



Third
Revolution
Projects

Proof of Evidence

Of Robert Shaw, BSc(hons), DipTP, MRTPI (for the Appellant,
Hatton Solar Farm Ltd) on Planning Matters

Section 78 Appeal: Hatton Solar Farm

Land adjacent to Sotby Woods, Sturton
Road, Hatton

LPA Reference: S/079/01078/22

PINS Reference: APP/D2510/W/25/336157

Core Document Ref: CD8.3

August 2025

Contents

Contents.....	2
1.0 Purpose of the Evidence.....	5
2.0 Qualifications and Experience	5
3.0 Scope of Evidence.....	5
4.0 Site and Surrounds.....	7
5.0 Planning History	7
6.0 The Proposed Development	9
7.0 Proposed Amendments to Appeal Scheme	10
8.0 EIA Screening.....	11
9.0 Planning Policy	12
Relevant development plan policies	13
Material considerations.....	14
10.0 Site Capacity.....	15
11.0 Need for the Development.....	16
National legislation and policy.....	16
National Planning Policy Framework.....	18
National Policy Statements.....	19
12.0 Matters not in Dispute	20
13.0 Case for the Appellant	21
Main planning issues and additional Rule 6 matters.....	21
Landscape and visual impact	22
Landscape character effects	22
Visual effects – duration and mitigation	22
Visual effects – extent and severity.....	22
Cumulative effects	23
Residential visual amenity	23
Conclusions.....	23
Heritage – Grade II Listed Sturton Harden Corner Farm house	24
Gas pipeline safety considerations.....	26
Site justification	28
The area of search for a site	28
Alternative sites	29
Site search.....	30
Agricultural land and food security	31
Recreational amenity.....	32
Impacts on recreational amenity of users of the PRowS	33

Impacts on walkers and cyclists on roads from increased traffic.....	33
Impacts on holiday-let properties, including the Old Barn (Hatton) and the Old Barn Cottages, Beech House (Great Sturton)	35
14.0 Compliance with the development Plan and other material considerations.....	38
Residential amenity	38
Surrounding landscape, townscape and historic landscape character, and visual qualities	39
The significance (including the setting) of a historic garden, park, battlefield, building, conservation area, archaeological site or other heritage asset	39
Sites or features of biodiversity or geodiversity importance, or protected species	40
The local economy.....	41
Highway safety	41
Water environment and water quality.....	42
SP10 (Design)	43
15.0 Planning Balance	46
Heritage and public benefits	46
Planning balance – material considerations weighing in favour of the appeal scheme	48
The need for renewable energy	48
Grid connection secured and deliverable in short term.....	49
Climate emergency.....	49
Ecology and biodiversity net gain.....	49
Economic benefits and farm diversification	49
Landscape enhancements and permissive path.....	50
Soils.....	50
Only available site.....	50
Design	51
Planning balance – material considerations weighing against the appeal scheme	51
Heritage	51
Landscape and visual	52
Public rights of way.....	52
Planning balance – material considerations that are neutral in the appeal scheme	53
16.0 Conditions.....	53
17.0 Conclusions	55
Appendices.....	58
Appendix 1: EIA Screening Opinion	58
Appendix 2: Landscape and visual evidence	58
Appendix 3: Heritage evidence.....	58
Appendix 4: Agricultural evidence.....	58
Appendix 5: Socio-economic impact assessment.....	58

Version – FINAL Aug 25

Prepared by: Mr Robert Shaw

Third Revolution Reference: 1152_PoE

Appellant: Hatton Solar Farm Ltd.

1.0 Purpose of the Evidence

- 1.1.1 This Proof of Evidence is submitted on behalf of Hatton Solar Farm Ltd. in support of their appeal against the refusal of planning permission by East Lindsey District Council ('ELDC') for a proposed solar farm at land adjacent to Sotby Woods, Hatton ('the site'). It addresses the planning merits of the proposal, responds to the reason for refusal and other relevant issues raised by ELDC and Rule 6 party, and considers the scheme in the context of the development plan, national policy, and material considerations.

2.0 Qualifications and Experience

- 2.1.1 My name is Robert Shaw. I hold a Bachelor of Science (Hons) in City and Regional Planning (1996) and a Postgraduate Diploma in Town Planning (1998). I am a Chartered Member of the Royal Town Planning Institute (MRTPI).
- 2.1.2 I am Managing Director of Third Revolution Projects Ltd. I have a particular specialism in renewable energy development, with a track record in leading planning applications for solar, spanning around 15 years. I have secured planning permission for numerous large-scale solar and battery energy storage projects across Great Britain.
- 2.1.3 Prior to founding TRP, I was a Director at LDA Design, where I established successful solar energy and climate strategy teams, and previously led the energy strategy function at AECOM. I have also served as Policy Director for the Town and Country Planning Association (TCPA), where I helped shape early Government policy on climate change and renewable energy, including the PPS1 Supplement on Planning and Climate Change.
- 2.1.4 I have been instructed by Hatton Solar Farm Ltd. to provide expert evidence on planning matters. The evidence which I have prepared and provided in this Proof of Evidence is true and has been prepared and given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions.

3.0 Scope of Evidence

- 3.1.1 A Case Management Conference (CMC) was held on 23rd June 2025. The Inspector's Note (CD8.4) records procedural matters and identifies the main matters for the Inquiry:
- The effect of the proposal on the landscape.
 - The effect on the setting and significance of the listed building, of Sturton Harden Corner Farmhouse.

- The effect on agricultural land (raised by the Rule 6 party).
- Residential and recreational impacts (Rule 6).
- Gas pipeline safety (rule 6); and
- The overall planning balance, including the weight afforded to renewable energy.

3.1.2 My evidence is structured to address these matters directly, alongside the sole reason for refusal set out by ELDC, which relates to combined landscape and heritage concerns. In doing so, I refer to and rely upon the technical conclusions of the Appellant's expert witnesses:

- Ms Gill Stoten of Pegasus on Heritage (Appendix 3: Heritage evidence).
- Ms Mary Fisher of Abseline on Landscape and Visual Impact (Appendix 2: Landscape and visual evidence).
- Mr Tony Kernon of Kernon Countryside Consultants Ltd on Agricultural Land (Appendix 4: Agricultural evidence).

3.1.3 Socio-economic Impact Assessment has been undertaken across all phases of the scheme – construction, operation and decommissioning (Appendix 5: Socio-economic impact assessment). It examines receptors including economic output, employment, education, and tourism. It also considers the potential role of an Employment and Skills Plan (ESP) in delivering wider benefits. The assessment is supported by a summary table and is intended to inform the Inquiry's understanding of the likely socio-economic implications of the proposal.

3.1.4 My evidence also considers and responds to matters raised in the EDLC's and Rule 6 Party's (Hatton Action Group) respective SoCs in Section 13.0, where these go beyond the main issue and touch on planning principle, policy interpretation, the role of agricultural land, and the adequacy of the site selection process.

3.1.5 My evidence is structured to consider the development plan, material considerations, and the planning balance in accordance with Section 38(6) of the Planning Compulsory Purchase Act 2004.

3.1.6 My evidence avoids duplication of technical matters addressed by others and instead focusses on the overall planning assessment.

4.0 Site and Surrounds

- 4.1.1 The appeal site comprises agricultural land located adjacent to Sotby Woods, a non-statutory designated wildlife area, and west of Sturton Road, near Hatton, Lincolnshire. It lies within a rural and predominantly agricultural landscape, characterised by gently undulating topography, enclosed fields, and a dispersed settlement pattern. This is described further in Ms Fisher's proof.
- 4.1.2 The land is currently in arable use and comprises a mix of Grade 2, 3a and 3b agricultural land, as confirmed in the submitted Agricultural Land Classification (ALC) report (CD2.23). The site is not located within any nationally designated landscape or heritage asset. It does not fall within a Conservation Area, Green Belt, National Landscape, or other protected landscape designation.
- 4.1.3 The nearest designated heritage asset is the Grade II listed Sturton Harden Corner Farmhouse, located approximately 200 metres to the south of the site boundary (based on the proposed updated plans). Its setting in the wider rural landscape is assessed in Ms Stoten's Proof of Evidence.
- 4.1.4 The site benefits from a secured and viable grid connection and is well-served by the local highway network, providing access for construction and operational vehicles.
- 4.1.5 A fuller description of the site and its visual and contextual characteristics is set out in the Appellant's SoC (Section 2) and are supplemented by the appellant's Landscape and Heritage Proofs of Evidence.

5.0 Planning History

- 5.1.1 In August 2018, planning permission was granted for a gas Peaker plant under application ref: S/079/00348/18 (CD9.14), based on a grid connection agreement with Western Power Distribution. Push Generation and Supply, the project developer, subsequently applied to Western Power Distribution to change the generation technology from gas peaking to solar, seeking to deliver a solar farm that better aligns with the increasing demands of the climate emergency.
- 5.1.2 The appeal relates to planning application ref: S/079/01078/22 for the installation of a temporary ground-mounted 49.9MW solar farm with associated infrastructure, including vehicular access, CCTV cameras, a 15m high communications tower and perimeter security fencing.

- 5.1.3 The application was validated on 24 June 2022 and was reported to the Council's Planning Committee on 1 March 2023 with an officer recommendation for approval (CD4.3). The Planning Committee resolved to grant consent on 9 March 2023, subject to referral to the Secretary of State under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 5.1.4 The Secretary of State considered the application against the call-in policy and confirmed on 27 October 2023 that the application would not be called in. Accordingly, planning permission was granted by ELDC on that date.
- 5.1.5 A third-party legal challenge was then brought in the form of a judicial review (CD4.8). The claimant raised three grounds, including alleged failure to address the 2015 Written Ministerial Statement (WMS) on Best and Most Versatile agricultural land, failure to have regard to Natural England's advice that the permanent loss of best and most versatile agricultural land should be treated as an important material consideration and assessed in accordance with paragraphs 5-013 of the Planning Practice Guidance, and an error relating to the height of the solar panels.
- 5.1.6 The Council conceded the challenge on the first ground for the lack of adequate reference to the 2015 WMS, and the planning permission was quashed by Consent Order. The challenge did not proceed to a full hearing and did not involve any adverse judicial finding on the technical or policy merits of the proposal.
- 5.1.7 Additional information was provided by the Appellant, including an updated Agricultural Land Classification Report, Agricultural Considerations Report (CD2.23 & CD2.24), an Outline Soil Management Plan (CD2.28), and an updated Site Search Justification Report (CD2.27). These sought to address the issues identified.
- 5.1.8 The application was redetermined by Planning Committee on 3 October 2024 and refused in a decision notice dated 31 October 2024 (CD4.2), against the recommendation of officers (CD4.4). The Council cited a single reason for refusal, which related to the perceived cumulative harm to landscape character and the setting of Sturton Harden Corner Farmhouse. The full wording of the refusal reason is set out in paragraph 1.1.8 of the Appellant's Statement of Case and is cross-referred here¹.

¹ CD8.1: Appellants Statement of Case. Paragraph 1.1.8

- 5.1.9 The appeal relates to that decision. The Appellant has continued to engage constructively with the Council and other stakeholders throughout, providing additional clarification and technical information as required.

6.0 The Proposed Development

- 6.1.1 The proposal seeks 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.”*
- 6.1.2 The development comprises: solar PV modules mounted on frames; inverter and transformer stations; substation compound; internal access tracks; CCTV cameras; 15m high slimline communications tower; vehicular access points; perimeter security fencing; ecological enhancement areas; and associated landscaping and biodiversity works.
- 6.1.3 The full extent and design of the development are shown on the determined plans (CD1.1, 1.14, 1.21).
- 6.1.4 The total application site area is approximately 73.45 ha (181.4 acres), of which 32.459ha is proposed to be developed with solar panels and associated infrastructure (CD2.30 & CD2.31). The remainder of the site comprises areas for landscape planting, ecological enhancement, retained field margins, and other undeveloped land.
- 6.1.5 Key physical and design features of the development include:
- Access from the highway to the solar area from the south.
 - PV panels mounted to a maximum height of 2.98m, with spacing to allow light penetration and livestock grazing.
 - An onsite substation and switchgear compound, with 15-metre communications tower, located near the grid connection point and screened by landscaping.
 - A 2.5-metre-high CCTV poles, positioned throughout the site for operational monitoring and security.
 - Perimeter deer fencing (up to 2 metres high plus poles of 2.2 metres).
 - Retention and protection of the existing Public Right of Way (PRoW), with spacing to minimise impact, and clear demarcation throughout construction and operation.

- A permissive path around part of the site.
- A comprehensive package of landscape-led design measures (CD1.14 and proposed amendments in CD8.12-17), including:
 - New and gapped-up hedgerows grown to 3m to enhance screening and biodiversity.
 - Existing hedgerows maintained to 3m.
 - Native trees planted along sensitive boundaries.
- A commitment to delivering a very high net gain of habitat units and hedgerow units, to be secured via condition and supported by ecological baseline assessments, with a provision for updated surveys to be carried out under planning condition as required.

6.1.6 The proposal for a temporary operational period of 40 years, after which infrastructure would be removed, and the site restored to full agricultural use. The development benefits from a confirmed grid connection, allowing for prompt delivery following consent.

6.1.7 An updated layout with a smaller development footprint, has also been prepared by the appellant and was submitted with the appeal and its implications are discussed further in the following section.

7.0 Proposed Amendments to Appeal Scheme

7.1.1 The appeal is made on the basis of the scheme as originally determined and considered acceptable by the Council's officers on two separate occasions, each resulting in a recommendation for approval. I conclude in this proof that the appeal scheme is acceptable in its original form, and that planning permission should have been granted in accordance with the Officer recommendations.

7.1.2 However, in the interests of further assisting the Inquiry and addressing the concerns raised by the Planning Committee, the Appellant has brought forward refinements to the appeal scheme. These are described below and comprise minor clarifications and enhancements:

- **Red line boundary clarification:** A minor correction to the red line site boundary to ensure consistency across submitted plans, shown on the updated Site Location Plan (CD8.8 with CD8.10) Plan and Site Layout Plan (CD8.9) and has no bearing on the substance or extent of the application.

- **Setback from Corner Farm:** In response to concerns raised in respect the Grade II listed Sturton Harden Corner Farmhouse, the layout has been amended to increase the separation distance to the nearest rows of solar panels. Approximately 0.91 hectares of panels (7 rows) have been removed from the field closest to Corner Farm. This change is illustrated on the updated layout and landscape plans (CD8.12-17).
- **Reinstatement of historic field boundary:** A hedgerow is proposed to be reinstated along the historic field boundary to the south of the site near Corner Farm. These changes are shown on CD8.9 and 8.15.

7.1.3 I consider that they represent positive, proportionate adjustments that enhance the appeal scheme without creating a substantive difference or fundamental change. I consider these refinements are consistent with the principles in Section 16 of the Planning Appeals Procedural Guidance².

7.1.4 The refinements have been shared with the Council, statutory consultees and the local community in advance of the Inquiry, and the appellant has provided a summary of responses at (CD3.44). I consider there has been no procedural unfairness and therefore they are capable of being taken into account by the Inspector in determining the appeal.

8.0 EIA Screening

8.1.1 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the proposed development was screened by ELDC to determine whether it constituted EIA development.

8.1.2 The screening opinion issued by ELDC on 26th October 2021 (CD4.6) confirmed that the proposal does not constitute EIA development. Although the proposal exceeds the 0.5ha threshold set out in Schedule 2, it falls below the 50MW threshold and is not located in a 'sensitive area' for the purposes of the Regulations.

8.1.3 The screening opinion concluded that, while the development represents a large-scale solar installation, the anticipated impacts, including those relating to landscape character and the setting of nearby heritage assets, were considered to be of localised significance and capable of

² **Procedural Guide: Planning Appeals – England** (Planning Inspectorate, Ministry of Housing, Communities and Local Government, September 2024).

being addressed through the normal planning process. It was not considered that the development would give rise to likely significant effects on the environment that would justify the need for an Environmental Statement.

8.1.4 In particular, the ELDC's assessment noted that:

- The site does not lie within or adjacent to any designated landscape, ecological or heritage areas.
- The visual and heritage impacts are capable of being assessed through standard reports (e.g. LVIA and Heritage Assessment).
- There are no significant cumulative or transboundary effects.
- All other environmental effects (e.g. on ecology, flood risk, amenity or transport) are capable of being managed through normal development control procedures.

8.1.5 While two third-party representations raised concerns and suggested that EIA should be required, these issues were considered by the Council and found not to alter the conclusion. A formal Environmental Statement was therefore not required.

8.1.6 Nevertheless, the application was supported by a suite of technical reports, including assessments on ecology, landscape and visual impact, heritage, agricultural land classification, flood risk and transport. I note that it is common ground with ELDC (Point 1, p17) that the application does not need to be supported by an Environmental Statement.

8.1.7 A copy of the Council's formal screening opinion (CD4.6) is appended at Appendix 1.

9.0 Planning Policy

9.1.1 The appeal proposal must be assessed in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

9.1.2 The relevant development plan for the purposes of this appeal comprises the East Lindsey Local Plan (adopted July 2018) (CD5.7), which is comprised of:

- The Core Strategy (Part 1), and
- The Settlement Proposals Development Plan Document (Part 2)

- 9.1.3 The Local Plan was adopted in July 2018 and is therefore now more than five years old. In accordance with Paragraph 34 of the NPPF (2024, as amended February 2025) and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, policies in such plans should be reviewed to consider whether they remain up to date in light of changing local circumstances and relevant national policy.
- 9.1.4 However, the age of the Plan does not render its policies 'out-of-date' for decision-making purposes. Rather, the weight to be attributed to each policy is a matter of planning judgement, having regard to its consistency with national policy, in line with Paragraph 232 of the NPPF and the Planning Practice Guidance (PPG Paragraph: 064 Reference ID: 61-064-20190315).

Relevant development plan policies

- 9.1.5 The relevant policies of the East Lindsey Local Plan (2018) are agreed with the Council in the Statement of Common Ground (CD9.1, Section 6.2). The following policies are set out in full within Section 6 of the Appellant's Statement of Case (CD8.1), of most relevance to the determination of this appeal.
- SP10: Design
 - SP11: Historic Environment (cited as a RfR)
 - SP22: Transport and Accessibility
 - SP23: Landscape (Cited as a RfR)
 - SP24: Biodiversity and Geodiversity
 - SP25: Green Infrastructure
 - SP27: Renewable and Low Carbon Energy (cited as a RfR)
- 9.1.6 Other policies may become relevant, subject to evidence provided by the LPA or Rule 6 Party.
- 9.1.7 These policies are assessed in the context of the appeal proposal in Section 14.0 of my proof. My analysis draws on the technical assessments provided by the appellant's landscape, heritage, and agricultural experts and considers the extent to which the proposal complies with the development plan when read as a whole.
- 9.1.8 I maintain that the proposal is in overall conformity with the Development Plan. In particular, Policy SP27 is a positively worded policy clarifying that renewable and low carbon energy

schemes will be supported where their individual or cumulative impact is, when weighed against the benefits, considered to be acceptable in relation to a set of matters.

- 9.1.9 The potential for harm in respect of landscape (SP23) and heritage (SP11) is assessed in detail in the respective expert evidence of Ms Mary Fisher (Landscape) (CD8.19) and Ms Gail Stoten (Heritage) (CD8.20).

Material considerations

- 9.1.10 A range of material considerations are relevant to the determination of this appeal. These include:

- National Planning Policy Framework (NPPF) (2024) (CD7.5)
- National Planning Policy Guidance (PPG) (CD7.2)
- National Policy Statement (NPS) EN-1 (January 2024) (CD7.6)
- National Policy Statement (NPS) EN-3 (January 2024) (CD7.4)
- Written Ministerial Statement: “Energy Infrastructure Planning Projects” (May 2024) (CD7.40)
- UK Climate Change Act 2008, as amended (Net Zero duty) (CD7.10)
- British Energy Security Strategy (DESNZ, April 2022) (CD7.18)
- Clean Power 2030 Action Plan, Department for Energy Security and Net Zero (DESNZ, 15 Apr 2025) (CD7.34).
- Industrial Strategy: Clean Energy Industries Sector Plan (HM Treasury/DESNZ, June 2025) (CD7.38)
- Committee on Climate Change Progress in Reducing Emissions 2025, Statutory Report to Parliament (25 June 2025) (CD7.39)
- UK Solar Roadmap (2025) (CD7.35)
- ELDC Climate Change Strategy (2022)

- 9.1.11 The NPPF is material consideration of significant weight. Its objectives are to support the transition to a low carbon economy and places the delivery of renewable energy at the heart of sustainable development. Of particular relevance to this appeal are:

- Section 14: Meeting the challenge of climate change, flooding and coastal change.
- Section 11: Making effective use of land.
- Section 15: Conserving and enhancing the natural environment.
- Section 16: Conserving and enhancing historic environment.
- Paragraphs 2, 3, 6, 8, 11, 48, 161, 165, 166, 168, 187, 213 and 215 and Footnote 65.
- The definition of 'renewable and low carbon energy' in Annex 2 (Glossary).

9.1.12 The National Policy Statements EN-1 and EN-3 (CD7.6 and 7.4), although primarily intended for NSIPs, are clear statements of government policy and are relevant to the determination of Town and Country Planning Act applications for energy development, particularly where they are close to the NSIP threshold. In this case, the appeal scheme proposes up to 49.9MW of solar energy generation, just below the 50MW NSIP threshold set out in the Planning Act 2008. Given the scale and nature of the development, the National Policy Statements carry weight in the determination of this appeal.

9.1.13 The Government published a consultation draft of EN-3 in January 2024 (CD7.41). Although not designated and therefore carrying limited weight, it provides a useful indication of the direction of policy. The draft version builds on the designated EN-3 and emphasises the huge potential for solar power in the UK. I consider the draft EN-3 to be a material consideration in so far as it reinforces the policy in support of solar schemes.

9.1.14 In this context, and given the proposal's near-NSIP scale, I consider that the designated NPS EN-1 and EN-3 should be afforded weight as material considerations in this appeal. Together with the NPPF, they present a coherent, urgent and up-to-date national policy framework that strongly supports the delivery of large-scale renewable energy infrastructure in response to climate change, energy resilience, and decarbonisation imperatives.

10.0 Site Capacity

10.1.1 I note that the site capacity is 49.9MW based on the 'combined-inverters method' and it is common ground with ELDC (Point 4, p18) 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).

- 10.1.2 I have seen on the layout plan (CD1.21 and proposed for amendment in CD8.9) and Indicative Capacity note (CD2.31) that the site contains a total of 9 inverter cabins, 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. I have been informed that the final selection or combination of inverters may change but will not exceed the site capacity of 49.9MW. I consider that this can be controlled via a planning condition if necessary.

11.0 Need for the Development

- 11.1.1 National planning policy is clear that applicants are not required to demonstrate an overall need for renewable or low carbon energy proposals (NPPF paragraph 168a). This is a clear statement of national policy intent and reflects the strategic priority attached to the delivery of such infrastructure.
- 11.1.2 I note that this is common ground with EDLC and that 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 (Point 5, p18). The principle of national and local need for renewable energy is accepted and not a matter in dispute.
- 11.1.3 I have reviewed the national policy and legislative position in order to inform the weight to be applied to renewables energy and climate matters later in my proof.

National legislation and policy

- 11.1.4 In 2019, the Government adopted a legally binding net zero emissions target with scientific evidence leading to cross-party support for legislation enshrining a requirement to achieve "*net zero greenhouse gas emissions*" within the Climate Change Act 2008 (CD7.10)
- 11.1.5 Further to this, the imperative to tackle climate change is underlined by the UK Parliament's declaration of a climate emergency on 1st May 2019 (CD7.33). While not planning policy, this political declaration reinforces the urgency of the national commitment to addressing climate change as set out in the Act.
- 11.1.6 In response to the urgent challenges posed by these, the current government has introduced a suite of policy and plans since its election in 2024.

- 11.1.7 The Clean Power 2030 Action Plan (DESNZ, 15 Apr 2025) describes the Government's mission to run Great Britain on 95% clean electricity by 2030. Table 1 indicates an installed capacity range of 45-47GW of solar power (up from 16.6GW today), which makes it one of the largest sources of power by 2030 (CD7.34).
- "Clean Power by 2030 will herald a new era of clean energy independence and tackle 3 major challenges: the need for a secure and affordable energy supply, the creation of essential new energy industries, supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals."
- 11.1.8 Solar Roadmap (DESNZ, 30 Jun 2025) (CD7.35). This white paper describes the role of solar in "*making Britain a clean energy superpower*" and reaffirms the 2030 capacity range from the Action Plan and includes large-scale ground-mount and rooftop but does not specify. It updates current deployment to 18GW. It includes scope for increasing this to 57GW if rooftop solar potential materialises. It highlights that 47GW would require <0.4% of UK land.
- 11.1.9 According to DESNZ at the end of September 2024, installed ground-mount solar comprised between 7.7GW (45% of total UK capacity) and 9.4GW (55% including half of unaccredited installations) and covered an estimated 21,200 hectares), which is around 0.1 per cent of the total land area of the UK (CD7.46) Historical data for Great Britain from DESNZ reveals that ground mount has typically made up the largest proportion (CD7.47).
- 11.1.10 The Industrial Strategy: Clean Energy Industries Sector Plan (HM Treasury/DESNZ, June 2025) (CD7.38) aims to double clean energy investment to at least £30bn by 2035 and recognises solar one of the technologies this is "*vital for the clean energy superpower mission*" and "*we will continue to support deployment of these technologies.*" (p8)
- 11.1.11 Committee on Climate Change Progress in Reducing Emissions 2025, Statutory Report to Parliament (25 June 2025) (CD7.39) makes the concerning observation that "*The roll-out of solar appears significantly off track and will need to improve to deliver its contribution to a decarbonised electricity system.*"
- 11.1.12 Government policy produced by the current government confirm to me that ground mounted solar is an important part of delivering the net zero targets enshrined in the Climate Change Act, tackling the nationally declared climate emergency, and a 95% clean electricity by 2030. Indeed, The Industrial Strategy calls solar "*vital for the clean energy superpower mission*". However, I am struck by the stark warning in the Committee on Climate Change's 2025 progress report that

deployment of solar is significantly off track and needs to improve. I have seen evidence that the appeal site can be connected to the grid immediately and therefore I conclude that it will make an important contribution towards the 2030 total electricity and solar targets and therefore should carry substantial weight (CD7.39).

11.1.13 In addition, I would point to the support for solar power in the British Energy Security Strategy (DESNZ, April 2022) (CD7.18) published under the previous government, which recognises *“Accelerating the transition from fossil fuels depends critically on how quickly we can roll out new renewables”* and sets a 2035 ambition of up to 70GW of solar, a figure which appears consistent with the current government’s 2030 target.

11.1.14 Based on historical deployment (CD7.37) I consider it reasonable to assume that a large proportion of the Government’s targets for solar will be delivered via ground mount projects (CD.7.36).

National Planning Policy Framework

11.1.15 This legislative and policy ambition is embedded within the NPPF. Paragraph 161 is clear that *“the planning system should support the transition to a low carbon future in a changing climate.”* This establishes the national planning context for assessing proposals of this kind.

11.1.16 Paragraph 165 provides that *“To help increase the use and supply of renewable and low carbon energy and heat, plans should: (a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development...while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts); (b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development;...”*.

11.1.17 There is no requirement in national policy for applicants to demonstrate the overall need for renewable or low carbon energy, as confirmed in paragraph 168a of the NPPF. This reflects the Government’s recognition that the scale and urgency of need is already established and accepted at the national level.

11.1.18 Paragraph 168 goes on to state that *“when determining planning applications for renewable and low carbon development, 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.”*

- 11.1.19 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.
- 11.1.20 The appeal scheme would generate approximately 49.9MW of renewable energy, enough to power around 21,000 homes annually, and would avoid an estimated 500,000 tonnes of CO₂ emissions over its operational life. I am of the view that the development will make a significant contribution to the transition to a low carbon future and to reducing greenhouse gas emissions in accordance with national legislation, policy and planning policy presented. I factor this, and the advice on planning weight to be given to the benefits of renewable energy, into the public benefits and planning balance later in my proof.
- 11.1.21 Taken together, the provisions of the NPPF provide a clear and compelling expression of the policy support for renewable energy generation. They confirm that such development is in the national interest and that the benefits associated with it should be afforded significant weight in the decision-making process.

National Policy Statements

- 11.1.22 The designated NPS EN-1 (Overarching Energy) and NPS EN-3 (Renewable Energy Infrastructure) were adopted in January 2024 (CD7.6 and CD7.4) and provide the most recent and authoritative expression of Government policy on the need for and delivery of energy infrastructure. These statements reflect the statutory duty under the Climate Change Act 2008 (as amended) to achieve net zero emissions by 2050, and they establish a clear national imperative for the deployment of low-carbon energy technologies.
- 11.1.23 EN-1 confirms that the need for renewable energy infrastructure is “urgent” (3.2.6). It also emphasises the importance of delivering energy infrastructure to support both climate change mitigation and security of supply.
- 11.1.24 EN-3 identifies solar PV as a well-established, reliable, and cost-effective form of renewable energy generation. It confirms that solar will play a crucial role in decarbonising the electricity system and achieving national emissions reduction targets. Paragraph 2.10.9 highlights that:
- “...solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector.”

- 11.1.25 Taken together, the proposal addresses an urgent and ongoing national need, while reflecting a site-specific opportunity to make best use of existing infrastructure and sub-optimal farmland. The development is compliant with national policy, including the NPPF, EN-3, and Planning Practice Guidance, and represents a proportionate and justified response to climate and energy imperatives.

12.0 Matters not in Dispute

- 12.1.1 This section outlines those planning matters which are agreed between the Appellant and ELDC as documented in the agreed Statement of Common Ground (CD8.3). The appellant has reached out to the Rule 6 Party with an offer to discuss a separate SOCG, but this offer was declined.

- 12.1.2 The principle matters not in dispute with ELDC include:

- The acceptability of the proposed development in principle, including its contribution to renewable energy transition and national net zero objectives.
- The temporary nature of the proposal (40 years plus 1 year each for construction and decommissioning).
- That the proposed development falls below the 50MW threshold for NSIPs and is appropriately determined under the Town and Country Planning Act.
- That the site includes a mix of Grades 2, 3a and 3b agricultural land and that updated technical assessments (including an ALC survey, agricultural land assessment and soil management plan) have been submitted by the appellant.
- The robustness of the submitted application documents.
- The acceptability of proposed access and transport arrangements.
- That there will be no unacceptable amenity impacts on surrounding residential properties in terms of noise, glint and glare.
- That significant biodiversity net gains will be achieved (70.26% increase in new habitats for wildlife and 103.61% increase in hedgerow).
- That appropriate ecological mitigation measures have been integrated into the design.
- That flood risk and drainage arrangements are acceptable.

- That the site can continue in agricultural use (sheep grazing) during the operational period.
- That there are positive economic benefits from farm diversification and construction/operational employment.
- That no significant cumulative impacts will result from the development.
- That fire risk is very low and appropriate buffers around the gas pipeline have been included.
- That public rights of way will remain open and accessible.
- That no section 106 agreement is required and that CIL does not apply.
- That a suitable package of planning conditions can be agreed to regulate the development.

13.0 Case for the Appellant

13.1.1 In this section I consider the appellant's planning case, building upon the submitted SoC (CD8.1) and expert proofs on landscape, heritage, agriculture, and socio-economic matters. I consider compliance with the development plan, relevant national policy and guidance, and responses to the ELDC and Rule 6 Party (Hatton Action Group) Statements of Case. Where relevant, it also addresses issues raised by third-party representations.

13.1.2 This section is structured to reflect the main issues and additional matters raised in the Reason for Refusal (RfR), CMC Note, and SoCs

Main planning issues and additional Rule 6 matters

13.1.3 The Inspector's CMC Note (June 2025) identifies the following principal matters to be considered at the Inquiry:

- Effect on the landscape.
- The effect on the setting and significance of the Grade II listed Sturton Harden Corner Farmhouse.
- The effect on agricultural land and food production (Rule 6).
- Residential and recreational amenity (Rule 6).
- Gas pipeline safety (Rule 6).

- The planning balance, including the weight to be given to renewable energy benefits.

Landscape and visual impact

- 13.1.4 ELDC's reason for refusal refers to harm to landscape character and visual effects, specifically concerns about the 'defining rural character' and effects lasting 'at least a 15-year period' until proposed landscaping becomes effective. The landscape evidence demonstrates these concerns are overstated.

Landscape character effects

- 13.1.5 Ms Fisher confirms that the appeal site lies within an undesignated 'ordinary' landscape of medium/low sensitivity (as agreed in the Statement of Common Ground with ELDC). The site is not within a 'valued landscape' for planning purposes and avoids designated landscapes.
- 13.1.6 The site is well-enclosed by Sotby Wood and existing hedgerows, with no long-distance or panoramic views. The LVIA submitted with the application, prepared by James Blake Associates (CD2.13), updated as part of the appeal submission (CD8.11) and LVA assessment and review of the LVIA in Annex A of Mary Fisher's proof (CD8.19) confirm that landscape effects would be confined to a small part of the host landscape character area. Mitigation planting would reduce the effects beyond the site once mature. Effects would be Moderate/minor and Adverse during all stages of the proposed development.

Visual effects – duration and mitigation

- 13.1.7 Contrary to the Council's assumption of a 15-year mitigation period, Ms Fisher's evidence demonstrates that:
- Notable mitigation from growth of existing hedges would be achieved within 2-4 years.
 - All new planting would mature to achieve design intent within 7-10 years.
 - This significantly reduces the duration of visual effects compared to the Council's assumptions in the reason for refusal.

Visual effects – extent and severity

- 13.1.8 During construction and early operation, the most significant visual effects would be:
- Major/moderate Adverse effects on users of bridleways to the east of the site.
 - Moderate/minor Adverse effects on residents and visitors to Hatton (from the village footpath and short stretch of Sturton Road).

- Moderate/minor Adverse effects on local road users.

13.1.9 After mitigation planting matures (7-10 years for new hedges, 2-4 years for existing), effects would reduce to:

- Moderate Adverse effects on bridleway users to the east.
- Minor/minimal Adverse effects on Hatton residents and visitors.
- Minor Adverse effects on some local road users.

Cumulative effects

13.1.10 Regarding cumulative effects, the officer report (CD4.4) concludes at 7.45 *“Although the proposal would result in two energy developments on two sides of the village [with the compressor station], they are different in character and not readily visible within the same context. The LVIA concludes that the solar farm would not result in overriding landscape effects and so would not contribute to any resultant landscape impacts of the existing gas compressor station. The cumulative effect of these two developments has been considered as part of the application submission.”*

13.1.11 Moreover, Ms Fisher notes at 2.9.3 of her proof Annex A, that the compressor station is operational and so has been included in the baseline. There are no proposals in planning or scoping require consideration in relation to the proposed development.

Residential visual amenity

13.1.12 Ms Fisher confirms that none of the homes closest to the site would experience changes to views sufficient to cross the threshold for Residential Visual Amenity Assessment concerns. No property would experience effects that ‘potentially affect living conditions’ as defined in Landscape Institute guidance. I consider wider amenity matters later in my proof.

Conclusions

13.1.13 The decision notice indicates that the development would have cumulative harm to the countryside character, contrary to Policy SP23, though neither the Council nor Rule 6 Party particularise this policy conflict in their SoCs.

13.1.14 The policy expects landscapes to be *“protected, enhanced, used and managed to provide an attractive and healthy working and living environment.”* Development will be supported where it increases access, supports visitors and provides additional employment, provided it does not

compromise landscape quality, including their distinctive character. I consider that this policy is broadly consistent with para. 187b of the NPPF.

- 13.1.15 Policy SP27 supports renewable energy developments where their individual and cumulative impacts are acceptable in the balance in relation to, amongst other matters, surrounding landscape and visual qualities.
- 13.1.16 The Officer Report (CD4.4) at 7.43 acknowledges there will be some change to the landscape, albeit on a temporary basis, and concludes that it should be assessed in the balance. I note that the officer did not dispute the findings of the appellant's LVIA in recommending approval on two separate occasions.
- 13.1.17 Annex A, 3.4.1 notes the development is not within a designated or valued landscape and the host landscape character area is not identified as being of high sensitivity by the District Landscape Character assessment. Some landscape and visual change is inevitable with this form of development, but the effects would be localised, reversible, and progressively mitigated by the proposed landscaping.
- 13.1.18 I am satisfied from Ms Fisher's proof that the development has been guided by the landscape character assessment. SP23 and SP27 do not expect there to be no harm to landscape character or visual receptors. The localised nature of the effects leads me to conclude that the district's landscapes will be protected, and the proposals do not compromise the distinctive character of the area and as such there is minimal conflict with SP23 and 27 from a landscape perspective, or NPPF para 187b (180 in the Decision Notice).
- 13.1.19 I conclude that the effect on visual qualities will reduce to an acceptable level as the landscaping matures and so there is minimal conflict with SP27 or NPPF paragraph 165a.

Heritage – Grade II Listed Sturton Harden Corner Farm house

- 13.1.20 The evidence of Ms Stoten (CD8.20) concludes that while the development would result in less than substantial harm to the Grade II Listed Sturton Harden Corner Farm house and curtilage listed farm buildings, this harm is at the lower end of the spectrum.
- 13.1.21 The application was supported by a Heritage Impact Assessment prepared by Oxford Heritage Partnership (CD2.10) and a Heritage Statement by Fuller Long (CD2.10). I note that since ELDC determined the application that the appellant has incorporated several design changes,

including removing solar panels from the eastern parcel of the site in the area north of the asset, replacing this with a buffer of native planting, and additional landscaping measures.

- 13.1.22 Ms Stoten's assessment demonstrates that the significance of Sturton Harden Corner Farmhouse is primarily derived from the architectural and historic interest of the farmhouse itself, with the curtilage listed outbuildings contributing additional historic illustrative value. Setting contributes to a lesser degree, with the farmhouse facing south, away from the proposed development, over the bulk of its historically associated landholding. The appeal site therefore makes only a minor positive contribution to the significance of the asset through setting.
- 13.1.23 The proposed development will sit within the framework of existing field boundaries and will not affect the legibility of the separation of the asset from settlement areas. The development will result in only a modest reduction in the current historic illustrative interest through changes to setting. Importantly, the proposed development will not be visible in views from the principal elevation south over the bulk of the historically functionally associated land.
- 13.1.24 SP11.1 supports continued protection and enhancements of heritage assets, contribute to the wider vitality of the area and reinforce a strong sense of place. Part 2 will support proposals where they preserve or enhance heritage assets and their setting. SP27 also notes that proposals will be supported where heritage impacts are considered acceptable, when weighed in the balance. These policies and paragraph 215 of the NPPF, do not indicate that there should be no harm to heritage assets. I consider there is some conflict with policy SP11 and return to this in the planning balance.
- 13.1.25 Paragraph 215 of the NPPF confirms that where development results in less than substantial harm, this must be weighed against the public benefits of the proposal. I conclude later in my proof that public benefits do indeed outweigh the less than substantial harm and that this amounts to the convincing justification expected of paragraph 213 of the NPPF. I note that officers reached the same conclusion in their report to committee, despite being of the view that the harm was at the upper end of the less than substantial harm spectrum (CD4.4, 7.64):
- "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."* (CD4.4, 7.65)
- 13.1.26 I agree with the officer report and council conservation advisor (CD4.4, 7.62) that the maintenance of the boundary landscaping height can be secured by condition. The same would apply to the proposed landscaped buffer in the amended drawings.

Gas pipeline safety considerations

- 13.1.27 The Rule 6 party has raised concerns regarding the presence of a high-pressure gas pipeline: Feeder 17 (Goulceby to Hatton), which runs east to west through the appeal site. The presence of this infrastructure is not in dispute and was considered during the design and determination of the application.
- 13.1.28 No statutory or technical consultee has objected to the development on grounds of pipeline safety, safeguarding, or fire risk. National Grid Gas Transmission³ submitted a standard holding objection (CD3.25), which is a procedural response where nationally significant gas assets may be affected by development. This seeks to secure appropriate engagement through its Asset Protection process. It does not indicate that the proposed development is inherently unacceptable, and no formal objection has been maintained.
- 13.1.29 I note that the proposed development has been designed to provide the full 24.4-metre easement (12.2 metres either side of the pipeline) required by National Gas. No built development, solar infrastructure, or permanent landscaping is proposed within this corridor. Temporary construction access tracks would cross the pipeline and will be subject to technical review and approval by National Gas prior to construction. These are infrastructure coordination matters, not land-use planning concerns, and I am satisfied that the appeal scheme is deliverable.
- 13.1.30 High-pressure gas pipelines pass through other solar farm sites across the country, and this is not an unusual constraint. I understand that the appellant has successfully incorporated a gas pipeline within the site boundary at Rolleston Solar Farm in East Staffordshire Borough Council (ESBC Ref: P/202300296) (CD8.27), demonstrating that such infrastructure can be appropriately managed through standard engagement and design practice. Moreover, there are numerous examples nationwide where solar farms have been permitted in the presence of high-pressure gas pipelines, confirming that this is a manageable and accepted co-location. This is evidenced in (CD8.28), which identifies a further 13 schemes across the country where such interaction has

³ National Grid Gas Transmission was rebranded as National Gas in 2023. References to 'National Grid Transmission' in submitted documents and quotes refer to the same organisation, now known as National Gas. This is separate from National Grid, which remains the electricity distribution network operator (DNO) for the area. From here, I will refer to National Gas

been deemed acceptable. That list is not the result of an exhaustive review, and it is therefore likely that many more examples exist.

13.1.31 ELDC accepts this position. The Officer Report (CD4.4) at paragraph 7.157 confirms:

“The applicant has confirmed that they will work with National Grid to meet their requirements, and this holding objection is not a reason to withhold any planning permission. The proposal incorporates a wide buffer either side of the gas pipe and only construction roads will cross over the pipe.”

13.1.32 This conclusion is reinforced in the agreed Statement of Common Ground (CD8.3), which states:

“It is agreed that an appropriate size of buffer around the high-pressure gas pipeline 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.”

13.1.33 The Rule 6 Party refer to the presence of 'Safeguarding Zones' for the pipeline and the Hatton Compressor Station. I note that such zones are recognised in the ELDC Local Plan (CD5.7) as part of infrastructure safeguarding considerations. However, safeguarding zones are not policy designations in themselves; they do not preclude development but are intended to trigger consultation and coordination with relevant infrastructure operators. That process has been followed by the appellant. National Gas has not objected to the principle of development, and no evidence has been provided to suggest that the development conflicts with any safeguarding requirements.

13.1.34 I note that the Rule 6 Party has raised general health and safety concerns in relation to the presence of the high-pressure gas pipeline within the site. While these concerns do not explicitly refer to fire risk, I infer that such risks may be encompassed within this broader category.

13.1.35 Notwithstanding this, no technical consultee or statutory body, including National Gas and the Local Planning Authority, has identified fire risk from the proposed solar farm as a material planning issue. As set out in the agreed Statement of Common Ground (CD8.3, point 27, p26), it is agreed that fire risk associated with the development is very low and can be effectively managed through adherence to fire safety guidance, best design practice, the use of appropriate fire suppression equipment systems in relevant buildings (e.g., substations), and ongoing safety inspections during construction and operation.

13.1.36 The Officer Report (CD4.8) aligns with this position and does not identify fire safety as a reason to withhold planning permission.

13.1.37 In conclusion, the presence of the high-pressure gas pipeline and associated safeguarding considerations have been accounted for through appropriate scheme design, regulatory engagement, and mitigation measures. There is no objection from technical consultees, no conflict with local or national policy, and no justified reason to withhold planning permission on these grounds.

Site justification

The area of search for a site

13.1.38 The Rule 6 Party's SoC suggests that the Site Search Document [CD8.7] is flawed because the study area is limited to the land ownership. Therefore, I have reviewed the materials in the context of planning policy and relevant case law, but I would stress that the need and urgency to tackle the climate emergency and to deliver the government's renewable energy targets by 2030 set out in Section 11.0 of my proof, tells me that renewable energy projects should be approved wherever applications accord with an up to date development plan or where the adverse impacts do not significantly and demonstrably outweigh the benefits.

13.1.39 The appellant has provided a briefing note (CD8.26) confirming why their area of search for potential sites has been confined to land within the same ownership. In summary:

- The grid connection originally secured for a gas fuelled power plant by a group company and planning granted under S/079/00348/18 on 22/08/2018. This was not implemented and has lapsed.
- A change of technology to solar was permitted by the Distribution Network Operator (DNO) (Western Power at the time but now National Grid Electricity Distribution) on 20/08/2021
- Under the DNO allowable changes criteria the development must remain within the existing site development boundary, which corresponds to the land identified in the plan submitted as part of the original grid connection application in August 2016. This is the blue line boundary shown on page 15 of CD8.26. I have been informed by the appellant that it is generally accurate to refer to this as the Stourton Estate's landholding.
- Choosing a site outside the ownership boundary would have necessitated a new connection application, which I understand would have meant the project would have

been unlikely to progress as a significant queue for connection to the grid had subsequently developed.

13.1.40 Based on this evidence, it is clear to me why the appellant has chosen the area of search and that applying for a new grid connection outside of the land ownership would have jeopardised the project and its ability to contribute a substantial amount of energy towards the 2030 targets. My evidence and that of the other witnesses demonstrate that the appeal site is acceptable in planning terms, and has a willing landowner, and as such there is no reason why the appellant should have taken the drastic step of relinquishing a scarce grid offer and risking not being able to secure an alternative site. Therefore, I consider that the area of search is justified and using this secures considerable energy supply benefits.

13.1.41 This position mirrors that accepted in the Staythorpe (CD9.28) BESS appeal, where the Inspector found that the limited availability of grid connection was decisive in justifying the selected site and that a proportionate approach to alternatives was appropriate.

[Alternative sites](#)

13.1.42 Turning now to whether alternative sites are required to be considered, I note the well-established principles in case law, and which the following is particularly relevant:

- *Bramley Solar Power Residents Group v SSLUHC* in which [2023] EWHC 2842 (Admin) Lang J held that neither the PPG nor NPS EN-1 mandates a consideration of alternative sites. Still less do they require a sequential test to be applied. She rejected the submission that the PPG and/or EN-1 imposed such a duty whenever permission is sought for a solar farm. (CD9.8)

13.1.43 I note that exceptional circumstances might arise where the proposal involves such conspicuous adverse effects that the availability of an alternative site lacking such drawbacks becomes relevant (*Jones v North Warwickshire; Trusthouse Forte; Westerleigh Group Ltd v SSCLG* [2014] EWHC 4313 (Admin)) (CD9.29). However, as my proof and those of other witnesses demonstrates, I do not see any exceptional circumstances in this case. Therefore, I consider that the justification for choice of site should be assessed on its own merits, and the appellant has not been required by policy to assess the site against potential alternatives.

13.1.44 I also note that it is common ground (point 7, p18) with EDLC that assessment of alternative sites is not required.

Site search

13.1.45 Nonetheless, the appellant has provided a Site Search (CD2.27), which describes on p13 how the land within the area of search was chosen. In summary, sites should be available how and offer a suitable location for development. Suitability is defined as: having minimum area of around 70 hectares, avoid key designations, be able to overcome physical, environmental, policy and amenity constraints, be close enough to the grid connection to make it viable, and consideration of rent.

13.1.46 The appellant has then assessed land parcels against planning policy and guidance. I consider that the following points are relevant:

- Government policy presents an unconstrained need for new renewable energy capacity and, my proof has shown the scale of the challenge of delivering the 2030 energy and solar targets, and so available capacity in one location is not a reason to preclude development in other areas.
- There is no policy that prevents use of agricultural land of any grade for solar farms. NPPF Footnote 65 says 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.” Table 1 of the Site Search and Mr Kernon’s evidence (Insert 2) show that Parcels A and B are all Grade 2 and Subgrade 3a, Parcels C and D are a mix of Grades 2, 3a and 3b, and Parcel F is all 3a.
- The application site (Parcel E) has been assessed on the basis of the SES Ltd ALC (CD1.19) as mostly Subgrade 3a, but the Agricultural Considerations Report (CD2.24) notes that it is at the margins of 3a/3b quality; something reinforced by the statement from the landowner in the Site Search Table 1.
- The National Policy Statement for renewable energy infrastructure (NPS EN-3, 2024 (CD7.4), is a material consideration in decision making at local level, confirms at paragraphs 2.10.28 – 2.10.34 that while the preference should be to use lower grade agricultural land, this should not be the predominating factor in determining the suitability of the site location.
- Section 4.3, Table 1 and p22 of the Site Search concludes that the chosen site has a willing landowner, is available for development within a reasonable timescale and therefore is considered deliverable. It is of a suitable size to accommodate a viable project, avoids

designations and has been demonstrated to be able to overcome physical, environmental, policy and amenity constraints.

- National and local planning policy together provide criteria and guidance for decision-makers on whether an application should be considered acceptable and I will show later in my proof (supported by other witnesses) that the appeal scheme is acceptable, including in the context of those matters raised by ELDC and the Rule 6 party.

13.1.47 In summary, I consider that the Site Search provides a robust justification for the site and that poorer quality land has been used in preference to higher quality. I therefore, conclude there is no conflict with policy SP10.1, the NPPF, PPG or NPS EN03.

Agricultural land and food security

13.1.48 The site comprises a mix of Grades 2, 3a and 3b land, confirmed through site-specific ALC survey (CD1.19). However, as noted above, much of it is borderline 3b.

13.1.49 It is common ground with ELDC (point 6, p18) that there is no conflict with policy relating to the use of agricultural land or BMV. The Rule 6 Party has made its case that there is no compelling evidence that poorer quality land is not available, that the evidence does not demonstrate that the development is temporary and reversible and allude to risk to food security.

13.1.50 The policy landscape has evolved significantly since the original application. Mr Kernon has provided evidence to refute these arguments. Of particular note:

- The 2015 Written Ministerial Statement requiring "most compelling evidence" is now out of date, as confirmed by the Inspector in the New Hall Farm appeal (APP/X4725/W/24/3354032, June 2025) (CD9.16) at paragraph 16, and superseded by the Bramley High Court judgment which concluded that the preference for poorer quality land does not mandate consideration of alternative sites.
- The NPPF was amended in December 2024, removing the footnote reference to food production that had been added in December 2023. There is now no specific reference to food production in policy relating to the use of BMV land.
- The development is temporary, as the recent Solar Roadmap (CD7.35) makes clear. It is reversible as the recent Solar Roadmap makes clear. There are many appeals that reach that conclusion following detailed analysis.

- There is no sequential test and no bar to the use of BMV land. Numerous Inspector and Secretary of State decisions (CD9.1, 9.2, 9.5, 9.7, 9.8, 9.20 & 9.24) have concluded that little/limited weight should be given to the limited negative effects on agricultural land. In contrast there is an urgent need for renewable energy.
- The Council was correct to conclude that even if there was poorer land in the area, the benefits outweigh any harm. But there is no evidence that poorer quality land exists, and the Rule 6 Party provide no such evidence.
- The June 2025 Solar Roadmap confirms the Government position that "the biggest threat to food security is crop failure due to climate change and solar farms are helping to tackle this directly" and "in the unlikely case that all new capacity coming forward is ground mount, it would only occupy up to around 0.6% of UK Utilised Agricultural Land by 2030 (less than that used by golf courses in Great Britain)."
- Mr Kernon concludes that agricultural matters should not result in a reason for refusal.

13.1.51 Mr Kernon's proof confirms that there is no food security crisis and impacts of the development on food production are minimal (7.12). He reminds me that BMV land will not be permanently lost, can be grazed by small livestock during operation and completely restored at the end of the project's life, leaving soil quality improved (the appellant has submitted an outline Soil Management Plan (CD2.28)). He notes that multiple planning inspectors have concluded that the impact of solar on food production/resilience will be small, using terms like minor, minimal and negligible.

13.1.52 I also note the Second officer report (CD4.4, 8.7) which concludes "the loss of prime agricultural land for a period of 40 years this does not equate to grounds for refusal because the benefits of the scheme and the wider policy support outweigh this."

13.1.53 Having read Mr Kernon's proof, the officer reports and supporting Agricultural Considerations Report (CD2.24) I have no reason to disagree with these conclusions and do not consider there to be a conflict with NPPF footnote 65 or NPS EN-3 paragraphs 2.10.29-34.

Recreational amenity

13.1.54 In this section, I address the Rule 6 Party's concerns in their SoC, which I summarise as:

- Impacts on recreational amenity of users of the PROWs.

- Impacts on walkers and cyclists on roads from increased traffic.
- Visual impact on holiday lets including The Old Barn (Hatton) and The Old Barn Cottages, Beech House (Great Sturton).

Impacts on recreational amenity of users of the PRoWs

- 13.1.55 I note that the development will retain the PRoW on the eastern edge of the site and that it will remain open during construction and operation, shown in existing CD1.14 and updated landscape plans CD12-17. It is common ground with ELDC (point 13, p20) that available British Horse Society solar arm guidance has been followed, that all reasonable steps have been taken to minimise risk to horses and riders and measures can be secured via a planning condition.
- 13.1.56 I note that there is no objection from Lincolnshire PRoW Officers and it is common ground with ELDC (point 14, p20) that the PRoW are protected in accordance with para. 100 (Nb. I believe there is a referencing error in the SoCG and this should have read 105.)
- 13.1.57 Appropriate setbacks from the bridleway have been incorporated into the scheme design, with new structural planting proposed to reduce potential visual amenity effects, as addressed in Ms Fisher's evidence.
- 13.1.58 Although technically open, there are no existing access points to the public rights of way or permissive paths from Sotby Woods due to the density of the understorey and so, there is unlikely to be material impact on users of the woodland areas from the proposed development.
- 13.1.59 The Glint and Glare Assessment Addendum (CD2.29) indicates the measures required to mitigate the High impacts at Bridleway Receptors 1 and 2, and the Low impact at Receptors 3, 4, 6, 7 and 8. I note that the recommended new and infilled hedgerows and woodland maintained to a height of at least 3m along the eastern boundary have been included in the landscape drawings and that these lead to the conclusion of no impact on bridleway receptors.
- 13.1.60 Taken together, I conclude that the appeal scheme has taken account of the amenity of users of the PRoWs and there is no conflict with NPPF para. 105.

Impacts on walkers and cyclists on roads from increased traffic

- 13.1.61 Concerns have been raised by the Rule 6 Party and third parties about the potential impacts of construction-related traffic on the safety and amenity of walkers and cyclists using local roads. These concerns primarily relate to the temporary increase in HGV movements during the construction phase, and the possibility of conflict with non-motorised users on rural lanes, including through Wragby and along Sturton Road. While I acknowledge these concerns, I rely

on the technical assessments submitted by the appellant's highways consultant, the absence of objection from the Local Highway Authority (CD3.15), and the position agreed in the Statement of Common Ground (CD11.4). Based on this evidence, I consider that the impacts raised have been properly assessed, are capable of effective mitigation, and do not give rise to significant risk.

13.1.62 As described in the Transport Statement (CD2.1) and Construction Management Plan (CMP) (CD2.22), construction access will be taken from Sturton Road, which is already in use by agricultural traffic. The scheme proposes four separate access points to serve the development, and I note that these have been reviewed and accepted by Lincolnshire County Council as Local Highway Authority. It is common ground with the Council (point 15, p20) that the proposed access locations are acceptable in principle and design, and that the construction vehicle movements they will support are unlikely to result in highway safety concerns.

13.1.63 It is also common ground with the Council that any highway-related effects will be limited to the construction and decommissioning stages, and that during the operational phase, impacts will be negligible. I consider this distinction is important in responding to concerns, as it reflects that the increased vehicle movements are both time-limited and reversible in nature. The main construction phase is anticipated to last around 20 weeks (5 months), after which construction traffic would cease entirely.

13.1.64 During this period, all traffic activity will be subject to the CMP, secured by proposed Condition 8. I note that the Council agrees this condition is appropriate and will provide adequate mitigation. The CMP includes standard controls to manage construction impacts.

13.1.65 I also note that following consultation, the Highway Authority requested physical mitigation in the form of seven passing places and minor road widening along the affected rural routes (CD4.4, para. 4.7). These improvements, secured by Condition 9, will support the safe and efficient movement of both construction traffic and other road users, including walkers and cyclists. I consider that these highway upgrades offer a legacy benefit to the local area, as they will remain in place following construction and improve safety for all users of Sturton Road in the longer term.

13.1.66 Operational traffic movements, by contrast, will be negligible and limited to occasional site maintenance visits using light vehicles. I consider that this low-intensity operational profile is wholly compatible with the rural road network and unlikely to give rise to any conflict with non-motorised users.

13.1.67 Construction working hours are proposed to be controlled by condition, limiting activity to 08:00–17:00. This provides an additional safeguard in relation to residential amenity and helps to avoid periods when local roads are more frequently used for recreational walking or cycling. I note that horses were also referenced in representations, and that British Horse Society guidance (CD7.42) has been followed in the scheme design. This is confirmed by the Council's Countryside Access Officer (CD4.4, para. 4.18) who has no objection. I am satisfied that appropriate consideration has been given to the safety and amenity of all non-motorised users, including equestrians.

13.1.68 The scheme also provides for the reinstatement of a permissive footpath as part of the appeal scheme. Together with the PRowS, this will maintain local connectivity and offer an alternative route for recreational users during construction. I regard this as a positive amenity benefit that directly addresses concerns about the experience of non-motorised users.

13.1.69 In conclusion, I consider that the appellant has taken appropriate and proportionate steps to manage and mitigate the potential construction-related impacts on non-motorised users, including walkers and cyclists. The impacts are temporary, well-controlled through an agreed CMP, and supported by physical highway improvements that will deliver long-term safety benefits. As such, I consider the scheme to be in accordance with paragraph 105 of the NPPF and Policy SP22. The limited and time-bound effects identified do not weigh materially against the grant of planning permission.

Impacts on holiday-let properties, including the Old Barn (Hatton) and the Old Barn Cottages, Beech House (Great Sturton)

13.1.70 Objections have been raised by the Rule 6 Party, centring on perceived visual amenity and impacts on local tourism businesses. I address these concerns below, drawing on planning policy and the evidence provided in the Landscape and Visual Appraisal (LVIA) (CD2.12, 8.11), Ms Fisher's Landscape Proof (CD8.19) and the Socio-economic Impact Assessment (Appendix 5: Socio-economic impact assessment).

13.1.71 The potential effects of the development on nearby properties, including those in tourism use, have been assessed. Landscape and visual matters are addressed in Ms Fisher's expert evidence (Annex A to her PoE). These assessments confirm that any effects on tourism-related receptors, including The Old Barn and Corner Farm, would be limited, subject to effective mitigation, and not significant in planning terms.

13.1.72 The Assessment notes that tourism, including the holiday lets, are a high sensitivity receptor but concludes a Negligible effect on visitor numbers during construction since the benefit to short-term rental providers will offset any potential negative impact on the visitor economy associated with noise and visual impacts on PRow surrounding the site. During operation, the report also concludes a Negligible impact.

The Old Barn (Hatton)

13.1.73 This property is located approximately 200 metres from the proposed solar arrays. Viewpoints 8 and 9, as referenced in the LVIA, represent the likely visual experience from this property, including the courtyard area where a hot tub is situated.

13.1.74 Viewpoint 8, located south of The Old Barn and looking east, identifies the scale of visual change as Small Adverse at Year 1, reducing to Negligible/Neutral once landscaping has matured. The development will be set well back in the view, with intervening field boundaries and tree belts maintained, and will not result in significant or harmful change to the setting.

13.1.75 Viewpoint 9, located on the public footpath (Hat 103/1) northwest of the property, shows a Moderate Adverse effect at construction and Year 1, reducing to Minor Adverse once landscaping is mature.

13.1.76 The scheme will not be illuminated, will not generate notable operational noise, and will not appear overbearing or enclosing. Ms Fisher concludes, the development would not alter the key landscape characteristics experienced from the property, which will remain consistent with the wooded rural setting.

Corner Farm (Great Sturton)

13.1.77 It is noted that consent (ELDC Ref: S/065/00976/22 (CD11.12) & LBC: S/065/01825/23 (CD11.11)) has been granted for three holiday-let units at Corner Farm. However, any applicant for these permissions would have been aware of the pending solar farm application and the potential for its approval when making investment decisions.

13.1.78 Corner Farm is located approximately 69 metres from the refused scheme and 156 metres from the newly proposed amended layout site boundary (CD8.29). Existing barns and vegetation within the curtilage limit intervisibility with the proposed development. The LVIA does not identify significant change to views from this location, and I do not consider that the appeal scheme would result in any material planning harm to the amenity or function of the future holiday-let use.

Old Barn Cottages, Beech House

- 13.1.79 These properties lie at a greater distance from the site. I note that Viewpoint 19 of the LVIA (CD2.13) concludes Minor Adverse effects, reducing to Negligible with mitigation, suggesting to me that any harm should not feature in the planning balance.

Summary

- 13.1.80 The LVIA and Ms Fisher's evidence conclude that while some short-term construction effects will arise, these are capable of mitigation through embedded and additional planting measures. Effects on holiday accommodation properties are assessed as no greater than Moderate Adverse (Viewpoint 9), reducing over time to at most, Minor Adverse or Negligible/Neutral with mitigation.
- 13.1.81 Policy SP10 supports development where it does not "*unacceptably harm any nearby residential amenity*" and requires appropriate landscaping. Policy SP27 requires that the visual effects of renewable energy schemes be weighed against the benefits they deliver. SP15 (inland tourism and leisure economy) does not refer specifically to the impact on leisure facilities.
- 13.1.82 Importantly, paragraph 84 of the NPPF supports both the diversification of rural land-based businesses and the sustainable growth of the rural economy, including tourism and renewable energy. There is no conflict between these objectives, and both can successfully co-exist.
- 13.1.83 While I acknowledge the concerns raised by nearby tourism operators, I do not consider these to be supported by the objective assessment of landscape and visual effects provided in the LVIA and Ms Fisher's evidence. The operational solar farm would not materially harm the viability, setting, or attractiveness of nearby holiday accommodation businesses.
- 13.1.84 The Socio-economic Impact Assessment (Appendix 5) supports these conclusions. The Assessment considered the location and characteristics of nearby holiday-let accommodation including, The Old Barn (Hatton), Corner Farm (Great Sturton), and Beech House Cottages, and concluded that there is no evidence to suggest the scheme would affect their viability, visitor appeal or operational success. I am satisfied that this reinforces the overall conclusion that tourism-related impacts do not weigh against the proposal. Accordingly, I find no conflict with local or national planning policy in this regard.

14.0 Compliance with the development Plan and other material considerations

14.1.1 I introduce the adopted development plan and its age in Section 9.0 of my proof and I will assess weight of specific policies here.

14.1.2 The policies most relevant to the appeal scheme, as set out in the Statement of Common Ground (CD9.1) and referenced in the LPA's and Rule 6 Party's Statements of Case, include:

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

14.1.3 The key policy for the determination of this appeal is SP27 (Renewable and Low Carbon Energy). The policy supports proposals for renewable energy development where their individual or cumulative impact is, when weighed against the benefits, considered to be acceptable in relation to a series of considerations. I assess each of the considerations in the order in which they appear in the policies, alongside other policies that relate to the theme.

Residential amenity

14.1.4 I note there is common ground with ELDC (point 23, p25) that robust assessments of potential impacts on visual amenity, noise, air quality and glint and glare have been undertaken that demonstrate there will be no unacceptable impacts on residential amenity. Nonetheless, amenity has been raised by interested parties, including East & West Barkwith Parish Council and Cllr Daniel Simpson, particularly relating to noise.

14.1.5 SP27 and SP10.5 indicate development will be supported where there is no unacceptable harm to residential amenity, weighed against the benefits. Visual amenity has been addressed in Ms Fisher's proof, concluding at 5.1.7 there is no potential for the Residential Visual Amenity Threshold to affect living conditions and become a matter for the planning balance.

- 14.1.6 The appellant has provided a Projected Noise Pattern Plan (CD1.11) which shows that the inverter/transformer stations have been positioned well away from properties to minimise potential noise impacts, and officers confirmed in CD4.4, paragraph 7.55 *“there will be no adverse noise increase as a result of the development.”*
- 14.1.7 The Glint and Glare Assessment (CD2.9) concludes that once mitigation is taken into account, the impacts on residential receptors is none. Officers again, raised no concerns, stating at 7.51 *“A Glint and Glare assessment has been submitted with the application which confirms that there would be no adverse impact on receptors”*.
- 14.1.8 I note the DAS (CD2.2) confirms there will be no permanent security lighting with the exception of the DNO substation (CD1.22), which will be used for emergencies only. Infrared CCTV cameras (CD1.4) are designed to capture images from within the site itself. I am informed by the appellant that the CCTV pole height in CD1.4 and the description of development are accurate and not 3.10 of the DAS. Therefore, I am satisfied that artificial light and privacy are unlikely to be adversely affected by the proposed development.
- 14.1.9 Taking all these matters into account, I do not consider there to be a conflict with policies SP10 or SP27, NPPF paragraph 135f, nor NPS EN-3 paragraphs 2.10.133.

Surrounding landscape, townscape and historic landscape character, and visual qualities

- 14.1.10 Ms Fisher has considered surrounding landscape and visual qualities in their proofs. I have concluded earlier in my proof that there is no conflict with SP27 on landscape grounds and minimal conflict on visual grounds. For clarity, I address historic landscape character within the next policy point.
- 14.1.11 The effect on visual qualities will be reduced to no more than Moderate Adverse (to bridleway) with landscaping. This can be secured by planning condition and will be entered into the planning balance therefore, I consider there is no conflict with this part of the policy.
- The significance (including the setting) of a historic garden, park, battlefield, building, conservation area, archaeological site or other heritage asset*
- 14.1.12 Ms Stoten and the heritage assessments (CD2.10 and 2.11) confirm the site is not within or contain any designated or non-designated historic assets. The closest asset is the Grade II listed Sturton Harden Corner Farmhouse, which is the subject of Ms Stoten’s proof. It is common ground with ELDC (point 19, p22) that the proposals will only impact this single heritage asset and that there will be no harm to any other assets.

14.1.13 Ms Stoten notes the Historic Landscape Character Area is Central Clay Vale, but that this is not a heritage asset in itself, and no harm to it as a heritage entity is alleged by any party.

14.1.14 An archaeological desk-based assessment has been prepared (CD2.19) and it is common ground with ELDC (point 20, p23) that any archaeological remains can be further investigated and, if necessary, protected via a planning condition.

14.1.15 I have entered the less than substantial harm, at the low end of the scale, into the planning balance and therefore, I consider there is no conflict with this part of the policy.

Sites or features of biodiversity or geodiversity importance, or protected species

14.1.16 The Preliminary Ecological Appraisal (CD2.3) does not identify any sites or features of biodiversity or geodiversity importance on site, notes that the site is unlikely to meet the qualifying criteria for consultation with Natural England on designed wildlife sites and unlikely to have significant impact on non-statutory sites. It concludes that *“If any mitigation or compensation measures recommended following these further surveys is carried out, and if the precautionary measures for hedgehogs, reptiles and GCN detailed in this report are followed, it is considered that the development is able to proceed with minimal impact on the local conservation status of any protected, principally important or rare species within the area.”*

14.1.17 The appellant has submitted a suite of protected species surveys, including a Breeding Bird (CD2.6), eDNA Great Crested Newt (CD2.4) and Water Vole and Otter (CD2.5) Surveys. A survey of habitat and trees for bat roost potential has been included in the PEA. A badger survey can be undertaken 6 months prior to development. It is common ground with ELDC (point 17, 21) that the appellant has undertaken appropriate surveys following appropriate methodologies. I note that these were undertaken some time ago but officers confirm (CD4.4, 7.72) that *“An update from the ecologist who write [sic] the initial report for the application has been provided to confirm that the original findings of the Preliminary Ecological Appraisal still stand but if work does not commence prior to March/April 2025, updated surveys will be required. This can be addressed by planning condition.”*

14.1.18 Common ground goes on to agree that 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. I have seen the advice from the project’s ecologist (CD3.42) and I agree that surveys can be updated using a pre-commencement condition and

should it be necessary, an updated scheme of mitigation agreed with the council and/or a European Protected Species licence obtained from Natural England.

- 14.1.19 I conclude that there is no conflict with this part of the policy, with SP24 (Biodiversity and Geodiversity) and SP25 (Green Infrastructure), or paragraphs 187a and d and 193a of the NPPF. Indeed, I will add BNG as a positive into the planning balance (neutral for harm).

The local economy

- 14.1.20 The Socio-economic Impact Assessment confirms that the development would give rise to Moderate to Major Significant beneficial effects on economic output during both construction and operation. These are important and material to the planning decision. The report identifies at Table 8 highly sensitive receptors, including above average unemployment, lower economic activity and education/skills, above average GVA associated with agriculture, and an important tourism economy. in the study area. The benefits stem from direct investment, local procurement, and employment across the construction supply chain.
- 14.1.21 The 49.9MW scale necessitates a range of specialist contractors, including civil engineering, groundworks, electrical, fencing, and vegetation management firms, many of which can be sourced locally. At decommissioning, the assessment identifies further Moderate Significant beneficial effects, reflecting the and duration of the works involved in restoring the land to its former condition. I see no conflict with this part of the policy, I address wider economic policy later in this section and I enter economic benefits in the planning balance.

Highway safety

- 14.1.22 A Transport Statement (CD2.1), Construction Access Routing (Swept Path Analysis) (CD2.15) and Construction Management Plan (CD2.22) have been submitted. The Statement concludes that the proposed development would have a negligible impact on the operation of the local highway network, nor any adverse impact on highway safety. The Local Highway Authority have been consulted and have raised no objection, subject to planning conditions.
- 14.1.23 I have considered recreational amenity impacts on the PRow and local roads earlier in my proof.
- 14.1.24 Accordingly, I am satisfied that there is no conflict with this part of policy SP27. SP22 (Transport and Accessibility) is also satisfied insofar as it is material to this application. I consider there to be no conflict with NPPF paragraphs 116

Water environment and water quality

- 14.1.25 The appellant has submitted a Flood Risk Assessment (FRA, CD2.8). I note that the majority of the site is within Flood Zone 1, is not in an area susceptible to groundwater flooding, and is at very low risk of surface water flooding. Solar farms are classified in Annex 3 of the NPPF as Essential Infrastructure, which the Planning Practice Guidance indicates at Table 2 (Paragraph: 079 Reference ID: 7-079-20220825) is suitable to be in Flood Zone 2, and in Flood Zones 3a and 3b, subject to passing the exceptions test.
- 14.1.26 The NPPF tells me at paragraph 172, that development should apply a sequential test to the location of development to avoid, where possible, flood risk to people and property. I have covered site selection matters earlier in my proof. Within the preferred site, I can see from the layout (CD1.21) that the appellant has followed the advice in the FRA and located all sensitive equipment (inverters and transformers, and substation) within Flood Zone 1 and areas at very low risk of flooding from other sources. I am therefore satisfied that the site passes the sequential test. This conclusion is echoed by officers (CD4.4, paragraph 7.152) and it is common ground with ELDC (point 24, p25).
- 14.1.27 The exceptions test applies to those small areas in Flood Zone 3 or at risk of surface water flooding. These matters have been covered in the FRA and it is common ground with ELDC that the site passes the test. I note the considerable sustainability benefits of the proposals and, in accordance with Environment Agency (EA) advice, the FRA concludes that the site can be considered to have a low probability of flooding from all sources and that it would not increase the probability of flooding to other properties within the local catchment area. As such, I am satisfied that both parts of the exceptions test have been passed.
- 14.1.28 Regarding water quality, I have consulted MAGIC and can see that the site and surrounding area are not identified as Source Protection Zones, Drinking Water Protection of Safeguard Zones. I note that no consultees have raised risk to water quality as a concern.
- 14.1.29 I note there have been no objections from the EA (CD3.17 and 3.27) or Lead Local Flood Authority (CD3.26), and so I conclude that the development is appropriate for this location and that surface water can be managed via a surface water management plan condition. Therefore, I see no conflict with this part of the policy, nor with policy SP16, nor with paragraphs 172, 174, 177, 178, 179, 181 or 182 of the NPPF, or the PPG.

SP10 (Design)

14.1.30 SP10 supports well-designed sustainable development which maintains and enhances the character of the district's towns, villages and countryside, and sets of measures to achieve this. While I consider that many of the parts relate more to other forms of developments, I consider each in turn:

- Where possible supporting the use of brownfield land and lower quality land – I have addressed site selection matters earlier in my proof and based on the Site Search (CD2.27), concluded that it has not been possible to use brownfield land and lower quality land has been preferred as far as possible. I see no conflict with this part of the policy.
- Use of high quality materials and where the layout, scale, massing, height and density reflect the character of the surrounding area – The choice of materials is constrained by the technical requirements of a solar farm, including the use of solar panels, inverters, transformers, fencing, and associated infrastructure. However, within these functional limits the layout, scale, and height of the proposals have been carefully designed to minimise visual and environmental impacts.
- Solar panels are restricted to a maximum height of 3 metres and are set back within field parcels to reduce their visual prominence and proximity to residential receptors. Infrastructure components such as inverters and transformers have been deliberately located away from dwellings, helping to minimise potential amenity impacts. The scheme also makes use of existing access points where possible, avoiding the need for new openings or significant works to the highway network, and reducing effects on landscape and ecology.
- The layout reflects the local landform and pattern of enclosure, retaining and reinforcing existing hedgerows, and incorporating new hedgerow planting designed to reach 3 metres in height, creating a robust landscape framework. Further tree planting and refinements to the layout, such as setting panels back from more sensitive or exposed boundaries, form part of a landscape-led design approach.
- Glint and glare (CD2.9) have also been assessed and addressed through layout and orientation, with no unacceptable effects identified on nearby properties or highway users.
- While I acknowledge that there is some limited, localised conflict with design policy during the early operational years, prior to the full effect of planting, I consider that the scheme overall represents a carefully considered, landscape-led and functionally efficient design,

appropriately responsive to its rural context. It also supports the continued agricultural use of the wider Stourton Estate, delivering a diversified land-based use that aligns with Policy SP13.

- Ensuring it is easy for everyone to get around by incorporating safe and attractive roads, cycleways and footways that enable people of all abilities to access shops, jobs, schools and other community facilities – I do not consider that this policy is relevant to the proposed development as the protected PRoW and proposed permissive paths are likely to provide for recreational purposes and not for accessing facilities. Nonetheless, the appellant has provided new and maintained screening along the road and PRoW. I have addressed safety earlier in my proof and do not consider there to be conflict with this part of the policy.
- Providing on-site landscaping to integrate the development into its wider surroundings and make provision for open space – I note that significant new and maintained landscaping is proposed and Ms Fisher has demonstrated that it will integrate the development into the surroundings. I see no conflict with this part of the policy and consider this to be a benefit that I take account of in the planning balance.
- Development will be supported if it is designed to minimise glare and light spillage, it does not unacceptably harm the rural or dark-sky character of a settlement or landscape or any nearby residential amenity; it respects the local historic environment; and it does not unacceptably harm or reduce the safety of highways, cycleways and footways – I have addressed these matters elsewhere in my proof and conclude that glare has been minimised, there will be no light spillage except for emergency nighttime maintenance works, there is no unacceptable impacts on residential amenity or the safety of the highway or PRoW. Therefore, I see no conflict with this part of the policy.
- The design of new and altered buildings or areas will be supported where they adequately take into account the safety and security of the users of the facilities both during the day and at night and that of neighbouring residents – the site will not normally be manned and the FRA (CD2.7) indicates that the site is at low risk of flooding and safety of maintenance workers can be protected by the operator signing up to the EA Flood Alert Service. Therefore, I see no conflict with this part of the policy.
- Development will be supported where it can demonstrate that its design incorporates sustainable features and/or renewables and that the development could be adapted in the future for other uses in that it is development that will become a high quality integrated

part of the built environment over many generations – the development has inherent sustainability features (i.e. renewables), plus sustainable drainage, ecological and landscape features and maintenance of a permissive path, which can be secured via condition. As a temporary consent, a condition can secure its removal at the end of its life. Therefore, I see no conflict with this part of the policy.

- Supporting development that includes measures to recycle, re-use or reduce the demand for finite resources. New development should be designed to Building Regulation water consumption standard for water scarce areas, to not exceed 110 litres per day per person – I consider that a construction environment management plan and decommissioning plan to be appropriate means to maximise recycling and re-use of materials. I am not aware that water will be used in the operation of the solar farm, other than for periodic cleaning of the panels and therefore, this element does not apply to the proposed development. Therefore, I see no conflict with this part of the policy.
- Development around water sources will only be supported if it contains adequate protection preventing pollution from entering into the water source – I have addressed this point at paragraph 14.1.28 and do not see any conflict with this part of the policy.
- Development will only be supported around hazardous uses if it contains adequate provision to mitigate against threat from the hazardous use and does not conflict with that use – I address this point earlier in my proof and see no conflict with this part of the policy.
- The following developments will be supported on design grounds if they satisfy a site-specific design brief: applications on sites over 4ha. – I am of the view that this part relates primarily to housing, industrial and commercial developments. The design and layout of the proposed development has been informed by a comprehensive suite of reports and surveys, which I have concluded in this proof mean that the development is appropriate for the location. Therefore, I see no conflict with this part of the policy.

14.1.31 I conclude that there is no conflict with this part of the policy, including SP10 (Design) and relevant guidance in paragraphs 134 and 135 of the NPPF. Indeed, the design quality of the scheme weighs moderately in favour of the proposal, and I give it moderate beneficial weight in the planning balance.

14.1.32 I also consider that Policy SP13 (Inland Employment), specifically point 7, is of relevance given the site's agricultural context. It supports farm diversification schemes where they are subordinate to the farm use and do not jeopardise the farm business. The appeal scheme aligns

with this policy by enabling land-based diversification while enabling continued farming across the wider estate and supporting national renewable energy goals. These benefits are supported by the findings of the Socio-economic Impact Assessment (Appendix 5), which confirms that the proposal would deliver significant economic benefits, and are further reinforced by the landowner's representation (CD8.25), which confirms that the development would support the long-term resilience and economic sustainability of the estate.

- 14.1.33 Drawing all of this together, I am firmly of the view that the appeal scheme complies with the development plan when read as a whole. I consider the planning balance later in this proof.

15.0 Planning Balance

- 15.1.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. Before concluding on this matter, I will first consider whether there are public benefits that outweigh the less than substantial harm to the heritage asset, before addressing material considerations in the planning balance.

Heritage and public benefits

- 15.1.2 The NPPF requires that before carrying out a planning balance a public benefits exercise is to be undertaken. NPPF paragraph 212 advises that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to its conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 215 indicates that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
- 15.1.3 As the scheme would give rise to a low level of less than substantial harm to a single Grade II listed building. I consider the following benefits exist, I note which of these are common ground with ELDC (point 19, p22):
- Renewable energy generation: Up to 49.9MW export capacity, generating 70GWh of renewable energy per annum, sufficient to power approximately 21,000 homes annually. This is common ground and amounts to a very substantial contribution towards the country's energy targets. This contribution can come prior to 2030, thereby adding an

additional benefit. I note that the proposed amendments will reduce these figures a little, but I don't consider that they significantly affect the public benefit.

- Carbon emissions reduction: Avoidance of an estimated 12,500 tonnes of CO₂ emissions per year and 500,000 tonnes over the 40-year operational life of the scheme. This is common ground and in light of the Climate Change Act and government declared climate emergency, this amounts to a very substantial public benefit. I note that the proposed amendments will reduce these figures a little, but I don't consider that they significantly affect the public benefit.
- Biodiversity net gain (BNG): Delivery of species-rich grassland, hedgerows, buffer planting and habitat creation, exceeding 10% net gain. The submitted BNG Assessment (CD2.20 and 2.21) indicates around 70% gain in habitat units and over 100% in hedgerow. I have not seen an updated Assessment, but the proposed landscape drawings indicate an additional hedgerow along the length of permissive path and a landscape buffer close to Corner Farm, suggesting the figures would be significantly higher, should the amendment be accepted. BNG can be confirmed and secured via a planning condition. This is common ground, and I consider that this amounts to a significant public benefit.
- Economic benefits and local investment, including beneficial effects on economic output during construction and operation, and decommissioning, on local unemployment, and to education and skills through implementation of the Employment and Skills Plan.
- Recreational amenity: The existing permissive path was put in place by the landowner from 2010 until 29/2/2020. They have retained since then but have confirmed that it was intended to be removed. They have agreed to include it as part of the appeal scheme (CD8.31). This represents a positive aspect of the scheme, maintaining connectivity that would otherwise be lost. This is common ground and I consider that this amounts to a moderate public benefit.
- Landscape enhancements: I note that the appellant has proposed landscape enhancements including new trees, gapped up and new hedges, plus new grassland and meadow planting. Further measures are proposed in the amended landscape drawings, should the inspector accept these. This is common ground and in either case I consider that they provide a moderate public benefit.

- 15.1.4 I also note that 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 a 40-year lifespan.
- 15.1.5 In applying the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given great weight to the potential harm to the single Grade II listed building. Balanced against this, are the public benefits I list above. Given their scale and nature, these public benefits outweigh the low level of less than substantial harm.
- 15.1.6 The less than substantial harm to the heritage asset does not provide a clear reason for refusing the appeal scheme.

Planning balance – material considerations weighing in favour of the appeal scheme

- 15.1.7 I turn now to whether there are material considerations that clearly outweigh the potential harm from the appeal scheme. I will apply the following scale, either as a positive benefit, adverse harm or neutral effect:

- Very substantial
- Substantial
- Significant
- Moderate
- Limited

The need for renewable energy

- 15.1.8 I have described earlier in my proof the urgent and ongoing national need for renewable energy generation that is clearly stated in recent planning and other government policy documents. I summarised what I see as the key metrics in the public benefits section. I note that it is common ground with ELDC (point 5, p18) that the appeal scheme will make a very significant contribution to national and local renewable energy.
- 15.1.9 The NPPF directs that significant weight be given to the renewable energy benefits and as this is a large proposal I believe the weight should take account of this. Therefore, it is my opinion that the benefit from renewable energy generation should be afforded **Very Substantial beneficial** weight in determining the appeal. I consider that the small reduction in solar panels resulting from the proposed amendment will not materially alter this conclusion.

Grid connection secured and deliverable in short term

- 15.1.10 The appellant has provided a briefing note (CD8.26) that indicates that as of 18th July 2025, the project is likely to be able to connect to the grid as soon as the appeal scheme is approved and constructed. In the context of the Committee on Climate Change's concerns that solar delivery is falling behind, the ability of this project to contribute to the 2030 renewable energy targets is a benefit that should be afforded **Substantial beneficial** weight in determining the appeal.

Climate emergency

- 15.1.11 I note earlier in my proof that the government has declared a climate emergency in the context of the Climate Change Act 2008. This is a non-binding motion passed by the UK Parliament and, to my mind, provides the necessary sense of urgency to securing the provisions of the Act and other policy documents. I summarised what I see as the key metrics in the public benefits section. I note that it is common ground with ELDC (point 5, p18) that the appeal scheme will make a very significant contribution to national and local climate change targets.
- 15.1.12 This is a large proposal, with very large CO₂ emissions benefits. Therefore, it is my opinion that the benefit from renewable energy generation should be afforded **Very Substantial beneficial** weight in determining the appeal. I consider that the small reduction in solar panels resulting from the proposed amendment will not materially alter this conclusion.

Ecology and biodiversity net gain

- 15.1.13 I have earlier concluded that there is no conflict with the ecology part of policy SP27, with SP24 (Biodiversity and Geodiversity) and SP25 (Green Infrastructure), or paragraphs 187a and d and 193a of the NPPF.
- 15.1.14 The assessed BNG will be very much greater than the statutory 10%. If the inspector accepts the proposed amendments, I would reasonably anticipate the gain will be greater still. Either way, BNG should be afforded **Significant beneficial** weight in determining the appeal. I am aware that similar weight has been applied by inspectors on schemes including Bramley where 100% biodiversity net gain was achieved (CD9.7).

Economic benefits and farm diversification

- 15.1.15 The Socioeconomic Impact Assessment (Appendix 5) concludes that the appeal scheme would deliver important material economic benefits during construction, operation, and decommissioning phases. These include Moderate to Major beneficial effects on economic output, Moderate Significant benefits on unemployment, and potential Moderate to Major

beneficial effects on education and skills development, subject to the effective implementation of an Employment and Skills Plan, which I consider can be secured via a planning condition.

- 15.1.16 I further believe that the proposal aligns with Policy EC3 (Farm Diversification) by enabling sustainable diversification of farm income and land use, thereby contributing to the long-term viability of the rural enterprise. Taken together and in light of the additional evidence provided by the appellant, I consider that these economic benefits and farm diversification opportunities warrant me upgrading the benefits to **Significant beneficial** weight in the planning balance.

[Landscape enhancements and permissive path](#)

- 15.1.17 I have noted as public benefits the proposed landscape enhancements including new trees, gapped up and new hedges, new grassland and meadow planting, a permissive path for the duration of the development, plus the further measures in the amended landscape drawings, should the inspector accept these. The enhancements will contribute towards climate resilience, new green infrastructure and connectivity and public access to the countryside, thereby supporting policy SP25 (Green Infrastructure).

- 15.1.18 While the appellant intends to restore the site to agriculture upon decommissioning and necessarily this would remove some or all of the grassland and meadows, there is nothing to suggest that the trees, new and enhanced hedgerows will not become a permanent feature. I consider that they provide **Moderate beneficial** weight in determining the appeal.

[Soils](#)

- 15.1.19 Mr Kernon has demonstrated that there will be no permanent loss of BMV or agricultural land. An Outline Soil Management Plan (CD2.28) presents the principles for avoiding structural damage to the soils. Implemented correctly, Mr Kernon has noted the considerable evidence of the benefits to soils of increased organic matter and stores of organic carbon, from removal from intensive arable and long-term grassland use.

- 15.1.20 I afford this matter **Moderate beneficial** weight in the planning balance.

[Only available site](#)

- 15.1.21 I have concluded earlier in my proof that the appellant's site search provides a robust justification for the area of search and choice of site. Table 1 of the Site Search (CD2.27) confirms that the landowner did not wish to make other parcels available and has provided further clarification (CD8.25) on the role the solar farm will make in their overall ambition for the land holding.

15.1.22 I am satisfied from the materials I have seen that the site is a suitable location for development but unless the land is available, I cannot see how a scheme can be brought forward. Therefore, I consider the availability of the site for development should carry **Moderate positive** weight in determining this appeal.

Design

15.1.23 The design of the scheme has been carefully developed through a landscape-led approach that responds to the site's rural character, minimises visual and environmental impacts, and supports continued agricultural use. I have explained earlier in my evidence how the layout, infrastructure siting, use of existing access points, and mitigation planting all contribute to a sensitive and locally responsive design solution. While there is some limited and short-term conflict with design policy during the early years of operation, I consider that the residual effects are acceptable, and that the overall design represents a positive aspect of the scheme. I therefore give **Moderate beneficial** weight to the design of the proposal in the planning balance.

Planning balance – material considerations weighing against the appeal scheme

15.1.24 I consider the following weigh against the appeal scheme. I agree with the other parties that there are adverse effects on heritage, landscape and visual and PRow receptors, however, I disagree with the level of harm in the planning balance.

Heritage

15.1.25 I have concluded earlier in my proof that heritage should not be a reason to dismiss the scheme. Nonetheless, I consider it should carry weight in the planning balance in the context of the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requiring decision-makers to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

15.1.26 Putting aside the public benefits, I give great weight (expected by NPPF paragraph 212) to the asset's harm. Grade II means the asset is the lowest of the 3 grades of importance, the appellant proposes mitigation to reduce the potential harm, Ms Stoten has assessed the harm to be at the low end of less than substantial, and the proposed development is temporary. Taking these together, I consider **Significant adverse** weight should be applied in the planning balance. As conclude earlier, this harm is outweighed by the public benefits.

Landscape and visual

- 15.1.27 Ms Fisher's evidence concluded that the landscape effects are localised and the effect on visual qualities will reduce to an acceptable level as the landscaping matures and so there is minimal conflict with SP27 or NPPF paragraph 165a.
- 15.1.28 I note also, while 40-years operation is not a short period of time, unlike housing or similar that would remain in perpetuity, the appeal scheme is a temporary development and can be completely removed.
- 15.1.29 I have noted above that there will be moderate beneficial weight from landscape enhancements. These will mature rapidly. Conversely, Ms Fisher concludes that landscape effects will be confined to a small part of the landscape character area, there will be Moderate/minor adverse harm to character for all stages of the proposed development and no greater than Moderate adverse effects on visual receptors.
- 15.1.30 Accordingly, I consider that these matters be afforded **Limited adverse** weight in determining the application. This would be largely unaffected by the proposed amendments.

Public rights of way

- 15.1.31 I have noted earlier that the PRoW on the eastern edge of the site will be retained during operation and will also remain open during construction. New hedges will be planted to create a vegetated lane where the PRoW passes through the site, and gaps can be filled. As a bridleway, the appellant has followed advice from the British Horse Society (CD7.42) in the design the scheme, to minimise the risk to horses and riders and has assessed there to be no impacts of glint and glare following mitigation.
- 15.1.32 Conversely, Ms Fisher has noted in Annex A, open views of the site will be seen during early operation with Large Scale Adverse changes as it passes through the site but reducing to Medium, Medium/small and Small further away from the site, and mitigation planting will reduce those within the site to Moderate adverse.
- 15.1.33 The effect on the bridleway south of Sotby to the east would be Medium to Small Scale adverse before and after landscaping matures. The effect on the footpath north of Amberholm Farm to the south of the proposed substation would be Medium Scale adverse, reducing to Negligible Scale neutral.
- 15.1.34 Ms Fisher concludes that access to the site from Sotby Wood is difficult due to the dense understorey and this also restrict views, leading to Negligible impacts.

15.1.35 Taking this into account and considering the relatively short length of bridleway that is adjacent to the site, I afford these matters **Limited adverse** weight.

Planning balance – material considerations that are neutral in the appeal scheme

15.1.36 The following matters are afforded neutral weight.

15.1.37 Agricultural land use and food security – I have noted earlier in my proof that I do not find there to be a policy conflict with the use of BMV or agricultural land. The site search has demonstrated that there is no non-agricultural land or sites of a lower land grade available within the search area. The land can be returned completely to agricultural uses in future, secured by a planning condition, the site has been designed to allow for small livestock such as sheep to graze, and for the duration I have noted the beneficial effects on soil quality. Mr Kernon points to several comparable appeals in which inspectors have agreed that there would be negligible or minor effects on agricultural land or food security, and confirmed that solar farms are temporary. Accordingly, I give this **Neutral** weight.

15.1.38 Amenity – I have concluded earlier in my proof that there is no conflict with residential amenity, recreational amenity of users of the PRow network or walkers and cyclists on the roads. Ms Fisher has shown that there is no potential for the RVA Threshold to be considered in the planning balance. Accordingly, I give this **Neutral** weight.

15.1.39 Highway safety and access – I have noted that the Highways Authority have not objected to the proposed access route, points of access, vehicle numbers or type, subject to planning conditions. I note that the potential impacts are limited to the construction and decommissioning periods. Accordingly, I give this **Neutral** weight.

15.1.40 Flood risk and drainage – these matters have been assessed, and the site is considered suitable for the proposed development without increasing risk on or off-site. Sustainable drainage measures will be secured by condition. Accordingly, I give this **Neutral** weight.

16.0 Conditions

16.1.1 In the event that appeal is allowed, the Appellant is content for planning permission to be granted subject to a suite of appropriately worded conditions.

16.1.2 A list of without prejudice draft conditions has been agreed with ELDC and is included within the agreed Statement of Common Ground (CD8.3). These conditions are intended to secure appropriate mitigation and implementation controls and have been drafted to be precise,

necessary, enforceable, reasonable and relevant, in line with Paragraph 57 of the NPPF and the associated PPG.

16.1.3 The draft conditions address both standard and site-specific matters. These include:

- The time limit for commencement and list of approved plans
- A Construction Environmental Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP).
- Controls on glint and glare, lighting, and biodiversity net gain delivery.
- Details of decommissioning and site restoration after the operational period.

16.1.4 Some pre-commencement conditions are proposed; particularly where early-stage controls are needed to manage construction or secure biodiversity mitigation. The Appellant is content that these conditions meet the relevant tests, as set out in the NPPF and PPG. The LPA has confirmed that it agrees to the necessity of those conditions being pre-commencement in nature.

16.1.5 At the time of writing, there are no outstanding areas of disagreement between the Appellant and ELDC in relation to the draft conditions. The Rule 6 Party has been invited to comment and may raise further points. The Appellant will review respond to any further representations as necessary in advance of the Inquiry, and remains open to refinement of the wording where appropriate.

16.1.6 I am satisfied that, subject to the agreed suite of conditions, the development would proceed in a manner that is environmentally acceptable, reversible, and consistent with the conclusions of the supporting evidence. The proposed conditions provide a robust and appropriate framework to manage implementation, minimise impacts, and secure long-term environmental outcomes.

16.1.7 A number of the draft conditions will require minor refinement prior to finalisation, primarily to ensure that they reflect the final agreed plans, terminology, and scope of measures. The key updates required are summarised below on a condition-by-condition basis.

16.1.8 The list of approved plans in Condition 2 will be updated to reflect the final set of plans agreed during the inquiry process, to ensure the condition accurately secures the approved development.

16.1.9 The current wording refers to implementation “prior to occupation.” As the proposal is for a solar farm, the more appropriate trigger is “prior to energisation” to ensure that the drainage

scheme (Condition 7) and highway improvements (Condition 9) are completed before the site becomes operational.

16.1.10 Condition 10 should be updated to ensure that the Landscape and Ecological Management Plan (LEMP) incorporates a range of additional, site-specific measures. These include updated ecology surveys, a badger survey, and provision for achieving Biodiversity Net Gain. The LEMP should also address measures to protect horses within the landscape, incorporate relevant highway ecology considerations, and include protocols for removal, decommissioning, and recycling of equipment. Furthermore, it should integrate the Construction Environmental Management Plan (CEMP), and a soil protection plan to safeguard the site's environmental integrity throughout construction and operation phases.

16.1.11 For Condition 9 (Highways), “energisation” is more appropriate than “occupation” because the highway improvements must be completed before the solar farm becomes operational, not before it is occupied.

16.1.12 As set out in the Socio-economic Impact Assessment submitted with this appeal, an Employment and Skills Plan will be required to ensure the maximisation of local employment and skills development opportunities during the construction and decommissioning phases of the development. It is recommended that such a plan be secured through an appropriate planning condition to deliver the significant socio-economic benefits identified.

17.0 Conclusions

17.1.1 This Proof of Evidence has assessed the proposed Hatton Solar Farm against the adopted development plan and other relevant material considerations. It responds directly to the single reason for refusal, the main issues identified through the Case Management Conference, and the matters raised by ELDC and the Rule 6 Party in their Statements of Case and other matters raised by interested parties.

17.1.2 The application has been subject to thorough technical scrutiny, public consultation, and subsequent clarification. The appellant has submitted updated evidence on site selection, agricultural land quality, and socio-economic effects, and has worked constructively with statutory consultees and the local planning authority to resolve technical matters.

17.1.3 Landscape and heritage impacts have been assessed by qualified experts. The landscape and visual effects are limited, localised, and capable of mitigation. In heritage terms, the scheme

would give rise to a low level of less than substantial harm to the Grade II listed Sturton Harden Corner Farmhouse which, despite weighing negatively in the balance, I consider to be clearly outweighed by the public benefits of the proposal, consistent with paragraph 208 of the NPPF and the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 17.1.4 Concerns raised by the Rule 6 Party in relation to agricultural land and food security have been fully addressed. The site is a mix of Grades 2, 3a and 3b, but on the cusp of being substantially Grade 3b and of limited versatility. It could remain in grazing use throughout its operational life. There is no national or local policy that prohibits the use of agricultural land for solar development.
- 17.1.5 Other third-party concerns, including those relating to amenity, safety and the underground gas pipeline, have been satisfactorily addressed through the application process, technical submissions, and the agreed schedule of conditions, as set out in the Statement of Common Ground.
- 17.1.6 Overall, I consider it important that the identified harms to landscape and visual receptors, the PRoW and the Grade II heritage asset are calibrated against the considerable public and other benefits which, in my opinion far outweigh the limited harms – I have illustrated this in Table 1. I have backed up these conclusions through the expert evidence of others and by own expertise as a town planner.
- 17.1.7 Although the Local Plan is over 5 years old, I consider that the relevant policies of the East Lindsey Local Plan remain consistent with national policy and are not out-of-date. Where I have identified that aspects of the appeal scheme conflict with the development plan I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole.
- 17.1.8 Under NPPF paragraph 11(c), the planning balance weighs decisively in favour of the appeal proposal. I therefore respectfully conclude that planning permission should be granted, and the appeal allowed.

Table 1: Summary of planning balance

Matter	Weight
Generation of up to 49.9 MW of clean, renewable electricity	Very substantial beneficial
Climate emergency	Very substantial beneficial
Grid connection secured and deliverable in short term	Substantial

Biodiversity Net Gain	Significant beneficial
Landscape enhancement and permissive path	Moderate beneficial
Soils	Moderate beneficial
Economic and farm diversification	Significant beneficial
Only available site	Moderate beneficial
Design	Moderate beneficial
Heritage	Significant adverse
Landscape and visual	Limited adverse
Public rights of way	Limited adverse
Agricultural land use and food security	Neutral
Amenity	Neutral
Highways and access	Neutral
Flood risk and drainage	Neutral

Appendices

Appendix 1: EIA Screening Opinion (CD4.6)

Appendix 2: Landscape and visual evidence (CD8.19)

Appendix 3: Heritage evidence (CD8.20)

Appendix 4: Agricultural evidence (CD8.21)

Appendix 5: Socio-economic impact assessment (CD8.22)