

Application by for an Order Granting Development Consent for the Tillbridge Solar Project:

Lincolnshire County Council Closing Submission - Summary statements from parties regarding matters that they have previously raised during the Examination and have not been resolved to their satisfaction

Introduction

1. It is noted that there is no specific option at Deadline 6 to submit a closing statement in respect of the matters the Council consider have not been resolved to their satisfaction during the examination. However, it was noted that the Applicant submitted a closing statement document at Deadline 6 so on the basis that the applicant has had an opportunity to submit a closing statement then the Council respectfully request that the Examination Authority accept and take into consideration the Council's closing statement as set out in this document.

Landscape and Visual Impact

2. In summary Lincolnshire County Council (LCC) maintain the position that by reason of its mass and scale, the development would lead to significant adverse effects on landscape character and visual amenity at all main operational phases of the scheme (construction, operation year 1, and operation year 15).

2. The development has the potential to transform the local landscape by altering its character on a large scale. This landscape change also has the potential to affect wider landscape character, at a regional scale, by replacing large areas of agricultural or rural land with solar development, affecting the current openness, tranquillity and agricultural character that are identified as defining characteristics of the area.

3. The scale and extent of development would also lead to significant adverse effects on views from receptors, by altering from views within an agricultural or rural landscape to that of a landscape with large scale solar development.

4. The Applicants LVIA identifies significant landscape and visual effects, aligned with LCC's position.

5. The cumulative landscape and visual effects of the development will bring about significant cumulative landscape and visual effects, particularly when assessed alongside the consented Cottam, West Burton and Gate Burton schemes. The mass and scale of these projects combined would lead to adverse effects on landscape character and visual amenity over an extensive area. The landscape character of the local, and potentially regional area, may be completely altered over the operational period, particularly when experienced sequentially for visual receptors travelling through the landscape and experiencing these schemes across potentially several kilometres.

6. While LCC acknowledge the establishing planting as part of the mitigation proposals of the scheme will add a positive element to this landscape, the planting is to mitigate the identified adverse effects, not to enhance the baseline landscape or improve the current visual amenity of the area. LCC has considered whether the secured mitigation balances out the change but concluded that the urbanising element of large scale solar on rural agricultural land is a definite, adverse change and essentially permanent change to the baseline. LCC accept that planting can be an effective way to screen and integrate development proposals, however this planting needs to be carried out in a way that is sensitive to the existing landscape character, or meet any aims of a published character assessment to improve or introduce new planting to an area. The local area has a relatively open

character, and planting to simply screen could have detrimental impacts and screen currently open views.

7. The applicants LVIA identifies significant landscape effects, which is predominantly through a change of land use, from agriculture to a large-scale solar development, across an extensive area. This also has potential indirect effects from a perceptual change to the surrounding area, including from within the adjacent AGLV. The Applicants LVIA identifies significant adverse landscape effects on areas of the Cliff AGLV within or adjacent to the site (LLCA 2B, Lincoln Cliff – Harpswell and LLCA 2C Lincoln Cliff – Open Farmland) and also directly across the majority of the site extents (LLCA 3A Till Vale – Open Farmland).

8. The views and visual receptors with significant effects are typically those with close range views of the development, however views from the elevated land of the Lincoln Cliff also have adverse effects due to the extent of solar development within the extensive and often panoramic view. Some of these elevated views have been assessed as likely still having significant residual affects at year 15 with established planting.

9. Advice at paragraph 5.10.12 of National Policy Statement EN-1 states that outside nationally designated areas there are local landscapes which are highly valued locally. As set out above there is an adjacent Area of Great Landscape Value to the application boundary which will be impacted. The advice in EN-1 notes confirms these landscapes should be paid particular attention.

10. Paragraph 5.10.35 of EN-1 notes that the scale of energy projects means that they will often be visible across a very wide area. The Secretary of State must judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefit (including need) of the project. In this particular case the Secretary of State should not just consider the impact of a single project that would on its own be visible across a wide area but also in combination with the other 3 consented schemes all visible over an extensive area in this locality and for the reasons identified above would have a damaging impact on this landscape both individually and in combination.

11. The Secretary of State must judge if these identified damaging impacts would be so harmful that the benefits of the project (including need) do not offset this harm. It is the position of LCC that the landscape and visual harm that is identified above, and has been LCC case throughout the examination, both on its own and in combination with the other consented projects is so damaging that the benefits of the project do not offset this harm. The harm that LCC has identified is so significant in landscape and visual impact terms that this weigh very significantly against the application in the planning balance.

Soils and Agriculture

12. Turning to agricultural impacts the Council's position is that there is a clear conflict and tension with Central Lincolnshire Local Plan policies S14 and S67 and the Overarching National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy Infrastructure (EN-3), in relation to agricultural land impacts which needs to be factored into the planning balance.

13. It is noted paragraph 2.10.29 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) which confirms that land type is not a determining factor, and the Council fully accept that agricultural land impacts are one of a number of material planning considerations that the Examining Authority needs to consider and weigh in the overall planning balance. The Council also recognises that, onshore and offshore electricity generation methods that do not involve fossil

fuel combustion are considered to be Critical National Priority (CNP) infrastructure by virtue of the 2024 NPSs.

14. Nevertheless, taken collectively those policies remain clear and consistent in reiterating that only where the proposed use of any agricultural land over and above despoiled and brownfield land has been shown to be necessary, poorer quality land should be preferred to higher quality land. In addition, whilst dating from 2015, the Written Ministerial Statement referenced HCWS488 sets out that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. The Written Ministerial Statement (15 May 2024) is also an important and relevant consideration. This WMS emphasises elements of the 2024 NPSs and specifically mentions Lincolnshire in regard to clustering of solar farms and the need to give consideration to the cumulative impacts on agricultural land due to a number of solar farms in a small geographical area.

15. The updated NPPF (December 2024) remains an ‘important and relevant’ matter for the purpose of determination under section 104 of the PA 2008. The NPPF should be given significant weight as national planning policy. The updated NPPF notably removed footnote 63 that supported policy at Section 15 *“Conserving and enhancing the natural environment”* with regard to the availability of land for food production. To understand the context of the removal of footnote 63, to the *“Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation”* (12/12/2024). The Government response to question 82 (the removal of footnote 63) states that the reason for proposing the removal of the text was because it was unclear whether it *“provided material benefit, especially as it gives no indication of how local authorities were to assess and weigh the availability of agricultural land when making planning decisions”*. As many representation echoed these concerns, the footnote has been removed.

16. The Government, however, go on to state that national policy remains clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The removal of the text in footnote 63 does not change this commitment. LCC position is that the removal of footnote 63 does not change the policy context for the determination of the Tillbridge Solar Project. The Government remains clear in that food security is important for our national security, and where the significant development of agricultural land is necessary, poorer quality land should be preferred to those of a higher quality.

17. The Council has worked positively with the applicant throughout the pre-application process. However, it remains the case that of the site around 5% is BMV which equates to 60 hectares (0ha Grade 1, 9 hectares Grade 2 and 51 hectares Grade 3a) and upto 50% of the cable routes is classed as BMV land. With over 5% of the site area being BMV this is not an insignificant amount of land, the Council position is that any loss of BMV land for development of this nature is too much and as the Council’s agricultural consultant Landscape has noted that much of the non BMV land will be Grades 3b (1,152 hectares), still considered to be ‘moderate’ quality and still productive land.

18. In the Council’s view, the applicant has not proven that the need to develop BMV land (as distinct from the overall case set out in the applicant’s Statement of Need) has been clearly established (CLLP policy S67, first bullet point), nor in relation to point 3 that the impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions.

19. Whilst consideration is given to 'alternatives' (including avoidance) in the context of land use the general premise is that there will not be any permanent loss of agricultural land, based on the applicant's contention that the proposal is temporary in nature with an operational lifespan of up to 60 years.

20. The applicant's overall analysis is that construction and operational effects, when assessed at a national level, are slight adverse in relation to the permanent sealing over of land and soil quality impacts during construction.

21.. The Council's position is that the 'temporary' loss of 60ha of BMV land is significant in its own right and that 60 years represents a 'generational' change of land use. Whilst the Council accept that the applicant has applied for a 'temporary' 60-year permission, consistent with other solar NSIP schemes, in the Council's view there is somewhat of an inevitability that many of these proposals, including at Tillbridge, will be repowered. Indeed, paragraph 163 (c) of the NPPF notes in the case of applications for the repowering and life-extension of existing renewable sites that decision makers should 'give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable'.

22. The effect of loss of BMV soils from the application site for a period of 60 years which is viewed by most as permanent not temporary loss, is considered to be high sensitivity as permanent loss of more than 60ha is a major adverse impact. The permanent loss of 60ha of BMV land would be considered a major (significant) effect in EIA terms.

23. Since the application documents were drafted, other NSIP projects have come forward in Lincolnshire to a stage where their impact on soils can and should be considered within the cumulative assessment for Tillbridge. Whilst the joint interrelationship report for Tillbridge has only looked at the comparison of the four solar farms in this area the joint interrelationship report for the Outer Dowsing examination has looked at a bigger picture across the whole of Lincolnshire. This states that including Tillbridge the projected cumulative loss of BMV soils across Lincolnshire is 2053.83ha from NSIP related projects.. This is a significant figure and one that continues to increase as project after project comes forward with no threshold set by the Government or Secretary of State as what cumulative amount of BMV being lost becomes the tipping point and no further loss of BMV should be permitted.

24. Whilst the Applicant would no doubt state that they should not be "penalised" for soil and land use changes brought about by other projects, this is exactly what is required from a cumulative assessment – to ensure that the negative effect as a whole does not occur even if each project along the way may be individually acceptable.

25. Plainly the loss of over 2000ha of BMV soils in Lincolnshire is not acceptable and it is in the gift of the Secretary of State who decides on these application to set a limit as to what is acceptable and what the tipping point from acceptability to unacceptability is for Lincolnshire farmland. Otherwise the purpose of cumulative assessment will never be actioned as each project on its own may have an acceptable loss of BMV when considered in the planning balance whilst the cumulative figure continues to grow without ever being checked to identify when that tipping point into unacceptability is reached.

Food Security

26. At a time when there are both food shortages across the globe and issues of food security, related to climate change and the weaponizing of food during the Ukraine conflict, the loss of productive

farmland should be avoided, wherever possible. The NFU confirm that the UK is only 58% self-sufficient in food and the loss of this area of strong agricultural production is therefore significant. The NFU believes that productivity should increase on UK farms.

27. Much of the farmland in this area is arable and the loss to the local farming economy will be significant.

Food Security and Food Imports

28. Nearly half of what we eat in the UK comes from abroad, and two-thirds of that has in recent years come from the EU. The NFU confirm that UK self-sufficiency is only at 58%. With the recent war in Ukraine and the uncertainty of supply of core commodities such as wheat, there have been both supply issues and huge price fluctuations. This has refocussed attention on food security in the UK and the need to protect productive farmland from development and long-term decline.

"There are three cornerstones on which a prosperous farming sector must be built and which any government should use to underpin its farming policy. They are boosting productivity, protecting the environment, and managing volatility (source Minette Batters, NFU president). The country must "never take our food security for granted," she said.

29. The United Kingdom Food Security Report states:-

Food security is a complex and multi-faceted issue. It is structured around five principal 'themes', each addressing an important component of modern-day food security in the UK. They are as follows:

- *Global food availability, which describes supply and demand issues, trends and risk on a global scale, and how they may affect UK food supply;*
- *UK food supply, which looks at the UK's main sources of food at home and overseas;*
- *Supply chain resilience, which outlines the physical, economic, and human infrastructure that underlies the food supply chain, and that chain's vulnerabilities;*
- *Household-level food security, which deals with issues of affordability and access to food; and*
- *Food safety and consumer confidence, which details food crime and safety issues.*

30. The report notes that the biggest medium to long term risk to the UK's domestic production comes from climate change and other environmental pressures like soil degradation, water quality and biodiversity. Wheat yields dropped by 40% in 2020 due to heavy rainfall and droughts at bad times in the growing season. This is an indicator of the effect that increasingly unreliable weather patterns may have on future production. When UK production is reduced, we are more dependent on imported commodities. The war in Ukraine has highlighted the vulnerabilities of such a strategy.

The United Kingdom Food Security Report notes:-

31. *Domestic production faces a number of long-term and short-term risks, including soil degradation, drought and flooding, diseases, risks to fuel and fertiliser supplies, and changing labour markets. In the long term, climate change impacts are likely to have a negative effect on the proportion of high-grade arable farmland available in the UK.*

The importance of agriculture and soils in Lincolnshire

32. Lincolnshire is home to 10 percent of English agricultural production. Its combination of climate, soil type and topography make the county ideal for a variety of crops. There are significant proportions of wheat, oilseed rape, sugar beet and potatoes, with the county producing 12 percent of England's arable crops.

33. Lincolnshire is also home to around 25% of the UK's vegetable production, and 21% of ornamental crop production. This high level of production is vital to the county's economy, generating a Gross Value Added of £446m in 2012. To preserve fresh produce and minimise supply chain distance, highly productive food hubs have built up in the south of the county. The importance of this sector for the local economy is reflected in the number of jobs it generates: if this food supply chain is included alongside food retail and catering in the county, the number of employees exceeds 100,000.

34. Supposed ongoing agricultural production through sheep grazing, is unlikely to generate much farming income and government support subsidies are prohibited once the panels are in place. Proposed and emerging solar farms locally and more widely across Lincolnshire both at the Nationally Significant Infrastructure scale and also those proposed pursuant to the Town and Country Planning Act only go to compound the loss of agricultural productivity and land. Recent scientific studies have shown that there are more efficient ways of sequestering CO₂ with non-tillage farming and rock dust on active farmland rather than using solar, companies such as Microsoft is pioneering this work in the UK.

Sheep Grazing Under Panels

35. Whilst it is perfectly possible to graze the areas under and between the panels, it is unlikely to be very cost effective for a grazier. The difficulties of rounding up sheep and handling them, together with finding sick or wounded animals amongst the panels, makes the graziers workload harder and more complex.

36. As such, the economics of moving sheep to and from the site will be more marginal. Examples of sheep farming do not charge much or anything for the grazing and this may make it sufficiently attractive for a local farmer or shepherd with a 'flying flock', where the landowner does not already have sheep.

37. Land in use for solar panels is generally ineligible for the normal agricultural subsidies, such as the Basic Payment Scheme (now being phased out) and the Environmental Land Management Scheme (ELMS). It does not prevent land from being managed in similar ways, but there will be no payments available to farmers (eg graziers) for compliance and this could make farming less financially attractive going forward.

38. Whilst it is noted that the applicant has identified in relation to mitigation measures for BMV impacts; primarily by way of sheep grazing, and acknowledge that these are likely to be some of the more detailed proposals put forward in this regard at this stage of the PA2008 process. However, from the hearings and in subsequent written documents this sheep grazing alternative has not been secured in any meaningful way and therefore there is no certainty that this will happen so the Council contend that this can only be given minimum weight in the planning balance as a measure to secure the agricultural use of this land that for any realistic measure is for a permanent period.

39. In conclusion the Council's position is that mitigation by grazing does not in any event wholly overcome the generational change and adverse impact on BMV land arising from the proposed development and the effective loss of this significant BMV agricultural land is in direct conflict with policies of the Central Lincolnshire Local Plan and conflicts with National Policy.

Closing Remarks

40. In conclusion the Council has set out the matters it considers that have not been addressed to its satisfaction in relation to landscape and visual impact, soils and agriculture, and the approach to cumulative impacts of both these topics.

41. Taking this into consideration with the identified unacceptable impacts on the landscape character and loss of BMV land as a result of this project on its own and combined with the other Nationally Significant Infrastructure Projects locally and across Lincolnshire, when all these unacceptable impacts are all considered in the planning balance of the need for the scheme the only acceptable decision for the Secretary of State is to refuse this application for a Development Consent Order.