



# Little Crow

*Solar Park*

*Little Crow Solar Park, Scunthorpe*

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## APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS

### DEADLINE 1

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# **APPLICANT RESPONSE TO RELEVANT REPRESENTATIONS**

**ON BEHALF OF INRG SOLAR (LITTLE CROW) LTD**

**DEADLINE 1**

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**1. APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS**

**Purpose of this Document**

- 1.1 This document is submitted by INRG Solar (Little Crow) Ltd ("the Applicant") and contains the Applicant's response to the relevant representations submitted by interested parties during the consultation period following acceptance of the Little Crow Solar Park DCO Application which closed on Friday 26 February 2021.<sup>1</sup>
- 1.2 The Applicant's response is presented in a tabulated format.

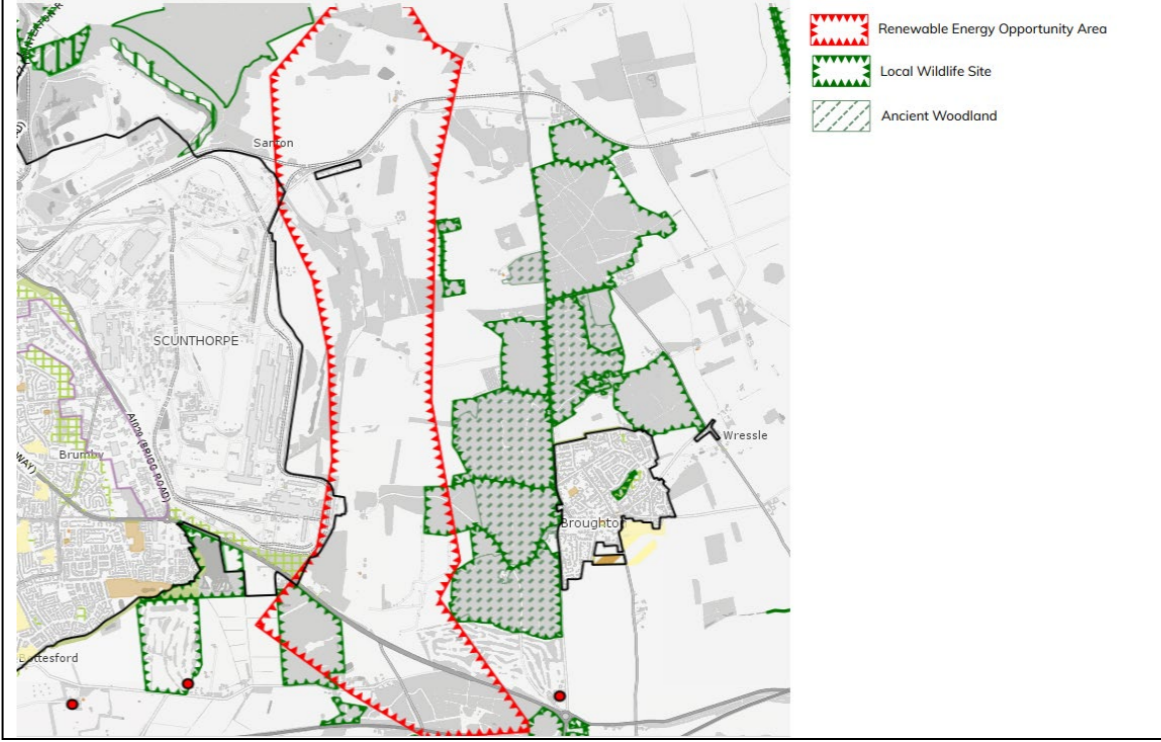
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<sup>1</sup> The Applicant's response to any written representations submitted at Deadline 1 (10 May 2021) will be submitted at Deadline 2, (24 May 2021)

**Representations Table**

EXAMINATION LIBRARY REFERENCE	BODY	DATE SUBMITTED TO PINS	REPRESENTATION	APPLICANT'S RESPONSE
<b>REPRESENTATIONS PROVIDED BY LOCAL AUTHORITIES</b>				
RR-001	KINGSTON-UPON-HULL CITY COUNCIL	26-Feb-21	<i>"While the Council is supportive of the principle of this type of development, and of expanding the capacity for producing renewable energy - itself having declared a Climate Emergency - the location of the proposed facility is such that it is considered it will not have impact on the city, so the Council do not wish to make further detailed comment".</i>	The Applicant duly acknowledges that the Council is supportive of the type of development put forward by this DCO application and it's noted that they do not wish to make any further detailed comments.
RR-002	NORTH LINCOLNSHIRE COUNCIL	26-Feb-21	<i>"Dear Sir/Madam Thank you for the opportunity to register as an interested party with regards to this application for Development Consent Order for the Little Crow Solar Park. I can confirm that I wish to be registered as an interested party on behalf of North Lincolnshire Council - the host local authority. As you will be aware NLC has engaged with the applicant during the pre-application stage and has issued a formal pre-application response which is contained within the application documents. I have no specific representations to raise on behalf of NLC further to these pre-application comments at this time but would like to confirm attendance at the preliminary meeting and that the North Lincolnshire Council will be producing a Local Impact Report in due course."</i>	The Applicant will continue to liaise with North Lincolnshire Council during the ongoing examination process and this includes the progression of the draft Statement of Common Ground submitted as part of the DCO application (Document Reference 9.4 LC OTH, PINS Reference APP-112) and to address the matters requested by the Examining Authority in the Rule 6 Letter (PINS Reference PD-004) and Rule 8 Letter (PINS Reference PD-006).
<b>REPRESENTATIONS BY MEMBERS OF THE PUBLIC AND BUSINESSES</b>				
RR-013	██████████	25-Feb-21	<i>"Here are a list of objections based on the following: On the little Crow website there is supposed to be a link about the Bio Diversity the site would create? This link leads to nothing - IT STATES - THIS IS 'SOMEWHAT EMBARASSING' and the following @It looks like nothing was found at this location. Maybe try a search?@ I requested the Habitat report over a year ago and nothing came back? I walk the public footpaths regularly and I am lead to believe there is no mention of the following animals some very rare or protected in their report from what I was told over the phone: Great Crested Newt Common Buzzard Muntjac Deer Roe Deer So regards to the public footpaths that flow this site - will these be guaranteed to unaffected? And what direct benefit will there be to the nearest and local town of Broughton? (less than 1 mile away) When I mean direct - like funds available for community projects and clubs in my town.. As opposed to the funding going elsewhere. What do these projects really do for my community? The adjacent already existing Solar Farm has brought NO benefit and the wildlife has gone - from what used to grace the area. Can the project be postponed until these issues have been resolved? Or would a person like to visit the local Solar Farm and survey what is not there? A very concerned local resident."</i>	<p><b>Developer's Project Website</b></p> <p>The Applicant duly acknowledges that the link to a third-party research document '<b>Solarview – Ecological Monitoring of Solar Sites Overview of 2019 Surveys</b>' was broken on the developer's project website. The Applicant has subsequently provided ██████████ with an electronic copy of the third party document via email on 7 April 2021. The document formed part of the background documents to the pre-application consultation, and it does not form part of the application submission.</p> <p><b>Community Funding</b></p> <p>Turning to the question of community funding, the proposals include a community fund of £250,000 which will be paid to North Lincolnshire Council for use towards improving community facilities within the parishes of Appleby and Broughton. This contribution will be covered by a unilateral undertaking and a draft of that document, which is in agreed form with the Council, forms part of the application submission (Document Reference 9.13 LC OTH, PINS Reference APP-121). A final and completed agreement will be submitted to the examining authority no later than Friday 1 October 2021 (Deadline 8).</p> <p><b>Biodiversity and Ecology</b></p>

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				<p>Chapter 7 (Ecology) of the Environmental Statement (Document Reference 6.7 LC ES CH 7, PINS Reference APP-064) comprises a comprehensive review and assessment of habitats and wildlife species present at the site including great crested newts and birds. This does focus on habitats and species of conservation concern and does not discuss deer. Deer species in Britain are not endangered, and their numbers in the UK are very high compared to historical averages. For this reason, deer are not afforded any legal protection from a nature conservation perspective. Current UK deer legislation (the Deer Act 1991) impose close seasons and limitations on the type and calibres of weapons permitted for hunting deer, but from a welfare objective only.</p> <p>The findings of ecological surveys for the adjacent solar farm (we assume this refers to the Ravensthorpe Solar Array to the south) have been reviewed on the North Lincolnshire Planning Portal (Reference: PA/2014/0892). The Applicant has no direct knowledge of whether this site is subject to any form of ecological monitoring and can therefore not comment on the ecological conditions currently present. However, the findings of monitoring regimes from numerous other solar farms in Britain has shown that solar arrays can and do support a high diversity of wildlife, particularly where they are managed to promote biodiversity.</p> <p>The Outline Landscape and Ecological Management Plan ("LEMP") (Document Reference 7.28 LC TA7.8, PINS Reference APP-097) sets out details of how the operational site at Little Crow will be managed to promote a wide range of ecological features and how this will be monitored to ensure the aims of ecological enhancement are achieved. Compliance with the Outline LEMP is secured by requirement 10 of the dDCO (Document Reference 3.1 LC DCO, PINS Reference APP-045).</p>
RR-006	Sills & Betteridge LLP on behalf of Fennswood Motors Ltd	26-Feb-21	<p>"1. The Interested Party is the business occupier of a site at Heron's Lodge from where it undertakes the retail by internet of vehicle parts. The property is surrounded by the Heron's Lodge residential property owned by the company's shareholders and directors. The Heron's lodge property is in turn surrounded on three sides by the Order Limits. The main proposed solar farm development site ("the Solar Farm") lies to the south-west of the Interested Party's premises. The Interested Party's property appears to be the closest non-agricultural use to the Solar Farm.</p> <p>2. The Interested Party OBJECTS to the proposed development.</p> <p>3. As a preliminary point the presentation of material on the proposed development by the applicant and the Planning Inspectorate is virtually unusable and has severely constrained the preparation of these representations. The index prepared by the applicant bears no relation to the order of material on the Planning Inspectorate website and contains no cross-referencing to any form of referencing adopted by the Planning Inspectorate. The key document, the Environmental Statement appears on the Planning Inspectorate website as 54 separate documents of which the first six are Appendix 9.1, Appendix 8.1, Appendix 7.4, Appendix 6.4, Appendix 3.1, Appendix 7.9. The first substantive chapter, Chapter 8, is the tenth document. In this form it is unusable and it is almost certain that relevant material has been missed in considering the</p>	<p><b>Order Limits and proximity to Heron Lodge (also known as Fennswood)</b> The Applicant duly acknowledges that Heron Lodge is located near the Order Limits. However, the Order Limits do not surround Heron Lodge on three sides. To be more precise, a woodland belt known as Heron Holt separates the order limits from Heron Lodge. The Oder Limit shares a common boundary with the northern and western edge of Heron Holt. Along this shared boundary, the Order Limits is located approximately 30m from Heron Lodge at its nearest point. Turning to the shared western boundary, the Order Limits is located 130m from Heron Lodge at its nearest point.</p> <p><b>Need for Development</b> The representation makes reference to the 'need for development'. Consideration of 'need' is provided in a number of documents supporting the DCO application. These include the Statement of Need (Document Reference 3.4 LC DCO, PINS Reference APP-049); Planning Statement (Document Reference 9.1 LC OTH, PINS Reference APP-109); and, Chapter 5 of the Environmental Statement (Document Reference 6.5 LC ES CH5, PINS Reference APP-062).</p> <p><b>Making a Decision on the Application</b> The Applicant agrees that there is no specific National Planning Statement (NPS) which covers solar development. Where an application cannot be determined under a specific NPS then Section 105 of the Planning Act 2008 requires the Secretary of State (SoS), when making the decision, to have regard of the Local Impact Report, any matters prescribed in relation to the development of the description to which the application relates; and any other matters which the SoS thinks are both important</p>

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			<p><i>representations to be made. One of the key problems is that it has been impossible to conduct a keyword search on the entirety of the ES which, in the absence of a traditional index, is the only viable way of considering the document as a whole. This represents a serious departure from the publicity requirements for infrastructure projects.</i></p> <p><i>4. The Objection concerns both the construction/removal phases of the development and the period of operation of the Solar Farm. The principal concerns of the Interested Party relate to the impact on the Interested Party and other occupiers of Heron Lodge from the environmental effects; noise, vibration, visual amenity disturbance, and presence of the public caused by the proposed development.</i></p> <p><i>5. However, before addressing them, the overarching issue is why should this development take place here?</i></p> <p><i>6. There is no material specifically relating to solar projects within either policies EN-3 or EN-5 which is disappointing. Accordingly, the relevant planning policies are EN-1 and the February 2019 edition of the NPPF together with the relevant policies of North Lincolnshire Council.</i></p> <p><i>7. Paragraph 117 of the NPPF provides: "Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land." This policy is applied by paragraph 5.10.3 of EN-1 which provides that "Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure." North Lincolnshire LDF Core Strategy policy CS3 provides: "Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as that related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry."</i></p> <p><i>8. Solar projects are projects that fundamentally can be constructed on previously developed land if that land is available. The only meaningful constraints on a solar project are road access, line of sight availability of sufficient sunlight and the availability of a grid connection. The Interested Party has been unable to identify any statement of the need to develop a solar energy project at this green-field site and it is submitted that there are none. However, it is not for the Interested Party to prove a negative, but for the applicant to demonstrate need at this location.</i></p> <p><i>9. This is particularly significant because this development project involves the loss of 36.6 hectares of grade 3a agricultural land (ES</i></p>	<p>and relevant to the decision. There are aspects of three NPSs, which are considered to be both important and relevant to the decision on this application and as such are material consideration, these are discussed at paragraph 4.6 of the Planning Statement (Document Reference 9.1 LC OTH, PINS Reference APP-109).</p> <p><b>Principle of Development</b>                      The principle of development is discussed at paragraphs 5.4 to 5.54 of the Planning Statement (APP-109) and as such is not repeated here. In addition, part of the development site is located within the Renewable Energy Opportunity Area as put forward by Policy DQE9p of the emerging North Lincolnshire Local Plan Preferred Options Consultation Document (Regulation 18) (February 2020). Whilst the emerging plan is at an early stage of preparation, thus given very limited weight, is clearly shows how the local authority supports the delivery of renewable energy at this location, within the open countryside. Relevant extract of the preferred Options Consultation Proposal Map is set out below. North Lincolnshire Council latest Local Development Scheme (published in February 2021) states the publication and formal Public/Stakeholder Consultation on Draft Local Plan (Regulation 19) is expected to take place in June 2021.</p>  <p><b>Previously Developed Land</b>                      The representation questions whether the development could be sited on previously developed land. However, it is noted that the representation does not put forward any recommendations in terms of alternative sites (alternatives sites is also discussed in the Applicant's Post Hearing Submissions: Issue Specific Hearing 1: Environmental Statement, General Matters and the draft Development Consent Order at section 3(b) (Document Reference 9.17 LC OTH). As mentioned above, part of the Order Limits is located within the renewable energy opportunity area as put forward in the emerging North Lincolnshire Local Plan Preferred Options Document. This provides clear</p>



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			<p><i>Table 10.10) where paragraph 5.10.8 of EN-1 provides that "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations." The ES misrepresents the effect of this entirely (paragraphs 10.9.18-20) by treating grazing by sheep that could be undertaken on the poorest of soils as the equivalent of the current arable farming.</i></p> <p><i>10. The Noise Impact Assessment (ES Appendix 4.9) appears to be of no value because it was conducted in respect of a site significantly smaller than the development site as defined by the Order Limits (see indicative site plan at the end of the Assessment). In particular, the roadway running to the north of the Interested Party's property which represents the closest approach of the proposed development to the Interested Party's property is omitted entirely. Therefore, there has been no consideration of the impact of either construction or operational traffic on the Interested Party. The failure to consider the effects of traffic, also render the conclusions in respect of vibration in section 8 of the Assessment, fundamentally flawed.</i></p> <p><i>11. Even with this omission the Assessment considers (paragraph 6.1) that "Receivers 2 [the relevant receiver] and 3 could be subject to levels that exceed desirable levels during daytime hours." This conclusion was however "preliminary only, based on the anticipated levels of noise. It is understood that the predicted noise emissions are worst case. Calculations should be undertaken using noise data for the final plant selection before any mitigation is applied." Yet it does not appear that the data and conclusions have been updated.</i></p> <p><i>12. The value of the Air Quality and Carbon Assessment (Appendix 4.5) is equally questionable. Although the Assessment plan shows the correct Order Limits (see figure 1.1) the narrative of the Assessment indicates that the Assessment, is like the Noise Impact Assessment, based on erroneous Order Limits. At page 10 it states "The closest properties to the proposed site consists of two farm structures with at least one structure being used as a residential dwelling and are located east of the proposed site and North of Broughton at distances of 280m and 415m from the Order Limits. The Interested Party's land is due south of the roadway which is within the Order Limits and the nearest buildings are less than 50 metres from it. It is obvious that no consideration has been given to air quality and dust along the roadway as a consequence of the proposed development. The roadway is extremely dusty during the arable harvest which is the only time when, for a week or two, it sees any significant use.</i></p> <p><i>13. The increased use of the roadway will have a significant visual impact on the Interested Party's property. Traffic is within sight and</i></p>	<p>demonstration that North Lincolnshire Council consider that agricultural land is required to accommodate large scale solar development. The options paper does not put forward any roof top sites for large scale solar projects. The need for a countryside location has been established by North Lincolnshire Council in their consideration of the Conesby Solar farm (Planning permission PA/2018/2140 granted in February 2019), whereby the delegated officers report acknowledged that due to the size of that development (a 40MW scheme) and the limited supply of brownfield land within North Lincolnshire, it would necessitate a countryside location. The same must therefore apply for the Little Crow Solar Park. A copy of the delegated report for Conesby Solar Farm is provided at Appendix 1.</p> <p><b>Temporary Diversion to the PRow</b> The representation has misconstrued the application drawings. The temporary diversion to the PRow during construction and subsequent decommissioning will follow the southern edge of the Order limits and as such would avoid, and not impact, the residential and business use located at Heron's Lodge. Please refer to drawings Work Details – Whole Site Plan (Document Reference 2.10 LC DRW, PINS Reference APP-015) &amp; Proposed Temporary Diversion of Public Footpath 214 (Document Reference 2.39 LC DRW, PINS Reference APP-043).</p> <p><b>Noise Assessment</b> When undertaking assessments of noise and vibration, the critical element is to establish where significant sources of noise could be introduced, and where the affected receptors are. For mobile sources of noise (i.e. construction works), the assessment considers the worst-case placement of these sources, rather than assuming they are distributed over the entire Order Limits.</p> <p>The Applicant notes that further clarification has been sought by the Examining Authority with regards to the comment '<i>conducted in respect of a site significantly smaller than the development site as defined by the Order Limits</i>', and that this is expected with the IP's Deadline 1 submissions. The Applicant will respond to any further points as necessary.</p> <p>With regards to the surrounding roads, the findings of the transport assessment are set out in the DCO application as follows:</p> <p><b>Construction Traffic:</b> In Paragraph 9.8.14 of the Transport and Access Chapter (Document Reference 6.9 LC ES CH9, PINS Reference APP-066), the following is stated: "<i>The addition of 32 HGV movements and between 10-14 LGV movements to the highway network over a daily period will not exceed this threshold [traffic flow/HGV increase of more than 30%]</i>" Based on the methodologies laid out in Design Manual for Roads and Bridges [DMRB] this therefore indicates that temporary construction traffic will increase noise levels on surrounding roads by less than 1 dB. As per the 'Classification of Magnitude of Noise Impacts in the Short Term' (Table 3.1) this equates to a <b>Negligible Impact</b>, similar to the findings of the Transport and Access assessment itself.</p> <p><b>Operational Traffic:</b> In Paragraph 9.8.18 of the Transport and Access Chapter (Document Reference 6.9 LC ES CH9, PINS Reference APP-066), the following is stated: "<i>There are anticipated to be around four visits to the site a year (one per quarter) for additional equipment</i></p>

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			<p>use outside of the harvest period is currently minimal. Chapter 6 of the ES fails to address the issue.</p> <p>14. Paragraph 11.5.1 of the ES dealing with Socio-Economic Issues states "There are no identified negative effects associated with the Proposed Development." Regrettably, the authors have not found because the authors have not looked. There is no evaluation of the impact on the property values of neighbouring residential and commercial properties of developments such as this. This is no evaluation of the extent to which developments such as this operate as a "pull factor" for acquisitive crime, particularly bearing in mind the presence on site of batteries that are likely to have high scrap value. There is no evaluation of the social impact of the proposed development on nearby residential occupiers (including child occupiers) who will, by the proposed development, be permanently deprived of an extremely rural environment despite living relatively close to an industrial town and in addition will have to live through the disruption of the construction phase.</p> <p>15. It is difficult to comment on the proposed diversion of the public footpath as it has not proved possible to identify the current route of the footpath from the application documents. That also means that the Interested Party has been unable to identify whether any alternative diversionary route is feasible or whether the footpath serves sufficient need to justify a diversion rather than a temporary stopping up. It has not been possible to find any assessment of footpath usage. The proposed diverted footpath will bring pedestrian traffic very close to the Interested Party's property where previously there was none. That is a security concern and the Interested Party considers that every effort should be made to find an alternative solution.</p> <p>16. An informal offer was made by a representative of the developer to secure the 3 phase electrical supply box and meters serving the Interest Party's property and adjoining properties where the supply is taken from the overhead HT power lines. This equipment will be located very close to and visible from the proposed diverted footpath. It represents a security risk to the Interested Party and a safety risk to the public. That offer has not been repeated in the current proposals and appears to have been overlooked or disregarded.</p> <p>17. The planning permission for the Interested Party's property (North Lincolnshire PA/2018/148) contains a restriction on hours of use to Monday – Friday, 7am – 6pm with no use on Saturdays, Sundays or Public Holidays. This is to secure the residential amenity of the neighbour's house. There seems no good reason why site construction of the proposed development should not be similarly limited. Likewise, manned operations during the operational phase of the Solar Farm should be similarly limited."</p>	<p><i>maintenance. These would typically be made by light van or 4x4 type vehicles."</i> With so few traffic movements proposed during the operational phase, a <b>No Change or Negligible Impact</b> would be expected.</p> <p>With regards to the onsite access road, the numbers of HGVs during construction and traffic during operation were found to not cause a significant impact. In response to the representations made here, as well as Written Questions from the Examining Authority (ref ExQ1, 1.9.2), a revised report will be submitted at Deadline 2, demonstrating the calculations and findings undertaken in this regard.</p> <p><b>Air Quality Response</b></p> <p><i>Construction Phase</i> As per IAQM guidance, the risk associated with the site to potentially generate dust/PM<sub>10</sub> has been identified for the three activities to be undertaken on site. The likely dust emission magnitude has been determined as Large for Earthworks and access track for Construction. This in itself does not reflect the impact and is coupled with the sensitivity of the area to determine the risk. An assessment of the sensitivity of the area determined the existing PM<sub>10</sub> background concentrations to be well below the AQS Objective. Even when taking into consideration a property situated approximately 30m away from the Order Limits, the assessment suggests the likely risk of construction dust impacts to be low.</p> <p>With regards to construction traffic, consideration has been given to the roadway. It has been estimated that the number of HGV movements delivering materials will be no more than 25 Annual Average Daily Traffic (AADT). This is well below the 100AADT criteria for determining when a likely impact could arise in accordance with IAQM guidance. This is detailed in paragraph 4.1.2 of the Air Quality Assessment (Document Reference 7.12 LC TA4.5, PINS Reference APP-081). Therefore, the likely impact of the construction phase on the roadway stated in the representation is negligible.</p> <p><b>Socio-Economics</b> The representation asserts that that the socio-economic chapter of the Environmental Statement does not provide an evaluation of the impact on neighbouring property values. It should be noted that such an issue is not considered to be material when assessing an application. For example, in recommending approval for a solar farm on 65 hectares of agricultural land at Hundon in Suffolk in 2012, St. Edmundsbury Borough Council (now part of West Suffolk Council, planning ref: SE/12/1114/FUL) noted that "Concerns have been over the impact on neighbouring property values from the proposed solar farm. However, these are not considered to be material to the assessment of this application." Reference is also made to the Government's Planning Practice Guidance Determining a Planning Application, paragraph 009 Reference ID: 21b-009-20140306 states (own emphasis underlined) "A <i>material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact</i></p>



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				<p><b><i>of a development on the value of a neighbouring property or loss of private rights to light could not be material consideration</i></b>”.</p> <p>Disruption caused by the construction phase is also referred to. In response to this, attention is drawn to the following three documents prepared as part of the submission:</p> <ol style="list-style-type: none"> <li>1) The Outline Construction Traffic Management Plan (Document Reference 7.36 LC TA9.2, PINS Reference APP-105);</li> <li>2) The Outline Construction Environmental Management Plan (Document Reference 7.8 LC TA4.1, PINS Reference APP-077); and</li> <li>3) The Outline Construction Environmental Management Plan for Biodiversity (Document Reference 7.27 LC TA7.7, PINS Reference APP-096)</li> </ol> <p>Each of these Plans has been developed to minimise disruption from the construction phase, which includes setting out the proposed construction deliveries, as well as demonstrating the measures that can be used to protect environmental resources. As such, it is concluded that any disruption during the build phase will not be significant. Furthermore, requirement 11 of the dDCO (Document Reference 3.1 LC DCO, PINS Reference APP-045) secured the compliance mechanism for construction hours, and this will ensure that works that are audible at the boundary of the Order Limits would not take place outside the hours specified hours of 7.00-18.00 hours Monday to Friday and 8.00-13.30 hours on Saturday.</p> <p><b><u>Landscape and Visual Considerations</u></b></p> <p>The Applicant acknowledges that the Heron’s Lodge site (comprising two clearings in the northern portion of the Heron Holt woodland) is located approximately 30 metres south of the access track. Thick, continuous woodland cover lies between both clearings and the access track to the site. The westernmost clearing which includes the residential property is located approximately 130 metres north east of the order limits boundary, (at the closest point). The intervening woodland on both sites provides a strong buffer between the property, limiting visibility to the site area and the access track. Whilst some traffic movements may be discerned through the lower sections of the canopy, it is anticipated that these would be heavily filtered by the intervening vegetation.</p> <p>The access track does not form a public right of way and therefore no additional mitigation planting has been proposed along this route. Within Chapter 6 Landscape and Visual of the Environmental Statement (Document Reference 6.6 LC ES CH6, PINS Reference APP-063) Figure 6.7 Exclusion Zone reserved for Future Mitigation Planting, (if required), allows for additional Screen Planting in Section 1 to the south west of the property to respond to any potential future changes in the screening baseline e.g. the removal of intervening woodland, should this be required during the operation of the Solar Park.</p> <p>At paragraph 6.4.9 in Chapter 6 of the Environmental Statement (Document Reference 6.6A LC ES CH6, PINS Reference PDA-014) it is acknowledged that during the construction stage there would be some additional, temporary, non-permanent effects over and above those associated with the operational effects and that these would be related to the movement of plant and materials on the site. Paragraph</p>

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				<p>6.4.54 notes the effects in the decommissioning phase would be similar to those in the construction phase.</p> <p>Chapter 9 Transport and Access (Document Reference 6.9 LC ES CH9, PINS Reference APP-066) of the Environmental Statement sets out at paragraphs 9.8.11 &amp; 12 the expected vehicle movements. At paragraph 9.8.18 it sets out that during operation it is anticipated that there would be approximately four visits to the site per year for equipment maintenance.</p> <p>Details of landscape and ecological maintenance operations are set out in the Outline Landscape and Ecological Management Plan (Document Reference 7.28 LC TA7.8, PINS Reference APP-097) which include agricultural management of the proposed grasslands between and under the solar panels by rotational sheep grazing.</p> <p><b><u>Soils and Agriculture</u></b></p> <p>A combination of local factors, including soil type, limited depth and elevated sand and stone contents restricts agricultural production within the Order limits. Continuous arable use is resulting in long term decline in soil health such as reduced structural stability of sandy topsoil resulting in significant wind erosion further damaging productivity. One of the essential attributes of the site is that it predominantly comprises lower grade agricultural land. The majority of the site is deemed to be Grade 3b agricultural land (77.5%). The rest of the site is split between Grade 3a (16.5%) and Non-agricultural uses (6%).</p> <p>The agricultural land within the Order limits would only pause its agricultural use during construction and decommissioning. Agricultural use would be maintained during the temporary operational phase via seasonal lowland pasture grazing for sheep. In terms of impacts derived from Little Crow Solar Park, the introduction of an alternative use for 35 years will permit recovery of soil organic matter depleted through cultivation, particular within Work No. 1 [Area for Ground Mounted Solar Panels] and Work No. 6 [Perimeter Development Buffer]. This will help the soil to hold moisture, which will then be available to the crops for growth. There will be an expected increased productivity from arable cropping uses following the removal of the panels. This outcome is a significant benefit when measured against the baseline quality of extant soil.</p> <p>Based on DEFRA's Provisional Agricultural Land Classification (ALC) Map, 89% of North Lincolnshire is in some form of agricultural use with 54% of this land being classified as provisional Grades 1 (excellent quality) and 2 (very good quality) compared to a 16% average for England. National guidance with regard to use of Best and Most Versatile (BMV) land is therefore set against the general backdrop and presumption that BMV land is in short supply whilst lower quality land prevails. The situation within North Lincolnshire is the polar opposite, whereby the BMV land dominates the agricultural landscape. At a district level only 2% of North Lincolnshire's agricultural land is classified as Grade 4 'very poor' with negligible areas classified as grade 5 'very poor'. This restricts the availability of poorer quality agricultural land and itself sets out the compelling evidence to justify that the site selection is appropriate in term of agricultural land when assessing the general availability of poorer quality land within the district. Overall, it is considered that the</p>

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				<p>temporary development conforms with the EN-1 and the NPPF, as it utilises poorer quality land when comparing the availability of BMV land within the district.</p> <p><b>Reference to Electrical Supply Box (comment no 16)</b></p> <p>Through comment no 16, the representation refers to discussions regarding an electrical supply box at their property. The Applicant acknowledges that discussions have taken place with the residents at Heron Lodge during the pre-application stage, but these discussions didn't include any offer made by the Applicant regarding an electrical supply box and the Applicant explained to the Interested Party during those discussions that this wouldn't be appropriate due to the voltage.</p> <p><b>Other Matters</b></p> <p>The issue of crime is also highlighted, specifically in relation to the presence of on-site batteries. In response to this issue, it should be noted that a Crime Impact Assessment is included in the Design &amp; Access Statement (Document Reference 9.2 LC OTH, PINS Reference APP-110) for the scheme. For the construction and operational phases, it highlights the following security measures that will be put in place and secured by Requirement 6 (Detailed design approval):</p> <ul style="list-style-type: none"> <li>• <b>Construction phase:</b> A secure temporary compound will be used to store materials and ancillary welfare facilities during the construction periods. A night watchman may also be detailed to the construction compound.</li> <li>• <b>Operational phase:</b> A 2m high stock fence will encompass the fields containing the solar panels; palisade fencing for the substation and battery compounds; and CCTV cameras positioned at appropriate intervals along the stock fence will be remotely monitored.</li> </ul> <p>The representation made reference to how the documentation supporting the application appears to be disjointed when viewed on the National Infrastructure Planning (NIP) website. As discussed at ISH1, the Examining Authority explained how the documentation was presented to NIP in a clear and chronological manner but unfortunately the sequencing was not replicated on NIP's online planning register. At ISH1, the Applicant agreed to assist Heron Lodge and their representatives in navigating the documentation. The NIP's case officer passed on the Applicant's details to Heron Lodge on 20 April 2021 and the Applicant still await their initial direct contact.</p>
RR-008	Sills & Betteridge LLP on behalf of Infocus ID Ltd	26-Feb-21	"1. The Interested Party is the owner and business occupier of a site at Heron's Lodge from where it undertakes the retail by internet of ID card printers. The property is surrounded by the Heron's Lodge residential property owned by the company's shareholders and directors. The Heron's lodge property is in turn surrounded on three sides by the Order Limits. The main proposed solar farm development site ("the Solar Farm") lies to the south-west of the Interested Party's premises. The Interested Party's property appears to be the closest non-agricultural use to the Solar Farm. The Interested Party's property is registered at HM Land Registry with title number HS392936.	Please refer to the Applicant's response to RR-006.



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			<p>2. The Interested Party OBJECTS to the proposed development.</p> <p>3. As a preliminary point the presentation of material on the proposed development by the applicant and the Planning Inspectorate is virtually unusable and has severely constrained the preparation of these representations. The index prepared by the applicant bears no relation to the order of material on the Planning Inspectorate website and contains no cross-referencing to any form of referencing adopted by the Planning Inspectorate. The key document, the Environmental Statement appears on the Planning Inspectorate website as 54 separate documents of which the first six are Appendix 9.1, Appendix 8.1, Appendix 7.4, Appendix 6.4, Appendix 3.1, Appendix 7.9. The first substantive chapter, Chapter 8, is the tenth document. In this form it is unusable and it is almost certain that relevant material has been missed in considering the representations to be made. One of the key problems is that it has been impossible to conduct a keyword search on the entirety of the ES which, in the absence of a traditional index, is the only viable way of considering the document as a whole. This represents a serious departure from the publicity requirements for infrastructure projects.</p> <p>4. The Objection concerns both the construction/removal phases of the development and the period of operation of the Solar Farm. The principal concerns of the Interested Party relate to the impact on the Interested Party and other occupiers of Heron Lodge from the environmental effects; noise, vibration, visual amenity disturbance, and presence of the public caused by the proposed development. 5. However, before addressing them, the overarching issue is why should this development take place here?</p> <p>6. There is no material specifically relating to solar projects within either policies EN-3 or EN-5 which is disappointing. Accordingly, the relevant planning policies are EN-1 and the February 2019 edition of the NPPF together with the relevant policies of North Lincolnshire Council.</p> <p>7. Paragraph 117 of the NPPF provides: "Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land." This policy is applied by paragraph 5.10.3 of EN-1 which provides that "Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure."</p> <p>North Lincolnshire LDF Core Strategy policy CS3 provides: "Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as that related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry."</p> <p>8. Solar projects are projects that fundamentally can be constructed on previously developed land if that land is available. The only meaningful constraints on a solar project are road access, line of</p>	



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			<p>sight availability of sufficient sunlight and the availability of a grid connection. The Interested Party has been unable to identify any statement of the need to develop a solar energy project at this green-field site and it is submitted that there are none. However, it is not for the Interested Party to prove a negative, but for the applicant to demonstrate need at this location.</p> <p>9. This is particularly significant because this development project involves the loss of 36.6 hectares of grade 3a agricultural land (ES Table 10.10) where paragraph 5.10.8 of EN-1 provides that "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations." The ES misrepresents the effect of this entirely (paragraphs 10.9.18-20) by treating grazing by sheep that could be undertaken on the poorest of soils as the equivalent of the current arable farming.</p> <p>10. The Noise Impact Assessment (ES Appendix 4.9) appears to be of no value because it was conducted in respect of a site significantly smaller than the development site as defined by the Order Limits (see indicative site plan at the end of the Assessment). In particular, the roadway running to the north of the Interested Party's property which represents the closest approach of the proposed development to the Interested Party's property is omitted entirely. Therefore, there has been no consideration of the impact of either construction or operational traffic on the Interested Party. The failure to consider the effects of traffic, also render the conclusions in respect of vibration in section 8 of the Assessment, fundamentally flawed.</p> <p>11. Even with this omission the Assessment considers (paragraph 6.1) that "Receivers 2 [the relevant receiver] and 3 could be subject to levels that exceed desirable levels during daytime hours." This conclusion was however "preliminary only, based on the anticipated levels of noise. It is understood that the predicted noise emissions are worst case. Calculations should be undertaken using noise data for the final plant selection before any mitigation is applied." Yet it does not appear that the data and conclusions have been updated.</p> <p>12. The value of the Air Quality and Carbon Assessment (Appendix 4.5) is equally questionable. Although the Assessment plan shows the correct Order Limits (see figure 1.1) the narrative of the Assessment indicates that the Assessment, is like the Noise Impact Assessment, based on erroneous Order Limits. At page 10 it states "The closest properties to the proposed site consists of two farm structures with at least one structure being used as a residential dwelling and are located east of the proposed site and North of Broughton at distances of 280m and 415m from the Order Limits. The Interested Party's land is due south of the roadway which is within the Order Limits and the nearest buildings are less than 50 metres from it. It is obvious that no consideration has been given to air quality and dust along the roadway as a consequence of the proposed development. The roadway is extremely dusty during the</p>	



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			<p><i>arable harvest which is the only time when, for a week or two, it sees any significant use.</i></p> <p><i>13. The increased use of the roadway will have a significant visual impact on the Interested Party's property. Traffic is within sight and use outside of the harvest period is currently minimal. Chapter 6 of the ES fails to address the issue.</i></p> <p><i>14. Paragraph 11.5.1 of the ES dealing with Socio-Economic Issues states "There are no identified negative effects associated with the Proposed Development." Regrettably, the authors have not found because the authors have not looked. There is no evaluation of the impact on the property values of neighbouring residential and commercial properties of developments such as this. This is no evaluation of the extent to which developments such as this operate as a "pull factor" for acquisitive crime, particularly bearing in mind the presence on site of batteries that are likely to have high scrap value. There is no evaluation of the social impact of the proposed development on nearby residential occupiers (including child occupiers) who will, by the proposed development, be permanently deprived of an extremely rural environment despite living relatively close to an industrial town and in addition will have to live through the disruption of the construction phase.</i></p> <p><i>15. It is difficult to comment on the proposed diversion of the public footpath as it has not proved possible to identify the current route of the footpath from the application documents. That also means that the Interested Party has been unable to identify whether any alternative diversionary route is feasible or whether the footpath serves sufficient need to justify a diversion rather than a temporary stopping up. It has not been possible to find any assessment of footpath usage. The proposed diverted footpath will bring pedestrian traffic very close to the Interested Party's property where previously there was none. That is a security concern and the Interested Party considers that every effort should be made to find an alternative solution.</i></p> <p><i>16. An informal offer was made by a representative of the developer to secure the 3 phase electrical supply box and meters serving the Interest Party's property and adjoining properties where the supply is taken from the overhead HT power lines. This equipment will be located very close to and visible from the proposed diverted footpath. It represents a security risk to the Interested Party and a safety risk to the public. That offer has not been repeated in the current proposals and appears to have been overlooked or disregarded.</i></p> <p><i>17. The planning permission for the Interested Party's property (North Lincolnshire PA/2018/148) contains a restriction on hours of use to Monday – Friday, 7am – 6pm with no use on Saturdays, Sundays or Public Holidays. This is to secure the residential amenity of the neighbour's house. There seems no good reason why site construction of the proposed development should not be similarly limited. Likewise, manned operations during the operational phase of the Solar Farm should be similarly limited."</i></p>	





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RR-014	Sills & Betteridge LLP on behalf of Katie Teresa Holmes	26-Feb-21	<p>"1. The Interested Party is one of the owners and a residential occupier of Heron's Lodge, a house and surrounding land bounded on three sides by the Order Limits. The main proposed solar farm development site ("the Solar Farm") lies to the south-west of the Interested Party's home. The Interested Party's home appears to be the closest residential property to the Solar Farm. The Interested Party's property is registered at HM Land Registry with title number HS296734.</p> <p>2. The Interested Party OBJECTS to the proposed development.</p> <p>3. As a preliminary point the presentation of material on the proposed development by the applicant and the Planning Inspectorate is virtually unusable and has severely constrained the preparation of these representations. The index prepared by the applicant bears no relation to the order of material on the Planning Inspectorate website and contains no cross-referencing to any form of referencing adopted by the Planning Inspectorate. The key document, the Environmental Statement appears on the Planning Inspectorate website as 54 separate documents of which the first six are Appendix 9.1, Appendix 8.1, Appendix 7.4, Appendix 6.4, Appendix 3.1, Appendix 7.9. The first substantive chapter, Chapter 8, is the tenth document. In this form it is unusable and it is almost certain that relevant material has been missed in considering the representations to be made. One of the key problems is that it has been impossible to conduct a keyword search on the entirety of the ES which, in the absence of a traditional index, is the only viable way of considering the document as a whole. This represents a serious departure from the publicity requirements for infrastructure projects.</p> <p>4. The Objection concerns both the construction/removal phases of the development and the period of operation of the Solar Farm. The principal concerns of the Interested Party relate to the impact on the Interested Party and other occupiers of Heron Lodge from the environmental effects; noise, vibration, visual amenity disturbance, and presence of the public caused by the proposed development.</p> <p>5. However, before addressing them, the overarching issue is why should this development take place here?</p> <p>6. There is no material specifically relating to solar projects within either policies EN-3 or EN-5 which is disappointing. Accordingly, the relevant planning policies are EN-1 and the February 2019 edition of the NPPF together with the relevant policies of North Lincolnshire Council.</p> <p>7. Paragraph 117 of the NPPF provides: "Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land." This policy is applied by paragraph 5.10.3 of EN-1 which provides that "Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure." North Lincolnshire LDF Core Strategy policy CS3 provides:</p>	Please refer to the Applicant's response to RR-006.



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			<p><i>"Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as that related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry."</i></p> <p><i>8. Solar projects are projects that fundamentally can be constructed on previously developed land if that land is available. The only meaningful constraints on a solar project are road access, line of sight availability of sufficient sunlight and the availability of a grid connection. The Interested Party has been unable to identify any statement of the need to develop a solar energy project at this green-field site and it is submitted that there are none. However, it is not for the Interested Party to prove a negative, but for the applicant to demonstrate need at this location.</i></p> <p><i>9. This is particularly significant because this development project involves the loss of 36.6 hectares of grade 3a agricultural land (ES Table 10.10) where paragraph 5.10.8 of EN-1 provides that "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations." The ES misrepresents the effect of this entirely (paragraphs 10.9.18-20) by treating grazing by sheep that could be undertaken on the poorest of soils as the equivalent of the current arable farming.</i></p> <p><i>10. The Noise Impact Assessment (ES Appendix 4.9) appears to be of no value because it was conducted in respect of a site significantly smaller than the development site as defined by the Order Limits (see indicative site plan at the end of the Assessment). In particular, the roadway running to the north of the Interested Party's property which represents the closest approach of the proposed development to the Interested Party's property is omitted entirely. Therefore, there has been no consideration of the impact of either construction or operational traffic on the Interested Party. The failure to consider the effects of traffic, also render the conclusions in respect of vibration in section 8 of the Assessment, fundamentally flawed.</i></p> <p><i>11. Even with this omission the Assessment considers (paragraph 6.1) that "Receivers 2 [the relevant receiver] and 3 could be subject to levels that exceed desirable levels during daytime hours." This conclusion was however "preliminary only, based on the anticipated levels of noise. It is understood that the predicted noise emissions are worst case. Calculations should be undertaken using noise data for the final plant selection before any mitigation is applied." Yet it does not appear that the data and conclusions have been updated.</i></p> <p><i>12. The value of the Air Quality and Carbon Assessment (Appendix 4.5) is equally questionable. Although the Assessment plan shows the correct Order Limits (see figure 1.1) the narrative of the Assessment indicates that the Assessment, is like the Noise Impact Assessment, based on erroneous Order Limits. At page 10 it states "The closest properties to the proposed site consists of two farm structures with at least one structure being used as a residential</i></p>	



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			<p><i>dwelling and are located east of the proposed site and North of Broughton at distances of 280m and 415m from the Order Limits. The Interested Party's land is due south of the roadway which is within the Order Limits and the nearest buildings are less than 50 metres from it. It is obvious that no consideration has been given to air quality and dust along the roadway as a consequence of the proposed development. The roadway is extremely dusty during the arable harvest which is the only time when, for a week or two, it sees any significant use.</i></p> <p><i>13. The increased use of the roadway will have a significant visual impact on the Interested Party's property. Traffic is within sight and use outside of the harvest period is currently minimal. Chapter 6 of the ES fails to address the issue.</i></p> <p><i>14. Paragraph 11.5.1 of the ES dealing with Socio-Economic Issues states "There are no identified negative effects associated with the Proposed Development." Regrettably, the authors have not found because the authors have not looked. There is no evaluation of the impact on the property values of neighbouring residential and commercial properties of developments such as this. This is no evaluation of the extent to which developments such as this operate as a "pull factor" for acquisitive crime, particularly bearing in mind the presence on site of batteries that are likely to have high scrap value. There is no evaluation of the social impact of the proposed development on nearby residential occupiers (including child occupiers) who will, by the proposed development, be permanently deprived of an extremely rural environment despite living relatively close to an industrial town and in addition will have to live through the disruption of the construction phase.</i></p> <p><i>15. It is difficult to comment on the proposed diversion of the public footpath as it has not proved possible to identify the current route of the footpath from the application documents. That also means that the Interested Party has been unable to identify whether any alternative diversionary route is feasible or whether the footpath serves sufficient need to justify a diversion rather than a temporary stopping up. It has not been possible to find any assessment of footpath usage. The proposed diverted footpath will bring pedestrian traffic very close to the Interested Party's property where previously there was none. That is a security concern and the Interested Party considers that every effort should be made to find an alternative solution.</i></p> <p><i>16. An informal offer was made by a representative of the developer to secure the 3 phase electrical supply box and meters serving the Interest Party's property and adjoining properties where the supply is taken from the overhead HT power lines. This equipment will be located very close to and visible from the proposed diverted footpath. It represents a security risk to the Interested Party and a safety risk to the public. That offer has not been repeated in the current proposals and appears to have been overlooked or disregarded.</i></p> <p><i>17. The planning permission for the immediately adjoining commercial property (North Lincolnshire PA/2018/148) contains a</i></p>	



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			<p><i>restriction on hours of use to Monday – Friday, 7am – 6pm with no use on Saturdays, Sundays or Public Holidays. This is to secure the residential amenity of the Interested Party's property. There seems no good reason why site construction of the proposed development should not be similarly limited. Likewise, manned operations during the operational phase of the Solar Farm should be similarly limited."</i></p>	
RR-009	<p><b>Sills &amp; Betteridge LLP</b> on behalf of <b>ManDown Support Ltd</b></p>	26-Feb-21	<p><i>"1. The Interested Party is the business occupier of a site at Heron's Lodge from where it undertakes the servicing of printers. The property is surrounded by the Heron's Lodge residential property owned by the company's shareholders and directors. The Heron's lodge property is in turn surrounded on three sides by the Order Limits. The main proposed solar farm development site ("the Solar Farm") lies to the south-west of the Interested Party's premises. The Interested Party's property appears to be the closest non-agricultural use to the Solar Farm.</i></p> <p><i>2. The Interested Party OBJECTS to the proposed development.</i></p> <p><i>3. As a preliminary point the presentation of material on the proposed development by the applicant and the Planning Inspectorate is virtually unusable and has severely constrained the preparation of these representations. The index prepared by the applicant bears no relation to the order of material on the Planning Inspectorate website and contains no cross-referencing to any form of referencing adopted by the Planning Inspectorate. The key document, the Environmental Statement appears on the Planning Inspectorate website as 54 separate documents of which the first six are Appendix 9.1, Appendix 8.1, Appendix 7.4, Appendix 6.4, Appendix 3.1, Appendix 7.9. The first substantive chapter, Chapter 8, is the tenth document. In this form it is unusable and it is almost certain that relevant material has been missed in considering the representations to be made. One of the key problems is that it has been impossible to conduct a keyword search on the entirety of the ES which, in the absence of a traditional index, is the only viable way of considering the document as a whole. This represents a serious departure from the publicity requirements for infrastructure projects.</i></p> <p><i>4. The Objection concerns both the construction/removal phases of the development and the period of operation of the Solar Farm. The principal concerns of the Interested Party relate to the impact on the Interested Party and other occupiers of Heron Lodge from the environmental effects; noise, vibration, visual amenity disturbance, and presence of the public caused by the proposed development.</i></p> <p><i>5. However, before addressing them, the overarching issue is why should this development take place here?</i></p> <p><i>6. There is no material specifically relating to solar projects within either policies EN-3 or EN-5 which is disappointing. Accordingly, the relevant planning policies are EN-1 and the February 2019 edition of the NPPF together with the relevant policies of North Lincolnshire Council.</i></p> <p><i>7. Paragraph 117 of the NPPF provides: "Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-</i></p>	<p>Please refer to the Applicant's response to RR-006.</p>



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			<p><i>developed or 'brownfield' land." This policy is applied by paragraph 5.10.3 of EN-1 which provides that "Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure."</i></p> <p><i>North Lincolnshire LDF Core Strategy policy CS3 provides:</i></p> <p><i>"Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as that related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry."</i></p> <p><i>8. Solar projects are projects that fundamentally can be constructed on previously developed land if that land is available. The only meaningful constraints on a solar project are road access, line of sight availability of sufficient sunlight and the availability of a grid connection. The Interested Party has been unable to identify any statement of the need to develop a solar energy project at this green-field site and it is submitted that there are none. However, it is not for the Interested Party to prove a negative, but for the applicant to demonstrate need at this location.</i></p> <p><i>9. This is particularly significant because this development project involves the loss of 36.6 hectares of grade 3a agricultural land (ES Table 10.10) where paragraph 5.10.8 of EN-1 provides that "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations." The ES misrepresents the effect of this entirely (paragraphs 10.9.18-20) by treating grazing by sheep that could be undertaken on the poorest of soils as the equivalent of the current arable farming.</i></p> <p><i>10. The Noise Impact Assessment (ES Appendix 4.9) appears to be of no value because it was conducted in respect of a site significantly smaller than the development site as defined by the Order Limits (see indicative site plan at the end of the Assessment). In particular, the roadway running to the north of the Interested Party's property which represents the closest approach of the proposed development to the Interested Party's property is omitted entirely. Therefore, there has been no consideration of the impact of either construction or operational traffic on the Interested Party. The failure to consider the effects of traffic, also render the conclusions in respect of vibration in section 8 of the Assessment, fundamentally flawed.</i></p> <p><i>11. Even with this omission the Assessment considers (paragraph 6.1) that "Receivers 2 [the relevant receiver] and 3 could be subject to levels that exceed desirable levels during daytime hours." This conclusion was however "preliminary only, based on the anticipated levels of noise. It is understood that the predicted noise emissions are worst case. Calculations should be undertaken using noise data for the final plant selection before any mitigation is applied." Yet it does not appear that the data and conclusions have been updated.</i></p>	



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			<p>12. The value of the Air Quality and Carbon Assessment (Appendix 4.5) is equally questionable. Although the Assessment plan shows the correct Order Limits (see figure 1.1) the narrative of the Assessment indicates that the Assessment, is like the Noise Impact Assessment, based on erroneous Order Limits. At page 10 it states "The closest properties to the proposed site consists of two farm structures with at least one structure being used as a residential dwelling and are located east of the proposed site and North of Broughton at distances of 280m and 415m from the Order Limits. The Interested Party's land is due south of the roadway which is within the Order Limits and the nearest buildings are less than 50 metres from it. It is obvious that no consideration has been given to air quality and dust along the roadway as a consequence of the proposed development. The roadway is extremely dusty during the arable harvest which is the only time when, for a week or two, it sees any significant use.</p> <p>13. The increased use of the roadway will have a significant visual impact on the Interested Party's property. Traffic is within sight and use outside of the harvest period is currently minimal. Chapter 6 of the ES fails to address the issue.</p> <p>14. Paragraph 11.5.1 of the ES dealing with Socio-Economic Issues states "There are no identified negative effects associated with the Proposed Development." Regrettably, the authors have not found because the authors have not looked. There is no evaluation of the impact on the property values of neighbouring residential and commercial properties of developments such as this. This is no evaluation of the extent to which developments such as this operate as a "pull factor" for acquisitive crime, particularly bearing in mind the presence on site of batteries that are likely to have high scrap value. There is no evaluation of the social impact of the proposed development on nearby residential occupiers (including child occupiers) who will, by the proposed development, be permanently deprived of an extremely rural environment despite living relatively close to an industrial town and in addition will have to live through the disruption of the construction phase.</p> <p>15. It is difficult to comment on the proposed diversion of the public footpath as it has not proved possible to identify the current route of the footpath from the application documents. That also means that the Interested Party has been unable to identify whether any alternative diversionary route is feasible or whether the footpath serves sufficient need to justify a diversion rather than a temporary stopping up. It has not been possible to find any assessment of footpath usage. The proposed diverted footpath will bring pedestrian traffic very close to the Interested Party's property where previously there was none. That is a security concern and the Interested Party considers that every effort should be made to find an alternative solution.</p> <p>16. An informal offer was made by a representative of the developer to secure the 3 phase electrical supply box and meters serving the Interest Party's property and adjoining properties where the supply is taken from the overhead HT power lines. This equipment will be</p>	



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			<p><i>located very close to and visible from the proposed diverted footpath. It represents a security risk to the Interested Party and a safety risk to the public. That offer has not been repeated in the current proposals and appears to have been overlooked or disregarded.</i></p> <p><i>17. The planning permission for the Interested Party's property (North Lincolnshire PA/2018/148) contains a restriction on hours of use to Monday – Friday, 7am – 6pm with no use on Saturdays, Sundays or Public Holidays. This is to secure the residential amenity of the neighbour's house. There seems no good reason why site construction of the proposed development should not be similarly limited. Likewise, manned operations during the operational phase of the Solar Farm should be similarly limited."</i></p>	
<b>RR-015</b>	<b>Sills &amp; Betteridge LLP</b> on behalf of <b>Richard Fenwick Johnson</b>	26-Feb-21	<p><i>"1. The Interested Party is one of the owners and a residential occupier of Heron's Lodge, a house and surrounding land bounded on three sides by the Order Limits. The main proposed solar farm development site ("the Solar Farm") lies to the south-west of the Interested Party's home. The Interested Party's home appears to be the closest residential property to the Solar Farm. The Interested Party's property is registered at HM Land Registry with title number HS296734.</i></p> <p><i>2. The Interested Party OBJECTS to the proposed development.</i></p> <p><i>3. As a preliminary point the presentation of material on the proposed development by the applicant and the Planning Inspectorate is virtually unusable and has severely constrained the preparation of these representations. The index prepared by the applicant bears no relation to the order of material on the Planning Inspectorate website and contains no cross-referencing to any form of referencing adopted by the Planning Inspectorate. The key document, the Environmental Statement appears on the Planning Inspectorate website as 54 separate documents of which the first six are Appendix 9.1, Appendix 8.1, Appendix 7.4, Appendix 6.4, Appendix 3.1, Appendix 7.9. The first substantive chapter, Chapter 8, is the tenth document. In this form it is unusable and it is almost certain that relevant material has been missed in considering the representations to be made. One of the key problems is that it has been impossible to conduct a keyword search on the entirety of the ES which, in the absence of a traditional index, is the only viable way of considering the document as a whole. This represents a serious departure from the publicity requirements for infrastructure projects.</i></p> <p><i>4. The Objection concerns both the construction/removal phases of the development and the period of operation of the Solar Farm. The principal concerns of the Interested Party relate to the impact on the Interested Party and other occupiers of Heron Lodge from the environmental effects; noise, vibration, visual amenity disturbance, and presence of the public caused by the proposed development.</i></p> <p><i>5. However, before addressing them, the overarching issue is why should this development take place here?</i></p> <p><i>6. There is no material specifically relating to solar projects within either policies EN-3 or EN-5 which is disappointing. Accordingly, the</i></p>	Please refer to the Applicant's response to RR-006.



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			<p>relevant planning policies are EN-1 and the February 2019 edition of the NPPF together with the relevant policies of North Lincolnshire Council.</p> <p>7. Paragraph 117 of the NPPF provides: "Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land." This policy is applied by paragraph 5.10.3 of EN-1 which provides that "Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure."</p> <p>North Lincolnshire LDF Core Strategy policy CS3 provides: "Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as that related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry."</p> <p>8. Solar projects are projects that fundamentally can be constructed on previously developed land if that land is available. The only meaningful constraints on a solar project are road access, line of sight availability of sufficient sunlight and the availability of a grid connection. The Interested Party has been unable to identify any statement of the need to develop a solar energy project at this green-field site and it is submitted that there are none. However, it is not for the Interested Party to prove a negative, but for the applicant to demonstrate need at this location.</p> <p>9. This is particularly significant because this development project involves the loss of 36.6 hectares of grade 3a agricultural land (ES Table 10.10) where paragraph 5.10.8 of EN-1 provides that "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations." The ES misrepresents the effect of this entirely (paragraphs 10.9.18-20) by treating grazing by sheep that could be undertaken on the poorest of soils as the equivalent of the current arable farming.</p> <p>10. The Noise Impact Assessment (ES Appendix 4.9) appears to be of no value because it was conducted in respect of a site significantly smaller than the development site as defined by the Order Limits (see indicative site plan at the end of the Assessment). In particular, the roadway running to the north of the Interested Party's property which represents the closest approach of the proposed development to the Interested Party's property is omitted entirely. Therefore, there has been no consideration of the impact of either construction or operational traffic on the Interested Party. The failure to consider the effects of traffic, also render the conclusions in respect of vibration in section 8 of the Assessment, fundamentally flawed.</p> <p>11. Even with this omission the Assessment considers (paragraph 6.1) that "Receivers 2 [the relevant receiver] and 3 could be subject</p>	





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			<p><i>to levels that exceed desirable levels during daytime hours." This conclusion was however "preliminary only, based on the anticipated levels of noise. It is understood that the predicted noise emissions are worst case. Calculations should be undertaken using noise data for the final plant selection before any mitigation is applied." Yet it does not appear that the data and conclusions have been updated.</i></p> <p><i>12. The value of the Air Quality and Carbon Assessment (Appendix 4.5) is equally questionable. Although the Assessment plan shows the correct Order Limits (see figure 1.1) the narrative of the Assessment indicates that the Assessment, is like the Noise Impact Assessment, based on erroneous Order Limits. At page 10 it states "The closest properties to the proposed site consists of two farm structures with at least one structure being used as a residential dwelling and are located east of the proposed site and North of Broughton at distances of 280m and 415m from the Order Limits. The Interested Party's land is due south of the roadway which is within the Order Limits and the nearest buildings are less than 50 metres from it. It is obvious that no consideration has been given to air quality and dust along the roadway as a consequence of the proposed development. The roadway is extremely dusty during the arable harvest which is the only time when, for a week or two, it sees any significant use.</i></p> <p><i>13. The increased use of the roadway will have a significant visual impact on the Interested Party's property. Traffic is within sight and use outside of the harvest period is currently minimal. Chapter 6 of the ES fails to address the issue.</i></p> <p><i>14. Paragraph 11.5.1 of the ES dealing with Socio-Economic Issues states "There are no identified negative effects associated with the Proposed Development." Regrettably, the authors have not found because the authors have not looked. There is no evaluation of the impact on the property values of neighbouring residential and commercial properties of developments such as this. This is no evaluation of the extent to which developments such as this operate as a "pull factor" for acquisitive crime, particularly bearing in mind the presence on site of batteries that are likely to have high scrap value. There is no evaluation of the social impact of the proposed development on nearby residential occupiers (including child occupiers) who will, by the proposed development, be permanently deprived of an extremely rural environment despite living relatively close to an industrial town and in addition will have to live through the disruption of the construction phase.</i></p> <p><i>15. It is difficult to comment on the proposed diversion of the public footpath as it has not proved possible to identify the current route of the footpath from the application documents. That also means that the Interested Party has been unable to identify whether any alternative diversionary route is feasible or whether the footpath serves sufficient need to justify a diversion rather than a temporary stopping up. It has not been possible to find any assessment of footpath usage. The proposed diverted footpath will bring pedestrian traffic very close to the Interested Party's property where previously there was none. That is a security concern and the Interested Party</i></p>	

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			<p><i>considers that every effort should be made to find an alternative solution.</i></p> <p><i>16. An informal offer was made by a representative of the developer to secure the 3 phase electrical supply box and meters serving the Interest Party's property and adjoining properties where the supply is taken from the overhead HT power lines. This equipment will be located very close to and visible from the proposed diverted footpath. It represents a security risk to the Interested Party and a safety risk to the public. That offer has not been repeated in the current proposals and appears to have been overlooked or disregarded.</i></p> <p><i>17. The planning permission for the immediately adjoining commercial property (North Lincolnshire PA/2018/148) contains a restriction on hours of use to Monday – Friday, 7am – 6pm with no use on Saturdays, Sundays or Public Holidays. This is to secure the residential amenity of the Interested Party's property. There seems no good reason why site construction of the proposed development should not be similarly limited. Likewise, manned operations during the operational phase of the Solar Farm should be similarly limited."</i></p>	
RR-011	OPENREACH	18-Feb-21	<p><b>Initial response received by PINS on 18<sup>th</sup> February 2021: -</b></p> <p><i>"I am responsible for ensuring that BT telecommunications assets maintain their current level of protection under Telecommunications legislation."</i></p> <p><b>Second consultation response submitted by Openreach directly to applicant on 9 March 2021. The applicant forwarded the second response to the NSIP Case officer on 19 March 2021</b></p> <p>"FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS</p> <p>1. For the protection of any operator, referred to in this Part of this Schedule, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.</p> <p>2. In this Part of this Schedule—</p> <p>"the 2003 Act" means the Communications Act 2003(1);</p> <p>"the code rights" has the same meaning as in the Paragraph 3 of the electronic communications code (2)</p> <p>"electronic communications apparatus" has the same meaning as in the electronic communications code(2);</p> <p>"the electronic communications code" has the same meaning as in Chapter 1 of Part 2 of the 2003 Act (2);</p> <p>"electronic communications code network" means—</p> <p>(a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and</p>	<p>The Applicant notes that the initial relevant representation received by PINS was only partial, and has since received a full version from Openreach and has provided this to the ExA. The Applicant's comments below responds directly to the full relevant representation provided by Openreach.</p> <p>Openreach had assumed the draft DCO (Document Reference 3.1 LC DCO, PINS Reference APP-045) contained protective provisions for electronic communications operators. The Applicant explained to Openreach that this wasn't the case, and confirmed that the protective provisions would be added to the next version of the draft DCO as Part 3 of Schedule 6 (Protective Provisions). These are included in the dDCO submitted with the Applicant's Deadline 1 submissions (Document Reference 3.1A LC DCO). There is one amendment to the draft protective provisions proposed by Openreach, namely the removal of paragraph 3 which relates to the use of compulsory acquisition powers which are not relevant in this case. Openreach has confirmed that this is acceptable and the Applicant has requested that Openreach confirms in writing to the ExA that the protective provisions are agreed.</p>



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			<p>(b) an electronic communications network which the undertaker is providing or proposing to provide;</p> <p>"electronic communications code operator" means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;</p> <p>"infrastructure system" has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7(2) of that code; and</p> <p>"operator" means the operator of an electronic communications code network.</p> <p>3. The exercise of the powers conferred by article 39 (statutory undertakers) is subject to Part 10(undertaker's works affecting electronic communications apparatus) of the electronic communications code.</p> <p>4.—(1) Subject to sub-paragraphs (2) to (3), if as a result of the authorised development or its construction, or of any subsidence resulting from any of the authorised development—</p> <p>(a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or</p> <p>(b) there is any interruption in the supply of the service provided by an operator,</p> <p>the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other reasonable expenses, loss, damages, penalty or costs incurred by it, by reason, or in consequence of, any such damage or interruption.</p> <p>- (2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.</p> <p>4. The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker and if such consent, is withheld, the undertaker has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.</p> <p>5. Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article [xx] (arbitration).</p> <p>6. This Part of this Schedule does not apply to—</p> <p>(a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or</p>	

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			<p>(b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.</p> <p>7. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made."</p>	
RR-004	ANGLIAN WATER SERVICES LTD	26-Feb-21	<p>Thank for you the opportunity to comment on the Little Crow Solar Park project. Anglian Water is considered to be a statutory consultee for nationally significant infrastructure projects as identified in the Planning Act 2008 and associated regulations. The following representations are submitted on behalf of Anglian Water as water and/or sewerage undertaker for the above site: Anglian Water is in principle supportive of the above project. Impact on existing assets: There is an existing water main located within the boundary of the above project as shown on statutory asset plans. This asset is critical to enable us to carry out Anglian Water's duty as a water undertaker. Protective provisions for Anglian Water: We have previously requested the inclusion of specific wording for the benefit of Anglian Water to ensure that we can continue to serve our customers and limit the potential for distribution to the services we provide. It is noted that specific protective provisions have been included in the current version of the DCO (Schedule 6, Part 2 of the Draft DCO as submitted). However, the wording as proposed differs from that requested by Anglian Water. We have been in discussion with applicant's legal representative about the wording and have agreed the reinstatement of wording which appears in our standard protective provisions to ensure that we can continue to access our existing water main together with several other changes. There is some final technical legal clarification concerning asset protection which is currently under discussion. The revised wording is to expected be included in an updated Statement of Common Ground with Anglian Water which is currently being finalised. Connections to public sewerage networks: We note that it is proposed that surface water will be managed through both infiltration to the ground and the development of several swales (Environmental Statement Technical Appendices Appendix 3 - Flood Risk Assessment and Drainage Strategy). As such the surface water drainage strategy for the proposed development does not appear to interact with Anglian Water's operated assets. Therefore, we would expect North Lincolnshire Council as Lead Local Flood Authority to comment on the suitability of proposed method of surface water drainage. We also understand that there is no requirement for a foul connection to the public sewerage network to serve the project. As such we have no comments to make in relation to the submitted Flood Risk Assessment and Surface Water Strategy.</p>	<p>The protective provisions have been agreed with Anglian Water and an updated Statement of Common Ground (attaching the agreed protective provisions) was submitted to the ExA at Procedural Deadline A (Document Reference 9.5A LC OTH, PINS Reference PDA-017). Those agreed protective provisions are included in the dDCO submitted with the Applicant's Deadline 1 submissions (Document Reference 3.1A LC DCO).</p> <p>The Applicant notes that Anglian Water has no further comment on the application and has asked that they confirm in writing to the ExA that the protective provisions are agreed.</p>
RR-003	ANCHOLME IDB	25-Feb-21	<p>Ancholme IDB is a public body with powers under the land Drainage Act 1991 to exercise a general supervision over all matters relating</p>	<p>Whilst the Order limits is located outside the Ancholme IDB, the Applicant duly acknowledges the advice put forward by Ancholme IDB. For this application, the</p>

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			<p>to the drainage of land within its district and exercise such other powers as are conferred by that Act. Please note the following standing advice for any proposed developments within the drainage district:</p> <ul style="list-style-type: none"> <li>If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.</li> </ul> <p>No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the Ancholme IDB. Ancholme IDB at this stage wish to advise both National Infrastructure Planning and the applicant of these legal requirements and to provide information on how to apply to the Board for consent. More information on how to apply for consent, including how to download forms, can found by following the link below: [redacted]</p>	<p>Environment Agency has confirmed that it is for the relevant Lead Local Flood Authority (LLFA) to consider the drainage matters, in this case its North Lincolnshire Council.</p> <p>The LLFA (North Lincolnshire Council) has confirmed it is satisfied with the details related to drainage at the pre-application stage and the Applicant will review this position following the publication of North Lincolnshire Council's Local Impact Report.</p> <p>There is no proposal to discharge runoff into the existing watercourses. The proposed infiltration swales are features which are parallel to the watercourses and with no connection to the watercourses shown or intended. The LLFA controls land drainage matters such as culverts and obstructions to watercourses through the Land Drainage Consent (LDC) process, and this is the only required consent application for the culverted crossings. LDC has already been obtained for the culverts as confirmed within Appendix 1 of the submitted Flood Risk Assessment and Drainage Strategy (Document Reference 7.3 LC TA3.1, PINS Reference APP-072).</p>
RRP016	Coal Authority	14-Jan-21	<p>Dear Sir / Madam</p> <p>Further to the notification dated 14 January 2021 received from Pegasus Group, regarding the Notice of Acceptance for an Application for a Development Consent Order, I can confirm that having reviewed the Location Plan against our coal mining records, the site does not fall within the defined coalfield.</p> <p>Accordingly, the Coal Authority has no detailed comments or observations to make on this project.</p> <p>In the spirit of efficiency of resources and proportionality, it will not be necessary for you or the applicant to consult the Coal Authority at any future stages of the Project. This letter can be used as evidence for the legal and procedural consultation requirements.</p> <p>Kind regards [redacted]</p>	No response required.
REPRESENTATIONS SUBMITTED BY OTHER STATUTORY CONSULTEES				
RR-005	ENVIRONMENT AGENCY	23-Feb-21	<p><i>"1.0 Introduction</i></p> <p><i>1.1 The Environment Agency is an executive non-departmental public body established under the Environment Act 1995. It is an adviser to Government with principal aims to protect and improve the environment, and to promote sustainable development. It plays a central role in delivering the environmental priorities of central government through its functions and roles. It is also an adviser to local decision makers in its role as a statutory consultee in respect of particular types of development, as listed in Schedule 4 of the Development Management Procedure Order 2015. For the purposes of this Development Consent Order (DCO) application, we are a statutory interested party.</i></p> <p><i>1.2 The Environment Agency takes action to conserve and secure proper use of water resources, preserve and improve the quality of rivers, estuaries and coastal waters and groundwaters through</i></p>	<p>The Applicant notes that the Environment Agency raises no objection to the development.</p> <p>At the request of the Environment Agency, the Applicant will update the Outline Construction Management Plan (Document Reference 7.8 LC TA3.5, PINS Reference APP-077) to include a section on Unexpected Contamination and list the Environment Agency as a specific consultee. This is also reflected in the updated requirement 8(2)(h) in the updated dDCO submitted at Deadline 1 (Document Reference 3.1A LC DCO).</p> <p>The Applicant will continue to liaise with Environment Agency and this includes the progression of the draft Statement of Common Ground submitted as part of the original application (Document Reference 9.6 LC OTH, PINS Reference APP-114) to include the matters raised by the Rule 6 letter (PINS Reference PD-004).</p>



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			<p><i>pollution control powers and regulating discharge consents. We have a duty to implement the Water Framework Directive.</i></p> <p><i>1.3 We have regulatory powers in respect of waste management and remediation of contaminated land designated as special sites. We also encourage remediation of land contamination through the planning process.</i></p> <p><i>1.4 The Environment Agency is the principal flood risk management operating authority. It has the power (but not the legal obligation) to manage flood risk from designated main rivers and the sea. The Environment Agency is also responsible for increasing public awareness of flood risk, flood forecasting and warning and has a general supervisory duty for flood risk management. We also have a strategic overview role for all flood and coastal erosion risk management.</i></p> <p><i>2.0 Scope of these representations</i></p> <p><i>2.1 These Relevant Representations contain an overview of the project issues, which fall within our remit. They are given without prejudice to any future detailed representations that we may make throughout the examination process. However, unless any supplementary information becomes available in relation to the project we do not anticipate the need to make any further detailed written representations.</i></p> <p><i>2.2 We have reviewed the DCO application, Environmental Statement (ES) and supporting documents submitted as part of the above mentioned application, which we received on 28 January 2021. Our comments are presented under topic headings.</i></p> <p><i>3.0 Groundwater protection</i></p> <p><i>3.1 We have reviewed the Environmental Statement, Technical Appendix</i></p> <p><i>3.2 Phase 1 Ground conditions desk study (Integrale Report no. 1844, Version 9, November 2020) in respect of ground conditions and controlled waters protection.</i></p> <p><i>3.2 The site overlies numerous geologies, but includes limestones and superficial deposits, which are classified as Principal and Secondary A aquifers respectively. Principal aquifers are geological strata that exhibit high intergranular and /or fracture permeability. They usually provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. Secondary A aquifers are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers.</i></p>	

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			<p>3.3 The previous use of the site is largely greenfield, although the area has a history of quarrying and workings and as a result there are possible areas of infill on the site. The site is also adjacent to an historic landfill, Scunthorpe Concast, to the west.</p> <p>3.4 The Report presents a good conceptual site model and we are in agreement with the conclusions in section 4.3.</p> <p>3.5 We have also reviewed Appendix 3.3 Geotechnical and Phase II Contamination Report' (dated November 2020). This reports provides a summary of the site investigation that was completed at the site. The investigation targeted the possible areas of infill at the site and concluded that there were no risks to controlled waters from these areas of infill. We are satisfied with this conclusion.</p> <p>3.6 We note that Construction Environmental Management Plans (CEMPs) for the project are to be provided under Requirement 8 of Schedule 2, Part 1 of the Development Consent Order (DCO). In the event that unexpected contaminated land is identified, the Environment Agency would wish to be consulted on the protocol to be followed. As such, we request being added as a specific consultee to the discharge for Requirement 8(2)(h). Accordingly, we can confirm that the Environment Agency has no objection to the proposed development, as submitted. If you have any questions regarding these representations, please contact me."</p>	
RR-010	NATURAL ENGLAND	26-Feb-21	<p>Relevant Representation PART I: Summary of Natural England's advice. No outstanding concerns other than Best and Most Versatile Soils PART II: Natural England's detailed advice</p> <p>1.1. Natural England's advice in these relevant representations is based on information submitted by INRG SOLAR (Little Crow) Ltd in support of its application for a Development Consent Order ('DCO') in relation to Little Crow Solar Park.</p> <p>1.2. Natural England has been working closely with INRG SOLAR (Little Crow) Ltd to provide advice and guidance since 31 January 2018 through our Discretionary Advice Service. A Statement of Common Ground was drafted between the Applicant and Natural England in April 2020, however this needs to be updated. Natural England would be pleased to work with Applicant to produce this.</p> <p>1.3. These relevant representations contain a summary of what Natural England considers the main nature conservation, landscape and related issues to be in relation to the DCO application and indicate the principal submissions that it wishes to make at this point. Natural England will develop these points further as appropriate during the examination process. It may have further or additional points to make, particularly if further information about the project becomes available.</p>	<p>The Applicant notes that Natural England have no objection to the development proposal. It is noted that Natural England are in agreement that there are no outstanding matters relating to ecology/biodiversity.</p> <p>Turning to soils, Natural England have made reference to their previous pre-application response whereby the final Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Consideration towards soil resources are presented within Chapter 10 of the Environmental Statement (Document Reference 6.10 LE ES CH10, PINS Reference APP-067) (at paragraphs 10.8.13 to 10.8.15; 10.9.5 to 10.9.7' and 10.9.13 to 10.9.15) and in the Outline Soil Management Plan (Document Reference 7.11 LC TA4.4, PINS Reference APP-080).</p> <p>The Applicant will continue to liaise with Natural England and this includes the progression of the Statement of Common Ground submitted as part of the original DCO application (Document Reference 9.10 LC OTH, PINS Reference APP-118).</p>



EXAMINATION LIBRARY REFERENCE	BODY	DATE SUBMITTED TO PINS	REPRESENTATION	APPLICANT'S RESPONSE
			<p>1.4. Natural England has worked successfully with INRG SOLAR (Little Crow) Ltd and there are no substantive outstanding matters.</p> <p>2. The natural features potentially affected by this application</p> <p>2.1. The designated sites relevant to this application are:</p> <p>2.1.1. The Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site.</p> <p>2.1.2. The Humber Estuary Site of Special Scientific Interest (SSSI), Broughton Far Wood SSSI</p> <p>2.2. The following areas of non-designated but valuable countryside that could be affected: Best and Most Versatile Soils</p> <p>2.3. The main issues raised by this application are:</p> <p>2.3.1: Soils and Agricultural Land Classification Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.</p> <p>2.3.2 Natural England welcomes para 10.3.10 of the Preliminary Environmental Information (Vol1) which makes it clear that a full soil survey will form part of the final application submission. The final Environmental Statement should provide details of how any adverse impacts on soils can be minimised.</p> <p>2.3.3 From the description of the development this application may impact on 'best and most versatile agricultural land'. We consider that the proposed development will not necessarily lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the proposal can be designed in such a way to avoid significant losses, for example the solar panels can be secured to the ground by steel piles with limited soil disturbance and could therefore be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards.</p> <p>2.3.4 Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.</p> <p>2.3.5 However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 170 and 171 of the National Planning Policy Framework (NPPF) states that: 'Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.' And Plans should:</p>	





EXAMINATION LIBRARY REFERENCE	BODY	DATE SUBMITTED TO PINS	REPRESENTATION	APPLICANT'S RESPONSE
			<p>distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework2; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.</p> <p>2.3.6 Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.</p> <p>2.3.7 Should you have any questions about Agricultural Land Classification or the reliability of information submitted with regard to BMV land please consult Natural England's Technical Information Note 049 on Agricultural Land Classification. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required. We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance. General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed , we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather. ?</p> <p>Part II: NATURAL ENGLAND'S RELEVANT REPRESENTATIONS IN RESPECT OF LITTLE CROW 3.</p> <p>Planning Inspectorate Reference: RM/P17-0718 3.1.</p> <p>Natural England has no objection to the project for the following reasons:</p> <p>3.1.1. The applicant has submitted a thorough Environmental Statement which we are satisfied demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the European site.</p> <p>3.1.2. Natural England is satisfied that the project is unlikely to have a significant impact on the nearby Humber Estuary SSSI or Broughton Far Wood SSSI. 3.1.3. The project site currently supports habitats of negligible ecological interest and all protected species issues (including any licensing requirements under the Habitats Regulations or the 1981 Act) can be addressed by the proposed draft DCO requirements.</p>	

EXAMINATION LIBRARY REFERENCE	BODY	DATE SUBMITTED TO PINS	REPRESENTATION	APPLICANT'S RESPONSE
			<p>3.2. Natural England's advice is that in relation to identified nature conservation issues within its remit there is no fundamental reason of principle why the project should not be permitted.</p> <p>3.3. Natural England's headline points are that on the basis of the information submitted:</p> <p>3.3.1. Natural England is satisfied with the conclusions reached in paras 7.4.4 to 7.4.6 of the Preliminary Environmental Information (Vol1) that the proposal is unlikely to have any direct impacts on the Humber Estuary designated sites and that the proposal site is not likely to be functionally linked to the designated site for mobile species which are qualifying features of the designations.</p> <p>3.3.2. Natural England is satisfied with the assessment of Broughton Far Wood SSSI and welcomes the mitigation measures set out in section 7.6 of the Preliminary Environmental Information (Vol1). Provided that appropriate avoidance and mitigation measures are addressed in the Construction Environment Management Plan (CEMP) we are content the proposed operations are not likely to damage the interest features of Broughton Far Wood SSSI.</p> <p>3.3.3. Natural England notes that the proposal site and access route via B1208 both lie adjacent to land identified as Far Wood Ancient Replanted Woodland on the Ancient Woodland Inventory (for more information see the gov.uk website at <a href="https://www.gov.uk/guidance/ancient-woodland-and-veterantrees-protection-surveys-licences">https://www.gov.uk/guidance/ancient-woodland-and-veterantrees-protection-surveys-licences</a>). Natural England is satisfied that, on the basis of the information provided, that adequate measures will be put in place to protect the neighbouring ancient woodland, i.e. buffer zones and woodland planting.</p> <p>We are satisfied with the mitigation measures set out in section 7.6 Preliminary Environmental Information (Vol1). Natural England 26 Feb. 2</p>	
RR-012	PUBLIC HEALTH ENGLAND	26-Feb-21	<p><i>"Thank you for your consultation regarding the above development. Public Health England (PHE) welcomes the opportunity to comment on your proposals at this stage of the project and can confirm that:- With respect to Registration of Interest documentation, we are reassured that earlier comments raised by us on 03/04/2019 have been addressed. In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health. PHE is satisfied with the methodology used to undertake the environmental assessment.</i></p> <p><i>We have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion. Please do not hesitate to contact us if you have any questions or concerns."</i></p>	<p>The Applicant acknowledges that PHE have chosen not to register as an interested party for the Little Crow Solar Park DCO Application.</p> <p>The Applicant has also sought to engage with PHE to secure a Statement of Common Ground as requested by the ExA in the Rule 6 and Rule 8 Letters (PDA-004 and PDA-006 respectively). PHE however, has confirmed it does not propose to enter into any SoCG and this is explained in the Statement of Commonality submitted at Deadline 1 (Document Reference 9.22 LC OTH).</p>
<p>REPRESENTATIONS RECEIVED BY APPLICANT BUT NOT REGISTERED ON THE PINS LITTLE CROW SOLAR PARK ONLINE PROJECT WEBSITE</p> <p>The following representations were received directly by the Applicant but the Applicant understands they were not submitted to the Planning Inspectorate and so they have not been allocated a Relevant Representation reference and are not noted on the PINS website. They are included here for completeness.</p>				

EXAMINATION LIBRARY REFERENCE	BODY	DATE SUBMITTED TO PINS	REPRESENTATION	APPLICANT'S RESPONSE
N/A	Last Mile UK	19-Jan-21	<p>Dear Sir/Madam, Thank you for submitting your recent plant enquiry. Based on the information provided, I can confirm that Last Mile does not have any plant within the area(s) specified in your request. If you require further assistance with outstanding enquiries, please call 03300 587 443. Please ensure all plant enquiries are sent to <a href="mailto:plantenquiries@lastmile-uk.com">plantenquiries@lastmile-uk.com</a> Regards</p>	Applicant acknowledges representation.
n/a	Selby District Council	19-Jan-21	<p>"Good morning The attached letter from yourselves was received by Selby District Council on 15<sup>th</sup> January. Please note that Scunthorpe is outside of our district, so you must have sent this to us in error. Many thanks,"</p>	No response required. For completeness, the Applicant notified Selby District Council for consistency with its consultation approach, due to the proximity of the site with the District boundary.
n/a	HIGHWAYS ENGLAND	29-Jan-21	<p>"We have reviewed your submission in respect of Little Crow Solar Farm.  Previously Highways England considered these development proposals when they came forward for scoping. Furthermore in March 2020, our Transport Consultants advised us that a Statement of Common Ground could be signed up to, with the only outstanding issue being the Construction Traffic Management Plan [CTMP], which was to be provided at within the DCO submission.  With this in mind, I can confirm that a CTMP has been provided as part of the application. CH2M has reviewed its contents and it is not felt that the construction phase of the development proposals will have a severe impact at the SRN in the peak hours, and given that this was the only issue outstanding.  Highways England have no objection to the development proposals.  Also, and for the avoidance of doubt, the development proposals are located far enough away from the mainline M180, that they will not cause any visual issues for users of the SRN.  Please contact me if I can assist further in this project."</p>	Applicant acknowledges representation and refers to the updated Statement of Common Ground with Highways England, submitted at Procedural Deadline A (Document Reference 9.7A LC OTH, PINS Reference PDA-018).



APPENDIX 1: NORTH LINCOLNSHIRE COUNCIL DELEGATED REPORT FOR CONESBY SOLAR FARM

## DELEGATED ASSESSMENT

**Application no:** PA/2018/2140

**Proposal:** Planning permission for the installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers together with substations; transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure

**Location:** Conesby House Farm, Normanby Road, Scunthorpe

**Applicant:** INRG Solar Ltd

**Officer:** XXXXXXXXXX

## POLICY

**NPPF:**

- 2. Achieving sustainable development
- 4. Decision making
- 6. Building a strong competitive economy
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

**Local Plan:**

- Policy DS1 (General Requirements)
- Policy DS3 (Planning out Crime)
- Policy DS11 (Polluting Activities)
- Policy DS12 (Light Pollution)
- Policy DS14 (Surface Water Drainage)
- Policy DS16 (Flood Risk)
- Policy DS21 (Renewable Energy)

Policy RD2 (Development in the Open Countryside)

Policy R5 (Recreational Paths Network)

Policy RD7 (Agriculture, Forestry and Farm Diversification)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy LC4 (Development Affecting Sites of Local Nature Conservation Importance)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy HE9 (Archaeological Evaluation)

**Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS11 (Provision and Distribution of Employment Land)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

**Housing and Employment Land Allocations DPD:** PS-1 (Presumption in Favour of Sustainable Development)

**Planning Practice Guidance:** Renewable and Low Carbon Energy

**North Lincolnshire Council's Supplementary Planning Document – November 2011 – Planning for Renewable Energy Development**

**North Lincolnshire Council's Supplementary Planning Document – January 2016 – Planning for Solar Photovoltaic (PV) Development.**

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Spatial Planning:** Subject to meeting and addressing the requirements of the planning policy framework as set out above and national guidance, the proposed development is acceptable in principle.

**Ecology:** Initially requested wintering bird surveys be undertaken prior to determination.

Following the submission of additional survey data and consultation with Natural England the council's ecologist has confirmed that no further wintering bird surveys are required. Conditions are suggested to minimise harm to protected and priority species and to secure biodiversity enhancement.

**Environmental Health:** No objection. Conditions are recommended in respect of contaminated land, noise and construction operations.

**Lead Local Flood Authority:** No objection subject to conditions in respect of surface water drainage.

**Historic Environment Record (archaeology):** Initially issued a holding objection alongside a request for further information. Following the submission of an updated WSI the archaeologist has removed their objection subject to a scheme of mitigation being agreed and secured.

**Environment Agency:** No comments to make.

**Natural England:** Consider that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

**Lincolnshire Wildlife Trust:** No objection subject to an acceptable Landscape and Ecology Management Plan.

**Butterfly Conservation Group:** No objection. Make informative comments.

**NATS Safeguarding:** No objection.

**Defence Infrastructure Organisation:** No objection.

**IDB:** Make informative comments.

**Humberside Fire and Rescue:** Make informative comments.

## **PARISH/TOWN COUNCIL**

No response received.

## **PUBLICITY**

The application has been advertised by site and press notices for a period of not less than 21 days.

## **LETTERS OF COMMENT**

One letter of objection has been received from a resident on Orb Lane to the south. This letter raises the following concerns:

- This development would engulf the houses on Orb Lane and overwhelm the area.
- The view of rolling countryside will be changed to glaring panels.
- What will happen to wildlife when their natural habitat is lost.
- The hedge along Orb lane is not evergreen and has gaps that would allow views into the site.
- Will affect the value of houses on Orb Lane.

## **MATERIAL CONSIDERATIONS**

### **Site**

The application site measures 70.9 hectares in area and comprises a number of agricultural fields in arable use, surrounding Conesby Farm and located on the northern outskirts of the Scunthorpe urban area. Field boundaries are largely defined by trees and hedges, with further groups of trees present within the surrounds of the farm and to the south east. Access to the site is via an existing agricultural access track serving Conesby Farm and there are a number of overhead lines traversing the site.

The site is bounded by a variety of different land uses. To the north the site is bounded by industrial units, the Eddie Wright Raceway and undeveloped land within the curtilage of the raceway. To the west the site is bounded by the B1430 (Normanby Road), beyond which is the Normanby Enterprise Park and the Foxhills Industrial Estate. To the south the site is bounded by heavy industrial units within the Dragonby Vale Enterprise Park and Orb Lane, which provides access to a row of residential properties. To the east the site is bounded by a railway line, beyond which lies open cast mines and the hamlet of Dragonby.

### **Constraints**

The entirety of the site is classified as grade 4 agricultural land as defined on the Provisional Agricultural Land Classification Map (1977) and as such does not comprise best or most versatile agricultural land.

The whole of the site is located within Flood Zone 1 as defined on the EA flood maps and the Strategic Flood Risk Assessment for North Lincolnshire; therefore the site is considered to be at low risk of flooding. The site is not identified as being at risk of surface water flooding.



The site is known to be of archaeological interest, with previous surveys identifying remains relating to prehistoric and Roman settlement, Bronze Age round barrow as well as remains thought to be associated with the former medieval settlement of South Conesby. There are no listed buildings or scheduled monuments within or adjacent to the site; nor is the site in close proximity to any conservation area. The nearest designated heritage assets to the site are:

- Dragonby Roman Site Scheduled Ancient Monument – located approximately 500m to the east;
- Sawcliffe Medieval Village Scheduled Ancient Monument – located approximately 1km to the north east; and
- Flixborough Saxon Nunnery Scheduled Ancient Monument – located approximately 1.5km to the north west.

There are no designated sites in respect of ecology or landscape located within, or directly adjacent to the site. The nearest designations to the site are:

- Sawcliffe Local Nature Reserve – located approximately 350m to the south east;
- Coneby Quarry Local Nature Reserve – located approximately 450m to the north;
- Pheonix Parkway Local Nature Reserve – located approximately 1,400m to the north west;
- Atkinsons Warren Local Nature Reserve – located approximately 1,200m to the west.
- Conesby Quarry SSSI – located approximately 900m to the north east; and
- Risby Warren SSSI – located approximately 1,200m to the east.

## **Proposal**

This application seeks full planning permission for the installation of photovoltaic ground mounted solar modules and associated infrastructure to deliver an export capacity of 40MW. The solar modules will be fixed to mounting structures in strings, with approximately three quarters of the strings orientated to face south and the remainder facing east and west.

The solar modules will be tilted on their horizontal axis to maximise their generating capacity. The south facing strings will stand 2.4m above ground level at their top edge and 0.75m above ground at their front edge. The east and west facing strings will have a shallower angle and will stand 2m high at their top edge and 1m high at their front edge. The strings of solar modules will be mounted on racks supported by steel poles driven into the ground. In the archaeologically sensitive areas of the site the modules will employ a non-intrusive construction method with the poles sitting in concrete shoes.

Cabling to the modules will be concealed in trenches. In the archaeologically sensitive areas of the site the cabling will be contained in a cable trough. The point of connection to the electricity grid will be the existing electrical network, which runs through the proposed site and farmstead. The proposed development includes electrical connection infrastructure.

Transformers and associated switch gear are required to convert the DC energy produced by the solar arrays to AC energy, as required by the national grid. A sub-station is also necessary to house the equipment that connects the PV plant to the local energy distribution network. The sub-station, transformers and switch gear are to be located within a small compound to the western side of the site, immediately to the north of the access road.

To fully utilise the 40MW network connection capacity, the proposal includes approximately 10MW of battery storage containers that can provide frequency response to the national grid when the solar park is not exporting at peak capacity. Three battery-based containers are proposed and these containers will be positioned to the east of the substation.

The site will be secured by a 2m high security fence around the solar arrays. There will be a minimum distance of approximately 4 metres between the security fencing and the existing boundary hedging. The layout of the development allows for the retention of existing field boundaries and ditches and it is proposed that the site will be retained as grassland around/beneath the panels and grazed by sheep.

The proposed solar development has an anticipated life of 35 years, at the end of which the modules will be decommissioned and removed from the site.

It is stated that the solar park would generate clean, renewable energy for the equivalent of 12,120 homes per year, displacing an anticipated 17,200 tonnes of CO<sub>2</sub> per annum. The proposal will contribute towards meeting renewable energy targets and would make a valuable contribution to cutting greenhouse gas emissions and tackling climate change.

## **Principle**

Prior to the submission of the application the applicant submitted a formal screening request to the authority. The local planning authority determined that an Environmental Impact Assessment was not required for the development as there is no likely significant impact on the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF), the suite of documents comprising of the Planning Practice Guidance (PPG) and North Lincolnshire Council's Supplementary Planning Documents in respect of renewable energy development (November 2011) and solar photovoltaic development (January 2016).

The majority of the proposal adjoins (but is outside) the defined development limit for Scunthorpe as shown on Inset Map 36 of the HELADPD (2016) and as such is classed as being in the open countryside. Accordingly, the provisions of policies CS1, CS2 and CS3 of the Core Strategy and policies RD2 and RD7 of the Local Plan apply. Whilst policies CS1 and CS2 consider Scunthorpe as the primary location for development and growth in North Lincolnshire, these policies together with policies CS3 and RD2 seek to restrict development in the open countryside to that which is essential to the functioning of the countryside, or requires a countryside location. Whilst a brownfield location would be preferable, it is considered that given the size and nature of solar farms sites they often require an open countryside location and site within the countryside can be suitable. Furthermore, this type of development often allows for agricultural uses such as grazing to take place during the operational period.

Policy DS21 of the local plan is specific to renewable energy development and is supportive of renewable energy projects provided that any detrimental effect is outweighed by environmental benefits.

Notwithstanding the above, the National Planning Practice Guidance and the council's Solar PV SPD seeks to ensure that proposals for solar PV arrays are located on previously developed land and buildings. Where proposals are located on agricultural land, it should be demonstrated that there is a need for this, and that they should be located on poorer quality land (ACL Grades 3b, 4 or 5) rather than the best and most versatile agricultural land (ACL Grades 1, 2 and 3a). It is noted that the proposed site is identified as being Grade 4 agricultural land; and that the size of the proposed solar farm and limited supply of brownfield land within North Lincolnshire would necessitate a countryside location.

As stated above, the applicant has confirmed that the site is classified as Grade 4 agricultural land. The contributing factors to the soil limitations are identified as being blown sands and made ground resulting from past quarrying activities. It is stated that a 35 year break of grass will add significantly to the organic matter levels in the soil and that this will then help the soil to hold moisture which will be available to crops and their growth. Therefore, the proposal will result in increased productivity from arable cropping on the site following the removal of solar panels from the site after decommissioning. In view of this there would be no objection in principle on grounds of loss of high grade agricultural land. The proposal would therefore comply with national planning policy regarding the safeguarding of agricultural land.

The National Planning Policy Framework (NPPF) is a material planning consideration in the determination of this application and has a presumption in favour of sustainable development. At paragraph 148 it states that *"the planning system should support the transition to a low carbon future... It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions... and support renewable and low carbon energy and associated infrastructure"*. This is central to the economic, social and environmental dimensions of sustainable development.

It is further acknowledged that there is support at the national and European levels for low-carbon technologies in response to the Governments climate change commitments and the need to ensure that the country has a secure supply of energy. The European Renewable Energy Directive came into force in 2009 and the UK has agreed to source 15% of its energy from renewable sources by 2020. The UK has also set an aim in the UK Low Carbon Transition Plan 2009 to exceed the European targets by achieving 30% of its energy from renewable sources within the same timeframe.

For the reasons outlined in the paragraphs above, it is considered that the proposal is acceptable in principle and meets the criteria set out in the latest revisions to planning policy guidance. There are no allocations for renewable energy land within the local plan or within the development framework and so each application needs to be determined on its merits as required by government policy.

### **Landscape and Visual Impact**

The applicant has submitted a Landscape and Visual Impact Assessment with the application, which concludes that the site is well contained from the wider landscape and that the position of the site within a localised shallow valley running north-south along with bands of woodland, areas of regenerating scrub and hedgerows also limits the potential for longer distance views. Therefore landscape and visual impacts are predicted to be localised in nature.

The site lies within a landscape which is characterised by the adjacent large industrial area which bounds the site to the south and west. The character of the site is also in part influenced by the adjacent quarries and wind farm to the north. The site forms a remnant parcel of agricultural land within a largely industrialised and intensively developed landscape linked to the historic development of the town's steelworks. As such the sensitivity of the local landscape is considered to be low-medium.

There will be an inevitable effect upon the landscape given the scale and nature of the proposed development and the undeveloped nature of the site at present. However, the areas of the local landscape from which any effects on landscape character could be perceived are highly limited due to the local topography. The impact on landscape character is further mitigated due to the site being well contained by existing development and the topography of the surrounding area. This means that wider views of the site are limited and will primarily be from localised areas of higher ground and through gaps in landscaping and built form.

As part of the proposal it is proposed to improve existing landscaping around the site (gapping up) and to supplement this with additional landscaping which will be secured via a planning condition. This will further reduce the visibility of the development in the landscape in accordance with Planning Policy Guidance.

From a landscape and visual perspective, any effects on landscape character as a result of the proposed development would be limited and localised due to the topographical location of the site and its location adjacent to existing industrial areas.

Visual impacts will be further mitigated by the existing and proposed boundary planting. For these reasons it is considered that the landscape and visual impacts of the proposed solar park development would not be significant.

## **Ecology and Biodiversity**

The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils. It should also recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible, thereby contributing to the Government's commitment to halt the overall decline in biodiversity including coherent ecological networks that are more resilient to current and future pressures. The NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Planning Policy Guidance states that if land is to be used for large-scale solar energy farms the land under and around the solar arrays should be used either for grazing land or should be enhanced by the creation of suitable habitats to improve biodiversity. The applicant has confirmed that it is proposed to use the site for the grazing of sheep. It is also proposed to incorporate biodiversity enhancements through landscaping and newly created habitats. The creation and management of these habitats will be secured through the production of a Landscape and Ecological Management Plan, which will be secured by condition.

The application submission is supported by an ecological survey undertaken by Clarkson and Woods Ltd. This report identifies that the majority of the application site comprises large arable fields with little ecological importance and concludes that the installation of panels into these areas is unlikely to result in any long-term adverse impacts upon biodiversity. Furthermore, subject to the establishment of grassland beneath and around the panels (as proposed), the scheme is likely to result in a positive impact upon biodiversity.

The proposed development has been designed to ensure the retention of the most ecologically valuable habitats. Proposals have been suggested as part of the ecological report to avoid harm to protected species and to secure a net gain in biodiversity on the site. The council's ecologist has reviewed the submitted information and survey works and has confirmed that subject to the proposed avoidance and mitigation measures being secured then the proposed development will not have an unacceptable impact on protected or priority species. Natural England have also confirmed that they have no objections to the proposals in respect of protected and priority species. Additional conditions have been recommended by the ecologist to secure biodiversity enhancement on the site via a Biodiversity Management Plan.

Lincolnshire Wildlife Trust and Butterfly Conservation have commented on the application. Lincolnshire Wildlife Trust have welcomed a number of the mitigation measures proposed as part of the application and have raised no objection subject to an acceptable Landscape and Ecological management Plan being secured. Butterfly Conservation have provided clarification on the butterfly and moth species

that could be affected by the development. The conditions proposed by the council's ecologist reflect the comments raised by these bodies and will secure the necessary mitigation and avoidance measures.

Giving due regard to the lack of objection from Natural England and the council's expert ecologist it is considered that, subject to the suggested conditions, the proposed solar park development would have no unacceptable impact in respect of ecology or biodiversity.

## **Cultural Heritage**

The National Planning Policy Framework (NPPF) provides guidance to local authorities for conserving and enhancing heritage assets and their settings, which includes archaeological sites and remains. Paragraph 8 refers to the role of the planning system to contribute to protecting and enhancing the historic environment under the three overarching objectives for achieving sustainable development. Paragraph 184 describes heritage assets as *'an irreplaceable resource'* to be *'conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'* (para 17). Paragraph 189 further states that *'Where a site on which development is proposed includes or has the potential to include heritage assets of archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and, where necessary, a field evaluation.'*

The relevant Development Plan policies in respect of cultural heritage and archaeology are policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

Core Strategy policy CS6 Historic Environment states that *'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of area of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains.....'*

In respect of archaeology, policy HE9 states that *'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.'*

Policy F of North Lincolnshire's Supplementary Planning Guidance – Planning for Solar Photovoltaic (PV) Development also applies. Policy F deals with the approach to heritage and states that *'developers must give consideration to the impact of their proposals on heritage assets and the historic environment. This includes direct and indirect impacts on designated and non-designated assets and their settings.'*

A Heritage Assessment has been submitted in support of the planning application. The heritage assessment provides a description of the known and potential heritage

assets within the boundary of the development site and the surrounding area and incorporates the results of a previous archaeological field evaluation undertaken across the site in connection with a proposal for residential development. The previous archaeological investigations on the site revealed that there are extensive areas of significant remains surviving across the proposed development site that include a Roman structure with intact floor levels, a very rare survival in North Lincolnshire; medieval stone buildings with internal features and significant evidence for medieval ironworking including the likelihood of smelting furnaces. In addition to the recorded archaeology of the site, the heritage assessment notes that there is potential for further significant features to be present within other areas of the site, and that this would include round the edges of the previous ironstone quarry, where the precise limits of the quarry have not been fully defined

The Scheduled Monument of Dragonby 'Money Field' Roman site, lies on the opposite side of the Winterton Beck valley to the application site. The PROW between the A1077 and Dragonby village runs alongside the scheduled area. Views across the scheduled site towards the application site are afforded when travelling along the adjacent A1077, and from the road leading into the village. Because of the perspective of the topography, the application site appears to lie in the adjacent fields to the scheduled site, seen over a narrow belt of tree-tops within the valley. The heritage assessment states that there is no intervisibility of the application site with Sawcliffe medieval village Scheduled Monument, located a short distance further along the A1077 above Dragonby.

In respect of physical impacts the Heritage Assessment identifies the following groundworks that would have the potential to impact upon archaeological remains:

- Installation of solar panel modules;
- Installation of perimeter fencing [and CCTV poles];
- Excavation of service trenches;
- Excavation of foundations for inverter kiosks/substation and battery site;
- Topsoil stripping and excavation associated with the construction of the access tracks and with the establishment of works compound;
- Planting; and
- Excavation of drainage trenches/swales.

In addition to these impacts the decommissioning of the solar farm also has the potential to have a significant impact on the integrity of archaeological remains, including the removal of the support poles and the cultivation of areas of trackway and hardstanding.

The council's archaeologist has confirmed that the construction and operation of the proposed solar farm would result in harm to the sites and settings of the archaeological features within the development site, and, to the setting of the Dragonby scheduled monument.

Because of the topography, with the application site and the scheduled monument on opposite sides of the valley, the solar panels would appear to be in the next field to the monument, with clear views across and from within the monument, as well as

from the PROW running along the west side of the monument. The setting in which the scheduled monument is currently experienced comprises agricultural land and countryside with an urban and industrial backdrop to the south and west, and the wider countryside to the north and east. The proposals will extend the industrial setting up to the monument as it appears in these views. Whether or not the setting contributes to the significance of the monument, the experience of the monument and the other heritage assets and how they can be appreciated in the landscape will change.

A number of measures are proposed in the heritage assessment to mitigate the assessed harm to known and potential archaeological features. These comprise the use of non-intrusive concrete foundations for the solar panels, and minimally intrusive foundations for the cable troughs within the known archaeologically sensitive areas. There are three such areas and these are demarcated on the Table Layout (Drawing No A10B0C0. The heritage assessment also proposes that an archaeological watching brief is held during construction of the substation and grid connection east of Normanby Road *'where particularly significant remains could be affected'*, and during stripping for access tracks or foundations.

Having reviewed the heritage assessment the council's archaeologist raised a number of concerns with the proposed mitigation measures. In respect of the areas designated for non-intrusive construction methods (the archaeologically sensitive areas) the northern area incorporating the remains of the Iron Age Occupation, Romano-British settlement, and western part of the Conesby medieval settlement should be extended to the northern boundary of this field. This will incorporate the known remains here that include a late Saxon feature and significant evidence of medieval ironworking that indicates the presence of furnaces in the immediate vicinity, as well as a series of medieval and undated ditches. Also, archaeological monitoring during groundworks (ie a watching brief), and the recording of all identified archaeological features, should take place on specified elements of the development. Dependent on the area this will include the swale, CCTV & fence footings, widening of existing track, temporary road, transformer foundations, the DC & HV cable trenches around archaeological sensitive area. In addition, a 10m buffer should be maintained around the cropmark of the Round Barrow site, with temporary fencing erected to prevent damage during construction works.

Following further discussions between the applicant's and the council's archaeologist a detailed archaeological mitigation strategy setting out agreed measures has been produced together with a Written Scheme of Investigation for the archaeological programmes of work including the pre-construction strip map and record area, and the monitoring and recording during groundworks. An additional mitigation strategy has been produced in respect of the archaeologically sensitive areas setting out the design of the non-intrusive construction methodology.

Furthermore, because the proposals will result in an extension of the industrial backdrop and change the setting of Dragonby Scheduled Monument this will affect how the archaeological interest and time-depth of the landscape is appreciated. To mitigate this change, the applicants have agreed to provide an information/interpretive board to describe the monument and the archaeological sites in the landscape including those on the application site. The location and details of



the board are to be agreed with the council's archaeologist prior to its production and installation.

The mitigation strategy and WSI has been agreed by the council's ecologist and subject to conditions securing the implementation of the agreed measures it is considered that the proposed development will have no unacceptable impact on cultural heritage.

## **Contamination**

A Phase 1 Desk Study on ground conditions, geotechnical and contamination aspects for the application proposal has been completed and submitted in support of the application. The report has identified the site as being 71ha in size, consisting of predominantly arable land with the south and south east of the site consisting of part restored opencast ironstone workings. Landfill sites are located on the northern boundary.

Potential sources of contamination have been identified, associated with the historical industrial land uses in the area including remnant metals, asbestos and organics in soils within the areas of the restored ironstone workings. There is also the potential for landfill gases migrating from the extensive landfills to the north of the site and vapour risk in close proximity to the southern boundary. Contaminated ground water and leachate must also be considered. However, considering the up hydraulic gradient of the site and the relatively shallow works proposed risks to ground water are considered low.

The report recommends that an intrusive contamination investigation concentrated on the eastern and north eastern boundary zones should be undertaken to categorise the shallow soils and the gas regime in these areas. Should ground water be identified in the shallow borehole, sampling to provide analysis should be undertaken.

The council's Environmental Health Officer (EHO) has reviewed the submitted documentation and has raised no objection to the scope and methodology of the submitted desk study. Based upon the findings and recommendations set out in the report the EHO has recommended conditions to secure a scheme of intrusive contamination investigation and remediation where necessary. Subject to these conditions it is considered that the proposed development will not be at unacceptable risk of land contamination.

## **Highways**

The main consideration regarding transport issues relates to the construction and restoration phases of the development. It is anticipated that construction operations will take approximately 6 months with construction activities taking place Monday to Friday between 8am and 5pm and between 8am and 1:30pm on Saturdays. The construction phase for the solar farm includes the preparation of the site, installing the access tracks, erection of security fencing, assembly and erection of the PV strings, installation of the inverters/transformers and grid connection.

The components which are required to construct the solar farm will arrive in 40ft containers by 15.4m long articulated vehicles. From experience, elsewhere, the applicant has confirmed that around 140 15.4m articulated vehicles are required for every 10MWp at the site, split equally between the modules and mounting structures. The site is proposed to generate 135.93MWp and as such this will equate to around 1,903 deliveries by 15.4m articulated delivery vehicles.

The largest items to be transported to the site are the inverter stations. There are around 8.6m long, 3.15m high and 2.6m wide. The proposed solar farm will have a total of 48 inverters and it is assumed that each will be transported by a vehicle no longer than a 18m low loader. It is assumed that the inverters will be transported individually due to their weight and as such this would equate to a total of 48 deliveries. It is likely that the material required for the access tracks will arrive by 10m rigid vehicles. The precise number will depend on the type and the amount of material required, but for the purpose of this assessment we have assumed that one delivery is required per five acres, resulting in a total of 104 deliveries.

In total it is anticipated that the construction of the solar farm will generate approximately 2,133 deliveries by HGV's at an average of around 16 deliveries, or 32 two-way movements per day. There will also be a small number of construction movements associated with smaller vehicles such as the collection of skips for waste management, the transport of construction works and sub-contractors.

Components which are required to construct the battery storage facility will arrive in 20ft containers by 16.5 metre long low loader vehicles. Each of the battery units will require four containers measuring 6.1m x 2.4m, and an Inverter unit measuring up to 6.1m x 2.4m. Two containers and Inverter Units will therefore arrive per delivery, resulting in a total of approximately 16 deliveries for the entire site. In total it is anticipated that the construction of the battery storage area will generate 71 deliveries by HGV's, which equates to less than 1 per day over the proposed construction period.

A maximum of between 80 and 100 construction works are anticipated to be onsite during the peak times during the construction period. A temporary construction compound will be provided for storage, parking for contractors and the turning of HGVs.

All construction vehicles will access the site via the existing Conesby farm access with the B1430 – Normanby Road. It is proposed to improve the access to provide an 7.3m access track for the initial 20 metres leading into the site and junction bellmouth radii of 10m. It is also proposed to reposition the hedgerow to the north of the junction to enable a visibility splay of 2.4 x 120m to be achieved to the nearside kerb looking right out of the access in accordance with the existing 40mph speed limit. The council's highways officers have raised no concerns in respect of the proposed access arrangements subject to a condition securing a Construction Phase Traffic Management Plan.

Normanby Road serves the nearby Foxhills Industrial Estate and surrounding industrial units, therefore the road and junctions are frequently used by large delivery vehicle types, such as those anticipated to access the site

during the construction programme. This road provides links to the wider strategic highway network and as such it is considered to be suitable to facilitate access to and from the site.

It is anticipated that the site will operate predominantly by remote access and only visited on an occasional basis with minimal impact to the surrounding local network. The largest vehicles that are likely to be used during the operational phase is expected to be no larger than a 7.5t van. There will be sufficient space within the site to allow for operational vehicles and service vehicles to enter, manoeuvre, turn and exit the site in a forward gear.

For the reasons outlined above it is considered that the proposed development will not have an unacceptable impact on highway safety.

### **Amenity**

The development will be viewable from properties on Orb Lane to the south and in Dragonby to the east. Properties on Orb Lane are in close proximity to the southern border of the site, which runs along the northern side of the road, whereas properties in Dragonby are located some distance to the east and separated by former mine workings and a railway line. Given the maximum height of the panels being 2.4m it is considered that existing screening, supplemented by new planting to be secured via condition will offer protection to the views of neighbouring properties. Due to the elevated position of properties in Dragonby, they will still be able to view the solar farm; however the development will be viewed at a distance in excess of 400 metres and against the backdrop of existing industrial developments. Furthermore, given the orientation of properties in Dragonby, views of the site will be obtuse and not direct.

Information has been provided with the application in respect of noise generated by the development and the proposed battery storage area in particular. The council's environmental health officer has considered this information and has confirmed that it is insufficient to demonstrate that there will be no impact on neighbouring residential properties as a result of noise. On this basis they recommend a condition requiring the submission of further assessment and mitigation in respect of noise. It is considered that the recommended condition will adequately protect neighbouring properties from noise generated by the development.

For these reasons it is considered that the proposed development will not have an unacceptable impact on residential amenity.

### **Cumulative Impact**

There are no existing solar farms close to the application site. In respect of renewable energy development, there is a small wind farm (Bagmoor) located to the north of the site. Whilst the aforementioned wind farm is viewable from the proposal site, the relatively flat nature of the site and low-level nature of the panels result in limited potential for cumulative views within the landscape. It is therefore considered that there will be no significant cumulative impact as a result of the development.

### **Decommissioning**

The Government considers solar energy to be a temporary use of land, however, and expects that land used for solar energy will be returned to a productive agricultural use after the temporary use ends. In this instance the applicants have confirmed that the solar park is anticipated to have a 35 year lifetime. Conditions have been imposed to limit the permission to 35 years and to secure a suitable decommissioning scheme to be implemented after the end of the 35 year period or after a period of 6 months non-continuous generation. This is in line with other large-scale solar farm developments.

## **Conclusion**

The use of agricultural land for renewable energy which is not high quality (Grade 1, 2 or 3a) or most versatile is considered to be acceptable in principle and provided that there are no significant environmental impacts the application should be supported in order that global and government targets can be met in terms of reducing greenhouse gases and the reduction in use of fossil fuels with the consequent impact on climate change.

Whilst there would be some visual impact to residents and users of surrounding roads and footpaths, it is considered that sufficient screening would be secured to minimise the impact of the development.

Subject to the recommended conditions, the proposed solar park will not have any unacceptable environmental impact that would outweigh the benefits of the development. As such the proposals are considered to be acceptable and this application is recommended for approval.

## **RECOMMENDATION:**

