



Appeal Decision

Site visit made on 29 July 2025

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 September 2025

Appeal Ref: APP/R2520/W/25/3363027

Land South of Little Hale Drove, Agricultural Land at Little Hale Fen, NG34 9BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by AGR Solar 3 Limited against the decision of North Kesteven District Council.
 - The application Ref is 23/1021/FUL, made on 25 August 2023, and refused on 7 November 2024.
 - The development proposed is described as '*Proposed Development of a Photovoltaic Solar Array, Grid Connection, Access Improvements and Ancillary Development on Land at Little Hale Fen, North Kesteven, Lincolnshire.*'
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 13 August 2025.

Decision

1. The appeal is allowed and planning permission is granted for Proposed Development of a Photovoltaic Solar Array, Grid Connection, Access Improvements and Ancillary Development at Little Hale Fen, North Kesteven, Lincolnshire at Land South of Little Hale Drove, Agricultural Land at Little Hale Fen, NG34 9BG in accordance with the terms of the planning application, Ref 23/1021/FUL, subject to the conditions in Appendix A.

Preliminary Matters

2. The original proposal formed a 'cross boundary' scheme; with a concurrent application was submitted to Boston Borough Council for the works proposed on land within their jurisdiction. These works comprised of the grid connection corridor to Bicker Fen Substation on land east of the South Forty Foot Drain. Boston Borough Council granted full planning permission for the development on 19/02/2025.¹
3. When received by the Planning Inspectorate, the appeal was arranged to proceed by the Hearing procedure. Upon appointment I reviewed the submitted evidence, which includes all the appeal and application paperwork and the representations made by interested parties. The outcome of this review was that I considered the cases of all parties could be fairly considered by means of written representation, and therefore under s319a TCPA, the procedure was changed to be determined by written representations.

¹ Council's Statement of Case, page 3, paragraph 1.4

4. The Local Planning Authority, North Kesteven District Council (herein the Council) and the Appellant, have submitted a document called '*Main Statement of Common Ground*' dated March 2025 (herein SOCG). I am grateful for the main parties having agreed this in good time and supporting the appeal process by narrowing the issues between them.

Background and Main Issue

5. The Council and the Appellant agree that the entirety of the main solar park site is within Subgrade 3a (96.1%), with a smaller amount (3.9%) being Grade 2. This means that the total site comprises Best and Most Agricultural Land (BMVAL) for planning policy purposes.
6. The main issue is whether or not the use of the agricultural land in question is justified in this case.

Planning Policy Context

Adopted Development Plan

7. The adopted development plan for the area is the *Central Lincolnshire Local Plan*, adopted 2023, (CLLP). In particular, the Council cites the following policies in their decision notice:
8. Policy S14 of the CLLP sets out that proposals for solar thermal or photovoltaics panels and associated infrastructure are under a presumption in favour of permission unless:
 - there is clear and demonstrable significant harm arising; or
 - the proposal is (following a site specific soil assessment) to take place on Best and Most Versatile (BMV) agricultural land and does not meet the requirements of policy S67; or
 - the land is allocated for another purposes within the Central Lincolnshire Local Plan, or other statutory based document, and the proposals is not compatible with such other allocation.
9. Policy S16 of the CLLP informs wider energy infrastructure and provides general support to schemes that would support the transition to a net zero carbon future. This includes schemes for battery energy storage and other electricity infrastructure. The policy requires such proposals to take all reasonable opportunities to mitigate any harm arising and to take care to select not only appropriate locations for such facilities, but also design solutions.
10. Policy S67 of the CLLP concerns the Best and Most Versatile Agricultural Land and states that proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy. With the exception of allocated sites, significant development resulting in the loss of the best and most versatile agricultural land will only be supported if:
 - a) the need for the proposed development has been clearly established and there is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability consideration); and

b) the benefits and/or sustainable considerations outweigh the need to protect such land when taking into account the economic and other benefits of the best and most versatile agricultural land; and

c) the impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and

d) where feasible, once any development which is supported has ceased its useful life the land will be restored to its former use (this condition will be secured by planning condition where appropriate).

11. Policy S61 of the CLLP requires that: *'The following part of the policy applies unless, and until, subsequently superseded, in whole or part, by national regulations or Government policy associated with the delivery of mandatory biodiversity net gain arising from the Environment Act 2021. Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail.*

All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.'

Policy or guidance material considerations

12. At a national level, the *National Planning Policy Framework* (the Framework) is an important material consideration. In particular:
13. Paragraph 168 sets out that when considering all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable energy, and give significant weight to the benefits associated with renewable energy and the proposal's contribution to a net zero future.
14. Paragraph 187 indicates that planning decisions should contribute and enhance the natural and local environment by, amongst others, protecting and enhancing soils and recognising the wider benefits from natural capital and ecosystems services including the economic and other benefits of the BMVAL.
15. Paragraph 188 of the Framework indicates that plans should allocate land with the least environmental or amenity value, and at footnote 65 states 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.
16. There are two Written Ministerial Statements; WMS UIN HCWS466 - *Solar and protecting our Food Security and Best and Most Versatile (BMV) Land* of May 2024), and WMS UIN HCWS488 - *Planning Update* of March 2015) which are material considerations. Whilst issued under previous administrations, they remain extant. More specifically, they reiterate the Policies of the Framework and set out the government's preference to utilise non-BMVAL over BMVAL and state:

'This means that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as

*the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary.*²

17. The National Policy Statements for *Energy (EN-1)* and *Renewable Energy Infrastructure (EN-3)*, whilst focussed on nationally significant infrastructure projects, are nonetheless material considerations. Of particular note is that solar farm developments fall within the category of Critical National Priority (CNP) infrastructure when considered under the NSIP regime.
18. The national Planning Practice Guidance (the Guidance) indicates at Paragraph ID: 5-013-20150327 in relation to large scale ground-mounted solar photovoltaic farms, planning decisions to consider:
 - encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
 - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

Reasons

Site Context

19. The appeal site is located circa 2.7km to the east of the villages of Helpringham and Little Hale, and circa 4km northwest of Donington. The area of the appeal site (excluding the section of the grid connection corridor in the neighbouring Boston Borough Council area) is around 81.76 hectares. The appeal site is comprised of arable farmland made up of large uniform fields used for arable crop production. It would be accessed from Little Hale Drove, which is an unclassified public highway comprising a single track two-way rural road. The grid connection cable route, forming part of the appeal site runs within Little Hale Drove.
20. The appeal site is not subject to any landscape, heritage or nature conservation designations and there are no listed buildings on, or adjacent to, the appeal site. A Public Right of Way, public footpath LHal/51, leads into the appeal site from Little Hale Drove. The footpath leads to, and terminates at, a collection of isolated non-residential farm buildings located to the immediate south of the southern boundary of the appeal site.
21. I understand that there are two consented solar farms located to the east of the appeal site which are currently under construction. A 49.9 MW solar farm at Vicarage Drove, Boston (permission reference B/21/0443) is approximately 600m to the east of the appeal site, located between South Forty Foot Drain and the Bicker Fen National Grid Substation. The second is a 49.9MW solar farm at Cowbridge Road, Bicker, Boston (permission reference B/22/0356) located approximately 2.5km to the east of the appeal site, located to the east of the Bicker Fen National Grid Substation.

The proposed scheme

² WMS UIN HCWS466 - *Solar and protecting our Food Security and Best and Most Versatile (BMV) Land* of May 2024)

22. The appeal scheme seeks planning permission for a photovoltaic (PV) solar array, battery energy storage system (BESS) compound, grid connection cable and ancillary development and is expected to generate sufficient electricity to power 14,000 homes. This would comprise the following main elements:
- i. Photovoltaic Solar Panels and associated support frames;
 - ii. 22 No. Solar Inverter/Transformer Stations;
 - iii. 38 No. Battery Storage Containers;
 - iv. 9 No. Battery Inverter/Transformer Stations
 - v. 1 No. Storage Containers;
 - vi. 1 No. Solar Switchgear Building;
 - vii. 1No. Battery Switchgear Building
 - viii. 1 No. Solar Control Room Building;
 - ix. 1 No. Battery Control Room Building;
 - x. c.6km grid connection cable to National Grid's Bicker Fen Substation (of which approximately 2.7km lies within NKDC);
 - xi. c.4.7km of new/resurfaced access tracks
 - xii. c.2.4km temporary construction haul road along Old Forty Foot Bank between Great Hale Drove and Little Hale Drove);
 - xiii. Ditch culverts for track crossings;
 - xiv. Perimeter deer/stock fencing; and
 - xv. c.40 No. 4m High CCTV cameras.
23. The appeal proposal would also include landscaping and ecological mitigation; including planting of hedgerows, native trees and shrubs, low maintenance pasture grassland and species rich grassland, as well as enhancement of the ditches within the appeal site. A Skylark Mitigation Area has been proposed to mitigate the effects on breeding skylark identified within the appeal site. The proposal would deliver Biodiversity Net Gain³ (BNG) in excess of 10%; with a net gain of 53% in area habitats and 329% net gain in linear habitats, as well as enhancements to the ditch network across the appeal site.

Considerations

24. As explained in Paragraph 168 of the Framework, the need for renewable energy is not disputed and significant weight to the benefits associated with renewable energy and the proposal's contribution to a net zero future. This is also reflected in Policy S16 of the CLLP, as indicated above.
25. The issue in this case is the use of land that is graded Best and Most Versatile Agricultural Land (BMVAL). In terms of the agricultural grading of the appeal site land, the Council and the Appellant are in agreement that the entirety of the main solar park site is BMVAL. This is because approximately 96.1% is

³ Although see section below on Biodiversity Net Gain.

graded as subgrade 3a, with a smaller amount of around 3.9% being Grade 2.⁴ I note that the Appellant's agricultural evidence points to the fact that Grade 1 is at the top of the BMVAL categorisation, followed by Grades 2 and 3a⁵. In that context, the subgrade 3a land is at the lowest end of that part of the spectrum.

26. However, the agricultural land classification also includes categories 3b, 4 and 5 respectively – these do not fall within the definition of BMVAL, yet remain agricultural land. With the context of the totality of the agricultural land classification, the appeal site remains BMVAL and by definition within the 'higher quality' part of the higher versus poorer quality range; albeit I recognise that it would be between middle of higher quality to bottom of a logical 'higher quality' category in policy terms.
27. Put another way, clearly Grade 1 category agricultural land is of the highest quality; with the quality diminishing as the grade number increases. In considering this main issue, I have been cognisant with the fact that there is not a straightforward correlation between the terminology used for agricultural land classification and national policy; with the former setting out six clear grades of agricultural land (1, 2, 3a, 3b, 4 and 5 respectively) and the latter referring to 'higher' and 'poorer'. However, it is a matter of planning judgement in terms of the application of policy, and I have proceeded with this in mind.
28. Whilst there is no specific policy requirement to carry out a sequential-type process (as might be the case with flooding issues), there is a need to ensure that poorer quality agricultural land is used in preference to higher quality agricultural land. This is set out at a national level in both WMS and the Framework. It is also set out at a local level in Policy S67 of the CLLP.
29. With specific regard to Policy S67 of the CLLP, the site here is not an allocated site. Therefore, it would appear to require assessment under the criteria a) to d) of the policy.
30. However, the policy applies when there is to be 'significant development resulting in the loss of the BMVAL'. In this case, whilst the proposed development could reasonably be considered as 'significant' within the context of this policy, it does not immediately follow that the land would result in the 'loss' of BMVAL. The land would remain farmed; albeit pastorally rather than by arable farming methods. There is no indication that the soil – an important part of the BMVAL categorisation process – would not remain on the land. Moreover, at the end of the 40 years operational life of the proposal, it can be fairly easily removed and the land returned to arable food production. These are both factors which can be reasonably secured by planning condition.
31. Accordingly, the proposal would not result in the loss of BMVAL. This is because the land could continue to be used for agricultural purposes, and at the end of its operational life, it can reasonably and easily be returned to arable agricultural uses.
32. Notwithstanding the points over the applicability of Policy S67 parts a) to d) in relation to this case – given that BMVAL would not be 'lost' in either food

⁴ Council's *Statement of Case*, page 11, paragraph 5.22

⁵ *AGRICULTURAL EVIDENCE ON BEHALF OF THE APPELLANT BY TONY KERNON BSc(Hons) MRICS FBIAC*, March 2025, page 4, paragraph 2.12

production or the soil itself; I nonetheless consider these criteria in respect of this scheme for clarity.

33. In terms of criterion a), the need for the proposed development has been clearly established – especially at a national level – and need for renewable energy is not disputed between the main parties. In terms of the second limb of a) there is no requirement to undertake a form of sequential approach ‘test’ to alternate sites. Nonetheless, the Council and Appellant agreed that there is no previously developed land, brownfield land, contaminated land or industrial land within 4km of Bicker Fen substation that would accommodate the appeal proposal⁶. This approach is site specific and appears to be a pragmatic way in which to assess if there are suitable alternatives within reasonably close proximity to the appeal site. The logical conclusion would be that there is insufficient land available within that proximity to the substation that could be an alternative site for the proposal. As such, the requirements of criterion a) is met in this case.
34. In terms of criterion b) the benefits of renewable energy are not disputed by the main parties. Whilst there is clearly a steer within Policy S67 of the CLLP to avoid the loss of BMVAL, I have found that the proposal here would not result in the actual loss of BMVAL (although I recognise that its agricultural use would be partially limited for a period of 40 years). Even if this were considered to be the case, the land would continue to have agricultural activities taking place on it which can be secured by condition; such as the use of a condition requiring a grazing management plan. As such, the requirements of criterion b) are met in this instance.
35. Criterion c) requires that the impacts on ongoing agricultural operations have been minimised. There is little evidence before me that the proposal would inhibit continuing agricultural operations within the local area. Whilst there would be a small amount of disruption during the construction phase, this would not prevent farmers and other agricultural land users, from accessing their land to undertake farming activities.
36. With regard to criterion d) it is possible to secure the lands return to arable farming at the end of its operational life by planning condition. This could also be secured by conditions such as the grazing management plan noted above, and also a condition requiring a soil management plan. As such, the proposal is considered to accord with this criterion of Policy S67 of the CLLP in this case.
37. Accordingly, with regard to the main issue identified, I find that the use of BMVAL in this case is justified. This is because the proposal would not result in the loss of BMVAL; agricultural activities would still be able to take place on the land; and at the end of the operational life of the solar farm in 40 years, the land can be returned to its former full time use as arable farming land. As such, the proposal would accord with Policies S14, S16, and S67 of the CLLP, which seek the aforesaid aims.

⁶ See Appellant’s Final Comments, page 5, paragraph 2.14

Other Matters

38. I note that a number of concerns have been raised by interested parties; including local residents and the Parish Council. I now consider these, before coming to an overall conclusion.
39. I note that the area is a sparsely populated rural area. Nonetheless, there are occupied residential dwellings near to the site. These include Willow Farm, The Meadows, Home Farm Cottage, Home Farm House and Drove Farm (Little Hale Drove). These are located approximately 70 metres or beyond from the appeal site boundaries.
40. Concerns have been raised that the solar panels and associated infrastructure would result in a sense of enclosure and result in harm to views from some of these properties.
41. However, given the distance between the appeal site and these dwellings, the intervening vegetation, and the ability to use landscaping secured by condition, I do not find that the proposal would result in unacceptable impacts on the occupiers of these dwellings in respect of living conditions.

Biodiversity Net Gain (BNG)

42. The appeal scheme was submitted to the Council before February 2024. The MHCLG 'Guidance Biodiversity net gain'⁷ indicates that:
*'Biodiversity net gain has only been commenced for planning permissions granted in respect to an application made on or after 12 February 2024.'*⁸
43. Accordingly, for the proposal subject of this appeal, the statutory framework for BNG introduced by Schedule 7A of the *Town and Country Planning Act 1990 (inserted by the Environment Act 2021)* does not apply in this case. This fact is pointed out within the Officer's Report to Committee on pages 42 to 45; with specific consideration of BNG matters at paragraphs 11.9 to 11.25.
44. Nonetheless, as detailed in the policy section above, Policy S61 of the CLLP requires that all qualifying proposals must deliver at least 10% measurable biodiversity net gain attributable to the development. The Appellant has confirmed that the proposal would exceed the 10% measurable biodiversity net gain as sought by Policy S61 (this would be in the region of +53.82% for area habitats, +328.71% for hedgerows and +8.96% for river units.)⁹. Accordingly, I find that the proposal would accord with the aims of Policy S61 of the CLLP in this instance.
45. Within the SOCG it is agreed between the main parties that there is no requirement for a legal agreement to secure a monitoring fees for monitoring the biodiversity net gain in compliance with Policy S61. However, in recognition of the fact that the Council have a policy that allows it to levy fees in relation to reviewing monitoring data relating to biodiversity net gain during the 30 year maintenance period, the Appellant has submitted a completed

⁷ <https://www.gov.uk/guidance/biodiversity-net-gain>

⁸ <https://www.gov.uk/guidance/biodiversity-net-gain> Paragraph: 003 Reference ID: 74-003-20240214

⁹ See paragraph 11.22 of the Officer's Report. I note that AECOM pointed to disagreement with the BNG metric provided, as recorded in the Officer's Report. This indicated that the AECOM alternate metric gains of +49%, 275% and nearly 14% for area habitat, hedgerow and watercourse units respectively. However, regardless of whether these figures are more accurate or those provided by the Appellant are; in both cases they exceed the 10% biodiversity net gain as sought by Policy S61.

legal agreement (dated 6 August 2025). This is agreed between four parties, including the Local Planning Authority.

46. The Appellant's Final Comments¹⁰ indicate that a document entitled '*Biodiversity Net Gain Guidance for Planners, Ecologists & Applicants*' was published in May 2024 by the Greater Lincolnshire Nature Partnership. This is published as a guidance note to the CLLP. This guidance indicates that monitoring fees should be provided by Applicants in order to enable the Central Lincolnshire Ecologist to review monitoring submissions and conduct quality assurance site visits to ensure biodiversity gains. In this instance, the monitoring fee for this activity would be £7,498, and is the amount secured within the s106 legal agreement. In doing so, I consider that it would seek to ensure that the aims of Policies S60, S61, and S66 of the CLLP are achieved in this case.
47. Moreover, I find that the obligation sought by the Council and secured by the s106 agreement in this case would meet the requirements of Paragraph 58 of the Framework and Regulation 122(2) of the *Community Infrastructure Levy Regulations 2010*, as amended, in that it is necessary to make the development acceptable in planning terms (by ensuring that the biodiversity net gain sought by planning policy is achieved), is directly related to the development (being specific to the application scheme), and is fairly and reasonably related in scale and kind to the development (by being directly related to the scheme and its parameters).

Conditions

48. Within the agreed SOCG, a schedule of suggested conditions have been provided in Appendix A. I have considered these conditions in light of Paragraph 58 of the Framework and the national Planning Practice Guidance and the use of planning conditions.
49. Conditions imposing a time limit for commencement (1), to be in accordance with the submitted drawings (2), and for specific details of aspects such as solar panels, their frames, and CCTV columns (3) to be submitted and approved, are necessary and reasonable to provide certainty.
50. Conditions requiring the notification of the start date and the cessation of the development within 40 years (4) (or after 12 months of the ceasing of electricity from the site (5)), and details to be submitted and approved on the cessation and removal scheme are reasonable, related to the development and necessary to ensure that the development is temporary as sought.
51. A condition (6) requiring the submission of a Construction Environmental Plan (CEMP) is necessary to minimise the effects of the proposal on the environment.
52. Conditions requiring the submission and approval of a Construction Traffic Management Plan (CTMP) (7), the provision of passing places if required by the local highways authority (22), and a pre-construction road condition survey (23) are necessary in the interests of highway safety for all road users.
53. The submission of a Habitat Management and Monitoring Plan (HMMP), its approval, and then carried out in accordance with that approval secured by

¹⁰ Page 10, Paragraph 3.4

condition (8), is necessary and reasonable in order to ensure that the proposal secures biodiversity gains as sought by CLPP Policies S61. For similar reasons, a condition requiring the submission and approval of a soil management plan (15) is necessary and reasonable in order to ensure that the soil quality is no different than its present state, and ideally, is improved over the life of the development so that it can be returned to arable farming at the cessation of the development permitted.

54. A condition requiring the submission and approval is hard and soft landscaping is necessary in order to ensure the appropriate landscaping of the site (9). Similarly, a condition requiring an Arboricultural method statement is necessary and reasonable in order to protect trees and hedgerows as the development is implemented (18).
55. A condition securing the submission and approval of a Battery Safety Management Plan (BSMP) is necessary and reasonable in order to minimise the risk of the proposal to human life and health (10).
56. Conditions relating to archaeological Written Scheme of Investigation (11) and the submission of an Archaeological Mitigation Design Strategy (12) are necessary in order to protect or accurately record any unknown archaeological remains on or near to the site.
57. A condition restricting hours of construction to between certain times is necessary and reasonable in order to minimise the noise and other disturbance on nearby residential dwellings and their occupiers; including those located on roads into and out of the site to the wider highway network (13). Similarly, a condition requiring noise mitigation measures in relation to the BESS and/or on-site substation, and/or solar inverter/transformer stations (14) are reasonable in order to minimise the aural impact of the proposal on the occupiers of nearby residential dwellings and to visitors to the area.
58. Conditions requiring the development to be carried out in accordance with the submitted Flood Risk Assessment Addendum (16) and requiring the provision of foul and surface water drainage measures (17) are necessary and relevant to the site, in order to minimise potential flood risks and the associated negative impact this can have on occupiers of nearby residential dwellings and local communities more generally when flooding occurs.
59. The provision of a skylark mitigation strategy, in broad accordance with the submitted Skylark Mitigation Strategy, is necessary, directly related to the development and reasonable in order to ensure that this bird, strongly associated with farmland and its habitat, is protected and that alternate locations for its nesting and associated habitat are provided to ensure its continued protection within this location (19).
60. A condition requiring the submission and approval of a grazing management plan (GMP) is necessary in this case to ensure that the land, which is BMVAL, continues to be farmed even whilst the solar farm and its associated infrastructure operates on the land (20). However, the GMP submitted and approved should be worded so as to provide the farmer, or tenant, or herdsman, scope to use the land flexibly for grazing without needing the Council's written permission to change the GMP for minor changes.

61. A condition requiring the diversion of the Public Right of Way LHal/51 before electricity is exported from the site is necessary and reasonable to ensure that it continues to provide access to and across the countryside for all (21).
62. Lastly, a condition has been suggested requiring the submission of an Employment and Skills Plan (24). However, it is unclear as to the rationale for such condition. The suggested conditions provided within the agreed SCOG and respective cases do provide detailed reasons. In the absence of justification I do not find that this suggested condition is necessary or reasonable in this instance. I have not, therefore, imposed it.

Conclusion

63. The proposed development would accord with the adopted development plan for the area when considered as a whole, and there are no material considerations that weigh in favour of a decision otherwise than in accordance with it.
64. For the reasons given above the appeal should be allowed, subject to the conditions imposed.

C Parker

INSPECTOR

Appendix A - Conditions imposed on 3363027

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings unless modified by details submitted to and approved in writing by the Local Planning Authority pursuant to the conditions of this planning permission:

Title	Drawing Number
General Arrangement	3059-01-01 Rev K
Illustrative PV Frame & Panels	3059-01-02
Solar Farm Inverter / Transformer Station	3059-01-03
Solar Farm Storage Building	3059-01-04
Solar Farm Control Building	3059-01-05
Solar Farm Switchgear Building	3059-01-06
Indicative Deer / Stock Fencing, Access Track & CCTV	3059-01-07
Typical Cable Trench	3059-01-08
Battery Storage Container	3059-01-09
Battery Inverter and Transformer Stations	3059-01-10
Battery Switchgear Building	3059-01-11
Battery Control Building	3059-01-12
Acoustic Screen	3059-01-16

3. Notwithstanding condition No 2, prior to their erection on site, details of the proposed layout, materials, colour, and finish of the following development components shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Solar panels and frames
 - b) Solar inverter / transformer stations
 - c) CCTV columns
 - d) Battery storage containers
 - e) Battery storage inverter and transformer stations
 - f) Ancillary buildings and enclosures (including storage, control, and switchgear buildings)

The development shall be carried out in accordance with the approved details and maintained thereafter.

4. Within 1 month of the date of first export of electricity to the National Grid ('the date of first export') confirmation shall be given in writing to the Local Planning Authority of the same. The development hereby permitted shall cease on or before the expiry of a 40 years period from the date of first export. All buildings and foundations, arrays, equipment, and access roads associated with the development, including the buildings and structures associated with the and Battery Energy Storage System (BESS), shall

thereafter be removed from site and the land shall be reinstated in accordance with a schedule of works ('End of Life Removal Scheme'). The End of Life Removal Scheme shall be submitted to the Local Planning Authority for approval at least one year in advance of the development hereby permitted becoming non-operational. The End of Life Removal Scheme shall include full details, including timescales, for the proposed reinstatement works and a soil management plan which provides measures to ensure that there will be no material loss of soil quality during and site reinstatement works. The End of Life Removal Scheme shall be carried out in full accordance with the approved details.

5. In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of 12 months at any point after the date of first export (other than for operational reasons outside of the operator's control), a scheme of early decommissioning works ('the Early End of Life Removal Scheme') shall be submitted no later than 6 months after the end of the 12 months non-electricity generating period to the Local Planning Authority for its approval in writing. The approved Early End of Life Removal Scheme shall be implemented in full in accordance with a timetable that shall be set out in the early decommissioning scheme.

6. No development shall take place until a construction environmental management plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include details of the following:
 - a. timetable for the construction works.
 - b. The control and management of noise and dust during the construction phase.
 - c. On-site construction waste management.
 - d. Identification of biodiversity protection zones / measures to protect biodiversity during the construction period.
 - e. Physical measures and sensitive working practices to avoid or reduce impacts during construction (which may be provided as a set of method statements), to include protective fencing to BS:5837 and other exclusion barriers and warning signs.
 - f. The location and timing of sensitive works to avoid harm to biodiversity features.
 - g. Responsible persons and lines of communication, including role and responsibilities on site of an ecological clerk of works or similar competent person.
 - h. Invasive species management.
 - i. Construction and storage compounds, and post-construction reinstatement of these areas.

The development shall be implemented in accordance with the approved CEMP throughout the construction period.

7. No development shall take place until a construction traffic management plan (CTMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CTMP shall include details of the following:
- a) Construction vehicle numbers, type, and routing.
 - b) Access arrangements onto the site.
 - c) Traffic management measures.
 - d) Areas designated for car parking, loading/unloading and vehicle turning.
 - e) Wheel washing facilities.
 - f) Arrangements for the cleaning of site entrances, internal site tracks and the adjacent public highway.

The development shall be implemented in accordance with the approved CTMP throughout the construction period.

8. No development shall take place until a Habitat Management and Monitoring Plan (the HMMP) has been submitted to, and approved in writing by, the Local Planning Authority. The HMMP shall be prepared in broad accordance with the submitted Biodiversity Metric dated 16th April 2024 V2 and associated technical note titled 'Response to LPA Comments' dated 16th April 2024. The content of the HMMP shall include:
- a) Description and evaluation of the new and retained habitat features to be managed and enhanced.
 - b) Aims and objectives of management, and triggers for remedial action where aims and objectives are not being met.
 - c) Prescriptions for habitat creation and longer term habitat management for a minimum period of 30 years.
 - d) Details of the ecological monitoring that will be undertaken to monitor and inform the successful establishment of new habitats, and to confirm successful delivery of ecological mitigation (where linked to new habitat creation and related habitat management measures) and predicted biodiversity gains.
 - e) Provision of a work schedule for all habitat management and monitoring works, including identification of timelines for the delivery of monitoring reports and other appropriate evidence to the Local Planning Authority to demonstrate compliance with this condition.
 - f) Details of the body or organization responsible for implementation of the plan.

Once agreed the HMMP shall be fully implemented within 12 months of the date of first export in accordance with the approved details and retained thereafter.

9. Notwithstanding any details submitted, no development shall take place until details of hard and soft landscaping (the landscaping scheme) have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include details of the following:
- a) A timetable for implementation of the scheme.
 - b) External hard surfacing materials.
 - c) Means of enclosure.
 - d) Soft landscape works including planting plans for trees, shrubs, grasslands and hedges, written specifications for cultivation and other operations associated with plant and grass establishment, and schedules of plants including species, plant sizes and proposed numbers or densities.
 - e) Finished levels and contours.

The landscaping shall be implemented in the planting season following the completion of construction and in accordance with the approved scheme and timetable. Any tree or shrub which forms part of the approved landscaping scheme, and which, within a period of 5 years from planting, fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be agreed with the local planning authority.

10. No development shall take place until a Battery Safety Management Plan (BSMP) has been submitted to, and agreed in writing by, the Local Planning Authority. The BSMP shall detail the type and specification of the batteries to be used, prescribe the measures to be implemented to facilitate safety during the construction, operation and decommissioning of the BESS, measures to be deployed in response to any incident with potential to cause pollution and a fire safety management and risk reduction strategy. An Emergency Response Plan must also be included. The BSMP should also set out a methodology detailing how there will be continued engagement with the Lincolnshire Fire and Rescue Service throughout the lifetime of the development. The BSMP shall be implemented as approved and all measures shall be retained for the duration of the development.
11. No development shall take place until the findings and evaluation of the archaeological investigation undertaken pursuant to the 'Little Hale Fen North Kesteven Lincolnshire Written Scheme of Investigation for an Archaeological Evaluation, dated July 2024 Revision 4' have been submitted to and approved by the Local Planning Authority.
12. Following the approval of Condition [11], and prior to the commencement of development, an Archaeological Mitigation Design Strategy shall be submitted to and approved by the Local Planning Authority. The Archaeological Mitigation Design Strategy shall include a final detailed site layout plan developed with reference to the findings of the archaeological investigation with full details of the final locations, design, and materials to be used for the panel arrays, inverters, control room, substations, BESS, CCTV cameras, fencing, foundations and cabling. The Archaeological

Mitigation Design Strategy will define archaeological sensitive areas within which below ground and above ground development will be excluded or sufficient design mitigation shall be provided to avoid impact on identified archaeological deposits. The development shall be implemented in accordance with the approved Archaeological Mitigation Design Strategy.

13. During the construction phase of the development hereby approved no construction activities shall take place outside the following hours: Monday to Friday 07:30-18:00, and Saturdays and Sundays 08:30-18:00. No machinery shall be operated and no deliveries shall take place between the hours of Saturday 13:00-18:00 and Sundays and Bank Holiday 08:30-18:00 unless agreed in writing with the local planning authority. Piling shall only take place between Monday to Friday 09:00 – 17:00.
14. No noise generating fixed plant and machinery, including the BESS, on-site substation and solar inverter / transformer stations, shall be installed before details, and where necessary mitigation measures, are submitted to, and approved in writing by, the Local Planning Authority to demonstrate that noise from fixed plant and machinery shall not exceed the representative background noise level by more than a rating value of 5 dB(A) when measured as a 15 minute L(A)eq at any residential boundary when measured in accordance with BS 4142:2014+A1:2019. The fixed plant and machinery shall be installed in accordance with the approved scheme.
15. No development shall commence until such time as a soil management plan which provides measures to ensure that there will be no material loss of soil quality within the operational lifetime of the development hereby approved and provides details of any movement of soils within the site, has been submitted to, and approved in writing by, the Local Planning Authority. The soil management plan shall be implemented as approved.
16. The development hereby approved shall be carried out in accordance with the submitted FRA addendum (FRA Addendum 1 – Supplementary Flood Risk Information, dated 15 February 2024, compiled by Weetwood Services Ltd) and the following mitigation measures it details, unless agreed otherwise in writing with the Local Planning Authority: Critical infrastructure to be set no lower than 1.80m above Ordnance Datum (AOD) to ensure the development is operational during a 0.1% event (2115 scenario)
 - a. Flood resilience and resistance measures to be incorporated into the proposed development as stated.
 - b. Flood resilience and resistance measures to be incorporated into the proposed development as stated.

These mitigation measures shall be fully implemented prior to first export of electricity to National Grid. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

17. No development shall take place until full details of the means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

- 18.No development shall take place until an Arboricultural method statement identifying measures to protect trees and hedgerows to be retained, has been submitted to, and approved in writing, by the Local Planning Authority. The statement shall include a tree and hedgerow protection plan and measures to protect trees and hedgerows during site preparation, construction, and landscaping operations.
- 19.No development shall take place until a skylark mitigation strategy has been submitted to, and approved in writing, by the Local Planning Authority which is in broad accordance with the submitted Skylark Mitigation Strategy (Little Hale Fen Solar Array Skylark Mitigation Strategy, V2 dated 12/02/2024, compiled by Avian Ecology Ltd) or any other Skylark Mitigation Strategy agreed in writing with the Local Planning Authority. The skylark mitigation strategy shall include details of the following:
- a) Identification of the proposed area for the implementation of mitigation.
 - b) Details of how the area will be managed.
 - c) Arrangements to secure the delivery of proposed measures, including a timetable of delivery; and a management and monitoring plan for a period of not less than 5 years from the date of first export of electricity to the grid. Ecological monitoring reports should be submitted to the Local Planning Authority in year 2 and year 5 of the plan.
 - d) Identification of persons responsible for implementing the measures included in the strategy.

The development shall be carried out in accordance with the approved strategy and timetable, and the mitigation measures shall be retained for the lifetime of the development. Any changes to the Skylark Mitigation Strategy during the lifetime of the permission shall be submitted to the Local Planning Authority for approval in writing.

- 20.No electricity shall be exported to the National Grid until a grazing management plan (GMP) has been submitted to and approved in writing by the Local Planning Authority, during which months of the year, proposed densities of grazing and how the grazing is to be managed. Within three years of the date of first export, the grazing of livestock shall commence on the site in accordance with the GMP. The approved GMP shall be implemented thereafter. Any changes to the GMP during the lifetime of the permission shall be submitted to the Local Planning Authority for approval in writing and shall not be carried out except in accordance with the approved revised GMP.
- 21.No electricity shall be exported until a scheme relating to the proposed diversion of Public Right of Way LHal/51, shown on submitted drawing No. 3059-01-01Rev K, has been submitted to and approved in writing by the Local Planning Authority (or other appropriate or relevant body). The scheme shall include the proposed diversion route, details of surfacing, a

timetable for implementation, signage and waymarks. The footpath shall be implemented and made available for public use in accordance with the approved scheme and timetable.

22. Unless it is confirmed in writing with the Local Highway Authority that passing places along Caterplot Road and Great Hale Drove are not required, then no development shall take place until detailed engineering drawings of the proposed passing places along Carterplot Road and Great Hale Drove, as shown on plan 3059-01-ATR02 Rev B and PGC918-C-200 Rev P2 s ref 3004-01-D04 and 3004-01-D05, and the proposed temporary haul road connecting Great Hale Drove to the development hereby permitted via Old Forty Foot Bank, have been submitted to, and approved in writing by, the Local Planning Authority. No other development shall take place until the passing places and haul road have been constructed in accordance with the approved drawings and have been certified complete in writing by the Local Planning Authority
23. Prior to the commencement of the development hereby approved, a pre-construction condition survey of the public highway network between the A17 at East Heckington and the Application site that will be used by vehicles making deliveries of materials and components to the permitted development shall be undertaken. The survey shall identify and record, by use of a combination of a written report, still and moving photographic images, the condition of all parts of the route prior to the commencement of construction. The Applicant shall, within 6 months of the completion of the construction period, reinstate to the satisfaction of the Local Planning Authority (in consultation with the relevant highways authority), any damage that may be identified, by reference to the pre-construction condition survey, as being attributable to the construction of the permitted development and shall undertake, within an agreed timescale, the repair of any damage that may be caused to the highway network by construction traffic or delivery vehicles during the construction period.

**** END OF CONDITIONS ****