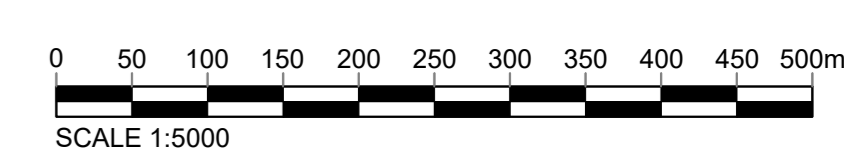
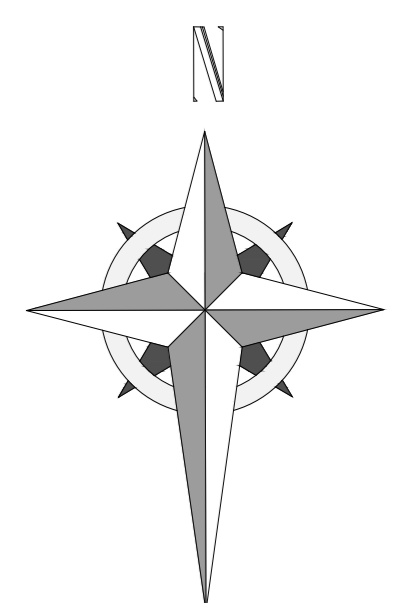


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Revision	Date	Revision Notes	Drawn	Inspected
01	22.04.21	First Issue	PL	TG
02	17.08.21	Red line issued	SP	TG

LEGEND:  
 SITE LOCATION



Status: **FOR PLANNING**

Project: **Vicarage Drove Solar Farm**



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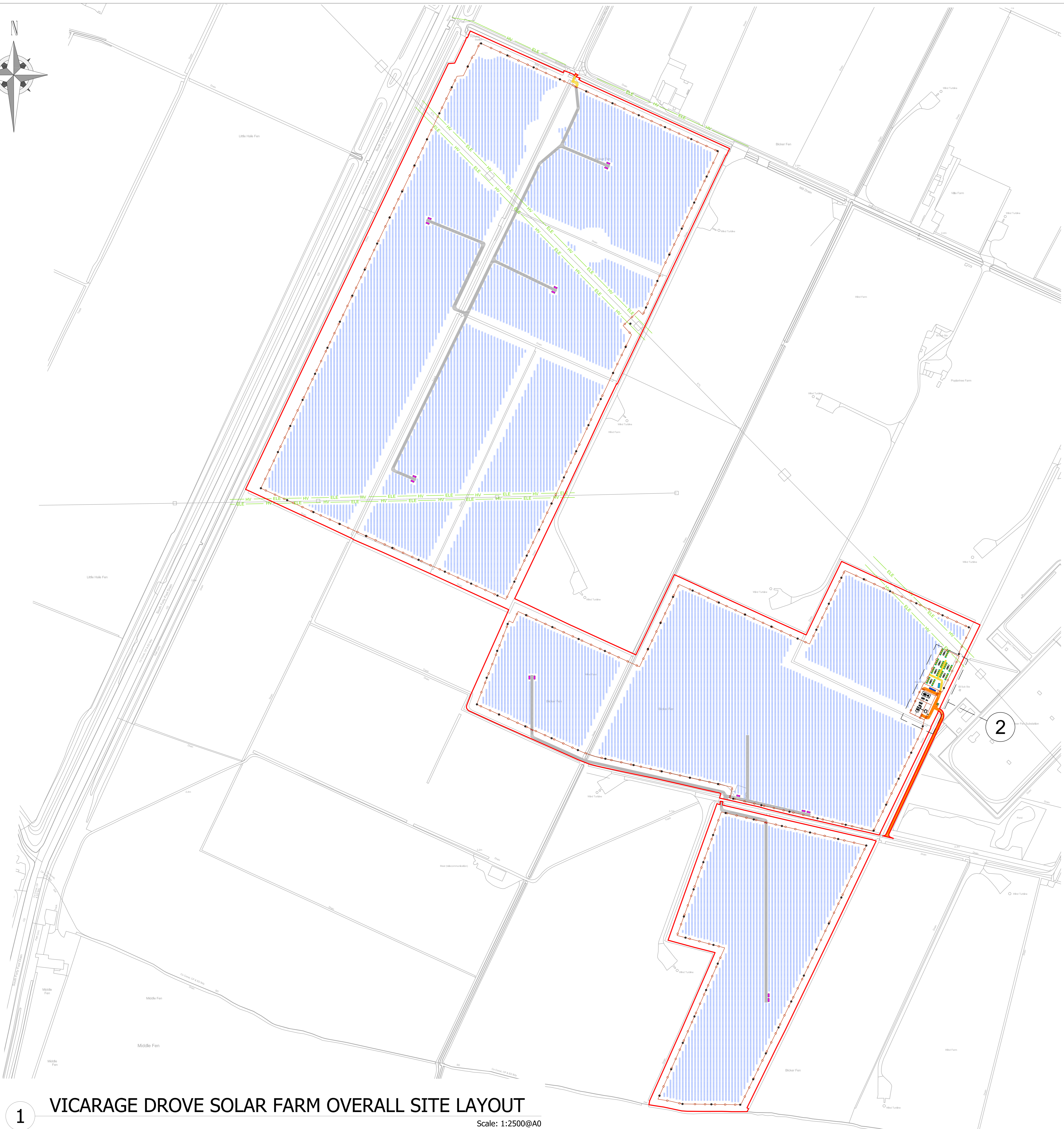
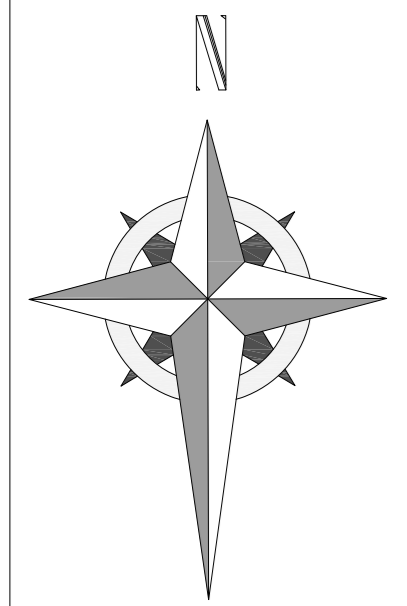
Drawing Title: **Vicarage Drove Solar Farm Site Location Plan**

Drawn: PL Checked: TG First Issued: 22.04.2021

Project Code: RNC004- SP-01 Drawing Number:

Sheet Size: A0 Scale: 1:5000 Revision: 02

**1 VICARAGE DROVE SOLAR FARM SITE LOCATION PLAN**  
 Scale: 1:2500@A0



**1 VICARAGE DROVE SOLAR FARM OVERALL SITE LAYOUT**  
Scale: 1:2500@A0

The drawings are for information only and shall not be used for construction or other purposes without the written consent of Renewable Connections. All dimensions are to be confirmed on the site prior to commencement of work.

Revision	Date	Revision Notes	Drawn	Inspected
01	20.02.21	Final Issue	HN	TG
02	15.04.21	Contract Award	HN	TG
03	21.04.21	Client Approved	HN	TG
04	22.04.21	Client Approved	HN	TG
05	22.05.21	Client Approved	HN	TG
06	22.05.21	Client Approved	HN	TG
07	22.05.21	Client Approved	HN	TG
08	22.05.21	Client Approved	HN	TG
09	22.05.21	Client Approved	HN	TG
10	22.05.21	Client Approved	HN	TG
11	22.05.21	Client Approved	HN	TG
12	07.07.22	Changes to client scope to add 2m offset to all 12m easement offset from base of plot	HN	TG

**LEGEND:**

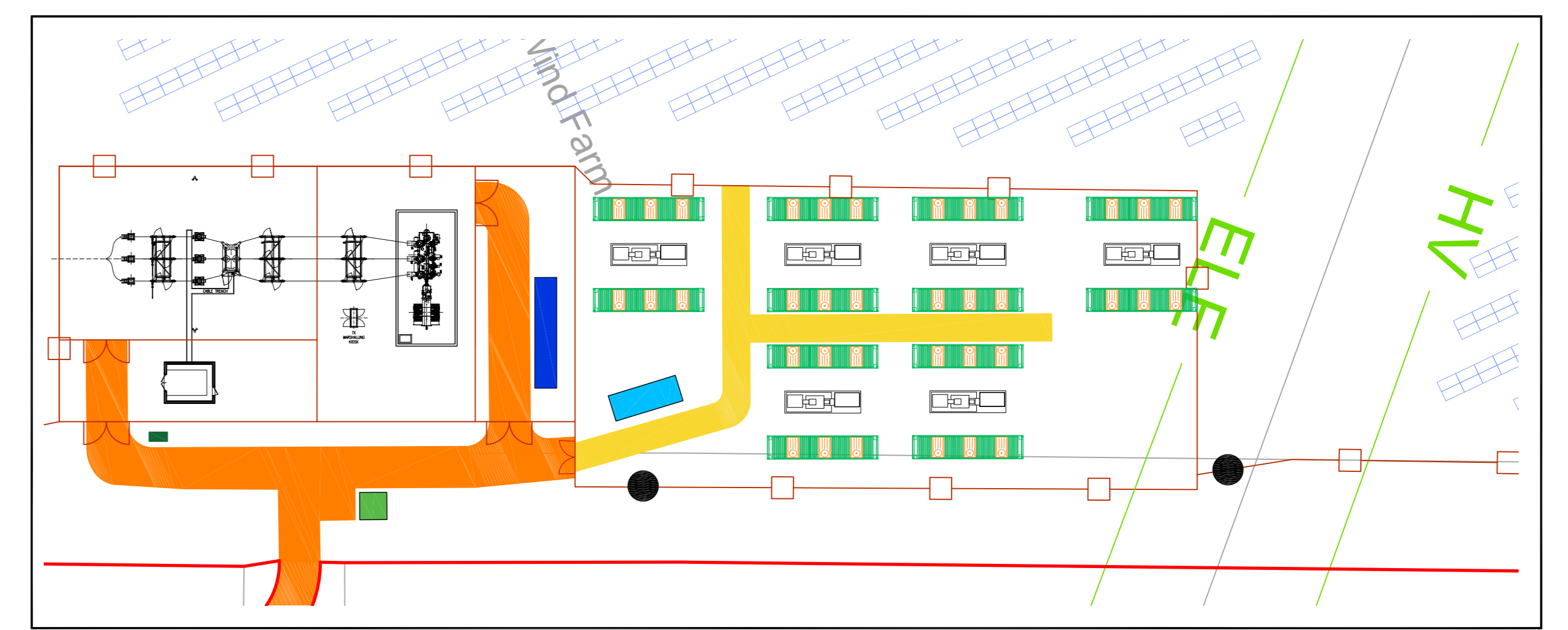
- PROPOSED SITE
- ON-ROAD ACCESS
- SITE ACCESS
- CONSTRUCTION AND MAINTENANCE ACCESS
- PERIMETER FENCELINE

**SOLAR SITE INFRASTRUCTURE:**

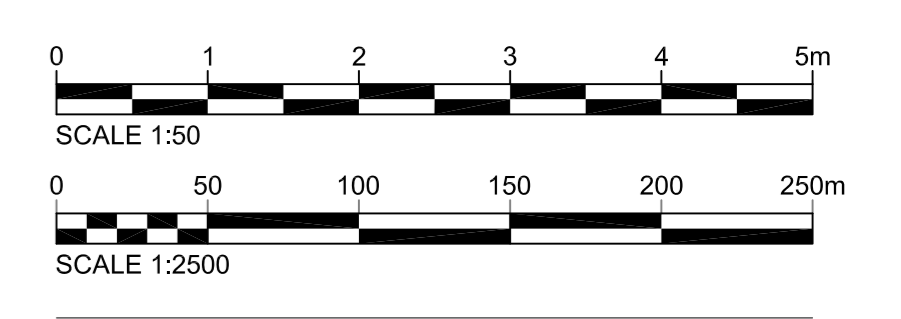
- CUSTOMER SWITCHGEAR
- SOLAR PANEL MODULES
- POWER STATION
- MEDIUM VOLTAGE
- SECURITY GATE
- CUSTOMER SWITCHGEAR
- CCTV CAMERA
- INVERTER
- METER KIOSK
- BATTERY
- CONTAINER
- INVERTER
- HVAC

**SERVICES:**

- EXISTING OH CABLE ROUTE
- EXISTING HV
- EXISTING ELE



**2 SUBSTATION COMPOUND & BATTERY SITE DETAIL**  
Scale: 1:500@A0



Status: **FOR PLANNING**

Project: **Vicarage Drive Solar Farm**



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Drawing Title: **Vicarage Drive Solar Farm Indicative Layout Plan**

Drawn: HN      Checked: TG      First Issued: 16.03.2021

Project Code: RNC004-PL-01      Drawing Number:

Sheet Size: A0      Scale: A.N      Revisions: 12

# Development Management Delegated Decision Report

B/21/0443



<b>SUMMARY OF APPLICATION</b>			
<b>Application Reference</b>	B/21/0443		
<b>Application Type</b>	Major - Full Planning Permission		
<b>Proposal</b>	Proposed construction and operation of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substation compound, security cameras, fencing, access tracks and landscaping		
<b>Location</b>	Land North West Of Bicker, Vicarage Drove Solar Farm		
<b>Applicant</b>	Renewable Connections Developments Ltd		
<b>Agent</b>	DWD Property + Planning		
<b>Received Date:</b>	05-Oct-2021	<b>Consultation Expiry Date:</b>	30/10/21
<b>Valid Date:</b>	5/10/21	<b>Statutory Expiry Date:</b>	4/1/22
<b>Date of Site Visit:</b>		<b>Extension of Time Date:</b>	Subject to PPA - 18/2/22
<b>Objections received?</b>	YES		
<b>5 day notification record:</b>			
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Cllr Cooper</b>	7/2/22	No response received	YES – 16/2/22
<b>Cllr Spencer</b>	7/2/22	No response received	YES – 16/2/22
<b>Recommendation</b>	Conditional Approval		
<b>Report by:</b>	Consultant Planning Officer		
<b>Date:</b>	7/2/22		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site is located approximately 2.5 km to the north-west of the village of Bicker and comprises of approximately 80.36ha of agricultural land. The site is bound to the north by Bicker Drove with a substation further to the north which is associated with the Triton Knoll offshore wind farm. The site is also adjacent to an existing operational 13 turbine wind farm (known as Biker Fen) to the northeast, east and southeast of the application site. A substation is also situated adjacent to the western boundary. To the western boundary is the South Forty Foot Drain, a designed Local Wildlife Site.



The application site is agricultural land with a relatively flat topography which is punctuated by hedgerows and narrow tarmac roads.

The closest residential properties are isolated dwellings, which are located within farmsteads approximately 300 m from the site, a farmstead 600m to the west and a property 750m to the southwest.

There are a number of Public Rights of Way (PRoWs) within the locality of the site. The Cross Britain Way, a National Trail, crosses the landscape to the south of the site along North Ing Drive and along part of the South Forty Foot Drain embankment. A footpath lies to the east of the site along the Hammond Beck.

A Scheduled Monument, known as Roman Saltern in Helpringham Fen, lies approximately 1 km west of the site on the opposite side of the South Forty Foot Drain. A number of Grade II Listed Buildings and a Grade I Listed Church are located in Bicker and Bicker Gauntlet some 2.35km from the application site.

The site lies predominantly within Flood Zone 2 and 3.

### **DETAILS OF PROPOSAL:**

Planning permission is sought for the construction and operation of a Solar Photovoltaic Farm with battery storage and associated infrastructure.

The development includes;

- Rows of solar photovoltaic ('PV') panels;
- Inverters within containers;
- Battery storage units within containers;
- Substation compound, including DNO control room and Customer Switchroom;
- Internal access track;
- Perimeter fence; and
- CCTV cameras.

It is estimated that the solar panels would generate around 49.9 MW, enough to power approximately 14,000 homes annually.

The application proposes design flexibility for the proposal, relating to the dimensions and layout structures and the precise layout and height of the solar panels. The application states that the maximum parameters. It is stated that the solar panels will have a maximum height of 2.75m and will be fixed onto a fixed or tracking mounting system, running north to south but orientated east or west. The application proposes development zones rather than a defined layout. The panels will be typically mounted in four horizontal rows, with one fixed directly above the other. There would be a gap of approximately 2 m between each row or arrays. Each array would be mounted on a frame, to be installed using spiked foundations of approximately 1-2m deep.

Inverters, small cabin structures, would measure approximately 12m by 2.5m with a height of 2.9m and will be placed on a hardcore base. Batteries are to be contained within shipping containers or similar cabin structures which would measure 12m by 2.6m with a

height of 2.9m. An on-site substation is also proposed which would measure approximately 28m by 55m and would be surrounded by a palisade.

To secure the development a stock-proof fence is proposed to a height of approximately 2m around the outer edges of the site, inside the outermost hedges/trees/vegetation. The perimeter fence would be protected by a system of CCTV cameras or infra-red cameras.

The application is supported by the plans and the following technical documents;

- Landscape Visual Impact Assessment
- Archaeological Geophysical Survey
- Flood Risk Assessment and Drainage Strategy
- Consultation Report
- Alternative Site Assessment
- Agricultural Site Assessment
- Agricultural Quality Statement
- Transport Statement
- Planning, Design and Access Statement
- Cultural Heritage Assessment
- Preliminary Ecological Assessment
- Biodiversity Net Gain Assessment Report
- Archaeological Mitigation Strategy

During the course of the application the following has been submitted;

- Additional Highway Note
- Archaeological Mitigation Strategy
- Amended Biodiversity Net Gain Assessment report, and
- Amended Preliminary Ecological Assessment

Amended plans have also been submitted including security fence and CCTV, Access Track Cross Section, Cable Easement Corridor Analysis and Indicative layout plan.

### **RELEVANT HISTORY:**

B/21/0121 – Screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for proposed solar farm, battery storage and associated infrastructure – Not EIA Development

The adjacent site has permission for 13 turbine wind farm (known as Bicker Fen) approved under B/03/0189.

It is also highlighted that Bicker Fen is home to a significant National Grid installation, with connections for the Triton Knoll windfarm and Viking Link interconnector being undertaken in the area.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

#### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1 – Spatial Strategy;

- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 4 – Approach to Flood Risk;
- Policy 28 – The Natural Environment;
- Policy 29 - The Historic Environment;
- Policy 30 – Pollution;
- Policy 31 – Climate Change and Renewable and Low Carbon Energy;

## **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

### **National Planning Policy Framework (2021)**

At the heart of the 2021 Framework is a presumption in favour of sustainable development.

The following sections are relevant to this scheme:

- Section 2 – Achieving Sustainable Development;
- Section 4 – Decision Making;
- Section 11 – Making effective use of land;
- Section 12 – Achieving well-designed places;
- Section 14 – Meeting the challenge of climate change, flooding and coastal change;
- Section 15 – Conserving and enhancing the natural environment;
- Section 16 – Conserving and enhancing the historic environment.

### **National Planning Practice Guidance (PPG)**

## **CONSULTATION RESPONSES:**

Bicker Parish Council – Make the following comments on the application; Although in support of the residents of the village the PC are against further infrastructure in the Fen That said, if approved, they are pleased that agreement has been reached whereby the service road from the A52 be used for access. Obviously, the best option would be access via the A17 but it is understood this is not an option. We would ask therefore for two recommendations.

1. Construction traffic must adhere to the access routes and fines to be issued if not.
2. A communications 'hotline' as there had been for previous constructions, be available for residents to call immediately if traffic were not adhering to the chosen route.

South Holland District Council – No objection of comments on the proposed development.

North Kesteven District Council – No objections but make the following comments: NKDC has recently determined a Screening Opinion for a 49.995MW solar farm at Little Hale Fen (referenced 21/1337/EIASCR) which would be approximately 1km from the western boundary of the proposed solar farm in Boston Borough. The proposed grid connection for this solar farm was to be in Boston Borough at Bicker Fen, the same point as the solar farm for consideration by Boston Borough. NKDC determined that the site was not subject to Environmental Impact Assessment (EIA) but wishes to highlight the potential for the development of this solar farm to enable an assessment of cumulative impacts.

NKDC has also received notification of the potential for the development of a Nationally Significant Infrastructure Project (NSIP) at Heckington Fen. This scheme forms the development of an approximate 500MW solar farm on a 1,450 acre site approximately 4km north of the application site in Boston Borough. This project is anticipated to be submitted to the Planning Inspectorate for determination. Although we raise no objection to the proposals NKDC wishes to highlight the potential for the development of the

Heckington Fen solar farm, along with the potential scheme at Little Hale Fen, to enable assessment of cumulative impacts (potentially LVIA and construction) in association with the proposals at Bicker.

East Lindsey District Council – No objection, notes the comments of North Kesteven District Council and in particular the possibility of additional solar PV development nearby, including a potential scheme of nationally significant size.

Black Sluice Internal Drainage Board – Comment on rainfall runoff, if the discharge of surface water via soakaways or infiltration then any systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that such methods are appropriate for the site should be submitted to the local planning authority for their approval. Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site. Discharge to any watercourse will require prior written consent from the Board.

Access to Watercourses; There are a number of open and piped watercourses bounding and crossing the land concerned which are maintained by the Board under the terms of the Land Drainage Act 1991. These watercourses, and the land within which they lie, are NOT owned by the Board. Ownership is deemed to lie with the adjacent landowners as per common law. Under section 66 of the land drainage act 1991, the board has a Byelaw (no.10) which prohibits the siting of any obstructions, Whether temporary or permanent, including planting, within 9 Metres of the top of the bank of an open watercourse, or within 9 Metres of the lateral edge of a piped watercourse, without the Prior written consent of the board. This byelaw permits the Board to access the watercourses it maintains to carry out annual maintenance or improvement works as required, including desilting (dredging). Within this development, all new temporary or permanent infrastructure should remain outside the 9 metre byelaw distance.

Filling in or Culverting Watercourses: There are also a number of open and piped watercourses bounding and crossing the land concerned. Under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse (including those maintained by the Board), including infilling or diversion. This also applies to the replacement of any existing structures, including any highway structures under any access roads into the site.

Environment Agency – No objection, subject to a condition requiring the development to be carried out in accordance with the submitted FRA.

Environmental Health – No objection. The Glint and Glare Assessments submitted as part of this application have identified a potential for high impact from solar reflections on road users from the fixed tilt panels, as such I would request that the mitigation measures recommended in the report be conditioned as part of any approval. The Planning, Design and Access Statement proposes that the construction working hours would be 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 Saturday and that should work be required to be undertaken outside of these times, this would be agreed in writing in advance with the Council. We would request that this be conditioned as part of any approval to protect the residential amenity of neighbouring properties.

Lincolnshire County Council Highways & SUDS – Requests that the applicants provide additional information on the proposal haul route as the proposed access route, beyond Ing Drove, would still involve the use of mainly single-track Public Highways that are in a poor state of repair and passing by residential properties. Request that the applicants seek permission from the owners to use the private roadway that has been constructed between the A17 at Swineshead Bridge and the sub-station at Bicker Fen as part of the Triton Knoll onshore works. This would provide access to the public highway at Double Twelves Drove which would then permit access into the Application Site. Whilst Double Twelves Drove has only recently been reconstructed by Triton Knoll after being damaged by their own construction traffic, this route would considerably reduce the length of low standard, single-track public highway that would need to be used and would avoid construction traffic having to pass any residential properties within the Bicker Fen area.

*On receipt of additional information* – No objection, subject to the imposition of a condition in respect of construction traffic.

Natural England – No objection, based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Loss of Agricultural Land- Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of ‘best and most versatile’ (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the description of the development this application is likely to affect 80.6ha of BMV agricultural land. The applicant has submitted an ALC report (June 2021). This survey has resulted in an ALC of land as 26.06 ha of Grade 2 and 54.3 ha of Grade 3a land. We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large-scale solar farms on previously developed and non-agricultural land.

Biodiversity Net Gain - The application is accompanied by a ‘Biodiversity Metric Assessment’ (September 2021), which follows the DEFRA biodiversity metric method. The Biodiversity Metric Assessment indicates that the development will result in a 75.98% net gain in habitat units which exceeds the net gain requirements set out in the NPPF.

Biodiversity Enhancement and Green Infrastructure - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate



change adaptation and biodiversity enhancement. The wildlife habitats that solar farms can provide act as green infrastructure, enhancing ecosystem services. We welcome the recognition by the applicant that solar farm sites offer opportunities to deliver enhancement measures through the creation of new habitats or appropriate management of the land around the panels. It would be useful to show how these contribute to local biodiversity priorities identified through the Lincolnshire Biodiversity Action Plan. Natural England acknowledge the submission of the Preliminary Ecological Assessment (September 2021) and agree with its recommendation for the production of a 'Construction Ecological Method Statement' (CEMP) and a 'Landscape and Biodiversity Management Plan' secured through planning condition.

Protected Species - Natural England acknowledges the submission of protected species survey information in the Preliminary Ecological Assessment. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

Ecology Consultant - We note that the Biodiversity Net Gain (BNG) Assessment has been undertaken on the land on site which will be affected by the proposed development only. The arable field margins, drains and lines of scrub within the boundaries of the site have not been included within the calculations, nor has the semi-mature ash tree. It is understood that these habitats will not be impacted by the proposals, thus this is the justification for not including them with the calculations. Whether the habitats on site will be affected by the proposals or not is irrelevant, as the BNG Assessment should be undertaken on all existing baseline habitats and all post-development habitats on the site (i.e. within the red-line boundary) this includes those which are retained and/or enhanced within the development.

The Retention category biodiversity value table within Sheet A-1 Site Habitat Baseline provides the facility for areas of retained habitat (arable field margins, scrub and ash tree) to be accounted for within the BNG calculations. Similarly, Sheet C-1 Site River Baseline should be used to measure the baseline biodiversity units of the drains on site, and the full extent of these should be listed as retained within the Retention category biodiversity value table on this sheet. Without the retained habitats being accounted for within the calculations in Metric 3.0, the change in biodiversity units provided are only for selected areas of the site, rather than the site as a whole. It is therefore necessary to recalculate the BNG using Metric 3.0 with these figures included. In relation to the lines of scrub, it is unclear why no attempt has been made to produce an area measurement. Although the scrub is a linear feature on the site, much like a hedgerow, there will still be a width associated with the feature, thus it should be possible to calculate an area measurement for this habitat on site. If it is not possible to map the scrub as a polygon then it should be mapped as a linear feature but an area could still be calculated by multiplying the length of the scrub by the estimated width; this should also be subtracted from the area of the habitat that it is within, in order to ensure that the habitat site area is not over-estimated. BNG should be recalculated using Metric 3.0 with the scrub included.

Methodology – Solar panels. We recognise that the solar panels will be above the grassland habitat and agree that the best solution is therefore to treat the selected

grassland as the dominant habitat on the site, however we expect there to be some way of accounting for the presence of the solar panels on the site, given that they will cover a significant proportion of the land. It is understood that the panels would be secured to the ground using frames, which are likely to take up less than 1% of the area on site (BRE, 2014). Nevertheless, we would like to see the inclusion of the area of the frame footprint included within the Metric in order to provide some way of accounting for the installation of the solar panels on site.

Proposed Design – Grazing Pasture (Modified Grassland). Whilst we agree that a moderate condition is both necessary and appropriate for a grazed sward, we would like to see more information on the management of the grassland in order to maintain this habitat condition. A brief literature review found that undesirable weeds tend to be more common underneath the solar panels, given that they create a shaded environment, and in areas of bare earth than have developed as a result of poaching by livestock. As such, we welcome the author's recommendation that a Landscape and Biodiversity Management Plan (LBMP) should be prepared. This should advise how moderate condition will be maintained practically during the operational phase of the proposed solar farm, including management and seeding protocols for areas of undesirable weed occupation and bare ground, in order to maintain moderate condition of the grassland and ensure a productive grazing sward.

Request further information on:

- Include arable margins, scrub, ash tree and drains within the Metric
- Account for solar panels in the Metric
- A LBMP for the site

*On receipt of additional information:* All concerns raised within our original consultations have been addressed and revised within the final reports, and both reports have been produced to a high standard. We are happy to see that the BNG Assessment still indicates a significant net gain in habitat units (+69.61%) and hedgerow units (+18.05 units) on the site post-development. We do note that there is a neutral change in river units following the inclusion of the drains within the BNG Assessment, however given the scope of the development and the necessity for the drains to continue to provide a drainage function, we feel that this outcome is acceptable at this site.

### Lincolnshire Wildlife Trust

Ecological Appraisal and Biodiversity Net Gain - The revised ecological appraisal and its recommendations and revised Biodiversity Net Gain (BNG) calculations are positive.

South Forty Foot Drain Local Wildlife Site (LWS) - A section of the proposed development is located immediately adjacent to the South Forty Foot Drain Local Wildlife Site. This has been correctly indicated on the application form. The Construction Environment Management Plan should identify the proximity of the construction work to the LWS and ensure any impacts to the features of the drain are avoided.

Landscape & Biodiversity Management Plan - This should be secured prior to development. As highlighted in Section 7.2 of Revision the Biodiversity Net Gain report and recommended in the Ecological Assessment, a Landscape and Biodiversity Management Plan (LBMP) should be secured for the Proposed Development to allow the long-term delivery and management of enhanced or created habitats.

National Grid – Holding objection. Have requested that the applicants demonstrate 12m stand off from National Grid tower legs to panels & fencing. Please advise of any conductive material within 30m of a National Grid tower be adequately earthed.

*On receipt of additional information:* Have advised in respect of National Grid Gas Transmissions that there would be no affect to apparatus. With regards to National Grid Electricity Transmissions, the site is within the High Risk zone and must not proceed without further assessment by Asset Protection.

Heritage Lincolnshire - The proposal is located at Bicker Fen and lies in an area of archaeological interest where evidence of cropmarks and finds, dating to the late prehistoric and Roman periods, have been recorded. Recent archaeological work in the area has revealed significant evidence of multi-phase occupation, including enclosures, structures and industrial activity dating from the prehistoric and Roman periods. It is considered that the site offers a potential for archaeological remains to be present based on the extent and type of remains recorded at the site and in the vicinity. Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. Therefore, given this it is recommended that the developer should be required to commission a Scheme of Archaeological Work, in the form of an archaeological evaluation to determine the presence, character and date of any archaeological deposits present at the site. This evaluation should initially consist of trial trenching. The results of the evaluation will inform any mitigation strategy required.

*On receipt of Planning and Archaeology Note:* The extent, character, date and significance of the archaeological deposits present at the site cannot be determined on the basis of the geophysical survey alone. In the absence of further information the impacts upon the archaeological resource cannot be assessed. Therefore, the detail of the proposed mitigation approach is not supported by the current evidence base and a programme of trial trench evaluation is required.

*On receipt of an Archaeological Mitigation Strategy:* An archaeological mitigation strategy has been submitted. It proposes mitigation in respect of three areas defined as 'archaeological sensitive areas'. In summary in Areas 2 and 3 mitigation by design (preservation in situ) is described together with archaeological monitoring. No further archaeological evaluation is proposed in these area.

In Area 1 a programme of trial trenching, prior to construction, is proposed to inform the final design. Where design mitigation is not feasible in Area 1 it is noted that archaeological excavation may be required. No further archaeological work is proposed for the wider site. The mitigation strategy is based solely on the results of the desk-based assessment and the geophysical results. It does not consider the potential for archaeological remains in, or evaluation of, the wider site.

Evidence of significant of multi-phase occupation, including enclosures, structures and industrial activity dating from the prehistoric and Roman periods has been identified in proximity to the site, notably on the roddons. In these locations the results of the geophysical survey did not reflect the intensity, or complexity, of remains identified through intrusive archaeological investigation. Geophysical anomalies recorded within the proposed development area show similarities to survey results recorded on adjacent sites.

Some of the anomalies have been interpreted as palaeochannels, and, to the north of the site, it is these, slightly higher areas (roddons) that have been exploited and have been found to be the focus of occupation remains of Iron Age and Roman period and later date. The proposals have not considered the archaeological potential of these areas and have only addressed features as identified by geophysical survey.

Geophysical survey is a tool to assist in determining the presence of archaeological remains, it does not detect all remains and intrusive investigation is required to test the results and interpretation of the survey. In addition, LIDAR evidence (which clearly shows roddons present within the site) should be taken into account when assessing the archaeological potential.

It is considered that insufficient information is currently available to determine the extent, character, date and significance of the archaeological deposits present. In the absence of this information the impacts upon the archaeological resource cannot be properly assessed. A programme of trial trench evaluation is required to assess the potential of the whole site and to inform the mitigation strategy. Therefore, the proposed mitigation strategy is not appropriate and does not meet requirements.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

As a result of the initial publicity 10 letters of representations have been received, objecting on the following grounds;

- Disruption due to heavy traffic, roads are not suitable for HGV's and traffic
- Lead to increase in pot holes and damage to cars
- Will lead to speeding and dangerous driving
- Cumulative impact of traffic is unrealistic for the local roads and highly dangerous for location road users, walkers, cyclist, riders and tourists.
- Noise pollution, electrical noise
- Impact on communication
- Dirt, mud and diesel fumes will impact on health and lives
- Would create an eyesore
- The panels would reflect light
- Glare
- Damage to local wildlife, birds and bats
- Light pollution
- Inadequate consultation
- The area is being destroyed by excessive industrial overdevelopment
- Disruption to the local community
- Environmental Damage
- The development is situated on a flood plan and the water table has risen considerably
- Loss of agricultural land
- Erode the Fenland landscape
- Intrusive on the character of the area
- Impact on views
- Impact on walkers, cyclists and horse riding

## **EVALUATION:**

The key planning issues in the determination of this application are:

- Principle of development
- Loss of Agricultural Land
- The proposal's impact on the character and appearance of the area
- The proposal's impact on heritage assets
- Highway safety
- Impact on ecology
- Flood risk and drainage
- Impact on neighbour's amenity
- Other matters

### Principle of development

Planning permission is sought of the construction and operation of a solar photovoltaic (PV) farm with associated infrastructure.

Chapter 14 of the NPPF, Meeting the challenge of climate change, flooding and coastal change, sets out its support for renewable energy development. Paragraph 152 states that 'The planning system should support the transition to a low carbon future in a changing climate ..... It should help to ....support renewable and low carbon energy and associated infrastructure'. The NPPF goes on to state in paragraph 158 that when determining planning applications for renewable energy planning authorities should not require applicants to demonstrate the overall need for renewable energy.

The Planning Practice Guidance ('PPG') contains various guidance of relevance to the registration, processing and consideration of planning applications. The PPG offers practical advice in relation to the following areas, of relevance to the Proposed Development:

- Renewable and low carbon energy;
- Climate change; and
- Natural Environment.

In terms of renewable and low carbon energy, the PPG states that "Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable".

The applicant's Planning Statement also outlines various national initiative to combating climate change.

Policy 1 of the SELLP defines the site as being within the designated countryside. In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The NPPF seeks to achieve sustainable development, in line with Policy 1 of the SELLP.

Policy 31 of the SELLP, in relation to Climate Change and Renewable and Low Carbon Energy with regards to renewable energy states;

‘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.’

There is general policy support for renewable energy contained within SELLP Policy 31. The solar farm is proposed to have an operational lifespan of approximately 40 years after which the solar panels and other infrastructure would be removed and the site restored back to full agricultural use. This can be secured through a suitably worded condition.

SELLP Policy 1 is also required to be considered, particularly in relation to the need to demonstrate that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 1 states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. In terms of location, an alternative site assessment has been submitted which concludes that greenfield sites are more appropriate for proposal of this scale. Furthermore, solar development must also be located close to major grid infrastructure with sufficient capacity to accommodate the energy generated. Therefore, with the existing Bicker Fen substation the location is considered to be acceptable in respect of Policy 1 of the SELLP.

In terms of environmental benefits, the provision of a solar farm will clearly contribute to climate change targets. At a local level, the Council voted to declare a climate emergency in January 2020, acknowledging that urgent action is required to limit the environmental impacts produced by the climate crisis. The Council’s Environmental Policy published in February 2021 states that the Council will “Promote and encourage the development and use of renewable energy solutions”. As such, the proposed development would significantly contribute to this target. It has been stated by the applicant that the proposed development would increase the authorities renewable energy capacity by approximately 60 percent. In addition, the application contributes to the National Government’s aim to urgently de-carbonise energy production.

The proposed development, as well as providing a renewable energy source, would provide significant biodiversity net gain. The submitted Biodiversity Net Gain report confirms that the proposal would result in a 75.98 % net gain in habitat units. This again is an environmental benefit.

In terms of social benefits, the agent has provided a supporting letter which sets out the proposed benefits of the scheme. As part of the proposal a formal Community Benefit has been offered to Bicker Parish Council. The Community Benefit is to be used for or towards a project/projects to benefit the community. The Community Benefit Fund will be calculated at £2,000 per MWdc of installed solar voltaic capacity. This offer has been made outside of the planning process and the applicants have advised that it has not offered to make the development acceptable in planning terms nor does it prevent Bicker Parish Council, or any other person, from raising objections to the application. The applicants have agreed that it will explore opportunities to provide educational benefits in connection with the proposed development to local schools; including annual visit to the solar farm and renewables workshop for local children. The sessions would be designed to help children familiarise themselves with the technology and understand the impacts of climate change. The applicants have advised that they are willing to discuss an Educational Strategy / Plan which could form part of a planning condition. Finally, the applicants have advised, in terms of employment, skills and training, that local contractors are typically used for civils, landscaping and site management which would need to be explored once there is an appointed contractor. This again can form part of a planning condition.

In terms of economic benefit, a solar farm can provide benefits to the local economy in terms of business rates, construction phase employment, a contribution of construction phase to economic output and permanent job creation.

The development would provide environmental, social and economic benefits. As such the proposal is considered to meet the requirements of Policy 1 of the SELLP.

The proposed solar farm would create a renewable energy facility which, is considered acceptable in principle and would be in accordance with Policies 1 and 31 of the SELLP and the requirements of the NPPF, subject to the consideration of all other factors.

### Loss of Agricultural Land

The application site consists of 80.36ha of agricultural land.

To assist in assessing land quality, the Ministry of Agriculture, Fisheries and Food (MAFF) developed a method for classifying agricultural land by grade according to the extent to which physical or chemical characteristics impose long-term limitations on agricultural use for food production. The MAFF Agricultural Land Classification (ALC) system classifies land into five grades numbered 1 to 5, with grade 3 divided into two sub-grades (3a and 3b). Annex 2 of the NPPF defines 'best and most versatile agricultural land' as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Chapter 15 – Conserving and enhancing the natural environment, at paragraph 174 (b) of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by...'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services –

including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Policy 31, Climate Change and Renewable and Low Carbon Energy, states that renewable energy facilities should have no significant harm to landscape character or quality or agricultural land take.

Therefore, given this policy position, it is clear that the loss of agricultural land is a material consideration and the weight afforded to that loss will depend on the grade of the land and the extent of the loss set against other material considerations.

The application is supported by a report on Agricultural Quality. The submitted report confirm that the majority of the site comprises of Grade 3a land (good quality) and a smaller proportion of Grade 2 land (very good quality). It concludes that the land is of 'best and most versatile' agricultural quality grade 2 (26.06 ha) and sub-grade 3a (54.3 ha).

Natural England are a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land. The development is likely to affect 80.6ha of BMV agricultural land. Natural England have advised that the development unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

Natural England have advised that the proposed development is likely to result in a reduction in agricultural productivity over the whole development area and this should be a consideration in the determination of the application and consideration should be given to the application of conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Therefore, Natural England raise no objection and point out that the development is reversible but ultimately requires the LPA to consider the loss of the BMV (albeit temporary) set against other planning considerations.

The submitted Agricultural Quality reports summarises that 'apart from small areas occupied by the substation compound, batteries, inverters and access roadways, the only impacts on soils will be the insertion of support legs for the solar panels and temporary surface compaction of soils during equipment installation. The unoccupied ground between rows of panels and under the panels is typically seeded to grassland, which can be grazed by sheep following the completion of installation. The land will be capable of returning to almost unchanged agricultural quality and use after the typical 40 year life of a solar park installation'.

The report also shows that the wider surrounding area comprised of Grade 1 and Grade 2 agricultural land which is of a higher grade than the proposed site. The development would not result in the loss of higher grades of agriculture land.



On balance, there would be an inevitable loss of arable land however, there is still the potential for grazing in between and underneath the arrays. Furthermore, there would be ecological and landscaping enhancements to the site. Given the wider national and local support for renewable energy and on the basis that the application is acceptable in all other regards, the loss of agricultural land (albeit of a temporary 40 year period basis) is not grounds for refusal.

### The proposal's impact on the character and appearance of the area

Policies 2 and 3 of the SELLP requires that development is assessed in terms of its 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 as well as the high quality of design. Section 12, Achieving well-designed places, of the NPPF is also relevant in the consideration of the application.

The site is within a countryside location within an open fenland landscape. SELLP Policy 31 identifies that South East Lincolnshire is within The Fens National Character Area. The dominant land use is intensive agriculture and the density of built form is very low. As such, the open topography shapes the impression of huge skies which convey a strong sense of place, tranquillity and inspiration.

Submitted with the application is a Landscape and Visual Impact Assessment (LVIA). It has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition.

The LVIA concludes that the Site currently contributes a minor element to the intrinsic character of the wider Fen landscape and, in that wider landscape, the visibility of the new panels would be a minor element in a wider vista, which in the long-term would probably not be noticed. The report acknowledges that the development, at Year 1, would have a significant adverse effect of Moderate on the onsite land use but in the wider context, this would be reduced to Slight to Negligible. Landscaping is proposed to mitigate the visual impact of the development. It is recognised that the proposals would enclose the long distance views between and under the wind turbines but this would only affect a localised area.

The LVIA concludes that 'It is considered, therefore, that the proposed development would, in the long-term, not be out of keeping in this locality, would continue to form an integral part of the landscape and the proposed development at the site, with suitable mitigation, would not have a significant adverse effect on the local landscape character.'

With regards to visual receptors this would be limited to receptors in the immediate surroundings. Walkers along the section of the South Forty Foot Drain would experience a level of effect, which although softened by proposed planting, could not be fully screened. However, this would not have a significant effect on the surrounding landscape.

The solar panels and associated infrastructure would not be entirely incongruous in the rural landscape and it is acknowledged that the development would change the appearance of the site and the wider area. It is however, acknowledged that the landscape has already been affected in the area with the Bicker substation to the north, the adjacent operational 13 turbine wind farm (known as Biker Fen) to the northeast, east and southeast

of the application site. There are also pylons and overhead lines which are dominant detracting landscape elements. The solar panels and associated infrastructure are relatively low in scale with all buildings single storey.

Therefore, the findings of the LVIA are accepted and, subject to the landscaping being implemented, no harm to the landscape would be caused.

In terms of cumulative impacts, the proposal would be sited in close proximity to an existing wind farm but at present would be the only solar farm in the immediate area. Whilst it is understood that there may be further solar application forthcoming, every application should be considered on its own merits. It is not considered that there would be any significant adverse cumulative visual impacts as a result of the proposed development.

Based on the above assessment it is considered that the proposed solar farm is acceptable and would not have any adverse impact on the general character and appearance of the area. For these reasons, subject to conditions, the proposal accords with Policies 2, 3 and 31 of the SELLP and the intention of Section 12 of the NPPF.

#### The proposal's impact on heritage assets

A Scheduled Monument, known as Roman Saltern in Helpringham Fen, lies approximately 1 km west of the site on the opposite side of the South Forty Foot Drain. A number of Grade II Listed Buildings and a Grade I Listed Church are located in Bicker and Bicker Gauntlet some 2.35km from the application site.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. This statutory duty sits above the policy objectives identified within the earlier section of this report. Beyond this, where harm would be caused, there is a necessity to establish the extent of that harm and consider this within the policy context. Policy 29 of the SELLP states that proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building. This is reiterated in Section 16, Conserving and enhancing the historic environment, of the NPPF.

In practice, this requires a methodical approach to be followed, wherein the relevant assets which would be affected are identified, along with their significance. Consideration can then be given to any effects on this significance resulting from the proposals, which may be further reduced through mitigation. If harm is identified, it is then required to establish the scale and extent of such harm, before moving on to matters such as planning balance and weighing the public benefits arising against any identified harm.

#### *Impact on built heritage*

The site is currently arable, bound to the north by Bicker Drove and adjacent to an existing operational 13 turbine wind farm (known as Biker Fen) to the northeast, east and southeast of the application site. To the western boundary is the South Forty Foot Drain, a designed Local Wildlife Site. A Cultural Heritage Assessment (CHA) has been submitted with the application.

With regards to the impact on built heritage and the setting of heritage assets the CHA concludes that the majority of the designated assets are located to the east of the site, from where views towards the site are across an arable landscape towards a skyline dominated by the wind farm, its substation, the Triton Knoll substation and numerous overhead power lines, all of which are against the backdrop of the 3m high embankment for the South Forty Foot Drain. With regards to the nearest Grade II listed buildings, these are some 2.35km east of the site and due to the distance and intervening buildings, structures and vegetation the development would not materially change the setting of the listed buildings. Even if it were to occur, it is considered that this would be less than substantial.

The Roman saltern in Helpringham Fen Scheduled Monument is located 1.1km west of the Site. This SM is not visible from the site due to the intervening 3m high embankment for the South Forty Foot Drain and a distant plantation. It is therefore, considered that the proposal would not cause any harm to the setting of the Scheduled Monument.

Due to the location and size of the solar panels, existing use of the site and adjacent land the proposal would not result in significant harm to any designated or non-designated asset.

#### *Impact on archaeology*

Heritage Lincolnshire have advised that the site lies in an area of archaeological interest where evidence of cropmarks and finds, dating to the late prehistoric and Roman periods, have been recorded. Recent archaeological work in the area has revealed significant evidence of multi-phase occupation, including enclosures, structures and industrial activity dating from the prehistoric and Roman periods. The archaeology adviser has stated that given the potential for archaeological remains it is recommended that a scheme of archaeological work is required to determine their presence and character, in line with paragraph 194 of the NPPF.

In response to this request the applicants prepared a planning and archaeology note which sets out mitigation and trial trenching based on the geophysical survey. Heritage Lincolnshire have considered this document but still maintain that insufficient information has been submitted and that a scheme of archaeological work is required.

A final response to the archaeologist comments has been submitted by the applicant. The response sets out the level of surveys undertaken, including a geophysical survey, and what has informed the mitigation strategy (including LiDAR assessment, the geophysical survey and consultations with the AOC). As a result, three Archaeological Sensitive Areas have been identified. The supporting statement concludes that although both the geophysical survey and the HER records suggest that archaeological remains are present on the site, their placement was apparently determined by the topography of the underlying Roddon system and that consequently the potential for remains to lie beyond the Roddons may be limited. As a result they are proposing a two-stage archaeological mitigation strategy. This would include post-determination trial trenching which could be controlled via means of a condition.

On this basis it is considered unreasonable to insist on trial trenching prior to the final design of the scheme being fixed. It would be more reasonable to impose a condition which, require a staged approach to archaeological investigation and mitigation.

For these reasons, the proposal is in accordance with the requirements of the 'the Act, Policy 29 of the SELLP and the intention of Section 16 of the NPPF.

### Highway Safety

The site is to be access, during construction and operational use, via the existing highway access from Vicarage Drove to the east of the site. The access is existing and currently used by National Grid as such it will not require any additional highway improvements.

The supporting Transport Statement states that the construction traffic will be via the A52 Donington Road and then utilise an existing haul road on private land connecting directly to Ing Drove, passing through Cowbridge Road, Bicker Drove and then onto Vicarage Drove. The application states that the construction will be for a temporary period of six months and it is expected that the construction phase would lead to an increase in traffic movements of up to 10 two-way vehicle movements per day.

The Highway Authority have been consulted on the application and raised initial concern with regards to the haul route and requested more information on the private roadway from the A17 at Swinehead Bridge and the sub-station at Bicker Fen. A further highway note has been provided by the applicant which, considers opportunity to use the access road constructed for the Triton Knoll scheme and further details on the temporal distribution of HGV traffic and if transshipment to smaller vehicles was feasible.

The additional Transport Statement advises that the Applicant has approached 3rd party land owners in order to explore alternative delivery routes that would take advantage of private access roads as well as public highway. As a consequence access across 3rd party land for construction traffic has been secured. In terms of the distribution of lorries it is expected that on average there would be 2 deliveries on lorries per day although the transport statement allows for 4 and 5 deliveries per day. An analysis on delivery vehicles is shown and it is concluded that that delivering directly to the Site using articulated delivery vehicles will result in significantly fewer vehicle movements on local roads and significantly fewer road kms travelled. It therefore represents by far the most environmentally sensitive way with the least highway impact, to transport materials to the site.

The additional information has been considered by the highway authority who have advised that it is the construction phase of the proposed development that has by far the greatest potential to have an adverse transportation impact. The use of the haul road between the A52 and Ing Drove to allow the vehicles delivering the materials and component parts of the arrays to the site without having to pass through Bicker village is welcomed. The most favoured route would be between the A17 at Swineshead Bridge and Bicker Fen for deliveries as it would reduce the extent of the narrow roads in the Bicker Fen area. It is acknowledged that the Triton Knoll infrastructure is in the process of being sold-on and the new owner of that infrastructure, including the A17 haul road, is not yet known.

The explanation with regards to delivery vehicles is accepted. Given that advice, the highway authority's opinion is that the vehicle movements associated with the construction of the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the capacity of the highway

network and that there is therefore insufficient cause for withholding the grant of Consent on highway grounds.

To allow the negotiations over the potential use of the A17 Swineshead Bridge haul route to continue post-determination and to provide the Local Planning Authority with a degree of control over the deliveries to the site, the highway authority have requested a condition with regards to a Material Delivery Plan. It is considered that this condition is reasonable and necessary.

A number of concerns have been raised with regards to the access and the impact on the highway network and surrounding villages. The main impact of the development on highway safety will be during the construction phase. The construction programme is short lived, approximately 16 – 24 weeks, and following construction traffic the operational movements of the development would be on average up to 8 two-way commercial vehicle trips per week. A construction management plan is proposed to ensure that any potential disturbance to other road users is fully mitigated. This can be controlled via means of a condition.

The Highway Authority have advised that the proposal is acceptable and there is no reason to conclude a contra-view to that of the specialist advice provided by the County Council as Highway Authority.

Therefore, the proposed development would not be expected to have an unacceptable impact upon highway safety.

#### Impact on ecology

Policy 28 of the SELLP seeks to ensure that all development proposals provide an overall net gain in biodiversity. Policy 31 of the SELLP states that renewable energy schemes should incorporate measures which promote and enhance green infrastructure and provide an overall net gain in biodiversity.

The site and land directly adjacent is not subject to any international, statutory or regional wildlife designation. Nor is it subject to any non-statutory wildlife designations. There are six non-statutory designated sites within 2km of the site, including South Forty Foot Drain adjacent to the western boundary.

A Preliminary Ecological Assessment and Biodiversity Net Gain (BNG) Assessment Report has been submitted with the application and revised following initial comments by the Ecology Advisor. The revised assessment address initial concerns raised over the basis of the assessment and the need for a Landscape and Biodiversity Management Plan to be prepared. The findings of these reports are supported, and it is noted that the Landscape and Biodiversity Management Plan indicates a significant net gain in habitat units (+69.61%) and hedgerow units (+18.05 units) on the site post-development. It has been notes that there is a neutral change in river units following the inclusion of the drains within the BNG Assessment, however, given the scope of the development and the necessity for the drains to contribute to provide a drainage function, it is considered that this is acceptable.

The report has stated that during the operational phase there is potential for the suitability of the existing arable fields to provide nesting opportunities for skylark to be reduced, due

to the presence of solar panels. The assessment states that that the number of breeding skylark territories estimated to occur within the application site is 9 and the applicant are proposing a Skylark Mitigation Strategy for 18 plots to be located off site on arable land some 50m from the site. It is considered that this mitigation can be secured via means of a condition.

It is considered that, subject to conditions, the proposal would accord with Policy 28 of the SELLP and the intentions of Section 15 'Conserving and enhancing the natural environment' of the NPPF.

### Flood risk and drainage

Policy 4 of the SELLP sets out the criteria for development within an area at risk of flooding. Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 161 and 162 sets out the requirement to apply a sequential, risk-based approach to the location of development.

The application site is situated across Flood Zones 1 – 3 and parts of the site are at risk in the occurrence of a breach in the South Forty Foot Drain flood defence embankment. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted with the application.

The applicant considers that the proposed solar farm is essential infrastructure and as such construction is permitted in flood zones 1 and 2. Policy 4 of the SELLP states that development will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding and that it can be demonstrated that essential infrastructure in FZ3a and FL3b provides wider sustainability benefits to the community which outweigh flood risk.

An exception test has been applied and the applicants have states that the proposal would provide a number of wider sustainability benefits to the community including;

- A contribution to the need for renewable energy to assist in combating climate change and reducing carbon emissions
- Combating climate change through renewable energy which has the benefit of reducing flood risk
- Contributing towards increasing domestic energy security and providing economic benefit arising from construction; and
- A comprehensive landscape scheme and biodiversity enhancements.

To address potential flood risk the layout of the site has been designed to ensure that inverters across the site are outside the combined floodplain. The substation compound would be raised to at least 2.55m above current ground level and finished floor levels are proposed to be set above local ground levels to prevent surface water flooding. A swale is also proposed to be constructed along the boundaries of the substation compound and surface water will be discharged at greenfield runoff rates.

The Environment Agency have been consulted and they have confirmed that the proposed development will only meet the requirements of the NPPF if the measures as detailed in the FRA are implements and secured. This can be secured by means of a condition.

Overall, it is considered that the benefits of allowing the production of solar energy outweighs any risk from flooding and the proposal is acceptable having regards to flood risk.

With regards to drainage, a Drainage Strategy forms part of the FRA. The Black Sluice Internal Drainage Board have not raised any objection to the drainage of the site, subject to the imposition of conditions.

Based on the above assessment it is considered that, subject to conditions, the proposal would accord with Policy 4 of the SELLP and the intentions of Section 14 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF.

#### Impact on neighbour's amenity

Policy 2 of SELLP states that development will only be permitted where there is no impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion and Policy 3 states that residential amenity should be secured. Section 12 of the NPPF, Achieving well-designed places, is also relevant, in particular paragraph 130 which seeks to ensure development creates a high standard of amenity for existing and future users.

Policy 30 of the SELLP, with regards to pollution, states that planning permission will not be permitted where it would lead to unacceptable adverse impact upon health and safety of the public or the amenities of the area by way noise and light levels. Policy 31, Climate Change, states that renewable energy facilities will be permitted where there is no significant harm to residential amenity in respect of noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference and traffic.

The application site lies detached from the nearest settlement within the open countryside. The site is located approximately 2.5km to the north west of Bicker. The nearest property lies are isolated dwellings located within farmsteads, approximately 300m from the site. It is understood that these properties are not currently occupied. A farmstead lies 600m to the west of the site and a further property lies 750m to the southwest.

The site has a relatively flat topography and the proposal may be visible from the surrounding area and nearest properties. The nearest property is approximately 300m away and whilst visible, given the low level (maximum 2.75m height) nature of the solar arrays and security fence this would not cause harm to the residential amenity. Whilst the arrays and associated infrastructure might be visible from surrounding properties this would not constitute harm to any residential amenities.

The proposed development would be passive in operation and therefore would not generate any significant operational noise. There may be some temporary noise during the construction phase. The development would not result in any emission or cause any pollution. Environmental Health have been consulted and have raised no objection to the proposal.

Environmental Health have advised that the submitted Glint and Glare Assessment has identified a potential high impact from solar reflections on road users and have requested that the proposed mitigation measures are conditioned as part of any approval. The submitted Glint and Glare Assessment concludes that solar reflections are possible at

none of the nine residential receptors and identifies the potential impact as none. It further states that solar reflections are possible at none of the 18 road receptors assessed within the 1.25km study area and the impact is none. The study concludes by stating 'The effects of glint and glare and their impacts on local receptors has been analysed in detail and is predicted to be none at all residential and road receptors, and therefore No Impacts'. Therefore, it is not considered reasonable or necessary to impose a mitigation condition in this instance. However, a condition can be imposed to require mitigation if a compliant should arise.

Construction may cause some localised disruption and in the main this is likely to be limited to potential conflict with construction traffic on the approach roads to the site. However, the construction programme is short lived, approximately 16 – 24 weeks, and not to a degree that warrants objection. In addition, the long term, post construction traffic generation is low and to a degree which does not harm residential amenities.

Environmental Health have requested that construction hours are limited to protect the residential amenities of neighbouring properties which can be controlled via means of a condition.

Overall, given the aforementioned, it is considered that the development would be acceptable in relation to the impact on neighbouring amenity, the proposal would therefore accord with Policies 2, 3 30 and 31 of the SELLP and the requirements of the NPPF.

#### Other matters

National Grid have raised a holding objection in respect of the National Grid Electricity Transmission plc's apparatus. An amended plan has been submitted by the applicants to demonstrate a 12 metre offset being met. A further set of amended plans and layout have been submitted to demonstrate that the equipment can be installed and operated safely. National Grid have confirmed that their objection has been removed. An informative will be added to any approval to ensure that the developer liaises with National Grid before commencing development.

#### **CONCLUSION:**

Section 38(6) of the Act requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. It is well-defined in case law that the development plan (in this case the SELLP) should be taken as a whole and it is for the decision-maker to weigh up the extent to which proposals are in accordance with/conflict with policies of the development plan and their objectives, along with all relevant material considerations. The weights attributed to each of these factors within the exercise is known as the 'planning balance'.

Government policy is to support the development of renewable energy sources, including solar power, to help ensure the UK has a secure energy supply and to reduce greenhouse gas emissions to slow down climate change.

It is clear from national planning policy and guidance that environmental considerations must not be overridden or disregarded, and that issues of landscape/visual amenity and agricultural land take must be given significant weight. However, it is also clear that renewable energy is a national imperative and is sustainable by its nature. Therefore,



proposals should be supported where possible and approved where impacts are, or can be made acceptable.

The proposed scheme would inevitably have an impact upon the landscape, in particular until such time as mitigation measures are fully established. It would also lead to the temporary loss of Grades 2 and 3a agricultural land.

However, there are a number of considerations that weigh in favour of the proposal. The development type is compatible with the flood zone it is sited within, is acceptable in drainage terms and no adverse highway impact have been identified. There would not be a material impact upon the living conditions of nearby residents, or a material loss of amenity and there are no concerns relating to potential glint and glare impacts. The proposed development would cause less than substantial harm to historic assets. Furthermore, the scheme would provide environmental benefits in terms of renewable energy and a net gain in habitat biodiversity. Economic and social benefits of the proposal have also been identified, all of these factors weigh in favour of the development that is proposed.

To conclude, on balance and taking all material considerations into account as outline above, it is not considered that there are any adverse impact that would significantly and demonstrably outweighs the benefits of the scheme in terms of its production of renewable energy. Therefore, the planning balance weighs in favour of development. This proposal is considered to be an acceptable form of development that accords with Policies 1, 2, 3, 4, 28, 29, 30 and 31 of the South East Lincolnshire Local Plan (2011-2036) and the NPPF (2021).

**RECOMMENDATION:**

It is recommended to GRANT planning permission subject to the following conditions and reasons

<b>CONDITIONS / REASONS</b>			
Pre-commencement conditions?	YES	Agreed with applicant/agent - Date:	7/2/22

1. The development hereby permitted shall be begun before the expiration of 4 years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall expire 40 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. If the solar farm hereby permitted (or any substantial sub-part of the farm) fails to produce electricity for supply to the grid for a continuous period of two years and there is no realistic prospect of the solar farm becoming operational again, a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the solar farm. Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the solar farm is required the scheme shall include the same details required under the decommissioning condition of this permission. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: To ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the character and appearance and the agricultural potential of the area.

4. Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated equipment & paraphernalia and the subsequent restoration of the site. The scheme shall include details of:

- the extent of equipment and foundation removal and the site restoration to be carried out;
- the management and timing of any works;
- a traffic management plan to address likely traffic impact issues during the decommissioning period;
- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
- location of material laydown areas;
- full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling;
- full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site;
- a programme of implementation.

The approved scheme shall be implemented and then proceed fully in accordance with the agreed details in accordance with the decommissioning programme.

Reason: To ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area.

5. Unless varied by other conditions, attached to and forming part of this decision, in particular Condition 11, the development hereby approved shall be carried out in accordance with the parameters established by the following approved plans:

- Site Location Plan, reference RNC004-SP-01 Rev 2, as received by the Local Planning Authority 05.10.21;
- Indicative Layout Plan, reference RNC004-PL-01 Rev 12, as received by the Local Planning Authority 12.01.22;

- Development Zone Plan, reference RNC004-DZ-01 Rev 4, as received by the Local Planning Authority 05.10.21;
- Panel Cross Section Details, reference RNC004-SD-01 Rev 1, as received by the Local Planning Authority 05.10.21;
- Access Gate Elevation, reference RNC004-SD-04 Rev 1, as received by the Local Planning Authority 05.10.21;
- Customer Substation Floor Plan, reference RNC004-SD-09 Rev 1, as received by the Local Planning Authority 05.10.21;
- Inverter Elevations and Dimensions Layout RNC004-SD-06 Rev 1, as received by the Local Planning Authority 05.10.21;
- Fixed Panel Cross Section Detail, reference RNC004-SD-10 Rev 1, as received by the Local Planning Authority 05.10.21;
- Proposed Circuit (underground) Plan, reference RNC004-SD-15 Rev 1, as received by the Local Planning Authority 05.10.21;
- Palisade Fencing – Standard Drawings, reference RNC004-SD-16 Rev 1, as received by the Local Planning Authority 05.10.21;
- Access Track Cross Section, reference RNC004-SD-05 Rev 1, as received by the Local Planning Authority 14.12.21;
- Inverter Floor Plan, reference RNC004-SD-14 Rev 1, as received by the Local Planning Authority 05.10.21;
- Battery Container (HVAC on ground) Standard Detail, reference RNC004-SD-13 Rev 1, as received by the Local Planning Authority 05.10.21;
- Customer Substation Elevations and Dimensions Layout, reference RNC004-SD-02 Rev 1, as received by the Local Planning Authority 05.10.21;
- Security Fence and CCTV Standard Design, reference RNC004-SD-03 Rev 1, as received by the Local Planning Authority 14.12.21;
- Cable Easement Corridor, reference RNC004-EA-01 Rev 2, as received by the Local Planning Authority 12.01.21;

And read in conjunction with the various recommendations of supporting documents which accompany the application including:  
 Landscape and Visual Impact Assessment;  
 Archaeological Geophysical Survey;  
 Flood Risk Assessment and Drainage Strategy;  
 Alternative Site Assessment;  
 Agricultural Quality Statement;  
 Transport Statement;  
 Planning, Design and Access Statement;  
 Cultural Heritage Assessment ;  
 Glint and Glare Assessment;  
 Biodiversity Net Gain Assessment Report (as amended);  
 Preliminary Ecological Assessment (as amended).

Reason: To ensure that the development is carried out in accordance with approved plans in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

6. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) dated August 2021 version 1.2 completed by Kaya Consulting Limited and the following mitigation measures detailed within the FRA:
  - All critical infrastructure be raised above the 0.1% event scenario.
 The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to comply with Policy 4 of the South East Lincolnshire Local Plan (2011-2036).

7. No development shall take place before a Material Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the route to be taken by delivery vehicles to access the site and measures to ensure that at no time are returning vehicles and loaded vehicles travelling on the same section of any highway between either the A17 or the A52 and the Application Site. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of the safety and free passage of those using the public highways between the A17 and the A52 and the Application Site, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

8. No development shall take place before a construction management plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include as a minimum;
  - Details of measures to minimise and control noise, vibration, dust and fumes during the development.
  - Traffic management – including routing, signage and measures for recording
  - The location and storage of plant and materials
  - Hours of operation/site deliveries
  - Site security
  - A complaints procedure

You are advised that during construction the working hours shall be restricted to 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 Saturday. Should work be required to be undertaken outside of these times, this should be agreed in writing in advance with the Council.

The construction works shall be carried out in accordance with the approved method statement.

Reason: In the interests of residential amenity, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

9. Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it concerning glint/glare, the solar farm operator shall submit details of proposed mitigation measures and timescales for their implementation. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority. The proposed mitigation measures shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents and road users, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

10. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:
  1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording
  3. Provision for site analysis
  4. Provision for publication and dissemination of analysis and records
  5. Provision for archive deposition
  6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).

11. No development shall take place until a staged programme of archaeological evaluation and mitigation shall be undertaken within Development Zone 1, the northern part of Development Zone 2, the western part of Development Zone 7 and the northern part of Development Zone 9 by a Registered Organisation of the Chartered Institute for Archaeologists in accordance with the approved Written Scheme of Investigation.

Should significant archaeological remains be encountered during the trial trenching then their preservation in situ will be secured through the designation of further archaeological sensitive areas and extending the 'no dig' methodologies that are set out by Conditions 10 and 12 to include these areas.

The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority in consultation with their archaeological advisors.

Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).

12. Following the approval and completion of the archaeological evaluation referred to in Condition 11 and prior to the commencement of development, a final detailed site layout plan shall be developed with reference to the archaeological sensitive areas (Conditions 10 & 11) and the findings of the archaeological evaluation (Condition 11) with full details of the final locations, design and materials to be used for the panel arrays, inverters, control room, substations, CCTV cameras, fencing, foundations and cabling. The final detailed site layout plan will define archaeological sensitive areas within which below and above ground development will be excluded or provide sufficient design mitigation including but not limited to the use of above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required. The final detailed site layout plan shall be submitted to and approved in writing by the Local Planning Authority.

Subsequently the development shall be carried out in accordance with the approved details.

Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).

13. A report of the archaeologist's findings (as outcomes from condition 10-12) shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).

14. Before any above ground works commence Details of any external lighting to all buildings and areas of the site, including details of luminance and fields of illumination shall be submitted to and approved in writing by, the Local Planning Authority and there shall be no external illumination other than that so approved. Any external lighting that is installed shall accord with the details so approved and thereafter maintained.

Reason: To ensure an appropriate level of lighting is provided which is not detrimental to the amenity of the area in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036).

15. Before any above ground works commence a detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of both hard and soft landscape works (including new planting) and earthworks. The scheme as approved shall be completed in full not later than the end of the first planting season following the operational use of the site hereby permitted commencing.

Reason: In the interests of visual amenity and to ensure an effective landscaping scheme is delivered, including planting of trees, and to ensure that the approved scheme is implemented satisfactorily, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

16. No development or works (including ground works and vegetation clearance) shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and been approved by the Local Planning Authority.

Guidance on the structure of the CEMP can be found in BS 42020:2013 Biodiversity Code of Practice for Planning and Development. The CEMP should accord with the National Planning Policy Framework 2021 (paragraphs 170, 174 & 175) and chapter 28 of the South East Lincolnshire Local Plan(2011-2036).

The development of the site shall then only proceed in accordance with the agreed Construction Ecological Management Plan (CEMP)

Reason: In the interest of protected species, and to support ecological protection and biodiversity enhancement, in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

17. Before the development hereby permitted is commenced, a Landscape & Biodiversity Management Plan (LBMP) shall be submitted to and approved by the Local Planning Authority. Details shall include, but not limited to, details of the proposed new hedgerow(s) and any strengthening of existing hedgerow planting and shall include details of ground preparation, species and planting pattern. Thereafter the new planting shall be implemented in accordance with a timetable to be agreed in writing with the Local Planning Authority. The new hedgerows and planting shall be managed in accordance with the Management Specification set out in the LBMP.

Reason: To protect and enhance existing landscape features on the site and to mitigate harm to rural character caused by the proposal and in the interest of protected species in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

18. No development shall commence until a Skylark Mitigation Strategy, to secure 18 skylark mitigation plots to compensate for the losses arising from the development, has been submitted to and approved in writing by the Local Planning Authority. The Skylark Mitigation Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed Skylark nest plots;
  - b) Detailed methodology for the Skylark nest plots following Agri- Environment Scheme option: 'AB4 Skylark Plots';
  - c) Locations of the Skylark plots in nearby agricultural land by appropriate maps and/or plans;
  - d) Persons responsible for implementing the compensation measure.

No development shall commence until the approved Skylark Mitigation Strategy has been implemented to the satisfaction of the Local Planning Authority, and thereafter all features shall be retained for a minimum period of 10 years.

Reason: In the interest of protected species in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

19. No development shall commence until details of a Training and Employment Management Plan, including Education, has been submitted to and approved in writing by the Local Planning Authority. The plan will aim to promote training and employment opportunities at all stages of the development for local people and social benefits and should include:
- Measures to ensure the owner and contractors work directly with local employment and training agencies;
  - Targets for employing local labour
  - Targets for work experience opportunities and apprenticeships
  - Measures to provide training opportunities in respect of any new jobs created
  - An Educational Strategy/Plan, which sets out opportunities and measures for Education benefit in connection with local schools, colleges and universities
  - Requirements to submit monitoring information on the plan at regular intervals to the LPA

The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of promoting economic and training opportunities and social benefits in association with approved developments in accordance with Policy 1 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework (2021).

**INFORMATIVES / NOTES  
TO BE INCLUDED ON/WITH DECISION NOTICE**

**STATEMENT OF PROACTIVE WORKING:**

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

1. At the request of the Internal Drainage Board;

**Rainfall Runoff**

It is understood that the applicant intends to discharge surface water via soakaways or infiltration. If this is the case, then any systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that such methods are appropriate for the site should be submitted to the local planning authority for their approval. Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the Local Planning Authority for consideration, and must have received approval for any such scheme, prior to works commencing on site.

Discharge to any watercourse will require prior written consent from the Board.

**Access to Watercourses**

There are a number of open and piped watercourses bounding and crossing the land concerned which are maintained by the Board under the terms of the Land Drainage Act 1991. These watercourses, and the land within which they lie, are NOT owned by the Board. Ownership is deemed to lie with the adjacent landowners as per common law.

UNDER SECTION 66 OF THE LAND DRAINAGE ACT 1991, THE BOARD HAS A BYELAW (NO.10) WHICH PROHIBITS THE SITING OF ANY OBSTRUCTIONS, WHETHER TEMPORARY OR PERMANENT, INCLUDING PLANTING, WITHIN 9 METRES OF THE TOP OF THE BANK OF AN OPEN WATERCOURSE, OR WITHIN 9 METRES OF THE LATERAL EDGE OF A PIPED WATERCOURSE, WITHOUT THE PRIOR WRITTEN CONSENT OF THE BOARD.

This byelaw permits the Board to access the watercourses it maintains to carry out annual maintenance or improvement works as required, including desilting (dredging). A plan is enclosed to show the locations of the watercourses maintained by the Board for your information.

For information, the Board carries out desilting of the watercourses it maintains on a 5-10 year rolling programme. These works currently involve the removal of siltation and depositing the arisings on the adjacent field, as per the Board's licence for the removal of waste material with the Environment Agency. The arisings are then left to dry and then spread cross the fields for the farmer. Please be aware that the Board will continue to carry out these works regardless of



the proposed development. If the applicant does not wish for the arisings to be placed on the land, then they will be responsible for paying for the removal of the arisings to a suitably licenced disposal facility.

**WITHIN THIS DEVELOPMENT, ALL NEW TEMPORARY OR PERMANENT INFRASTRUCTURE SHOULD REMAIN OUTSIDE THE 9 METRE BYELAW DISTANCE.**

If any infrastructure is necessary within this distance, then the Board will consider a relaxation of the byelaw on submission of an application, but each instance will require written evidence to explain why the infrastructure cannot be placed elsewhere.

Filling in or Culverting Watercourses

As per the plan enclosed, there are also a number of open and piped watercourses bounding and crossing the land concerned. Under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse (including those maintained by the Board), including infilling or diversion. This also applies to the replacement of any existing structures, including any highway structures under any access roads into the site.

The applicant is reminded that within common law, ownership and maintenance responsibility for any watercourse, including any structures within (such as access culverts) lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board, unless proved otherwise. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse.

2. National Grid

Prior to the commencement of any development you are advised to liaise with National Grid and the relevant authorisation and guidance has been received.



# B O S T O N BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

## Town and Country Planning Act 1990

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### APPLICATION DECISION NOTICE

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#### Application Reference: B/21/0443

Applicant: Mr Ed Perrin  
Renewable Connections Developments Ltd  
3rd Floor  
141-145 Curtain Road  
London  
EC2A 3BX

Agent: Mr Nick Bowen  
DWD Property & Planning  
6 New Bridge Street  
London  
EC4V 6AB

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:

**Proposed construction and operation of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substation compound, security cameras, fencing, access tracks and landscaping at Land North West Of Bicker, Vicarage Drove Solar Farm**

And in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **GRANT Full Planning Permission** for the said development subject to **compliance with the following condition(s)**:

1. The development hereby permitted shall be begun before the expiration of 4 years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall expire 40 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. If the solar farm hereby permitted (or any substantial sub-part of the farm) fails to produce electricity for supply to the grid for a continuous period of two years and there is no realistic prospect of the solar farm becoming operational again, a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the solar farm. Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the solar farm is required the scheme shall include the same details required under the decommissioning condition of this

permission. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: To ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the character and appearance and the agricultural potential of the area.

4. Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated equipment & paraphernalia and the subsequent restoration of the site. The scheme shall include details of:
  - the extent of equipment and foundation removal and the site restoration to be carried out;
  - the management and timing of any works;
  - a traffic management plan to address likely traffic impact issues during the decommissioning period;
  - an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
  - location of material laydown areas;
  - full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling;
  - full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site;
  - a programme of implementation.

The approved scheme shall be implemented and then proceed fully in accordance with the agreed details in accordance with the decommissioning programme.

Reason: To ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area.

5. Unless varied by other conditions, attached to and forming part of this decision, in particular Condition 11, the development hereby approved shall be carried out in accordance with the parameters established by the following approved plans:
  - Site Location Plan, reference RNC004-SP-01 Rev 2, as received by the Local Planning Authority 05.10.21;
  - Indicative Layout Plan, reference RNC004-PL-01 Rev 12, as received by the Local Planning Authority 12.01.22;
  - Development Zone Plan, reference RNC004-DZ-01 Rev 4, as received by the Local Planning Authority 05.10.21;
  - Panel Cross Section Details, reference RNC004-SD-01 Rev 1, as received by the Local Planning Authority 05.10.21;
  - Access Gate Elevation, reference RNC004-SD-04 Rev 1, as received by the Local Planning Authority 05.10.21;
  - Customer Substation Floor Plan, reference RNC004-SD-09 Rev 1, as received by the Local Planning Authority 05.10.21;
  - Inverter Elevations and Dimensions Layout RNC004-SD-06 Rev 1, as received by the Local Planning Authority 05.10.21;
  - Fixed Panel Cross Section Detail, reference RNC004-SD-10 Rev 1, as received by the Local Planning Authority 05.10.21;
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- Palisade Fencing – Standard Drawings, reference RNC004-SD-16 Rev 1, as received by the Local Planning Authority 05.10.21;
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- Inverter Floor Plan, reference RNC004-SD-14 Rev 1, as received by the Local Planning Authority 05.10.21;
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- Security Fence and CCTV Standard Design, reference RNC004-SD-03 Rev 1, as received by the Local Planning Authority 14.12.21;
- Cable Easement Corridor, reference RNC004-EA-01 Rev 2, as received by the Local Planning Authority 12.01.21;

And read in conjunction with the various recommendations of supporting documents which accompany the application including:

Landscape and Visual Impact Assessment;  
 Archaeological Geophysical Survey;  
 Flood Risk Assessment and Drainage Strategy;  
 Alternative Site Assessment;  
 Agricultural Quality Statement;  
 Transport Statement;  
 Planning, Design and Access Statement;  
 Cultural Heritage Assessment ;  
 Glint and Glare Assessment;  
 Biodiversity Net Gain Assessment Report (as amended);  
 Preliminary Ecological Assessment (as amended).

Reason: To ensure that the development is carried out in accordance with approved plans in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

6. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) dated August 2021 version 1.2 completed by Kaya Consulting Limited and the following mitigation measures detailed within the FRA:
  - All critical infrastructure be raised above the 0.1% event scenario. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to comply with Policy 4 of the South East Lincolnshire Local Plan (2011-2036).

7. No development shall take place before a Material Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the route to be taken by delivery vehicles to access the site and measures to ensure that at no time are returning vehicles and loaded vehicles travelling on the same section of any highway between either the A17 or the A52 and the Application Site. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of the safety and free passage of those using the public highways between the A17 and the A52 and the Application Site, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

8. No development shall take place before a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include as a minimum;
- Details of measures to minimise and control noise, vibration, dust and fumes during the development.
  - Traffic management – including routing, signage and measures for recording
  - The location and storage of plant and materials
  - Hours of operation/site deliveries
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You are advised that during construction the working hours shall be restricted to 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 Saturday. Should work be required to be undertaken outside of these times, this should be agreed in writing in advance with the Council.

The construction works shall be carried out in accordance with the approved method statement.

Reason: In the interests of residential amenity, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

9. Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it concerning glint/glare, the solar farm operator shall submit details of proposed mitigation measures and timescales for their implementation. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority. The proposed mitigation measures shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents and road users, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

10. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).

11. No development shall take place until a staged programme of archaeological evaluation and mitigation shall be undertaken within Development Zone 1, the northern part of Development Zone 2, the western part of Development Zone 7 and the northern part of Development Zone 9 by a Registered Organisation of the Chartered Institute for Archaeologists in accordance with the approved Written Scheme of Investigation.

Should significant archaeological remains be encountered during the trial trenching then their preservation in situ will be secured through the designation of further archaeological sensitive areas and extending the 'no dig' methodologies that are set out by Conditions 10 and 12 to include these areas.

The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority in consultation with their archaeological advisors.

Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).

12. Following the approval and completion of the archaeological evaluation referred to in Condition 11 and prior to the commencement of development, a final detailed site layout plan shall be developed with reference to the archaeological sensitive areas (Conditions 10 & 11) and the findings of the archaeological evaluation (Condition 11) with full details of the final locations, design and materials to be used for the panel arrays, inverters, control room, substations, CCTV cameras, fencing, foundations and cabling. The final detailed site layout plan will define archaeological sensitive areas within which below and above ground development will be excluded or provide sufficient design mitigation including but not limited to the use of above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required. The final detailed site layout plan shall be submitted to and approved in writing by the Local Planning Authority.

Subsequently the development shall be carried out in accordance with the approved details.

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Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).

14. Before any above ground works commence details of any external lighting to all buildings and areas of the site, including details of luminance and fields of illumination shall be submitted to and approved in writing by, the Local Planning Authority and there shall be no external illumination other than that so approved. Any external lighting that is installed shall accord with the details so approved and thereafter maintained.

Reason: To ensure an appropriate level of lighting is provided which is not detrimental to the amenity of the area in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036).

15. Before any above ground works commence a detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of both hard and soft landscape works (including new planting) and earthworks. The scheme as approved shall be completed in full not later than the end of the first planting season following the operational use of the site hereby permitted commencing.

Reason: In the interests of visual amenity and to ensure an effective landscaping scheme is delivered, including planting of trees, and to ensure that the approved scheme is implemented satisfactorily, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

16. No development or works (including ground works and vegetation clearance) shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and been approved by the Local Planning Authority.

Guidance on the structure of the CEMP can be found in BS 42020:2013 Biodiversity Code of Practice for Planning and Development. The CEMP should accord with the National Planning Policy Framework 2021 (paragraphs 170, 174 & 175) and chapter 28 of the South East Lincolnshire Local Plan (2011-2036).

The development of the site shall then only proceed in accordance with the agreed Construction Ecological Management Plan (CEMP).

Reason: In the interest of protected species, and to support ecological protection and biodiversity enhancement, in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

17. Before the development hereby permitted is commenced, a Landscape & Biodiversity Management Plan (LBMP) shall be submitted to and approved by the Local Planning Authority. Details shall include, but not limited to, details of the proposed new hedgerow(s) and any strengthening of existing hedgerow planting and shall include details of ground preparation, species and planting pattern. Thereafter the new planting shall be implemented in accordance with a timetable to be agreed in writing with the Local Planning Authority. The new hedgerows and planting shall be managed in accordance with the Management Specification set out in the LBMP.

Reason: To protect and enhance existing landscape features on the site and to mitigate harm to rural character caused by the proposal and in the interest of protected species in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

18. No development shall commence until a Skylark Mitigation Strategy, to secure 18 skylark mitigation plots to compensate for the losses arising from the development, has been submitted to and approved in writing by the Local Planning Authority. The Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark nest plots;
- b) Detailed methodology for the Skylark nest plots following Agri- Environment Scheme option: 'AB4 Skylark Plots';
- c) Locations of the Skylark plots in nearby agricultural land by appropriate maps and/or plans;
- d) Persons responsible for implementing the compensation measure.

No development shall commence until the approved Skylark Mitigation Strategy has been implemented to the satisfaction of the Local Planning Authority, and thereafter all features shall be retained for a minimum period of 10 years.

Reason: In the interest of protected species in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

19. No development shall commence until details of a Training and Employment Management Plan, including Education, has been submitted to and approved in writing by the Local Planning Authority.

The plan will aim to promote training and employment opportunities at all stages of the development for local people and social benefits and should include:

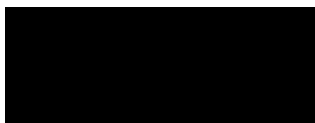
- Measures to ensure the owner and contractors work directly with local employment and training agencies;
- Targets for employing local labour
- Targets for work experience opportunities and apprenticeships
- Measures to provide training opportunities in respect of any new jobs created
- An Educational Strategy/Plan, which sets out opportunities and measures for Education benefit in connection with local schools, colleges and universities
- Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority.

The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of promoting economic and training opportunities and social benefits in association with approved developments in accordance with Policy 1 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework (2021).

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Date: 17-Feb-2022**



**Mike Gildersleeves**  
**Assistant Director – Planning**  
**Boston Borough Council and East Lindsey District Council**

#### Informatives

1. At the request of the Internal Drainage Board;

#### Rainfall Runoff

It is understood that the applicant intends to discharge surface water via soakaways or infiltration. If this is the case, then any systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that such methods are appropriate for the site should be submitted to the local planning authority for their approval.

Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the Local Planning Authority for consideration, and must have received approval for any such scheme, prior to works commencing on site.

Discharge to any watercourse will require prior written consent from the Board.



### Access to Watercourses

There are a number of open and piped watercourses bounding and crossing the land concerned which are maintained by the Board under the terms of the Land Drainage Act 1991. These watercourses, and the land within which they lie, are NOT owned by the Board. Ownership is deemed to lie with the adjacent landowners as per common law.

UNDER SECTION 66 OF THE LAND DRAINAGE ACT 1991, THE BOARD HAS A BYELAW (NO.10) WHICH PROHIBITS THE SITING OF ANY OBSTRUCTIONS, WHETHER TEMPORARY OR PERMANENT, INCLUDING PLANTING, WITHIN 9 METRES OF THE TOP OF THE BANK OF AN OPEN WATERCOURSE, OR WITHIN 9 METRES OF THE LATERAL EDGE OF A PIPED WATERCOURSE, WITHOUT THE PRIOR WRITTEN CONSENT OF THE BOARD.

This byelaw permits the Board to access the watercourses it maintains to carry out annual maintenance or improvement works as required, including desilting (dredging). A plan is enclosed to show the locations of the watercourses maintained by the Board for your information.

For information, the Board carries out desilting of the watercourses it maintains on a 5-10 year rolling programme. These works currently involve the removal of siltation and depositing the arisings on the adjacent field, as per the Board's licence for the removal of waste material with the Environment Agency. The arisings are then left to dry and then spread cross the fields for the farmer. Please be aware that the Board will continue to carry out these works regardless of the proposed development. If the applicant does not wish for the arisings to be placed on the land, then they will be responsible for paying for the removal of the arisings to a suitably licenced disposal facility.

WITHIN THIS DEVELOPMENT, ALL NEW TEMPORARY OR PERMANENT INFRASTRUCTURE SHOULD REMAIN OUTSIDE THE 9 METRE BYELAW DISTANCE.

If any infrastructure is necessary within this distance, then the Board will consider a relaxation of the byelaw on submission of an application, but each instance will require written evidence to explain why the infrastructure cannot be placed elsewhere.

### Filling in or Culverting Watercourses

As per the plan enclosed, there are also a number of open and piped watercourses bounding and crossing the land concerned. Under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse (including those maintained by the Board), including infilling or diversion. This also applies to the replacement of any existing structures, including any highway structures under any access roads into the site.

The applicant is reminded that within common law, ownership and maintenance responsibility for any watercourse, including any structures within (such as access culverts) lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board, unless proved otherwise. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse.

## 2. National Grid

Prior to the commencement of any development you are advised to liaise with National Grid and the relevant authorisation and guidance has been received.

## TOWN AND COUNTRY PLANNING ACT 1990

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice**, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application** and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- **If this is a decision to refuse planning permission for a householder application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse planning permission for a minor commercial application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse express consent for the display of an advertisement**, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- **If this is a decision to refuse consent for works to a tree protected by a Tree Preservation Order**, if you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- **For all other decisions**, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **If you intend to submit an appeal** that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)
- **Proposed Demolition** - The provision of Section 80 of the Building Act 1984 require that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control department (01205 314295) beforehand, and work shall not commence until the Local Authority has given Notice under Section 81, or the relevant period of 6 weeks has expired.

**THIS IS A LEGAL DOCUMENT – PLEASE RETAIN IN A SAFE PLACE, PREFERABLY WITH YOUR DEEDS**