] years from the date of this decision.
- **Condition 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
- **Condition 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.

- **Condition 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.

- **Condition 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.
- **Condition 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.
- **Condition 7:** 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.

- **Condition 8:** No dwelling 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 offsite 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.
- **Condition 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.
- **Condition 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.

- **Condition 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 associate 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.
- **Condition 12:** No external lighting shall be installed on site.
- **Condition 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.
- **Condition 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

10 Core Documents

- 10.0.1 The appellant and the Council will jointly prepare a list of core documents upon which they intend to rely at the forthcoming hearing.