

Minutes of a Meeting of the Planning Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Thursday, 3rd October, 2024 at 10.30am.

PRESENT

Councillor Stephen Eyre (Chairman)
Councillor Alex Hall (Vice-Chairman)

Councillors Dick Edginton, David Hall, Terry Knowles, Steve McMillan, Kate Marnoch, and Terry Taylor.

Councillor Robert Watson attended the Meeting as a Substitute.

Councillor Terry Aldridge attended the Meeting as an Observer.

OFFICERS IN ATTENDANCE:

Phil Norman	- Assistant Director – Planning and Strategic Infrastructure
Andrew Booth	- Development Management Lead Officer
Michelle Walker	- Deputy Development Manager
Jane Baker	- Senior Planning Officer
Ryan Dodd	- Senior Planning Enforcement Officer
Martha Rees	- Legal Representative
Elaine Speed	- Senior Democratic Services Officer and Civic Officer
Lynda Eastwood	- Democratic Services Officer
Laura Allen	- Democratic Services Officer

41. APOLOGIES FOR ABSENCE:

Apologies for absence were received from Councillors Richard Cunningham, Neil Jones and Daniel McNally.

It was noted that, in accordance with Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been given that Councillor Robert Watson had been appointed to the Committee in place of Councillor Ru Yarsley for this Meeting only.

42. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the Meeting, Members were invited to disclose any relevant interests. The following interests were disclosed:

- Councillor Alex Hall asked it be noted that in relation to Items 7, 8, 9 and 10, he would leave the Meeting as he had taken part in discussions relating to the items at other ELDC Meetings.
- Councillors Dick Edginton and Stephen Eyre asked it be noted that they were Members of the Lindsey Marsh Drainage Board.

Following which, the Chairman read out a declaration on behalf of all Members of the Committee with regards to Item 5.

Members were informed that the application had previously been before the Committee on 9 March 2023, Minute Number 83 refers. Following a legal challenge, the original decision had been quashed and so the application was returning before the Committee for determination. He advised that the application would be familiar to some Members of the Committee, however, in line with their Planning Committee training, all Members were required to remain open minded to determine the application in accordance with the information put before them at the Meeting within the officer's report, from the public speakers and Member debate on the application. Any Member who did not feel they were open minded to determine the application were advised to make a declaration to that effect and not vote on the application.

The Chairman further read out a declaration on behalf of all Members of the Committee with regards to Items 7, 8, 9 and 10 relating to applications made on behalf of the Council as both applicant and landowner. He added that this would not affect how the Committee determined the applications and advised that all Members had been trained and remained open minded to determining the applications.

43. MINUTES:

The Minutes of the Meeting held on 5 September 2024 were confirmed and signed as a correct record.

44. UPDATE FROM PLANNING POLICY COMMITTEE

Councillor Terry Aldridge, Vice-Chairman of Planning Policy Committee, advised Members that at the previous Meeting held on 12 September 2024, there was a paper on the Revised National Planning Policy Framework Consultation (July-Sept 2024) and an update on the East Lindsey Local Plan.

Members were also informed that on the evening of 3 October 2024, the Lindsey Marsh Drainage Board was giving a presentation which may be of interest to all Councillors.

45. S/079/01078/22:

N.B. The Meeting adjourned at 10:45am to give Members the opportunity to read the Supplementary Agenda that had been tabled. The Meeting reconvened at 10:50am.

Application Type: Full Planning Permission

Proposal: Planning Permission - Installation of a temporary ground mounted 49.9MW solar farm

with associated infrastructure, construction of vehicular accesses, CCTV cameras on 2.5m high poles a 15m high communications tower and security fencing to a maximum height of 2.2m.

Location: LAND ADJACENT SOTBY WOODS, STURTON ROAD, HATTON

Applicant: Hatton Solar Farms Limited

Members received an application for Full Planning Permission – Installation of a temporary ground mounted 49.9MW solar farm with associated infrastructure, construction of vehicular accesses, CCTV cameras on 2.5m high poles a 15m high communications tower and security fencing to a maximum height of 2.2m at land adjacent Sotby Woods, Sturton Road, Hatton.

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

The main planning issues were considered to be:

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

Members were referred to the additional information contained on pages 1 to 8 of the Supplementary Agenda.

Jane Baker, Senior Planning Officer, detailed site and surroundings information to Members at Paragraph 2, together with the description of the proposal at Paragraph 3, pages 9 to 11 of the report refer.

Mr Philip Kratz (on behalf of the Applicant) and Mr Antony Strawson (Landowner) spoke in support of the application.

Ms Emma MacPherson (Resident) spoke in objection to the application.

Councillors Daniel Simpson, William Gray and Ru Yarsley spoke as Ward Members.

Members were invited to put their questions to the speakers.

- A Member queried whether Hatton Solar Farms Limited had looked at alternative grid connections in other parts of Lincolnshire. Mr Kratz confirmed that they had and explained that the grid connection was normally the starting point and not the driving part of the proposal as there were many matters to consider. He further explained that it was possible for the connection to be remote by underground cabling or cabling on wooden poles. Mr Kratz highlighted that it was not feasible for a proposal of that size to use rooftops for the solar panels. He also advised that in the future, as solar technology progressed most residents in the district would find themselves living close to a renewable energy site.
- When requested to show evidence of the quality of the land which had been mentioned earlier, Councillor Ru Yarsley referred Members to Paragraphs 7.85 and 7.86 on page 36 of the report.
- When queried whether Hatton Solar Farms Limited had considered wind farms which were capable of generating energy for 1500 homes, Mr Kratz advised that his company only dealt with solar energy. He also pointed out that the visual impact of a wind turbine was greater than a 2.9m solar panel.
- A Member queried whether Mr Kratz had considered a solar farm on the coast, in particular the saltmarshes. Mr Kratz responded that he had not, as it was extremely unlikely that consent would be obtained on the other parts of the process due to environmental concerns.

Following which, the application was opened for debate.

- When clarification was requested on how strong a precedent the application would set if approved, the Development Management Lead Officer advised Members that each application was judged on its' own merit.

Following which, the application was Proposed and Seconded for refusal against officer recommendation.

The Legal Representative and Assistant Director – Planning and Strategic Infrastructure advised Members that to refuse the application, they were required to quote relevant policies and provide the actual context behind those policies. Members were referred to the Conclusion section of the report, Paragraph 8.5 on page 49 of the report refers.

- Members offered their reasons for refusal including the impact on a listed building and valued landscape and also the overwhelming effect it would have on the surrounding parishes and countryside.
- A Member once again queried the quality of the land and commented that he believed there was a requirement for a solar farm.

Following which, the application was Proposed for approval in line with officer recommendation.

Upon being put to the vote, the proposal for refusal against officer recommendation, subject to conditions, was carried.

Vote: 7 In favour 1 Against 1 Abstention

RESOLVED:

That the application be refused subject to the following reasons:

N.B. The Committee broke for a comfort break at 11:50am and reconvened at 12.03pm.