

Heckington Fen Solar Park

EN010123

Appedix 6.11 – Legislative and Policy Framework

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: 6.3.6.11

Pursuant to: APFP Regulation 5(2)(a)

Document Revision: 2

August 2023

Track Changes



APPENDIX 6.11- LEGISLATIVE AND POLICY FRAMEWORK

Document Properties		
Regulation Reference	Regulation 5(2)(a)	
Planning Inspectorate Scheme Reference	EN010123	
Application Document Reference	6.3.6.11	
Title	Appendix 6.11 - Legislative and Policy Framework	
Prepared By	Heckington Fen Energy Park Project Team (Pegasus)	
Version History		
Version	Date	Version Status
Rev 1	February 2023	Application Version
<u>Rev 2</u>	<u>August 2023</u>	<u>Change Application</u>

1. The purpose of this Appendix 6.11- Legislative and Policy Framework is to provide a review of the national and local planning policy relating to landscape and visual matters. Planning policy in general is dealt with in the Planning Statement that accompanies the application, which provides a detailed description of all relevant policies. Those policies that are relevant in terms of landscape and visual issues are described in the following paragraphs.
2. The energy generating technology introduced as part of the Proposed Development is not specifically referenced by the current *Overarching National Policy Statement for Energy (EN-1)* and indeed the *National Policy Statement for Renewable Energy Infrastructure (EN-3)*. Due to the lack of solar (photovoltaic) specific NPSs, this **Chapter 6** (document reference 6.1.6) reviews the current NPSs with the focus on their current drafts, which are considered to be matters that will be important and relevant to the Secretary of State's decision as to whether to grant a DCO for the Proposed Development.
3. The current *Overarching National Policy Statement for Energy (EN-1)* acknowledges (in its paragraph 5.9.8) that: **"Virtually all nationally significant energy infrastructure projects will have effects on the landscape."** At the same time, it provides the following advice: **"Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate."** *EN-1* advises on the structure of environmental assessments and that all phases of the development should be assessed, having regard to the published landscape character assessments and associated studies, and **"...take account of any relevant policies based on these assessments in local development documents in England..."**, and visual effects. The stipulated structure of the assessment is adhered to in this **Chapter 6** (document reference 6.1.6). Most importantly *EN-1* acknowledges that the temporary nature of some forms of development is a consideration (paragraph 5.9.16): **"In reaching a judgment, the [IPC] should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the [IPC] considers reasonable."**
4. With regard to the published *EN-3*, this *Overarching National Policy Statement* does not provide any advice with regard to solar energy generating or energy storage facilities, or substation infrastructure. *EN-3* provides the following advice:

"2.5.50 Good design that contributes positively to the character and quality of the area will go some way to mitigate adverse landscape/visual effects. Development proposals should consider the design of the generating station, including the materials to be used in the context of the local landscape.

2.5.51 Mitigation is achieved primarily through aesthetic aspects of site layout and building design including size and external finish and colour of the generating station to minimise intrusive appearance in the landscape as far as engineering requirements permit. The precise architectural treatment will need to be site-specific.

2.5.52 The [IPC] should expect applicants to seek to landscape (...) sites to visually enclose them at low level as seen from surrounding external viewpoints. This makes the scale of the generating station less apparent, and helps conceal its lower level, smaller scale features. Earth bunds and mounds, tree planting or both may be used for softening the visual intrusion and may also help to attenuate noise from site activities."

5. Whilst the above quote relates to biomass and waste combustion generating stations, the provided design advice is informative to the Proposed Development and has guided the development of the proposed mitigation planting (see **Figure 2.1- Indicative Site Layout** (document reference 6.2.2)).
6. The relevant landscape planning policies are also detailed within the Draft Overarching National Policy Statement for Energy (EN-1) and Draft National Policy Statement for Renewable Energy Infrastructure (EN-3).
7. The draft *EN-1* explains that the Government's objective is to ensure the UK's supply of energy always remains secure, reliable, affordable and consistent with meeting the target to cut greenhouse gas emissions to net zero by 2050. It states (paragraph 2.3.3 of the Draft 2023²) that **"I...this will require a step change in the decarbonisation of our energy system."**
8. With fossil fuels still accounting for around 80% of the UK's energy supply in 2019, the draft *EN-1* states that the country "...will need to dramatically increase the volume of energy supplied from low carbon sources and reduce the amount provided by fossil fuels." (paragraph. 2.3.5 of the Draft 2023⁴), recognising in its paragraph 3.3.56²⁰ that **"All the generating technologies mentioned above are urgently needed to meet the government's energy objectivesThere is an urgent need for new generating capacity to meet our energy objectives:..."**, with wind and solar as the lowest cost ways of generating electricity, draft *EN-1* concludes in its paragraph 3.3.2¹⁰ that **"... analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar"..."a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar."**
9. With regard to *Draft EN-1*, the advice provided with regard to landscape and visual issues is largely similar to that of the current *EN-1*, thus is not reviewed in detail.
10. *Draft EN3 (2023)*, however, has been expanded to include solar photovoltaic schemes emphasising the Government's commitment to sustained growth in solar capacity to ensure that the UK is 'on a pathway' that allows it to meet net zero emissions. The document affirms at paragraphs 3.10.1, 3.10.4 – 3.10.5²⁻⁴⁷⁻¹ that:

"3.10.1 The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector

3.10.4 Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation-worldwide.

3.10.5 Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free."

~~— and at little to no extra cost to the consumer... As such solar is a key part of the government's strategy for low cost decarbonisation of the energy sector."~~

11. ~~Section 2.51~~ Paragraphs 3.10.84 – 3.10.117, and 3.10.122 – 3.10.124 of Draft EN3 (2023) provides advice on landscape, visual and residential amenity issues brought about by such form of energy generation schemes. It has to be noted that energy storage facilities are not covered by draft EN-1 and EN-3 in any detail, but for the purpose of this **Chapter 6** (document reference 6.1.6), the provided advice is also applied to other elements of infrastructure associated with the Proposed Development.
12. With regard to landscape and visual issues Draft EN3 states in its paragraph ~~3.10.85~~ 2.51.2: "Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure." It also recognises, in paragraph 3.10.86 that "...whilst it may be the case that the development covers a significant surface area, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be appropriately minimised." ~~zero."~~
13. Following on from this, Draft EN3 recognises the importance of good layout designs and its relationship to the landscape features present within the developable area, and mitigation measures:

"3.10.122 Applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges, trees and woodlands. 3.10.123 Applicants should aim to minimise the use and height of security fencing. Where possible applicants should utilise existing features, such as hedges or landscaping, to assist in site security or screen security fencing.

3.10.124 Applicants should minimise the use of security lighting. Any lighting should utilise a passive infra-red (PIR) technology and should be designed and installed in a manner which minimises impact"~~2.51.5 The applicant should have regard in both the design layout of the solar farm, and future maintenance plans, to the retention of growth of vegetation on boundaries, including the opportunity for individual trees within the boundaries to grow on to maturity. The landscape and visual impact should be considered carefully at the pre-application stage. Existing hedges and established vegetation, including mature trees, should be retained wherever possible. Trees and hedges should be protected during construction. The impact of the proposed development on established trees and hedges should be informed by a tree survey or a hedge assessment as appropriate.~~

2.51.6 Applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges. Efforts should be made to minimise the use and height of security fencing. Where possible projects should utilise

~~existing features, such as hedges or landscaping, to screen security fencing and use natural features, such as vegetation planting, to assist in site security. Projects should minimise the use of security lighting. Any lighting should utilise a passive infra red (PIR) technology and should be designed and installed in a manner which minimises impact."~~

14. The Government published the *Draft National Policy Statement for Electricity Networks Infrastructure (EN-5)* in ~~September~~ ~~March~~ 2021~~3~~. *Draft EN-5*, taken together with the current *EN-1* and *Draft EN-1*, provides the primary policy for decisions taken by the Secretary of State on applications it receives for electricity networks infrastructure.

National Planning Policy Framework (NPPF)

15. Whilst the above quoted *National Policy Statements* are the overarching policy, in the context of the Proposed Development, it was considered prudent to review the current *National Planning Policy Framework (NPPF)*. The *NPPF* was revised and published on 20th July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. *NPPF* paragraph 10 advises that:

"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development."

16. It is important to note that the updated *NPPF* identifies solar farms as 'essential infrastructure' albeit in flood risk areas only.

17. Section 12 'Achieving well-designed places', paragraph 130, on pages 38 and 39, states that:

"Planning policies and decisions should ensure that developments:

...b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit..."

18. It goes on to refer to tree vegetation and its contribution to landscape character, and this is relevant in the context of the tree vegetation within the Application Site – paragraph 131, on page 39:

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and

community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."

19. Section 15 of the *NPPF* is concerned specifically with conserving and enhancing the natural environment. Paragraph 174 on page 50 states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) 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...

d) minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..."

20. Section 15 'Conserving and enhancing the natural environment', paragraph 175 on page 50 states that:

"Plans should: 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 Framework; 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."

21. This establishes the principle of hierarchy between designated and non-designated countryside. This is further reinforced by the *Planning Practice Guidance* (its section 'Natural Environment') which puts more emphasis on protected landscapes such as National Parks and Areas of Outstanding Natural Beauty (AONBs).

Planning Policy Guidance

22. The *Planning Practice Guidance* (PPG) provides further advice in relation to developments. Section Design refers to the local character in townscape and landscape **"...reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture."** It also refers to landscape features such as landform but also views in and out. Section 'Natural Environment' also refers to landscape elements and landscape character putting more emphasis on protected trees

and landscapes such as National Parks and Areas of Outstanding Natural Beauty (AONBs).

23. The PPG also states (Paragraph 013, reference ID: 5-013-20150327, revision date: 27 03 2015), similarly to the *Draft EN-3*, that:

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. (...) However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

Central Lincolnshire Local Plan 2012 – 2036 (April 2017)

24. The *Central Lincolnshire Local Plan 2012 – 2036* was formally adopted in April 2017 and now forms part of the Development Plan for the Central Lincolnshire authorities replacing the Local Plans of the City of Lincoln, West Lindsey, and North Kesteven District Councils.
25. According to the Central Lincolnshire Local Plan 2012 – 2036 interactive Polices Map the Energy Park is not covered by any specific policies that would relate to landscape quality, character, or natural beauty. It falls outside of the identified Areas of Outstanding Natural Beauty and Areas of Great Landscape Value, both covered by Policy LP17. Policy LP17 Landscape, Townscape and Views, however, applies to the undesignated parts of the Central Lincolnshire area as well, and states:

“Character and setting

To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Creating and protecting views

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within Central Lincolnshire | Local Plan - Adopted April 2017 A Quality Central Lincolnshire 5 49 landscapes which are more sensitive to change due to their open,

exposed nature and extensive intervisibility from various viewpoints. (...)

Cumulative impacts

In considering the impacts of a proposal, the cumulative impacts as well as the individual impacts will be considered."

26. With regard the development of renewable energy projects Policy LP19 Renewable Energy Proposals is informative:

"Proposals for non-wind renewable energy development

Proposals for non-wind renewable technology will be assessed on their merits, with the impacts, both individual and cumulative, considered against the benefits of the scheme, taking account of the following:

- **The surrounding landscape and townscape;**
- **Heritage assets;**
- **Ecology and diversity;**
- **Residential and visual amenity;**
- **Safety, including ensuring no adverse highway impact; MoD operations, including having no unacceptable impact on the operation of aircraft movement or operational radar; and**
- **Agricultural Land Classification (including a presumption against photovoltaic solar farm proposals on the best and most versatile agricultural land)."**

27. In terms of good design and how it can influence the Proposed Development Policy LP26 Design and Amenity is helpful. The policy text most relevant to the Proposed Development is quoted below:

"All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.

Development proposals will be assessed against the following relevant design and amenity criteria.

Design Principles

All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they: (...)

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths; (...)

f. Incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;

g. Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;

h. Provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings;

i. Protect any important local views into, out of or through the site; (...)

Amenity Considerations

The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development (...)"

28. The Proposed Development falls within the open countryside thus Policy LP55 Development in the Countryside applies:

"Part E: Non-residential development in the countryside

Proposals for non-residential developments will be supported provided that:

a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;

b. The location of the enterprise is suitable in terms of accessibility;

c. The location of the enterprise would not result in conflict with neighbouring uses; and

d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location."

29. The Energy Park falls outside of the identified 'Designated rural areas'. The broad search corridor for the grid connection to the existing National Grid Bicker Fen Substation, previously considered at the PEIR stage, was located within the 'Designated rural areas', south west of the Energy Park and the A17. The revised and

current location and extent of the Off-site Cable Route Corridor and National Grid Bicker Fen Substation Extension Works falls outside of this area.

30. Furthermore, the Application Site is not covered by the Strategic Green Access Links or Strategic Green Corridors. It does include, however, a number of habitats in the eastern and south eastern part of the Energy Park, which form part of the ecological network with the 'opportunity for management', as identified on the aforementioned interactive Policies Map. These habitats include two small scale blocks of woodland, one located next to the farm buildings associated with Six Hundreds Farm, and the second block located in the south eastern part of the Energy Park, just north of Six Hundreds Farm House.
31. The North Kesteven District Council's website does not refer to any Supplementary Planning Documents (SPDs) or other evidence base that would be informative to solar energy or other energy infrastructure developments.

South East Lincolnshire Local Plan 2011-2036 (March 2019)

32. The *South East Lincolnshire Local Plan 2011-2036* is the Development Plan for South Holland District and Boston Borough. According to the adopted Policies Map the proposed Off-site Cable Route Corridor and National Grid Bicker Fen Substation Extension Works fall within the open countryside thus are subject to Policies 1, 9, 19, 22, and 23. The Local Wildlife Site designated under Policy 28 is identified along the South Forty Foot Drain with a cycle route (Policy 33) identified along North Forty Foot Bank in the north eastern part of the study area.
33. From an LVIA point of view, Policy 29 The Historic Environment is informative and refers to various features that can be regarded as visual landmarks or influencing the character of the local landscape. The Policy is quite extensive and its most relevant part is quoted below:

"Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset's contribution to the economy, tourism, education and the local community will be utilised including: (...)

- **The distinctive character of South East Lincolnshire market towns and villages;**
- **The dominance within the landscape of church towers, spires and historic windmills;..."**

34. With regard to the renewable energy schemes Policy 31 Climate Change and Renewable and Low Carbon Energy states:

"B. Renewable Energy With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:

- 1. visual amenity, landscape character or quality, or skyline considerations;**

2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic; (...)

6. heritage assets including their setting; and

7. the natural environment.

Provision should be made for post-construction monitoring and the removal of the facility and reinstatement of the site if the development ceases to be operational.”

35. The supporting text expands on the above issues and states (paragraphs 7.5.9 and 7.5.10):

“7.5.9 South East Lincolnshire is within The Fens National Character Area. The Local Plan Area is notable for its large-scale, flat, open landscape with extensive vistas to level horizons. The level, open topography shapes the impression of huge skies which convey a strong sense of place, tranquillity and inspiration. Planning proposals shall assess their implications against the information contained in the:- Landscape Character Assessment of Boston Borough⁶³ or the Strategic Landscape Capacity Study for South Holland⁶⁴, as well as the Lincolnshire Historic Landscape Characterisation Project⁶⁵, the Lincolnshire Historic Environment Record (HER), the Boston Town and Rural Historic Environment Baseline Studies and the Conservation Area appraisals (see Policy 29: The Historic Environment) to protect landscape character and quality, skyline and visual amenity.

7.5.10 In addition proposals can cause changes to visual outlook, emit noise, fumes, odour and vibration; produce shadow flicker, sun light reflection and broadcast interference; and traffic issues on highways of unsuitable width and construction. Therefore, it is important that proposals assess their impact individually and in combination with other similar developments on: residential amenity; highway safety, aviation and radar safety, and heritage assets. In addition all proposals use land and so lower quality agricultural land should be used and the natural environment / biodiversity shall be protected and enhanced.”

36. The list below and Table 1 below present the review of the relevant legislation and planning policies, which have been considered in carrying the assessment presented in Chapter 6 (document reference 6.1.6).

- National Planning Policy Statements:
 - i. Overarching National Policy Statement for Energy (EN-1) (2011).
 - ii. Draft Overarching National Policy Statement for Energy (EN-1) (2021).
 - iii. National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011).
 - iv. Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (2021).

- v. National Policy Statement for Electricity Networks Infrastructure (EN-5) (2011).
- vi. Draft National Policy Statement for Electricity Networks Infrastructure (EN-5) (2021).
- National Planning Policy:
 - vii. National Planning Policy Framework (NPPF) (2021).
- Planning Practice Guidance:
 - viii. Design: process and tools (01st October 2019).
 - ix. Natural environment (21st July 2019).
 - x. Renewable and low carbon energy (18th June 2015).
- Local Planning Policy:
 - xi. Central Lincolnshire Local Plan 2012 – 2036 (April 2017)
 - xii. South East Lincolnshire Local Plan 2011-2036 (March 2019)

Planning Policy	Requirements in relation to LVIA	How the Proposed Development responds to the policies	Where has this been addressed in the ES
Overarching National Policy Statement for Energy (NPS EN-1) ⁱ			
Paragraph 4.5.1	NPS EN-1 paragraph 4.5.1 notes that "...high quality and inclusive design goes far beyond aesthetic considerations..." and "...applying good design to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible."	Coherent design and embedded mitigation measures to ensure best fit alternative; avoiding undue visual contrast or multiple vertical features.	Chapter 4 (document reference 6.1.4).
Paragraph 5.9.1	NPS EN-1 paragraph 5.9.1 states "...the landscape and visual effects of energy projects will vary on a case-by-case basis according to the type of development, its location and the landscape setting of the proposed development."	Chapter 6 reviews and assesses the landscape character and visual baseline to determine its susceptibility, value, and sensitivity; and to devise appropriate and sensitive mitigation measures that would be in keeping with the character of the local landscape.	Chapter 6 (document reference 6.1.6).
Paragraph 5.9.8	NPS EN-1 paragraph 5.9.8 notes that "...virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape,	The layout and design of the Proposed Development has been subject to a number of design iterations to arrive at best fit alternative.	Chapter 4 (document reference 6.1.4).

	providing reasonable mitigation where possible and appropriate.”	The embedded mitigation measures ensure that identified significant adverse effects are minimised, reduced, or offset.	Chapter 6 (document reference 6.1.6).
Paragraph 5.9.16	NPS EN-1 paragraph 5.9.16 recognises that “In reaching a judgment, the [IPC] should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the [IPC] considers reasonable.”	The landscape character and visual assessment takes into account the long-term yet reversible nature of the Proposed Development.	Chapter 6 (document reference 6.1.6).
National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) ⁱⁱ			
Paragraph 2.4.2	NPS EN-3 paragraph 2.4.2 notes that “ P... proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.”	The layout and design of the Proposed Development has been subject to a number of design iterations to arrive at best fit alternative. The embedded mitigation measures ensure that identified significant adverse effects are minimised, reduced, or offset.	Chapter 4 (document reference 6.1.4). Chapter 6 (document reference 6.1.6).
Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) ⁱⁱⁱ			
Paragraph 2.51.23.10.86	Draft NPS EN-3 paragraph 2.51.23.10.86 notes that “...whilst it may be the case that the development covers a significant surface area, in the case of ground mounted solar panels it	The layout of the Energy Park, Off-site Cable Route Corridor and National Grid Bicker Fen Substation	Chapter 6 (document

	<p>should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be appropriately minimised<u>zero</u>."</p>	<p>Extension Works have been redesigned with a number of embedded mitigation measures applied.</p> <p>The Zone of Theoretical Visibility and the actual visual envelope of the Proposed Development has been reduced.</p> <p>The proposed additional mitigation measure – the perimeter hedgerow, ensures that any significant adverse effects are reduced.</p>	<p>reference 6.1.6).</p>
<p>Paragraph 2.51.43.10.89 & <u>3.10.90</u></p>	<p>Draft NPS EN-3 paragraph 2.51.43.10.89 and <u>3.10.90</u> notes that solar PV developments will be "...expected to direct considerable effort towards minimising the landscape and visual impact of solar PV arrays... (<u>...</u>)</p> <p><u>Whilst there is an acknowledged need to ensure solar PV installations are adequately secured, required security measures such as fencing should consider the need to minimise the impact on the landscape and visual impact (see paragraphs 2.10.31 – 2.10.33 above).</u>Whilst there is an acknowledged need to ensure solar PV installations are adequately secured, required security measures such as fencing should consider the need to minimise the impact on the landscape and visual impact."</p>	<p>The design and layout of the Proposed Development has sought to minimise the landscape and visual effects as far as possible; for example the perimeter fencing would be metal mesh rather than palisade fencing, the previously proposed decentralised energy system and multiple substations within the Energy Park are now replaced by single centralised Onsite Substation and Energy Storage System.</p>	<p>Chapter 6 (document reference 6.1.6).</p>

<p>Paragraph 2.51.53.10.90 & 3.10.91</p>	<p>With regard to hedgerow and tree protection Draft NPS EN-3 notes: that the "...applicant should have regard in both the design layout of the solar farm, and future maintenance plans, to the retention of growth of vegetation on boundaries, including the opportunity for individual trees within the boundaries to grow on to maturity. The landscape and visual impact should be considered carefully at the pre-application stage. Existing hedges and established vegetation, including mature trees, should be retained wherever possible. Trees and hedges should be protected during construction. The impact of the proposed development on established trees and hedges should be informed by a tree survey or a hedge assessment as appropriate."</p> <p>"3.10.90 Whilst there is an acknowledged need to ensure solar PV installations are adequately secured, required security measures such as fencing should consider the need to minimise the impact on the landscape and visual impact (see paragraphs 2.10.31 – 2.10.33 above).</p> <p>3.10.91 The applicant should consider as part of the design, layout, construction, and future maintenance plans how to protect and retain, wherever possible, the growth of vegetation on site boundaries, as well as the growth of existing hedges, established vegetation, including mature trees within boundaries. Applicants should also consider opportunities for individual trees within the boundaries to grow on to maturity."</p>	<p>The Proposed Development has been designed to fit within the established field pattern, provides offset from the existing boundary features, retains the vegetation with the Energy Park with only very limited vegetation potentially likely to be removed to accommodate the Off-site Cable Route Corridor. No mature or Quality Grade A vegetation would have to be removed.</p>	<p>Chapter 6 (document reference 6.1.6).</p> <p>Appendix 6.3 (document reference 6.3.6.3).</p>
--	--	--	--

<p>Paragraph <u>3.10.122 - 3.10.1242.51.6</u></p>	<p>With regards to mitigation measures Draft NPS EN-3 paragraphs <u>3.10.122 - 3.10.1242.51.6</u> state: s that "...applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges. Efforts should be made to minimise the use and height of security fencing. Where possible projects should utilise existing features, such as hedges or landscaping, to screen security fencing and use natural features, such as vegetation planting, to assist in site security. Projects should minimise the use of security lighting. Any lighting should</p> <p><u>"3.10.122 Applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges, trees and woodlands.</u></p> <p><u>3.10.123 Applicants should aim to minimise the use and height of security fencing. Where possible applicants should utilise existing features, such as hedges or landscaping, to assist in site security or screen security fencing.</u></p> <p><u>3.10.124 Applicants should minimise the use of security lighting. Any lighting should utilise a passive infra-red (PIR) technology and should be designed and installed in a manner which minimises impact."</u>utilise a passive infra-red (PIR) technology and should be designed and installed in a manner which minimises impact."</p>	<p>The embedded mitigation measures have been identified within Chapter 6. The proposed mitigation planting is illustrated on the Landscape Strategy plans.</p>	<p>Chapter 6 (document reference 6.1.6).</p> <p>Figure 6.2a and 6.2b Landscape Strategy Plan (document reference 6.2.6).</p>
<p>National Planning Policy Framework (NPPF)^{iv}</p>			

Paragraph 130	Section 12 of the NPPF, Achieving Well-Designed Places, indicates in paragraph 130 that planning policies and decisions should ensure that developments: “c) are sympathetic to local character and history, including the surrounding built environment and landscape setting...”	The layout of the Proposed Development has been re-designed to achieve best fit alternative, and be least harmful to the character of the local landscape and its distinctiveness.	Chapter 6 (document reference 6.1.6).
Paragraph 174	Section 15 Conserving and Enhancing the Natural Environment, states in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by: “a) protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan); b) 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...”	The Order limits are not located within any statutory landscape designations such as a National Park, AONB or non-statutory landscape designations. An assessment of the landscape value has been undertaken within Chapter 6, and the landscape associated with the Order limits and its environs is not considered to be located within a ‘valued landscape’ in accordance with the interpretation of para 174(a) of the NPPF. The proposed Landscape Strategy illustrates the proposed biodiversity enhancement and new landscape elements introduced as part of the Energy Park.	Chapter 6 (document reference 6.1.6). Figure 6.2a and 6.2b Landscape Strategy Plan (document reference 6.2.6).
Paragraph 175	Paragraph 175 of the NPPF states that planning policy and decisions should: “Distinguish between the hierarchy of	The Order limits are not located within any statutory landscape	Chapter 6 (document

	<p>international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; 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>designations such as a National Park, AONB or non-statutory landscape designations. An assessment of the landscape value has been undertaken within Chapter 6, and the landscape associated with the Order limits and its environs is not considered to be located within a ‘valued landscape’ in accordance with the interpretation of para 174(a) of the NPPF.</p> <p>The proposed Landscape Strategy illustrates the proposed biodiversity enhancement and new landscape elements introduced as part of the Energy Park.</p>	<p>reference 6.1.6). Figure 6.2a and 6.2b Landscape Strategy Plan (document reference 6.2.6).</p>
<p>Planning Practice Guidance, Natural environment (21st July 2019)^v</p>			
<p>Paragraph 004</p>	<p>Paragraph 004 states that: “Green infrastructure is a natural capital asset that provides multiple benefits, at a range of scales. For communities, these benefits can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk. These benefits are also known as ecosystem services.”</p>	<p>The proposed Landscape Strategy illustrates the proposed biodiversity enhancement and new landscape elements introduced as part of the Energy Park.</p>	<p>Figure 6.2a and 6.2b Landscape Strategy Plan (document reference 6.2.6).</p>
<p>Paragraph 036</p>	<p>Paragraph 036 notes that: “The National Planning Policy Framework is clear that plans should recognise the intrinsic</p>	<p>The Order limits are not located within any statutory landscape</p>	<p>Chapter 6 (document</p>

	<p>character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. This can include nationally and locally-designated landscapes but also the wider countryside. Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these areas will be assessed. Plans can also include policies to avoid adverse impacts on landscapes and to set out necessary mitigation measures, such as appropriate design principles and visual screening, where necessary. The cumulative impacts of development on the landscape need to be considered carefully.”</p>	<p>designations such as a National Park, AONB or non-statutory landscape designations. An assessment of the landscape value has been undertaken within Chapter 6, and the landscape associated with the Order limits and its environs is not considered to be located within a ‘valued landscape’ in accordance with the interpretation of para 174(a) of the NPPF.</p> <p>The proposed Landscape Strategy illustrates the proposed biodiversity enhancement and new landscape elements introduced as part of the Energy Park.</p>	<p>reference 6.1.6).</p> <p>Figure 6.2a and 6.2b Landscape Strategy Plan (document reference 6.2.6).</p>
<p>Planning Practice Guidance, Renewable and low carbon energy (18th June 2015)^{vi}</p>			
<p>Paragraph 013</p>	<p>Paragraph 023 states that:</p> <p>“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.</p>	<p>The Planning Statement considered these particular factors further. The Proposed Development has been designed to avoid high grade agricultural land classification, as far as practical with some areas within the Order limits retained as biodiversity enhancement.</p>	<p>Chapter 6 (document reference 6.1.6).</p> <p>Figure 6.2a and 6.2b Landscape Strategy Plan (document</p>

	<p>Particular factors a local planning authority will need to consider include: (...)</p> <ul style="list-style-type: none"> • Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays... • That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use; • The proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety; • The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun; • The need for, and impact of, security measures such as lights and fencing; • Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their 	<p>Biodiversity improvements would be provided within the Energy Park as shown on the Landscape Strategy plans and oLEMP.</p> <p>The Proposed Development would generally remain unlit with the exception of manually operated and motion-detection lighting utilised for operational and security purposes at the Onsite Substation and Energy Storage System.</p> <p>The potential for additional visual screening has been further considered and is illustrated on the Landscape Strategy plans. The cumulative effects have been assessed within the LVIA.</p> <p>The effects on cultural heritage assets have been separately assessed within ES Chapter 10, Cultural Heritage.</p>	<p>reference 6.2.6).</p> <p>Chapter 8 (document reference 6.1.8).</p>
--	--	---	---

	<p>scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;</p> <ul style="list-style-type: none"> • The potential to mitigate landscape and visual impacts through, for example, screening with native hedges; • The energy generating potential, which can vary for a number of reasons including, latitude and aspect. <p>The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”</p>		
<p>Central Lincolnshire Local Plan 2012 – 2036 (April 2017)^{vii}</p>			
<p>Policy LP17 Landscape, Townscape and Views</p>	<p>Policy LP17 Landscape, Townscape and Views states: “Character and setting To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in</p>	<p>The Order limits are not located within any statutory landscape designations such as a National Park, AONB or non-statutory landscape designations. An assessment of the landscape value has been undertaken within Chapter 6, and the landscape associated with the Order limits and its environs is not considered to be located within a ‘valued landscape’ in accordance with the</p>	<p>Chapter 6 (document reference 6.1.6). Figure 6.2a and 6.2b Landscape Strategy Plan (document reference 6.2.6). Appendix 6.3 (document</p>

	<p>significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.</p> <p>Creating and protecting views</p> <p>All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within Central Lincolnshire Local Plan - Adopted April 2017 A Quality Central Lincolnshire 5 49 landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints. (...)</p> <p>Cumulative impacts</p> <p>In considering the impacts of a proposal, the cumulative impacts as well as the individual impacts will be considered.”</p>	<p>interpretation of para 174(a) of the NPPF.</p> <p>The layout of the Proposed Development has been re-designed to achieve best fit alternative, and be least harmful to the character of the local landscape and its distinctiveness.</p> <p>Biodiversity improvements would be provided within the Energy Park as shown on the Landscape Strategy plans and oLEMP.</p> <p>The potential for additional visual screening has been further considered and is illustrated on the Landscape Strategy plans. The cumulative effects have been assessed within the LVIA.</p> <p>Cumulative effects are assessed in Chapter 6.</p> <p>The effects on cultural heritage assets have been separately assessed within ES Chapter 10, Cultural Heritage.</p>	<p>reference 6.3.6.3).</p> <p>Chapter 10 (document reference 6.1.10).</p>
--	---	--	---

<p>Policy LP19 Renewable Energy Proposals</p>	<p>Policy LP19 Renewable Energy Proposals states: “Proposals for non-wind renewable energy development Proposals for non-wind renewable technology will be assessed on their merits, with the impacts, both individual and cumulative, considered against the benefits of the scheme, taking account of the following:</p> <ul style="list-style-type: none"> • The surrounding landscape and townscape; • Heritage assets; • Ecology and diversity; • Residential and visual amenity; • Safety, including ensuring no adverse highway impact; MoD operations, including having no unacceptable impact on the operation of aircraft movement or operational radar; and • Agricultural Land Classification (including a presumption against photovoltaic solar farm proposals on the best and most versatile agricultural land).” 	<p>The layout of the Proposed Development has been re-designed to achieve best fit alternative, and be least harmful to the character of the local landscape and its and distinctiveness.</p> <p>Biodiversity improvements would be provided within the Energy Park as shown on the Landscape Strategy plans and oLEMP.</p> <p>The potential for additional visual screening has been further considered and is illustrated on the Landscape Strategy plans. The cumulative effects have been assessed within the LVIA.</p> <p>Residential visual amenity has been assessed in Chapter 7.</p> <p>The effects on cultural heritage assets have been separately assessed within ES Chapter 10, Cultural Heritage.</p>	<p>Chapter 6 (document reference 6.1.6). Figure 6.2a and 6.2b Landscape Strategy Plan (document reference 6.2.6). Chapter 7 (document reference 6.1.7). Chapter 10 (document reference 6.1.10).</p>
<p>Policy LP26 Design and Amenity</p>	<p>Policy LP26 Design and Amenity states: “All development, including extensions and alterations to existing buildings, must achieve high quality sustainable</p>	<p>The layout of the Proposed Development has been re-designed to achieve best fit alternative, and be least harmful to the character of</p>	<p>Chapter 6 (document</p>

	<p>design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.</p> <p>Development proposals will be assessed against the following relevant design and amenity criteria.</p> <p>Design Principles</p> <p>All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they: (...)</p> <p>c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths; (...)</p> <p>f. Incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;</p> <p>g. Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;</p>	<p>the local landscape and its and distinctiveness.</p> <p>Biodiversity improvements would be provided within the Energy Park as shown on the Landscape Strategy plans and oLEMP.</p> <p>The potential for additional visual screening has been further considered and is illustrated on the Landscape Strategy plans. The cumulative effects have been assessed within the LVIA.</p> <p>Residential visual amenity has been assessed in Chapter 7.</p> <p>The effects on cultural heritage assets have been separately assessed within ES Chapter 10, Cultural Heritage.</p>	<p>reference 6.1.6).</p> <p>Figure 6.2a and 6.2b Landscape Strategy Plan (document reference 6.2.6).</p> <p>Chapter 7 (document reference 6.1.7).</p> <p>Chapter 10 (document reference 6.1.10).</p>
--	---	---	--

	<p>h. Provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings;</p> <p>i. Protect any important local views into, out of or through the site; (...)</p> <p>Amenity Considerations</p> <p>The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.</p> <p>Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development (...)"</p>		
<p>LP55 Development in the Countryside</p>	<p>LP55 Development in the Countryside states:</p> <p>"Part E: Non-residential development in the countryside</p> <p>Proposals for non-residential developments will be supported provided that:</p> <p>a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;</p>	<p>The layout of the Proposed Development has been re-designed to achieve best fit alternative, and be least harmful to the character of the local landscape and its and distinctiveness.</p> <p>The effects on landscape character have been assessed in Chapter 6.</p>	<p>Chapter 6 (document reference 6.1.6).</p>

	<p>b. The location of the enterprise is suitable in terms of accessibility;</p> <p>c. The location of the enterprise would not result in conflict with neighbouring uses; and</p> <p>d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.”</p>		
<p>South East Lincolnshire Local Plan 2011-2036 (March 2019)^{viii}</p>			
<p>Policy 29 The Historic Environment</p>	<p>Policy 29 The Historic Environment states:</p> <p>“Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset’s contribution to the economy, tourism, education and the local community will be utilised including: (...)</p> <ul style="list-style-type: none"> • The distinctive character of South East Lincolnshire market towns and villages; • The dominance within the landscape of church towers, spires and historic windmills;...” 	<p>The effects on landscape character have been assessed in Chapter 6.</p> <p>The effects on cultural heritage assets have been separately assessed within ES Chapter 10, Cultural Heritage.</p>	<p>Chapter 6 (document reference 6.1.6).</p> <p>Chapter 10 (document reference 6.1.10).</p>
<p>Policy 31 Climate Change and</p>	<p>Policy 31 Climate Change and Renewable and Low Carbon Energy states:</p>	<p>The layout of the Proposed Development has been re-designed to achieve best fit alternative, and</p>	<p>Chapter 6 (document</p>

<p>Renewable and Low Carbon Energy</p>	<p>“B. Renewable Energy With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:</p> <ol style="list-style-type: none"> 1. visual amenity, landscape character or quality, or skyscape considerations; 2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic; (...) 6. heritage assets including their setting; and 7. the natural environment. <p>Provision should be made for post-construction monitoring and the removal of the facility and reinstatement of the site if the development ceases to be operational.”</p>	<p>be least harmful to the character of the local landscape and its and distinctiveness.</p> <p>The potential for additional visual screening has been further considered and is illustrated on the Landscape Strategy plans. The cumulative effects have been assessed within the LVIA.</p> <p>Decommissioning stage is assessed in Chapter 6.</p> <p>Cumulative effects are assessed in Chapter 6.</p> <p>Residential visual amenity is assessed in Chapter 7.</p> <p>The effects on cultural heritage assets have been separately assessed within ES Chapter 10, Cultural Heritage.</p>	<p>reference 6.1.6).</p> <p>Chapter 7 (document reference 6.1.7).</p> <p>Chapter 10 (document reference 6.1.10).</p>
--	---	--	--

ⁱ Department of Energy and Climate Change (2011) Overarching National Policy Statement for Energy (EN-1).

ⁱⁱ Department of Energy and Climate Change (2011) National Policy Statement for Renewable Energy Infrastructure (EN-3).

- iii Department of Business, Energy and Industrial Strategy (2021) Draft National Policy Statement for Renewable Energy Infrastructure (Draft NPS EN-3).
- iv Ministry of Housing, Communities and Local Government (2021) National Planning Policy Framework (NPPF).
- v Ministry of Housing, Communities and Local Government (2019) Planning Practice Guidance.
- vi Ibidem.
- vii Central Lincolnshire Local Plan 2012 – 2036 (April 2017)
- vii South East Lincolnshire Local Plan 2011-2036 (March 2019)