

South Kesteven District Council  
Council Offices  
The Picture House  
St Catherine's Road  
Grantham  
NG31 6TT

28 February 2023

## **MALLARD PASS SOLAR PROJECT (MPSP) REF: 01027**

### **SOUTH KESTEVEN DISTRICT COUNCIL RELEVANT REPRESENTATION**

#### **Introduction**

Mallard Pass Solar Project (MPSP) comprises approximately 825ha of land that is located within the administrative areas of South Kesteven District Council (SKDC) and Rutland County Council (RCC), of which 327ha is within SKDC. Accordingly, SKDC as a host authority, have registered as an Interested Party (ref: 20036312) in connection with the proposed development.

SKDC has engaged with the applicants throughout the pre-application stage and worked closely with the other host local authorities: Rutland County Council (RCC) and Lincolnshire County Council (LCC). All three authorities will be submitting their own relevant representation to ensure that the Examining Authority is aware of the matters of concern to each authority.

SKDC has declared a climate emergency recognising a commitment to contribute to the global efforts to tackle climate change. Renewable Energy proposals are supported by national and local policy, and solar photovoltaic generation, including Solar Farms are recognised as an established means of renewable electricity generation. However, the Council recognises there are a number of potential adverse effects that need to be balanced against the benefits of such schemes.

#### **Local Policy Context**

Whilst not determinative under the Planning Act 2008, the Examining Authority can consider other important and relevant matters, including national and local planning policy. The local policies that the Council considers of relevance to this application are highlighted below and should be considered as important and relevant to the determination of the application.

Local Plan Policy SD1 (The Principles of Sustainable Development in South Kesteven) sets out the overarching obligation for development proposals to minimise its impact on climate change and contribute towards a strong, stable, and more diverse economy. In relation to



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the proposed development scheme, the following policy requirements are considered to be particularly pertinent:

*“Development proposals shall consider how they can proactively minimise:*

- *The effects of climate change and include measures to take account of future changes in the climate.*
- *The use of resources, and meet high environmental standards in terms of design and construction with particular regard to energy and water efficiency; and*
- *The production of waste both during construction and occupation.*

*Development proposals shall consider how they can proactively avoid:*

- *Developing land at risk of flooding or where development would exacerbate the risk of flooding elsewhere*
- *The pollution of air, land, water, noise, and light.*

*Development proposals shall consider how they can proactively encourage, as appropriate:*

- *The use of previously developed land, conversions, or the redevelopment of vacant or underutilised land or buildings within settlements; and*
- *The use of sustainable construction materials.*

*Development proposals shall consider how they can proactively enhance the District’s:*

- *Character*
- *Natural environment; and*
- *Services and infrastructure, as needed to support development and growth proposals”:*

Policy SP1 (Spatial Strategy) outlines the overall spatial development strategy for the District during the plan period. It identifies that the overall strategy of the Local Plan is to deliver sustainable growth, including new housing and job creation, in order to facilitate growth in the local economy and support local residents. Decisions on the location and scale of new development are to be taken on the basis of the settlement hierarchy established within Policy SP2, and all development proposals are required to protect the best and most versatile (BMV) agricultural land to protect opportunities for food production and the continuance of the agricultural economy. Development affecting BMV agricultural land will only be permitted if:

- *There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and*
- *Where feasible, once any development which is permitted has ceased its useful life, the land will be restored to its former use and will be of at least equal quality to that which existed prior to the development taking place (this requirement will be secured by planning condition where appropriate).*

Policy SP5 (Development in the Open Countryside) is the principal spatial policy of the Development Plan in respect of development in such locations. It identifies that



development within the Open Countryside will be limited to that which has an essential need to be located outside of the existing built form of a settlement. The policy goes on to identify a series of exceptions, whereby development in the Countryside is considered to be acceptable in principle, including:

- (a) Agriculture, forestry, or equine development*
- (b) Rural diversification projects*
- (c) Replacement dwellings (on a one for one basis); or*
- (d) Conversion of buildings provided that the existing building(s) contributes to the character of appearance of the local area by virtue of their historic, traditional, or vernacular form; and*
- (e) Are in sound structural condition; and*
- (f) Are suitable for conversion without substantial alteration, extension, or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) or their setting.*

Policy RE1 (Renewable Energy Generation) states that proposals for renewable energy generation will be supported subject to meeting the detailed criteria set out in the accompanying Renewable Energy Appendix 3, and provided that:

- (a) The proposal does not negatively impact the District's agricultural land asset*
- (b) The proposal can demonstrate the support of affected local communities*
- (c) The proposal includes details for the transmission of power produced*
- (d) The proposal details that all apparatus related to renewable energy production will be removed from the site when power production ceases; and*
- (e) That the proposal complies with any other relevant Local Plan policies and national planning policy.*

As referenced above, Local Plan Policy RE1 supports proposals for renewable energy generation, subject to the detailed policy criteria, and subject to meeting the identified material considerations set out in the accompanying Renewable Energy Appendix 3.

The policy context for the key material considerations for the development are considered further below using the 9 criteria set out in the Renewable Energy Appendix 3 and with references to other local policy.

#### Impact on Agricultural Land Quality

As referenced above, Policy SD1 (Principles of Sustainable Development in South Kesteven) seeks to enhance the District's natural environment, and likewise, Policy SP1 (Spatial Strategy) identifies that development affecting BMV agricultural land will only be permitted if:



- *There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and*
- *Where feasible, once any development which is permitted has ceased its useful life, the land will be restored to its former use and will be of at least equal quality to that which existed prior to the development taking place (this requirement will be secured by planning condition where appropriate).*

Criterion 9 of the Renewable Energy Appendix sets out the initial approach that should be taken for any Sequential Assessment, as follows:

- First, be required to carry out an extensive search for derelict or brownfield sites. This test should not necessarily be confined to the District, in line with the Wherstead appeal decision
- Second, be required to carry out a search for poorer agricultural sites i.e., Grade 4 and 5. This test should also not necessarily be confined to the District.
- Third, be required to provide the MAFF agricultural grade classification for the proposed site.
- Fourth, be required to prove why the site has to be located close to a particular power grid line and that there is spare capacity on that grid line.

Criterion 9 also provides guidance in relation to the layout of any solar development on such sites:

- Solar technology should be sited at the periphery of fields rather than in central positions.*
- Where it is not possible to locate on the periphery due to physical constraints or another material consideration rendering such positioning unviable, the development should be sited in a strategic position which avoids unnecessary disruption to agricultural operations.*
- At the end of the operational life of the installation, all equipment should be removed in its entirety and the land restored to its former use.*

### Flood Risk and Drainage

Policy EN5 (Water Environment and Flood Risk Management) of the Local Plan states that “Development should be located in the lowest areas of flood risk, in accordance with the South Kesteven Strategic Flood Risk Assessment [SRFA]. Where this is not possible the sequential approach to development will be applied. Where the requirements of the sequential test are met, the exception test will be applied where necessary”.

### Visual Impact on the Landscape

Local Plan Policy EN1 (Landscape Character) seeks to ensure that development is appropriate to the character and significant natural, historic, and cultural attributes of the



features of the landscape within which it is situated, and contribute to its conservation, enhancement, or restoration.

Criterion 1 of the Renewable Energy Appendix identifies that a Landscape and Visual Impact should consider the following matters:

- *Can the site be readily seen in views from heritage assets such as listed buildings and conservation areas?*
- *Can the site be readily seen in views from housing areas?*
- *Can the site be readily seen in long distance views in the landscape especially if the intervening landscape is of special significance?*

### Visual Impact on Dwellings or Communities

Criterion 2 of the Renewable Energy Appendix requires a residential visual amenity assessment, covering an area of at least 2km from any proposed solar farm to be undertaken as part of any LVIA that accompanies a formal planning application.

### Cumulative Impacts

Criterion 3 of the Renewable Energy Appendix requires a cumulative impact assessment to be undertaken to consider the impact of any other solar farms that are either visible or will be visible from the site or in views to the site. Such assessment is required to consider solar farm developments that are under construction, consented or the subject of a valid planning application, or formally notified at the scoping stage. The study area for cumulative assessment shall be proportionate to the size of the development and enable the assessment to focus on significant cumulative effects.

### Impact on Heritage Assets

Local Plan Policy EN6 (The Historic Environment) is the primary mechanism through which the Council exercises its statutory requirements. This policy states that the Council will seek to protect and enhance heritage assets and their settings in keeping with the policies in the National Planning Policy Framework, and proposals will be expected to take Conservation Area Appraisals into account, where these have been adopted by the Council. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm.

Furthermore, in respect of the potential impact of the development on archaeological assets, Policy EN6 identifies that where development affecting archaeological assets is acceptable in principle, the Council will seek to ensure mitigation of impacts through preservation of remains in situ as a preferred solution.



## Access & Highways Infrastructure

Local Plan Policy ID2 (Transport and Strategic Transport Infrastructure) identifies that the Council will support and promote an efficient and safe transport network, which offers a range of transport choices for the movement of people and goods, reduces the need to travel by car, and encourages the use of alternatives, such as walking, cycling or public transport. The policy requires development proposals to not result in any unacceptable highway safety impacts or result in severe cumulative impacts on the highway network. Proposed schemes should also include appropriate provision for vehicle, two-wheeler and cycle parking.

Furthermore, Criterion 6 of the Renewable Energy Appendix requires proposals for solar farms to consider and incorporate, as appropriate, the following matters:

- *The design and positioning of active solar technology should be carefully considered to avoid the potential nuisance of glint and glare onto high-speed roads. Where vegetation is proposed as a form of mitigation against glint and glare, species which will provide effective screening all year round are preferable.*
- *A construction statement should be prepared by the developer which forecasts the vehicle trips that are likely to be generated during construction and the routes which are likely to be used. The LPA may require further detailed information, such as a Traffic Management Plan, if necessary.*

## Pollution Control

Policy EN4 (Pollution Control) identifies that development should seek to minimise pollution and, where possible, contribute to the protection and improvement of the quality of air, land and water. Development will only be permitted if potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals.

In addition, Criterion 5 of the Renewable Energy Appendix identifies that the Council will require solar farm proposals to:

- *Be strategically sited so as to minimum the noise experienced by nearby residents and occupiers of business premises and important buildings (including, but not limited to hospitals and schools)*
- *In any instance, operate with minimal noise output to avoid undue disturbance to nearby residents, wildlife and livestock. Where necessary, mitigation measures such as the establishment of vegetation buffers for example, should be used to prevent adverse noise impacts.*



## Nature Conservation Considerations

Local Plan Policy EN2 (Protecting Biodiversity and Geodiversity) identifies that the Council will facilitate the conservation, enhancement and promotion of the District's biodiversity and geological interests of the natural environment. This includes seeking to enhance ecological networks and seeking to deliver a net gain on all proposals.

Furthermore, Criterion 7 of the Renewable Energy Appendix identifies that proposals should demonstrate that due consideration has been given to the potential impacts of the proposal on local, national and international designated sites, including those outside the District. Where a proposal is likely to have adverse impacts; applicants should demonstrate how these potential impacts have been addressed in the proposal, with proposed mitigation measures being commensurate to the significance of the designation, in relation to the local, national and international hierarchy. In instances where a proposal would have an adverse impact on a protected habitat or species, the applicant should demonstrate that the need for and public benefits of the development clearly outweigh the harm caused, and that mitigation and / or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.

## Aircraft Movements and Associated Activities

Criterion 8 of the Renewable Energy Appendix requires solar farm proposals to demonstrate that the design and positioning of proposed solar installations have been carefully considered to avoid the potential nuisance of glint and glare to aircraft movements.

### **Key considerations**

SKDC raised a number of concerns through our stage 2 pre-application response, particularly in relation to the evidence and technical reviews that underpin the various topics in the environmental statement highlighting the importance of ensuring they are sufficiently robust to enable an accurate assessment of the relevant impacts. An initial review of the submitted application would appear to show that some, but not all of the points raised have been addressed. The Council may wish to comment further on these points during the examination stage.

As Local Planning Authority for South Kesteven, SKDC recognises the role of statutory consultees in the planning process on technical matters within their areas of expertise. In addition, the importance of local knowledge and views from local residents, groups and parish councils and those that would be impacted by the proposed development is also recognised. Indeed, Local Plan Policy RE1b requires a demonstration of support of affected local communities for renewable energy proposals.

At this stage the main impacts that the Council wishes to highlight are landscape and visual and loss of BMV agricultural land. However, the absence of comment at this stage on any



other topics should not be taken as the Council's agreement on those matters and we reserve the right to comment on those other topic areas through the Local Impact Report.

The proposed scheme would represent a solar development on an unparalleled scale, particularly for this rural context. Whilst the proposed development would make a positive contribution to reducing carbon emissions over its proposed life span, there would undoubtedly be adverse effects that need to be balanced against the benefits.

The submitted LVIA concludes that there would be some adverse landscape and visual effects that would arise as a result of the proposed development. Further comments on the magnitude of these effects and the effectiveness of any proposed landscaping mitigation will be provided through the Local Impact Report.

In relation to Agricultural Land Use, over 40% (216ha) of the land proposed for solar PV would be sited on BMV land. It is important to highlight the cumulative impacts of solar development on BMV agricultural land, as a number of similar scale proposals are currently under consideration locally. Further comments on cumulative impacts, the sequential approach and impacts on BMV will be provided through the Local Impact Report.

Please do not hesitate to contact me should you need clarification on any of the points raised in this response.

Yours sincerely

Phil Jordan  
**Development Management & Enforcement Manager**  
[REDACTED] [@southkesteven.gov.uk](mailto:[REDACTED]@southkesteven.gov.uk)

