

**BOSTON BOROUGH COUNCIL**

**LOCAL IMPACT REPORT**

**HECKINGTON FEN SOLAR PARK**

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## **1 Terms of Reference**

### **Introduction**

- 1.1 This report comprises the Local Impact Report (LIR) of Boston Borough Council (BBC). It focuses on the cable route as this is within the Borough Council's jurisdiction and any impact the solar park site may have on residents of the Borough during construction, operation and decommissioning.
- 1.2 The Local Authority has had regard to the purpose of LIRs as set out in S60(3) of the Planning Act 2008 (as amended), DCLG's Guidance for the examination of applications for development consent and the Planning Inspectorate's Advice Note One, Local Impact Reports, in preparing this LIR.
- 1.3 It should be noted that BBC has, and continues to, engage with this NSIP project – its promoters and technical advisers – as the project progresses through the Examination process. The Council has identified a number of issues throughout the process, and continues to work with the project team in a collaborative and proactive way to seek to find solutions where possible.
- 1.4 In addition BBC submitted a Relevant Representation and is in process of agreeing a Statement of Common Ground (SOCG). As such the LIR should be read in conjunction with those documents. The Council also reserves the right to amend or supplement this LIR should it become necessary as the Examination progresses, such as to respond to updated information or an amended SOCG.

### **Purpose and Structure of the LIR**

- 1.5 The LIR's primary purpose is therefore to identify the policies in Local Plans as far as they are relevant to the proposed development and the extent to which the development accords with these policies. It does this under topic-based headings (following the form of the overarching National Policy Statement (NPS) for Energy (EN-1)) reflecting the likely nature of impacts. The key issues for the local authority and the local community are then identified, followed by commentary on the extent the applicant addresses these issues by reference to the application documentation, including the DCO articles, requirements and obligations, as relevant.
- 1.6 It is noted and accepted that an array of statutory and non-statutory consultees have and continue to engage with the DCO process, including provision of their own comments. This LIR does not seek to supplement any comments made by those parties, as it is understood that the Inspector will take these into consideration in any event. Commentary is only provided in so far as they may be relevant to the Council's position on the relevant issues.

## **2 Description of the area**

- 2.1 The Heckington Fen Solar park is located in the neighbouring local planning authority of North Kesteven District Council (NKDC). The landscape is flat agricultural land punctuated with trees, scattered dwellings, agricultural buildings and land drains. The largest land drain is the Black Sluice / South Forty Foot Drain, which the cable route to the Bicker Fen National Grid substation crosses.
- 2.2 The Bicker Fen National Grid substation is in Boston Borough. This is screened by trees but its presence is announced by the National Grid pylons that cross the land. There is also a recent substation to the north of the National Grid substation for the Triton Knoll offshore wind farm. To the south (within South Holland District Council) another substation is nearly complete for the Viking Link interconnector with Denmark. Both link to the National Grid substation with

underground cables and will be landscaped in a similar manner to the Bicker Fen National Grid substation.

### **3 Statutory Development Plan**

- 3.1 The Planning and Compulsory Purchase Act 2004 section 38 (3)(b) (as amended) describes the development plan as the development plan documents, which have been adopted or approved in relation to that area.
- 3.2 The South East Lincolnshire Local Plan (SELLP) was adopted in March 2019 and relates to Boston Borough and South Holland District Council.
- 3.3 It is considered that the Environmental Statement, and other supporting documents submitted with the Development Consent Order clearly articulate the relevant planning policy context.

## **ASSESSMENT OF IMPACTS AND ADEQUACY OF RESPONSE**

### **4 Introduction**

- 4.1 The proposal has the following impacts that the Examining Authority will need to consider. They are listed in alphabetical order. The Local Impact Report guidance indicates this report should provide a statement of positive, neutral and negative local impacts but should not contain a balancing exercise, as that is for the Examining Authority.
- 4.2 In addition BBC submitted a Relevant Representation and is in process of agreeing a Statement of Common Ground (SOCG). As such the LIR should be read in conjunction with those documents.
- 4.3 BBC are a neighbouring authority in relation to the proposed solar farm itself, however, the cable route and grid connection are within the Borough Council area and comments made therefore mainly relate to the potential impacts from the works associated with the cable route. The following is a summary list of impacts, these impacts can either be directly or indirectly attributed to the development. They also include residual impacts taken after designed-in mitigation measures have been applied. Many are contained in the Council's Relevant Representation. The Council acknowledges that some Relevant Authorities / Interested Parties involved with this proposal are more expert on certain matters. Therefore, some of the comments below are caveated.

#### **Potentially Positive Impacts**

- Socio-economic factors during construction.

#### **Potentially Neutral Impacts**

- Local Plan policy and the impact of the cable route;
- Air quality and dust management depending on mitigation;
- Dust, odour, artificial light, smoke, steam, insect infestation, subject to Lincolnshire Fire and Rescue agreement;
- Flood Risk, subject to Environment Agency (EA) and Lincolnshire County Council (LCC) agreement;

- Historic Environment, subject to Historic England (HE) and Lincolnshire Heritage (LH) agreement;
- Landscape and visual impact;
- Noise and vibration;
- Socio economic factors once construction is complete;
- Traffic and transport, subject to LCC agreement;
- Waste management, subject to LCC agreement; and
- Water Quality and resources, subject to EA agreement.

### **Potentially Negative Impacts**

- Air quality and dust management depending on mitigation;
- Biodiversity, subject to Aecom, Lincolnshire Wildlife Trust (LWT) and Natural England (NE) agreement;
- Dust, odour, artificial light, smoke, steam, insect infestation, subject to Lincolnshire Fire and Rescue agreement; and
- Historic Environment, subject to Lincolnshire Heritage (LH) and Historic England (HE) agreement.

4.4 The following sections identify the relevant policies within the development plan, the key issues raised by the proposed development and the extent to the applicant addresses them and thus the proposal complies with local policy.

4.5 As mentioned, for ease of reference, the headings broadly reflect those used in Part 5 of the overarching NPS for Energy (EN-1).

4.6 The following commentary will focus on the South East Lincolnshire Local Plan (SELLP) and the Environmental Statement (ES).

## **5 The Principle of Development**

### **Local Plan Policy**

5.1 The principle for the solar park will be judged against national policy and the policy of the Central Lincolnshire Local Plan, which is the Local Plan for NKDC and two other councils. It is the relevant local plan for the site of the solar park.

5.2 The cable route lies within Boston Borough and the issues will be considered against national policy and Policy 31: Climate Change and Renewable and Low Carbon Energy of the SELLP (See appendix 7), which is the Local Plan for Boston Borough and one other council.

### **Commentary**

5.3 The impact of the cable route within the Borough is considered to be potentially neutral owing to the temporary disturbance whilst the cable route is excavated, the cable installed and back filled. It will only happen if the solar park is considered to comply with national and local planning policy and as a result the Borough Council considers the impact of the solar park on North Kesteven and the Central Lincolnshire Local Plan has more bearing on the decision.

5.4 Archaeological impact is relevant but is considered later in this report.

#### **Adequacy of the application/DCO**

5.5 The Environmental Statement (ES) for the application contains chapter 5 (Planning Policy) that addresses the principle of the development. An updated version was submitted in September 2023. It also contains Chapter 16 on Land Use and Agriculture, which has not been updated. This considers agricultural land quality for the energy park and the export cable route. Therefore, the ES contains adequate information for the Examination Authority to assess levels of compliance with local and national policy, the weight to be applied to them and the impact on soils of the export cable route.

## **6 Air Quality and Emissions**

### **Local Plan Policy**

6.1 The SELLP contains Policy 30: Pollution (See Appendix 6). It considers air quality as well as other issues.

### **Commentary**

6.2 Air quality will be impacted during construction and decommissioning owing to the generation of dust from disturbing soil. This is relevant for both the construction of the solar park where dust may travel on the wind towards dwellings located within the Borough and also the cable route with the same consequence. Impact from decommissioning is likely to be from the solar park as the connecting cable once disconnected is likely to be left in situ, but if removed will have a lesser impact. Another impact is from emissions from vehicles working on the site or using highways within the Borough. These could have a potentially negative or potentially neutral impact, depending on the success of the mitigation measures employed in the various management plans. The impact of vehicles during decommissioning may be very different depending on how much diesel and petrol use declines over the next 40 years.

### **Adequacy of the application/DCO**

6.3 The ES contains Chapter 15 that discusses air quality. An updated version was submitted in September 2023. It considers particulates from transport emissions and advises that dust and non-mobile machinery emissions will be controlled via two management plans submitted with the application (Document references 7.7 and 7.10). As such it is considered the ES contains adequate information for the Examining Authority to assess the impact of the proposal on air quality. These two documents are implemented through Requirements 13 and 14 in the DCO. It is suggested that Requirement 13 is discharged by NKDC and BBC, both consulting LCC. We are content that Requirement 14 is discharged by LCC without consulting BBC.

## **7 Biodiversity and Geological Conservation**

### **Local Plan Policy**

7.1 The SELLP contains Policy 28: The Natural Environment (See Appendix 4). This includes internationally and nationally designated sites such as the Wash SPA, SAC, Ramsar and SSSI designations. It also contains locally designated sites, Local Wildlife Sites and Local Nature Reserves. The policy also seeks to increase biodiversity on site as a result of development and to address gaps in the ecological network.

### **Commentary**

7.2 Local biodiversity impact will be from site clearance of any vegetation on the cable route corridor and the likely loss of woodland at the National Grid substation, a proposal consulted upon after the application was submitted for examination and now formally accepted as an

amendment to the scheme by the Examining Authority. The impact on biodiversity within the Borough is a potentially negative as a result of this loss. The Black Sluice / South Forty Foot Drain is a Local Wildlife Site that will have to be crossed by the cable route but it is proposed this will be achieved by direct drilling.

- 7.3 It is proposed the replacement tree planting is on the solar park rather than at the substation. This does not help the Borough's tree coverage, which is already low. It is accepted the DCO boundary along the cable route and the location of existing and proposed cables accessing the substation impact the opportunities for replacement planting. However, opportunities to enhance connectivity of habitats, green/blue corridors or other biodiversity improvements between the Solar Park and the substation should be explored. This would lessen the impact of loss of tree cover, but more importantly seek to achieve better connectivity between the non-farmed habitats at the National Grid and Triton Knoll substations, South Forty Foot Drain LWS and the solar park. This might involve road side trees and habitat management and any changes the land owners may be considering owing to farming subsidy changes in favour of habitat. This would support local plan policy and 'landscape scale' solutions in Government policy. It is also noted that the Gas Insulated Switchgear option may require fewer trees to be removed. The Borough Council would support that option.

#### **Adequacy of the application/DCO**

- 7.4 The ES contains Chapter 8 on Ecology and Ornithology and a Shadow HRA to inform Appropriate Assessment has also been prepared. Updated versions were submitted in September 2023. The council acknowledges that Aecom, the LWT and NE are the expert bodies for this issue and the adequacy of the evidence. The draft DCO (Sch2 Req 8) relates to the landscape ecological management plan, which will be substantially in accordance with the outline landscape ecological management plan. An updated version of this plan was submitted in September 2023. Depending how the above landscape changes are incorporated into the proposal, this version of the outline management plan may require further amendment and will be discharged by BBC and NKDC respectively.

## **8 Dust, odour, artificial light, smoke, steam and insect infestation**

### **Local Plan Policy**

- 8.1 The SELLP contains Policy 30: Pollution (See Appendix 6). It considers air quality, including fumes and odour plus light levels as well as other issues.

### **Commentary**

- 8.2 Many of these issues relate to air quality and have a potentially negative or potentially neutral impact. There will be local impact during construction, owing to dust from building operations, disturbance of soil and traffic. Once operational there may be a risk of smoke and fumes crossing the Borough should there be a fire on the site.

### **Adequacy of the application/DCO**

- 8.3 The ES contains Chapter 15 that discusses air quality. An updated version was submitted in September 2023. It considers particulates from transport emissions and advises that dust and non-mobile machinery emissions will be controlled via two management plans submitted with the application (Document references 7.7 and 7.10). In addition an energy storage safety management plan is submitted. (Document 7.11) As such it is considered the ES contains adequate information for the Examination Authority to assess the impact of the proposal on air quality.



- 8.4 The Council acknowledges that Lincolnshire Fire and Rescue is the expert body for fire risk and management and the adequacy of the evidence. We, therefore, suggest the County Council discharges this requirement and consults NKDC and BBC. The other two documents (7.7 and 7.10) will be approved by the Borough/District Councils and the County Council respectively.

## 9 Flood Risk

### Local Plan Policy

- 9.1 The SELLP contains Policy 4: Approach to Flood Risk (See Appendix 3). Essential infrastructure is referred to in paragraph 2. The issue is also featured in Policy 2: Development Management (See Appendix 1), Policy 3: Design of New Development (See Appendix 2), Policy 28: Natural Environment (See Appendix 4), Policy 30: Pollution (See Appendix 6) and Policy 31: Climate Change and Renewable and Low Carbon Energy (See Appendix 7).

### Commentary

- 9.2 The Borough is at risk of tidal flooding and the National Grid Substation site is in national flood zone 2. The Council's Strategic Flood Risk Assessment takes flood defences into account and shows the site is at no Hazard, i.e. the combination of flood depth and velocity. The EA in their Relevant Representation do not flag, at this stage, a concern with flood risk. As such it is considered the proposal has a potentially neutral impact on / from flood risk.

### Adequacy of the application/DCO

- 9.3 Flood risk is considered in the ES in Chapter 9. Site selection is found in Chapter 3 and this refers to flood risk and to a flood risk assessment that is at Appendix 9.1. Updated versions were submitted in September 2023. The Council acknowledges that the EA and LCC as Lead Local Flood Authority are the expert bodies for this issue and the adequacy of the evidence. Req 11 of the DCO will be discharged by LCC.

## 10 Historic Environment

### Local Plan Policy

- 10.1 The SELLP contains Policy 29: The Historic Environment (See Appendix 5).

### Commentary

- 10.2 The type of historic environment that will be impacted in some way by the proposal is archaeology. The impact on archaeology could be potentially negative or potentially neutral. This is currently unclear owing to the cable route not having completed trial trench investigation and having the results available to inform the mitigation strategy.

### Adequacy of the application/DCO

- 10.3 ES Chapter 10 considers cultural heritage. This reveals that the cable route corridor has had heritage setting assessments, archaeology desk based assessments and geophysical assessments undertaken and a mitigation strategy has been prepared although the trial trench evaluation had not been completed for the Cable Route corridor. Trial trenching has commenced on part of the route since the application was submitted for examination. The results of this will inform the mitigation strategy and as such ES documentation will need updating. The access tracks have not had geophysical or trial trenching undertaken because they will be constructed on the surface. The chapter is supported by 4 appendices.
- 10.4 The Council acknowledges that Historic England, Heritage Lincolnshire and LCC are the expert bodies for this issue and the adequacy of the evidence. Req12 of the DCO will be discharged by LCC in consultation with BBC and NKDC.

## 11 Landscape and Visual

### Local Plan Policy

- 11.1 The SELLP does not have a single policy that considers this issue. However, Policy 2: Development Management (See Appendix 1), Policy 3: Design of New Development (See Appendix 2) and Policy 31: Climate Change and Renewable and Low Carbon Energy (See Appendix 7) do refer to elements of the proposal that impact landscape and visual impacts. E.g. size, scale, layout, density, orientation, design, improving the character and quality of an area, protecting or incorporating existing built assets and green infrastructure.

### Commentary

- 11.2 The solar park site is positioned some way from residential property located within the Borough. Visual impact will be from the photo voltaic panels, substations and battery storage facilities, which will be softened by distance, proposed landscaping within the site and existing features outside of the site. Some dwellings in the Borough are not affected by glint or glare and those that are can be mitigated by screening. The cable route will have a temporary impact during construction. As a result the impact of the proposal on the Borough is likely to be potentially neutral.

### Adequacy of the application/DCO

- 11.3 Chapter 7 of the ES considers Landscape and Visual (Impact). An updated version was submitted in September 2023. It refers to character areas from the Borough Council's Landscape Character Assessment and to work undertaken between BBC, NKDC, LCC and a landscape consultant to select various viewpoints. Chapter 17 considers Glint and Glare and has not been updated.
- 11.4 The council will continue to work with NKDC and LCC and the landscape consultant to consider the landscape and visual impact of the proposal but consider the information is adequate for the Examination Authority to begin assessing the impact of the proposal on these issues on the Borough.

## 12 Noise and Vibration

### Local Plan Policy

- 12.1 The SELLP contains Policy 30: Pollution (See Appendix 6). It considered noise including vibration as well as other issues.

### Commentary

- 12.2 Most noise and vibration will be created during construction and decommissioning. Once constructed noise from operating plant will have a lower impact on residents of the Borough and as a result the impact on the Borough is likely to be potentially neutral.

### Adequacy of the application/DCO

- 12.3 Chapter 12 of the ES considers noise and vibration during construction and operation on residential property. An updated version was submitted in September 2023. The Council considers that many of these effects will be mitigated through various embedded mitigation measures as proposed by the documents supporting the DCO. It is considered the ES contains adequate information for the Examination Authority to assess the impact of the proposal on noise and vibration. The DCO (Sch2 Req15) requires an operational noise assessment to be submitted to and approved by both relevant planning authorities before work on three work packages on the energy park site commences. As such the Borough Council can consider the impact on residents of the Borough.

### 13 Socio Economic Policies

#### Local Plan Policy

- 13.1 The SELLP does not have a single policy that considers this issue. However, Policy 31: Climate Change and Renewable and Low Carbon Energy (See Appendix 7) does relate to this issue in part owing to it supporting renewable energy development. As a consequence it encourages economic activity through the construction of such schemes and with its links to mitigating climate change ameliorates societal impact.

#### Commentary

- 13.2 The proposal will provide employment during construction. The ES suggests 50% - 75% of these jobs will be to people living outside the area. Given the proximity of the site to the Borough the 25% - 50% of local people who may be employed during construction is potentially positive and may help local businesses, either because they are directly involved in construction or providing accommodation and supporting services to the 50% - 75% of workers temporarily resident in the area. However, this is temporary and so the development is likely to have a potentially neutral impact once completed. The ES suggests the permanent jobs once the development is completed is about 12 jobs, 5 on site and 7 in the wider economy. Benefits from Business Rates are potentially neutral as they relate to the solar park site only.
- 13.3 The scheme also has a potentially positive impact on climate change as renewable energy does not directly use fossil fuels to generate electricity and consequently does not add to greenhouse gas emissions at the point of generation. At present greenhouse gases will be emitted to win, work and transport the materials used to manufacture the components, to transport these to the site and to construct the facility but the whole life cycle greenhouse gas emissions is less than gas, coal and hydro (ES Chapter 13 Climate Change, page 25). Decarbonising electrical generation is an incremental process and the scheme is a step towards achieving the Governments Net Zero targets. The Council cannot claim this proposal will make a huge difference to the nation's or global emissions owing to their different scales but the potential impact has to be on the positive side of neutral because fuel is not being burnt to generate electricity.
- 13.4 Taking the two issues together: employment and climate change, given the minor potentially positive impact on climate change, once the development is complete it is considered the overall impact of the proposal will be neutral.

#### Adequacy of the application/DCO

- 13.5 The ES contains Chapter 11 Socio Economics and Chapter 13 Climate Change. Updated versions were submitted in September 2023. It is considered the ES contains adequate information for the Examination Authority to assess the impact of the proposal on socio-economic issues. The DCO (Sch2 Req16) requires a supply chain, employment and skills plan to be submitted to and approved by both relevant planning authorities and so the Borough Council can consider the impact on residents of the Borough.

### 14 Traffic and Transport

#### Local Plan Policy

- 14.1 The SELLP Policy 2: Development Management (See Appendix 1) considers this issue under criterion 4.

**Commentary**

14.2 The impact by HGV, abnormal loads and construction staff is suggested to be very small owing to the amount of new trips compared to the existing traffic loads on the A17. Traffic is to be managed in the same way as other infrastructure projects, via a 'left in and left out' system. The Council considers that on the whole traffic and transport impacts are likely to be potentially neutral.

**Adequacy of the application/DCO**

14.3 Chapter 14 of the ES considers this issue. An updated version was submitted in September 2023. The council acknowledges that LCC as Highways Authority are the expert body for this issue and the adequacy of the evidence and the DCO (Sch2 Req14) requires the construction traffic management plan to be discharged by the County Council. We are happy with this approach.

**15 Waste Management****Local Plan Policy**

15.1 The Minerals and Waste LP of the Lincolnshire County Council and the related national regulations are relevant to how the waste arising from the construction of the solar park will be organised, recycled and disposed of. Future waste local plans and regulations will inform dismantling the infrastructure at the end of its life.

**Commentary**

15.2 The ES concludes no significant cumulative effects. As a result the Borough Council considers the impact of the proposal is potentially neutral.

**Adequacy of the application/DCO**

15.3 Chapter 18 of the ES considers this issue. An updated version was submitted in September 2023. The council acknowledges that LCC as Waste Disposal Authority are the expert body for this issue and the adequacy of the evidence.

**16 Water Quality and Resources****Local Plan Policy**

16.1 The SELLP Policy 30: Pollution (See Appendix 6) considers water quality. It is cross-referenced in the justification for Policy 2: Development Management (See Appendix 1).

**Commentary**

16.2 The local plan policy relates to surface and ground water. The impact of poor surface and ground water quality and changes in flow depends on the magnitude of the change and the length of time it persists. The ES indicates the cable route is unlikely to affect ground water quality or flows during construction and decommissioning and that the impact is negligible. Therefore, the impact is potentially neutral.

**Adequacy of the application/DCO**

16.3 Chapter 9 of the ES considers this issue. An updated version was submitted in September 2023. The Council acknowledges that the EA and LCC are the expert bodies for this issue and the adequacy of the evidence.

**17 Summary**

17.1 The Environmental statement contains 20 chapters, most of which have been referenced in this LIP. Seven topic areas are considered to have a neutral impact on the Borough. Three may be

negative or neutral depending on the success of mitigation. One is considered to be negative and one may be positive during construction but neutral thereafter:

<b>Topic Area</b>	<b>Chapter (ES)</b>	<b>Potential Impact</b>
Local Plan/Principle	Chapter 5	Neutral
Air Quality	Chapter 15	Negative/ Neutral
Biodiversity/Ecology	Chapter 8	Negative
Dust/Odour/Smoke	Chapter 15	Negative/Neutral
Flood Risk	Chapter 9	Neutral
Historic Env	Chapter 10	Negative/Neutral
Landscape/Visual	Chapter 7	Neutral
Noise and Vibration	Chapter 12	Neutral
Socio Economic	Chapter 11	Positive during construction, Neutral thereafter
Traffic and Transport	Chapter 14	Neutral
Waste Management	Chapter 18	Neutral
Water Quality	Chapter 9	Neutral

17.2 Overall the Council considers that these issues and the resultant impacts on the Borough can be appropriately dealt with or mitigated through the various documents submitted in conjunction with the Development Consent Order. The Council considers, that subject to the requirements in the draft Development Consent Order, that in isolation, or taken cumulatively, the local impacts of this development on the Borough would be acceptable, and that broadly the scheme would accord with local and national policies.

PREPARED BY – Peter Udy

AGREED BY – Abbie Marwood

DATE: 29 September 2023

**18 Appendix 1: Policy 2 of South East Lincolnshire Local Plan****Policy 2: Development Management**

Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and
9. impact on the potential loss of sand and gravel mineral resources.

**19 Appendix 2: Policy 3 of South East Lincolnshire Local Plan****Policy 3: Design of New Development**

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;

3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

## 20 Appendix 3: Policy 4 of South East Lincolnshire Local Plan

### Policy 4: Approach to Flood Risk

Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where:

1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced

search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development<sup>1</sup> or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).

2. It can be demonstrated that essential infrastructure in FZ3a & FZ3b, highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk.
3. The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and which:
  - a. demonstrate that the vulnerability of the proposed use is compatible with the flood zone;
  - b. identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source;
  - c. propose appropriate flood resistance and resilience measures (following the guidance outlined in the Strategic Flood Risk Assessment), maximising the use of passive resistance measures (measures that do not require human intervention to be deployed), to ensure the development maintains an appropriate level of safety for its lifetime;
  - d. include appropriate flood warning and evacuation procedures where necessary (referring to the County's evacuation routes plan), which have been undertaken in consultation with the authority's emergency planning staff;
  - e. incorporates the use of Sustainable Drainage Systems (SuDS) (unless it is demonstrated that this is not technically feasible) and confirms how these will be maintained/managed for the lifetime of development (surface water connections to the public sewerage network will only be permitted in exceptional circumstances where it is demonstrated that there are no feasible alternatives);
  - f. demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green

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<sup>1</sup> As defined in the National Planning Practice Guidance, paragraph 046 (Reference ID:7-046-20140306)



infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall;

- g. demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;
- h. ensures suitable access is safeguarded for the maintenance of water resources, drainage and flood risk management infrastructure.

Development in all flood zones, and development over 1 hectare in size in Flood Zone 1, will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

Change of use of existing buildings will be supported providing they do not pose an increase in risk to people. Change of use that would result in self-contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported. In these areas unrestricted access to a habitable room above the flood level and an emergency evacuation plan will be required.

Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding. Caravan, chalet, log cabin, camping and touring sites at risk of fluvial flooding where there is a 'danger for most' and 'danger for all' will not be permitted. Occupancy of caravan, chalet, log cabin, camping and touring sites at risk of tidal flooding will not be permitted to open between 1<sup>st</sup> November in any one year and the 14<sup>th</sup> March in the succeeding year.

No development will be permitted within a 50m buffer from the toe of the raised Witham Haven Banks (flood defences), as shown on the indicative Plan contained in Appendix 10, to allow access for construction and maintenance.

Flood risk management infrastructure shall be provided at the strategic level, where development opportunities allow, to reduce the hazard and probability of flooding.

## **21 Appendix 4: Policy 28 of South East Lincolnshire Local Plan**

### **Policy 28: The Natural Environment**

A high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets:

1. Internationally-designated sites, on land or at sea:

- a. development proposals that would cause harm to these assets will not be permitted, except in exceptional circumstances, where imperative reasons of overriding public interest exist, and the loss will be compensated by the creation of sites of equal or greater nature conservation value;
- b. all major housing proposals within 10km of The Wash and the North Norfolk Coast European Marine Site, including the Sustainable Urban Extensions in Boston (site Sou006 & Wes002), Spalding (site Pin024/Pin045) and Holbeach West (site Hob048), will be the subject of a project-level Habitats Regulations Assessment (HRA) to assess the impact of recreational pressure on The Wash and North Norfolk Coast European Marine Site. This should include:
  - i. locally-specific information relating to access and site sensitivities;

Where the project-level HRA concludes that avoidance and/or mitigation measures are required, it is expected that:

- ii. Suitable Alternative Natural Greenspace (SANGs) should be provided on site Sou006 and Wes002, site Pin024/Pin045 and site Hob048 as part of their package of mitigation measures; or
- iii. all other major housing proposals should provide SANGs on-site and/or through a financial contribution to provide and/or enhance natural greenspace in the locality;
- iv. Suitable Alternative Natural Greenspaces should be designed in accordance with capacity and facility requirements in relation to the developments they mitigate for, best practice elsewhere and relevant evidence.

2. Nationally or locally-designated sites and protected or priority habitats and species:

- a. development proposals that would directly or indirectly adversely affect these assets will not be permitted unless:
  - i. there are no alternative sites that would cause less or no harm; and
  - ii. the benefits of the development at the proposed site, clearly outweigh the adverse impacts on the features of the site and the wider network of natural habitats; and
  - iii. suitable prevention, mitigation and compensation measures are provided.

3. Addressing gaps in the ecological network:

- a. by ensuring that all development proposals shall provide an overall net gain in biodiversity, by:
  - i. protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats;
  - ii. maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance;
  - iii. incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological corridors, including water space; and
  - iv. conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change, and if the development is within a Nature Improvement Area (NIA), contributing to the aims and objectives of the NIA.

## 22 Appendix 5: Policy 29 of South East Lincolnshire Local Plan

### Policy 29: The Historic Environment

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 historic archaeological and drainage landscape of the Fens;
- The distinctive character of South East Lincolnshire market towns and villages;
- The dominance within the landscape of church towers, spires and historic windmills;

To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

#### A. Listed Buildings

1. Proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.
2. Proposals involving the demolition of Listed Buildings will not be permitted, unless in an exceptional case, or wholly exceptional case (depending on their grade) where a clear and convincing justification is made in line with national policy<sup>9</sup>.
3. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

#### B. Conservation Areas

Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.

#### C. Archaeology and Scheduled Monuments

1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.

2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.
3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.
4. Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer, undertaken by a suitably qualified person, and approved by the Local Planning Authority.
5. Any work undertaken as part of the planning process must be appropriately archived in a way agreed with the Local Planning Authority.

#### D. Registered Parks and Gardens

Proposals that cause substantial harm to a Registered Park or Garden, or its setting will not be permitted, unless in an exceptional case, where a clear and convincing justification is made in line with national policy.

#### E. Enabling Development

Proposals for enabling development adjacent to, or within the setting of, a heritage asset and used to secure the future of a heritage asset through repair, conservation, restoration or enhancement will only be permitted where:-

1. it will not materially harm the heritage values of a heritage asset or its setting;
2. it avoids detrimental fragmentation of management of the heritage asset;
3. it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose;
4. it is necessary to resolve problems arising from the inherent needs of the heritage asset rather than the circumstances of the present owner or the purchase price paid
5. sufficient subsidy is not available from any other source;
6. it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset and that its form minimises harm to other public interests; and

7. the public benefit of securing the future of the heritage asset through such enabling development decisively outweighs the dis-benefits of breaching other policies within the Local Plan and national policy

#### F. Development Proposals

Where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made to its setting, it should be informed by proportionate historic environment assessments<sup>7</sup> and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports) that:

1. identify all heritage assets likely to be affected by the proposal;
2. explain the nature and degree of any effect on elements that contribute to their significance and demonstrating how, in order of preference, any harm will be avoided, minimised or mitigated;
3. provide a clear explanation and justification for the proposal in order for the harm to be weighed against public benefits; and
4. demonstrate that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset.

### 23 Appendix 6: Policy 30 of South East Lincolnshire Local Plan

#### Policy 30: Pollution

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment;

by way of:

4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or

8. surface and groundwater quality.

Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:

- 9. impact on the proposed development from poor air quality from identified sources;
- 10. impact on air quality from the proposed development; and
- 11. impact on amenity from existing uses.

Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.

## 24 Appendix 7: Policy 31 of South East Lincolnshire Local Plan

### **Policy 31: Climate Change and Renewable and Low Carbon Energy**

#### A. Climate Change

All development proposals will be required to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated by:

- 1. employing a high-quality design;
- 2. the adoption of the sequential approach and Exception Test to flood-risk and the incorporation of flood-mitigation measures in design and construction to reduce the effects of flooding, including SuDS schemes for all 'Major' applications;
- 3. the protection of the quality, quantity and availability of water resources, including for residential developments, complying with the Building Regulation water efficiency standard of 110 litres per person per day;
- 4. reducing the need to travel through locational decisions and, where appropriate, providing a mix of uses;

5. incorporating measures which promote and enhance green infrastructure and provide an overall net gain in biodiversity as required by Policy 28 to improve the resilience of ecosystems within and beyond the site.

#### 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;
3. highway safety (including public rights of way);
4. agricultural land take;
5. aviation and radar safety;
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.

Proposals by a local community for the development of renewable and low-carbon sources of energy, in scale with their community's requirements, including supporting infrastructure for renewable energy projects, will be supported and considered in the context of contributing to the achievement of sustainable development and meeting the challenge of climate change and against criteria B1-7.