

Third Revolution Projects

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Your Ref: PCU/RTI/D2510/3303494

3 April 2023

Dear Christopher,

**Hatton Solar Farm, at Land Adjacent Sotby Woods, Sturton Road, Hatton, Lincolnshire.**

Further to your direction dated 10 February 2023, this letter is submitted by Third Revolution Projects on behalf of Hatton Solar Farms Limited ("the applicant") in respect of the decision by East Lindsey District Council ("ELDC") under the Town and Country Planning Act 1990 (as amended) that the proposed development (LPA Ref: S/079/01078/22) at land adjacent to Sotby Woods, Sturton Road, Hatton ("the site") be approved subject to the Secretary of State's authorisation.

The proposed development comprises:

*"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".*

Recommending approval, Officers at ELDC said that both national and local policies supported the principle of renewable energy. The proposals were approved at ELDC's Planning Committee on 9<sup>th</sup> 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 has directed the Council not to grant permission on this application without specific authorisation. This direction is 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.

The purpose of this letter is to respectfully request that Secretary of State intervention is not required in this instance and ELDC should be allowed to determine the application in line with Officer and committee members' recommendations. The applicant's reasoning for this request is set out in this letter.

The list of instances when the Secretary of State might decide to use call-in powers is sometimes known as "Caborn principles". Such cases may include, for example, those in which their opinion:

- May conflict with national policies on important matters.
- May have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority.
- Could have significant effects beyond their immediate locality.

- Give rise to substantial cross-boundary or national controversy.
- Raise significant architectural and urban design issues; or
- May involve the interests of national security or of foreign governments.

The approach is to not interfere with the jurisdiction of local planning authorities unless it is necessary to do so.

#### *Purpose of development*

The proposal is for a 49.9MW solar farm to cover the application site over 5 parcels of land for a period of 40 years. The proposed solar farm will offset approximately 12,500 tonnes of carbon each year and will generate energy to power approximately 21,000 homes. This project will help ELDC meet its ambitious target of net zero emissions by 2040, the UK's national net zero target by 2050 and help deliver the NPPF's (National Planning Policy Framework) clear statement at paragraph 152 that the *"planning system should support the transition to a low carbon future in a changing climate... contribute to radical reductions in greenhouse gas emissions... and support renewable and low carbon energy and associated infrastructure"*.

It will provide secure low-cost energy to the grid, which will help reduce the burden of high energy costs for homes and businesses. As a clean technology producing no pollution, solar can be delivered alongside agriculture and improvements in biodiversity. It represents a UK derived energy source, which is important given the energy crisis affecting households and business.

#### *Principle of development*

There are various national and international policies and initiatives on combating climate change. The Overarching National Policy Statement for Energy (EN-1) sets out that the UK needs to reduce its reliance on fossil fuels which will become increasingly scarcer and more expensive. The draft replacement National Policy Statements are currently being consulted on. Paragraph 3.3.20 of the draft EN-1 states that there is an urgent need for new electricity generating capacity to meet the energy objectives. Paragraph 3.3.21 recognises that solar, alongside wind, is the lowest cost way of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply.

The NPPF, as amended July 2021, at paragraph 7 identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. Section (c) of Paragraph 8 sets out the environmental objective that the planning system should aim to meet to achieve sustainable development; it states that this includes moving to a low carbon economy.

Paragraph 158 states *"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 recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."*

The East Lindsey Local Plan Core Strategy Chapter 14 addresses Renewable and Low Carbon Energy. It seeks to exploit the range of renewable energy and Low Carbon sources that have potential whilst at the same time protecting valued landscapes.

ELDC have implemented a Carbon Reduction Plan in August 2020 and is committing to an ambitious target of reducing its carbon emissions to net-zero by 2040, with a minimum emissions reduction of 45% by 2027. ELDC have stated that the implementation of solar array is an *“economically ‘low regret’ measure; with benefits including helping to mitigate this substantial source of ELDCs’ emissions, saving ELDC money by offsetting the need to purchase peak time electricity from the grid”*.

It is clear that the proposed development contributes positively to national policies on important matters. The application has demonstrated, and important consultees have agreed that site is not located in a designated area, will not adversely affect any designations including the Area of Outstanding Natural Beauty and is not considered to be a valued landscape.

Natural England has advised that the proposed development will not have significant adverse impacts on designated sites and has no objection, The harm to listed buildings is minimal and can be successfully mitigated by measures proposed as part of the development.

Whilst it does involve best and most versatile land for a period of 40 years this does not conflict with national policy. The NPPF only requires the economic and other benefits of such land to be considered (paragraph 174b) and footnote 58 adds that *“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”*. The applicant has considered these within the submission pack and has designed the scheme to allow for continued agriculture and biodiversity benefits alongside solar generation as advised by the supporting Practice Guidance. It will also be temporary and fully removed at the end of its life.

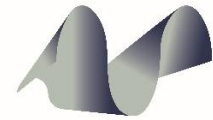
Importantly, Natural England confirmed in their response (15 February 2023) that that *“consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in future with no permanent loss of agricultural land quality likely to occur....”*

### Conclusions

The site is not subject to any pertinent land designations of national importance and for the reasons outlined in the applicant’s planning statement, supporting plans and documents, the proposals are not considered to conflict with national policies on important matters or have significant (negative) effects beyond their immediate locality under the Secretary of State call in principles.

The proposals will supply the local distribution network with low-cost zero carbon energy which will have a positive long-term impact on economic growth and will provide vital infrastructure to support new housing within the local authority area. The proposed development is for a temporary period and retains agricultural land for future generations.

The proposals will not have significant effects beyond the immediate locality as evidenced in the supporting reports. The proposed site is located in ELDC in its entirety and would therefore not give rise to substantial cross-boundary or national controversy.



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The final design and layout have been achieved through detailed assessments of the environmental effects and consideration of the identified spatial constraints, combined with consideration of the visual appearance of the proposed development from viewpoints and designated heritage assets. With regard to the proposed ancillary buildings and associated infrastructure, they are designed to be as small as possible while still being capable of undertaking their required function within the site. The proposals therefore do not raise significant architectural or urban design issues.

Solar farms rely entirely on fuel from the sun and so do not rely on fuel sources from other countries and so are a home-grown source of energy, meaning the interests of national security or of foreign governments are not considered to be of relevance to these solar proposals.

The applicant considers it relevant that the application attracted significant local support by way of 108 support letters as well as 94 letters of objection, and that all of this came from the local area. As such, the application couldn't be considered to have national interest and there is no reason to take the decision out of local hands.

We therefore respectfully request that Secretary of State intervention is not required in this instance and ELDC should be allowed to determine the application in line with Officer and committee members' recommendations so that this important scheme can come to fruition as early as possible.

Should you require any additional information then please let me know. Otherwise, we would welcome a virtual meeting as soon as possible.

Yours sincerely,

*Andrew Dowell*

**Andrew Dowell MRTPI**

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