

outerdowsing@planninginspectorate.gov.uk

12 June 2024

Neil McBride
Head of Planning
Planning Services
Lincolnshire County Council
County Offices
Newland
Lincoln LN1 1YL
Tel: [REDACTED]
E-Mail: [REDACTED] lincolnshire.gov.uk

Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 55
Application by GTR4 Ltd for a Development Consent Order for Outer Dowsing Offshore Wind
(Generating Station) – Relevant Representations**

Following the Planning Inspectorate confirmation that the above project has been accepted as an application for a Development Consent Order (DCO) to construct an Offshore Wind (Generating Station), Lincolnshire County Council (LCC) request to be registered as an Interested Party at the Examination.

This letter provides a summary of the issues which LCC currently agrees/and or disagrees with together with an appropriate explanation in accordance with Planning Inspectorate note 8.3. In summary an outline of the principal topics which LCC intends to address in relation to the application during the examination are as follows:

- Minerals and waste – as Minerals and Waste Planning Authority
- Highways and Transportation - as Local Highway Authority for Lincolnshire
- Cultural Heritage/Historic Assets
- Ecology
- Landscape and Visual Impact
- Fire Safety
- Public Rights of Way
- Surface Water, Flooding and Drainage – as Lead Local flood Authority for Drainage
- Agricultural Land use
- Economic Regeneration/Skills
- Public Health; and
- Cumulative Impacts.

Minerals and Waste

No part of the site affects safeguarded mineral resources, and consequently due to the nature of the proposals the Council remain satisfied that no sterilisation of mineral resources will occur. There are no existing/allocated mineral sites in proximity to the cable route or location of the sub-station.

With respect to waste the relevant document is the Outline Site Waste Management Plan (APP-274 / doc 8.1.6). It is generally acceptable although it does not provide much detail of the applications impact on waste other than a general description of the legislation and policy that is relevant and needs to be taken into account. However, whilst further details of the projected impact on the waste regime in Lincolnshire will be provided in the Council's Local impact Report at this stage LCC draw the Examining Authority (ExA) attention to the following.

- (para 12) This document only applies to the onshore elements of the project;
- Legislation & Policy (paras 30 & following) – Looks reasonable in terms of waste-related information; and
- Waste arisings (para 91) – The majority of the expected waste (62,000 m3) appears to be from “trenchless crossings”. Even having looked in the Project Description (APP-058 / doc 6.1.3), it is not clear what this waste would be or how it is proposed to be dealt with.

Highway, Transportation, Surface Water Flooding and Drainage

Reference Transport Assessment (TA) (ES 6.3.27.1 Chapter 27 Appendix 1) :

LCC generally, agree with methodology and approach in the TA. Vehicle generation, distribution and assessment is acceptable for this scheme. Whilst the traffic impacts (Table 27.36) are acceptable for this scheme considered in isolation, they are still projected as around 5% - 10% over existing flows and would be noticeable. However, LCC is aware that there are other potential NSIPs in this area (two National Grid schemes and Ossian Off-Shore Wind and Cable route) – if these other schemes were to generate traffic of a similar scale to Outer Dowsing and occur at the same time –this could result in a situation where the transport impact is between 20%-40% uplift on key existing A roads in the east of the County. This would be a major concern and critical Routes like the A16 through Boston and the A158 through Horncastle could not accommodate such changes.

Para 93 lists roads to be crossed using trenchless technique, LCC considers this should also include other roads such as Ingoldmells Road, Sloothby High Lane, South Ings Road and Marsh Lane, as all of these roads have reasonable levels of existing traffic. Other roads may also need to be crossed by trenchless technique, the final list will depend on the traffic management and construction issues yet to be considered in detail, but discussed in the Outline Construction Traffic Management Plan (OCTMP) paras 49-56.

Figures 27.1.7, 27.1.8 and 27.1.9 do not show any flows – the flows are available in the Tables, but the Figures would be useful if they were corrected.

The proposals for Passing Places (Annex N) is agreed in terms of indicative numbers and locations of proposed passing places – technical details of these will need to approved by the Council as Section 278 Minor Works.

Annex F provides General Arrangements of Accesses. **AC-15** which is the access at Croft Bank A52 shows swept paths using the full A52 and extending across the verge and outside the highway boundary. This access needs to be modified so turning vehicles can enter/exit the site safely.

The Draft DCO text is similar to other NSIPs draft DCOs in Lincolnshire in that Articles 9-16 (Streets) provide powers for works in the streets, TROs, road closures all without the Highway Authority approval. The Council would require the developer to obtain detailed prior technical approval of their works (accesses, passing places etc) from the Council as Highway Authority. They will also need to gain approval of when the works are to be implemented and the diversions/traffic management through LCC Permitting scheme.

Document 8.15 (OCTMP) – This does allow for discussion of details for accesses, haul road crossings, diversions, temporary road closures, passing places and road widening and requires prior agreement of LCC (see paragraphs 32, 33, 46, 54, 73, 87). So whilst the draft DCO wording is a concern, the proposed process and methodology in the OCTMP is encouraging and what LCC would expect: i.e. that once they have DCO approval they will discuss and obtain technical approvals from LCC for works in the highway.

Public Rights of Way

LCC will make comments in relation to Public Rights of Way in the Local Impact Report.

Surface Water, Flooding and Drainage – as Lead Local flood Authority for Drainage

Document 8.1.5 The Outline Surface Water Drainage Strategy – This is a relatively short and high level document. LCC agrees with the principles and proposals in this document, the details will need to be delivered and agreed through the Drainage Management Plan and secured by appropriate worded requirement.

Cultural Heritage

While the submission documentation on archaeology and heritage is substantial, it is disappointing that the issues LCC have identified in our scoping and PIER responses remain unaddressed. Evaluation continues to focus on finding more information on known archaeology while blank areas of unknown potential remain unevaluated through successive phases of evaluation work. No field evaluation has been undertaken so there can be no site-specific informed appropriate mitigation measures across the Order Limits boundary.

The evaluation rests on the premise that directional drilling can theoretically be deployed along almost the entire route therefore evaluation results are not required for determination. Sufficient baseline information on the archaeology to be impacted across the site is required by National Planning Policy Framework (NPPF), EIA Regulations and National Policy Statement EN-1 which states ***"The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents (5.8.10)."***

Directional drilling is a standard mitigation in a suite of potential mitigation responses to deal with developmental impact upon surviving archaeology in a proportionate and appropriate way. A suite of mitigation types cannot be reasonably deployed until there is an evidence base which establishes the archaeological potential: there must be site-specific understanding of the presence, significance, depth and extent of surviving archaeology across the full impact zone to inform an effective and fit for purpose mitigation strategy.

For the overarching WSI ([8.9 Outline Onshore Written Scheme Investigation for Archaeological Works](#)) the approach is for archaeological work including evaluation techniques such as trenching as well as mitigation to be pushed to post-consent, and that evaluation is focused on finding out more information on what is already known. This is an extremely risky strategy, as known archaeology can be easily mitigated. The lack of evaluation at all levels (air photos, geophysical survey, trenching) in areas which are currently 'blank' means that the potential remains unknown and therefore unmitigatable, pushing increasingly high levels of risk to post-consent with the potential for field evaluation and the resulting appropriate levels of archaeological mitigation being pushed into impacting the work programme, schedule and corresponding budgetary impacts.

The proposed post-consent works include trial trenching, strip map and sample, set piece excavation and watching briefs and also includes reference to the potential for preservation in situ. There is little detail in the document where LCC would expect details of what is proposed: for preservation in situ for example LCC need clarity on whether there would be enforceable measures such as fencing around preservation in situ mitigation areas throughout the construction phase and during maintenance groundworks, whether there would be an Archaeological Clerk of Works, and whether these areas will be included in the Construction and Management Plans.

In section 3.2 Objectives there is no mention of determining the significance of archaeology which will be impacted, this is essential to understand what would be reasonable and appropriate levels of archaeological mitigation.

In the same section there is no mention of contributing to knowledge and understanding which is a primary focus on development-led archaeology, nor is there mention of any public benefit through engagement, outreach or legacy projects.

Historic England Advice Note 17: Planning and Archaeology states that there are environmental, economic and social public benefits, for example *'Social benefits include...*

- *delivering new knowledge about an area, a public benefit derived from knowledge gain that would not be available from any other source*
- *Learning and development (education) and the ability to acquire new knowledge and skills*
- *Enhanced community cohesion and a stronger cultural identity e.g. via community heritage projects*
- *Contributing to community wellbeing and promoting social capital, leading to improvements in health, wealth and education. The social value of archaeology increases when opportunities for wider public engagement are available*
- *Wider benefits that could inform future research and practice, including for example knowledge about past human diseases that could help preventative health strategies.'* ([Box 3: Realising public benefit through archaeology](#))

The archaeological Desk Based Assessment (APP-180 to APP-187) which is in eight parts lays out information which is tied to specific project reference codes, this makes it impossible to understand without including a document relating these reference codes to the real world. It is obvious much work has been undertaken so it is most unfortunate it is currently an unworkable document in parts.

Figures showing the extent of completed and proposed geophysical survey (Figure 20-8 in the Table of Contents in DBA volume one but numbered for example as Figure [20.1.8.11](#) in DBA volume two) show that while some geophysical survey still needs to be undertaken there are substantial sections of the Order Limits which are neither completed nor proposed with at least a third of the route not subject to geophysical survey.

DBA volume 4 ([APP-183](#)) is Appendix 17: LiDAR Assessment and Aerial Photographic Review. Historic England's Aerial Archaeology Mapping Explorer and Historic England's Aerial Photo Explorer are included in the areas which were looked at but often had no photos. Historic England's photographic archives were consulted (in section 2.2.3) for an area around Slackholme the Scheduled Deserted Medieval Settlement. Archaeological features were identified on the air photos but the section concluded that geophysical survey provided more detailed evidence of activity at the sample location than was visible on the aerial photographs.

There are a number of factors that can contribute to how effective an archaeological prospection method can be, from geology to later activity such as Medieval ridge and furrow masking earlier archaeology to different types of archaeology. As stated in the geophysical report (Appendix 19, DBA volume 6 APP-185), *'results will be affected by a complex range of influences, including background levels of ground saturation, agricultural practices such as draining, and the presence of lenses of contrasting or poorly sorted material such as the Glacial Till and mudflat deposits identified along the route of the corridor.'* ([section 7.2.4](#))

These techniques are complimentary, and an assessment should include all the information available to start to build up an understanding of what is known in order to determine archaeological potential. The study of both air photography and LiDAR is essential in undertaking a robust desk based assessment, and while the LiDAR included in the DBA is excellent few air photos have been looked at for this scheme. LCC expect full assessment of all available air photos as they are a fundamental part of archaeological desk based work as thousands of new sites, and new information about existing sites, are found in this way.

Those areas not adequately assessed using standard desk based sources and techniques, for example geophysical survey and air photo assessment, will need a higher percentage of trial trenching to effectively obtain sufficient baseline evidence to inform appropriate mitigation through these areas along with the rest of the redline boundary.

Sufficient trenching is required across the full impact zone to determine the presence, absence, significance, the depth and extent of any archaeological remains which could be impacted by the development. Trial trenching results are essential for effective risk management, project management, programme scheduling and budget management. Failing to do so could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided.

The trenching strategy will need to target potential archaeology identified from the desk based assessment, full air photo and LiDAR assessment, and geophysical survey results. The trenching strategy will also need to target those areas where the above have not been

successful in locating archaeology. Targeting blank areas is an essential part of determining the archaeological potential across a proposed development as different types of archaeology and geology may limit or mask the effectiveness of non-intrusive evaluation techniques.

Forthcoming archaeology regional policy recommends that a range of between 3% and 5% trenching of the impact zone will offer a more balanced approach to risk, while acknowledging that some archaeological sites will still be missed.

The results of trial trenching will inform a robust mitigation strategy which should have been agreed and included in the Environmental Statement and submitted with the Development Consent Order (DCO) application in accordance with EIA Regulations.

Also included in the submission documents is **Chapter 3: Project Description, Section 2: Design Envelope Approach** which states that the project has adopted the 'Rochdale Envelope' approach. (6.1.3) The document states that *'Through this consultation the Project has identified matters that have led directly to design changes and commitments that have been made to the proposed construction methodologies' including 'The avoidance of archaeological features through project design, such as at Slackholme End.'*(section 3, point 19)

These measures cannot be taken when archaeology which currently survives within the redline boundary has not been discovered and identified because of inadequate evaluation.

The Planning Inspectorate's Advice Note Nine states that ***'Implementation of the Rochdale Envelope assessment approach should only be used where it is necessary and should not be treated as a blanket opportunity to allow for insufficient detail in the assessment. Applicants should make every effort to finalise details applicable to the Proposed Development prior to submission of their DCO application. Indeed, as explained earlier in this Advice Note, it will be in all parties' interests for the Applicant to provide as much information as possible to inform the Pre-application consultation process.'*** (5.2)

There is a standard suite of evaluation techniques which should be used across the impact zone to inform any proposed development. The submission documents for Outer Dowsing show that some of these techniques have been used to a greater or lesser degree but do not maximise their potential for contributing to the evidence base across the Order Limits. A small sample area has been adequately assessed using aerial photographs which are a fundamental aspect to building a desk based assessment; geophysical survey has been undertaken and is proposed in certain parts of the Order Limits but again much of the impact zone is not included; and standard trial trenching and its results are not seen to be necessary for determination.

Historic England Advice Note 17: Planning and Archaeology states that ***'Appropriate evaluation can support the smooth and speedy progression of the development and help to manage the developer's risk early in the planning process'*** (section 131). It also states that ***'Data gathered can also help to inform a costed mitigation strategy, the benefits of which include a reduction in the chances of unexpected risks and associated costs, and potentially the scope to allocate the cost of archaeology appropriately into financial forecasts'*** (section 132).

High Court Appeal decision In R.(Low Carbon Solar Park 6 Ltd) v SoS, 5 April 2024. ***'... an understanding of the significance of heritage assets is the starting point for determining any mitigation, and it is not appropriate to assess mitigation without that understanding... There***

needs to be an understanding of significance in order to assess whether any mitigation appropriately addresses any harm.' ([section 49](#))

There is insufficient evaluation across the Order Limits and the lack of any trenching results means there is insufficient baseline evidence to inform a reasonable fit for purpose site-specific mitigation strategy to deal with the developmental impact which is proportionate to the significance of the currently surviving archaeology.

As stated in the Council's PEIR response, the EIA requires the full suite of comprehensive desk-based research, non-intrusive surveys, and intrusive field evaluation for the full extent of proposed impact. The results should be used to minimise the impact on the historic environment through informing the project design and an appropriate programme of archaeological mitigation.

Sufficient information on the archaeological potential must include evidential information on the depth, extent and significance of the archaeological deposits which will be impacted by the development. The results will inform a fit for purpose mitigation strategy which will identify what measures are to be taken to minimise or adequately record the impact of the proposal on archaeological remains which must be submitted with the EIA.

This is in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 which states ***"The EIA must identify, describe and assess in an appropriate manner...the direct and indirect significant impacts of the proposed development on...material assets, cultural heritage and the landscape."*** (Regulation 5 (2d))

Heritage Assets

Heritage Statement (6.3.20.2)

The Heritage Statement primarily addresses setting impacts to built heritage concerning the On Shore Sub-Station (OnSS). It would be beneficial to explore if any site-specific considerations have been made for individual assets beyond the DBA and Visual Impact Assessment.

Embedded Mitigation (Table 20.5, Environmental Statement 6.1.20)

Table 20.5 outlines the embedded mitigation for each project phase. Clarification is needed on whether the table's mitigation measures for the construction of the ECC apply to non-designated heritage assets above ground, specifically farmsteads.

Scoped Impacts (Table 10.1.1, Consultation Report Appendix 5.1.2 Scoping Part 2)

Table 10.1.1 details the impacts to be scoped in or out of the project. Onshore non-designated heritage assets are not listed under Archaeology and Cultural Heritage. A more detailed table specifying which topics of built heritage are proposed to be scoped in or out for each project phase is required. Without referencing the HS (6.3.20.2), it is unclear which category of assets, designated or non-designated, are proposed to be scoped in or out for the ECC or OnSS.

Heritage Assets (Annex 1, 6.3.20.2 Chapter 20 Appendix 2 Heritage Statement). Annex 1 lists the heritage assets and baseline data of each Segment ECC1 to ECC14. A total of 10 built heritage assets within all ECC segments are to be demolished. It would be helpful for the

Council to know if this assumption is correct and then will make an assessment once confirmed.

Annex 1, segment ECC12, table 1.84 lists non-designated heritage assets within the study area. Confirm if all assets for this segment, except for MLI123123, MLI123126, and MLI123127, are outside the order limits. For example, is MLI123125 not in close proximity to the order limits.

Evaluation of Assets (Heritage Statement 6.3.20.2)

The Heritage Statement evaluates all assets concerning their setting, including potential visual changes to non-designated farmsteads (refer to Heritage Statement 6.3.20.2, 20.1.30 Non-Designated Farmhouses). Assessments for some farmsteads are conducted in groups rather than individually (see 20.1.31 Other non-designated farmsteads). It would be helpful if the impact on these farmsteads, whether temporary or short term, are set out in greater detail for each asset. It is not clear how the lack of impact to key setting elements of each farmstead would apply equally, given the inevitable variation between each. The current proposal considers an asset 300m from the Order Limits the same as one located adjacent.

Direct Impacts on Above Ground Assets (Heritage Statement 6.3.20.2)

The Heritage Statement discusses setting impacts but lacks detail on direct impacts to above ground assets. This includes concerns about structural vibrations during construction, changes to ground settlement, land use patterns, dewatering, or access disruptions affecting heritage assets. It would be helpful if these issues were addressed with the statement or if supporting documentation, such as Groundwater Risk Assessment, were signposted for the reader.

Historic Landscape Characterisation (HLC)

The Heritage Statement (6.3.20.2, Annex 3, Appendix 20.2) mentions that breaches to historic hedgerows will be reinstated (Annex 2: Hedgerow Assessment). Is there a mitigation plan for managing this? The same question applies to other features such as sea banks and ridge and furrow.

Section 42 Responses (Environmental Statement 6.1.20, Table 20.2, Summary of consultation relating to Archaeology and Cultural Heritage)

Table 20.2 addresses comments from Historic England (p.37), stating that all extant areas of ridge and furrow within the order limits will not be impacted. However, the DBA (6.3.20.1) shows ridge and furrow in segments ECC 4, 5, and 6. Please confirm if these assets have been considered and will remain undisturbed.

LCC requests an expanded list of non-designated heritage assets for further assessment. Additional detailed proposals for suitable mitigation measures for built heritage would also be useful. While some measures will be discussed later in the planning process, the current assessment, especially regarding non-designated assets, requires more information. Addressing these issues now will reduce concerns about potential effects on historic buildings and landscapes earlier in the examination process.

Ecology

The biodiversity and ecological elements of the Applicant's Environmental Statement are broadly divided into offshore and onshore. Whilst this approach is necessary for a project of this scale, the volume of environmental information resulting from the various ecological surveys and investigations has made it extremely challenging to fully review all of the information within the timescales available. LCC has therefore focused its resources on reviewing the onshore elements of the scheme and would expect Natural England and / or the Marine Management Organisation to lead on offshore elements.

APP-026 identifies a range of onshore ecological impacts, whilst APP-027 focuses on impacts to onshore ornithology. Surveys have been conducted to understand the area's ecology, including habitats, various species (badger, bats, water vole, otter, great crested newt, reptiles, invertebrates, breeding and non-breeding birds), and the presence of invasive, non-native species. Potential impacts associated with the construction phase are identified on both statutory and non-statutory designated sites in proximity to the development footprint. These potential impacts include permanent loss of habitats, temporary loss or damage to priority habitats, impacts on protected and priority species and spread of invasive non-native species (INNS). During operations and maintenance, the main potential impact is likely to be disturbance of protected and priority species. Decommissioning impacts are predicted to be similar to construction impacts but at a more limited geographical extent and timescale.

The Project is reliant on a package of avoidance, mitigation and enhancement measures to address the ecological impacts. LCC notes that APP-026 Para 11 states "*The design has sought to minimise impacts on protected ecological sites by careful siting of the Order Limits to avoid direct impacts to designated sites and avoidance of direct impacts on key areas of sensitivity including Priority Habitats which may support protected species, wherever possible*" and the Council welcomes this approach.

Any significant effects that cannot be avoided will require mitigation to be secured within a Construction Environmental Management Plan (CEMP) and / or Landscape and Ecological Management Plan (LEMP) as appropriate. To this end an outline Code of Construction Practice (COCP) (APP-268) which sets out the general principles and management measures to be adopted during construction of the Onshore Infrastructure associated with the Project and an Outline Landscape and Ecology Management Strategy (OLEMS) (APP-284) which sets out the main mitigation measures that will be undertaken to manage the potential impacts to onshore ecological receptors have been produced. Mitigation measures identified will need to be secured via appropriately worded requirements in the DCO. A Schedule of Mitigation (APP-287) has been prepared which provides a helpful summary of the mitigation identified for the Project including embedded mitigation measures, which have been designed into the project.

Impacts on statutorily designated sites

Given the potential for impacts on statutorily designated sites, a Habitats Regulation Assessment (HRA) screening report has been submitted (APP-239) and confirms that a full HRA will be required. A report to inform an Appropriate Assessment (APP-235) has been produced. The ExA will need to undertake a Habitats Regulations Assessment and satisfy itself that sufficient information has been submitted by the Applicant to enable this to be completed.

Cumulative Effects

There are a number of development proposals of varying scales in the vicinity of this proposal. These range from small scale housing developments to NSIP scale energy developments. A detailed assessment of the cumulative impacts of these proposals on sensitive ecological receptors in the area will be required. Details of the approach to cumulative effects in the onshore environment are presented in APP-148. LCC notes that the following projects are not included in the Cumulative Effects Assessment:

- National Grid Grimsby to Walpole Overhead Lines and Pylons
- National Grid Eastern Green Links 3 and 4 Underground Cable and Converter Station
- Ossian Offshore Wind Underground cable and Sub-Station

Given the similarities to this project and the potential geographic overlap, LCC strongly suggests that these projects should be included in the Cumulative Effects Assessment.

Biodiversity Net Gain

LCC welcomes the Applicant's commitment to delivering Biodiversity Net Gain (BNG). Given the scale of the proposed development LCC will expect the project to deliver significantly in excess of 10% BNG.

The Applicant has set out their broad principles and approach to BNG in APP-302 and states that this approach will be refined alongside detailed project design. LCC encourages the applicant to continue to make progress with this work to provide clarity around what the project will deliver for biodiversity at the earliest possible stage. LCC also encourages the Applicant to work with other developers and stakeholders in the area to identify opportunities to deliver BNG strategically. LCC welcomes ongoing engagement with the Applicant in relation to BNG.

Commitments to deliver BNG will need to be secured in the DCO via the Ecological Management Plan (EMP) and the applicant will need to demonstrate that the commitments made to delivering BNG are achievable.

Further detailed comments on ecology and biodiversity will be provided in the Council's Local Impact Report.

Landscape and Visual Impact

LCC Landscape Consultants have been consulted throughout the pre-application process, including regular design meetings, on-site visits and community events participation. The process has led to a detailed understanding of the parameters and constraints of the project. Enabling a strong understanding of the key issues, which are presented in the Environmental Statement. The document is generally well presented and follows a logical process of defining the baseline, identifying the project in detail and assessing the potential landscape and visual impacts before addressing mitigation proposals. The use of tables is welcomed; however, some large bodies of descriptive text remains and these could have also been summarised in tabular form to aid the reader. The methodology is concise and confirms to best practice principles such as those set out in GLVIA3.

LCC' s comments relate to the cable corridor and the OnSS.

The document provides commentary on the consultation process undertaken thus far, alongside the adaptation of the proposals in response to the comments received. The OnSS has been assessed with a 5km study area, which was agreed during consultation and, given the scale and mass of the development is an acceptable parameter. The baseline assessment is thorough and the distinction between the cable route and the OnSS is welcome, the separation is a theme throughout the chapter, and this aids the readers understanding of the complexity of the project.

Eleven representative viewpoints have been utilised, these were agreed during consultation and they provide an acceptable representation to assess the potential impacts.

The cumulative baseline has been assessed in accordance with best practice including the use of GLVIA3 and IEMA 2013.

The assessment is based on construction, operation and decommissioning stages of the development, it is clear in the tables and figures, how this has been undertaken. The use of the Maximum Design Envelope or Rochdale Envelope Approach is explained in Chapter 3 of the ES, its use here where the developer does not know the exact specifications of infrastructure is acceptable. However, given that the design is evolving, there is concern that views beyond 5km have already been scoped out. LCC reserves its position on this point and adequacy and seeks to assess this further as the design evolves.

By reason of its mass and scale, the proposed development would lead to significant adverse effects upon landscape character and visual amenity. The development has the potential to transform the local landscape by altering the character on a large scale, which is likely to be exacerbated by the fragmented nature of the cable route spread over a wide area. LCC are particularly concerned about the effects upon the landscape character through changes to the land use, which would be spread throughout a wide area, rather than a more focussed development plot being read as a OnSS development occupying a single site in a wider landscape.

The scale and extent of development would also lead to significant adverse effects on views from receptors, changing from views within an agricultural or rural landscape to that of a landscape containing a large building and ancillary infrastructure housing the OnSS. From close range views, the development has been identified in the LVIA as resulting in a significant change to high and medium sensitivity receptors. The views and receptors have been satisfactorily selected following desk-based and on-site research, these accurately provide a representation of the potential for visual and character impacts as a result of the development.

The cumulative landscape and visual effects of the proposed development are also of concern, particularly when assessed alongside proposed developments within the study area. The mass and scale of these projects combined would lead to adverse effects upon landscape character and visual amenity over an extensive area. The landscape character of the area may be completely altered, particularly when experienced sequentially.

Additional information is required with respect to the impact upon, or protection of, existing trees, hedgerows and other important vegetation in order for comment to be made at this stage. These impacts are not limited to the cabling and OnSS development areas, but associated with access and highways works to facilitate the development, such as construction access, particularly from large plant, or access points and associated visibility splays, it is unclear on the landscape and ecology plans as to the extent of vegetation removal proposed, and the LVIA implies little or no vegetation removal is proposed.

The wider highways elements of the scheme do not appear to be fully considered in the LVIA beyond increased traffic during construction phases, despite the potential adverse effects on the rural landscape these may have included vegetation loss, urbanisation or visual amenity through any required improvements.

The proposal would deliver landscape and ecological improvements through mitigation areas and planting. However, this will be dependent upon the implementation and management strategy to ensure successful establishment, these aspects should be further explored, and it is assumed will be refined at the detailed design stages.

Fire Safety

At this stage LCC has no specific comments in relation to fire safety or major accidents and any specific points will be captured in the Local impact Report.

Land Use

Soil and Agricultural Land Quality Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 180 of the NPPF and the recent Written Ministerial Statement (WMS) of 15 May 2024. The WMS now includes a requirement for information on soil surveys meeting an agreed standard and it is considered that going forward that Natural England or a suitably qualified independent person inspects work as it is undertaken to confirm the veracity which is something that has been missing to date and LCC would be prepared to contribute to checking the credibility of this survey work.

The Framework at paragraph 180 recognises the economic and other benefits of the best and most versatile agricultural land. Footnote 62 within paragraph 181 of the NPPF requires where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. In addition, the availability of agricultural land used for food production should be considered, alongside the other policies in the Framework, when deciding what sites are most appropriate for development.

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

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

The cable route has not yet been surveyed in detail for ALC. As part of the process the applicant states that they have sought to avoid BMV where possible. The Outline Soil Management Plan confirms that ALCs will be completed for the approved route and confirmation as to when this will be undertaken so that it can be assessed is requested.

A schedule of appropriate requirements will be essential to ensure this is undertaken to the necessary standards. A full record of condition on a plot-by-plot basis should be undertaken including photos pre and post construction.

Prior to and post construction, a competent person should be employed to ensure that information on existing agricultural management and soil/land conditions is obtained, recorded and verified by way of a detailed pre and post construction condition survey.

If Agricultural Land Classification surveys and British Standard soil testing are to be undertaken across the areas in which construction activities are proposed, then survey points should be made at least every 100m and in each field where the field is less than 100m in length. The productivity of the farmland has been considered (see section 8.4), it is noted that all land within a c.6km radius of connection point is classified as Agricultural Land Classification (ALC) Grade 1, the highest and most valuable grading (as identified in ES Chapter 25 Land Use (document 6.1.25) and presented in Figure 25.2 (document reference 6.2.25.2). As such, applying the search area as defined in Section 8.2 Table 8.1, all land in this search area is ALC Grade 1 and therefore could not be avoided when identifying potential On Shore Sub-Station location at Weston Marsh. Constraints mapping that included proximity to Land Use (and ALC) was undertaken when identifying route options and the selected route option impacted less Grade 1 land than the original route.

Soil Management Plan (SMP)

At the moment this is an outline document, but it appears to be an acceptable document which needs to be secured via a requirement so that it forms part of any Development Consent Order granted and the recommendations implemented. An agricultural liaison officer and Soil Clerk of Works are proposed who will supervise works as they proceed.

The Outline SMP sets out the principles and procedures for general good practice mitigation for soil management during the onshore construction works to minimise the adverse effects on the nature and quality of the soil resource. In populating the document it will be necessary to identify the individual areas of land and the route for soil stripping, trenching, restoration and similar.

The SMO identifies a number of soil based challenges including running sand and drainage issues which will need to be addressed in detail.

The Cables will generally be laid so as to avoid continued interference with normal agricultural operations as far as reasonably practicable. The Cables should be laid to contour with a depth of cover of not less than 1.2 metres from the original surface to the top of the protective tile above the Cables, except where necessary for good engineering reasons and with the agreement of the Landowner and/or occupier.

Drainage

Impacts in agricultural drainage have been assessed in the ES Chapter 23 Geology and Ground Conditions (document 6.2.23), with any relevant impacts or mitigation used to inform the Land Use Chapter (document reference 6.1.25) where necessary. The Project has also appointed a local drainage contractor to ensure the Project's pre and post construction drainage schemes are designed in a harmonic way with existing drainage systems.

Summary

It is noted that no ALC survey has been undertaken regarding the cable route, though a full ALC of the final route is proposed. The details of this with soil assessment will be invaluable. The proposed development is likely to have a mainly temporary impact on agriculture and soils that will result in the temporary loss of agricultural production in the development area generally and/or the possible more permanent loss of production from mostly very good and excellent quality agricultural land with the exception of the Onshore Sub-Station which will involve the permanent loss of Grade 1 agricultural land.

Land Drainage issues remain of concern to farmers and landowners in restoring the land after cable burial.

In considering the impact on the overall farming enterprises both locally and across the Cable Route, it may be necessary to seek additional information on the impact on the individual farms themselves. Though it is noted an Agricultural Officer is to be employed which will assist in securing this information and would be helpful if a mechanism could be provided to demonstrate how this information will be secured and how it will operate.

Economic Regeneration/Growth

Chapter 29 : Socio Economic Characteristics Volume 1 provides an assessment of the potential impacts of the project on socio economics, tourism and recreation.

Socio-Economic Characteristics of the Area

This section includes the statutory and policy context and baseline environment. Baseline environment covers study areas, data sources, the existing environment and future baseline. Basis of assessment – covers the scope of assessment and considers the realistic worst case scenario.

Study Areas – Onshore includes -

- Local Economic Area (LEA) defined as the Greater Lincolnshire LEP and Hull and East Yorkshire LEP – area includes all potential infrastructure construction sites and possible key port locations.
- Regional Area – combined regions (Yorkshire and the Humber and East Midlands)
- UK wide economic impacts also assessed.
- Local tourism and recreation area (LTRA) – Boston Borough Council, East Lindsey District Council and South Holland District Council.

Analysis on existing environment and socio-economic baseline (population, economic activity, industrial structure, GVA, qualifications, housing, teacher-pupil ratios, agricultural and food security). Analysis of tourism and recreational baseline (visits and spends of tourists, geographic distribution of tourism activity and regional attractions). Finally consideration of the future baseline- scoped-in vs. scoped-out and consideration of realistic worst case scenario.

Embedded Mitigation

This section covers measures to maximise local economic benefit, including engaging with local economic development stakeholders (to identify any potential barriers to entry for this market and actively work towards removing these barriers), industry groups and education and training providers (to identify skill gaps and potential areas for collaboration). This also covers aspirations to support tier 1 contractors to increase their local content, engage with other developers to improve local supply chain opportunities.

Measures to minimise negative impacts during construction are also discussed. Negative socio-economic, tourism and recreation impacts would be a secondary impact of other identified environmental impacts and are discussed within those chapters of the ES. In this case that includes chapters on land use, noise and vibration, traffic and transport and landscape and visual assessment.

Assessment Methodology

Considers assumptions and limitations, magnitude of impacts (economic, tourism and recreational as well as demographic and service demand impacts), sensitivity of receptors (receptors include economies, sectors, tourism and recreation assets and community and social assets), and assessment methodology (this covers the economic assessment and the relevant standards and guidelines adopted, tourism and recreation impact which considers the factors driving tourism activity).

Impact Assessment

- Including receptors, construction and development, operations and maintenance, decommissioning. Key receptors identified as economic activity, population, accommodation supply, social infrastructure and tourism activity. Discussion covers economic activity within the LEA, regional area and the UK, the UK vegetable market, tourism activity in the LTRA, social and community assets (such as housing, education and health services and how current users may be impacted by new people moving to the area as a result of the project).

- Construction and development, includes the estimation development and construction expenditure and the estimated distribution of expenditure, estimated monetary contribution to LEA, Regional Area and UK.
- This section also considers the impact and magnitude of impact within the study area. Covering increase in employment, social and community asset impacts, UK vegetable market impact, tourism and recreation assets impacts.

Cumulative Impact Assessment

Considering inter-relationships, interactions and transboundary effects. Tables are included with the other developments considered. Key topic areas considered as cumulative impacts include economic impacts, tourism impacts, social and community assets impacts, and vegetable market impacts.

Summary

In summary LCC do not consider that the impacts of the construction phase on tourism have been satisfactorily addressed. The construction period runs for a significant period of time and whilst its impact in an particularly location maybe modest it does not appear that any consideration has been given to the fact that certain locations will be more sensitive to working taking place in the main tourism season than others. LCC request further consideration should be undertaken to identify the locations that are more sensitive(from a tourism perspective) to the impact of working in the holiday season and plan for construction activities in these areas to take place outside of the main tourism season (April to September).

In respect of the cumulative section as noted above in the sections on ecology, transport and heritage assets not all of the current NSIPs in Lincolnshire have been identified in the documents and therefore the fully cumulative impacts are not assessed. The Council is aware of 21 NSIPs in Lincolnshire not 14 as stated in paragraph 313 and whilst it is accepted that this number is growing all the time as more schemes emerge, 14 significantly underestimates the current number. In relation to paragraph 314 it is not clear why only Grade 1 Best and Most Versatile Agricultural land has been captured and not all land that constitutes BMV which is Grade 1, Grade 2 and Grade 3a.

The detail in Table 29.60 is incorrect for example - West Burton the amount of BMV exceeds 26% and the amount of land which is Grade 1 BMV is 17 ha (2.3%). There are other inconsistencies in this table for the other sites included and request that it is re-done with accurate information with all BMV land captured not just Grade 1 and therefore this table should be updated with accurate details.

Public Health

The Council will make any relevant public health comments through the LIR.

Draft Development Consent Order

At this stage the Council reserves its position on the relevant parts of the draft DCO including the proposed requirements which are likely to be needed to be amended or added to at the examination progresses. The Council wishes to participate in any Issue Specific Hearing in

relation to the drafting of the DCO.

Cumulative Impacts

LCC wishes to draw to the attention of the Planning Inspectorate and the Examining Authority the unprecedented number of DCO projects that are currently on-going in Lincolnshire which will result in three other examinations taking place in the County at the same time as this one. In addition a second wave of potential DCO projects are now commencing their pre-application stage. LCC wishes to be fully involved in all these examinations but has only limited resources and personnel and therefore requests that careful and sensitive attention is given to the examination timetables to ensure that hearings and deadline dates take into account those of other project that will be under examination at the same time.

In addition LCC request assurance as to how the ExA will take into consideration further NSIPs and associated details as they emerge in the geographical area of this application. As outlined above a number of projects have commenced non-statutory consultation since the applicant completed their Environmental Statement and therefore these have not currently been assessed in the applicants cumulative assessment. LCC requests that this ExA adopts a mechanism similar to that adopted by the ExAs for the solar projects in western Lincolnshire where each applicant was required to produce a inter- relationship report at the start of their examination and then this is subsequently updated at each deadline during the examination. This report captures information from emerging NSIPs and as details about the projects becomes available requires the applicant to undertake further assessments to assess how these impact on the cumulative impact assessments that have been prepared in the submitted ES. This will provide the ExA, the host authorities and others an opportunity consider the potential cumulative impacts from all these projects as they emerge and the necessary mitigation measures that will be needed.

Community Benefits Package

LCC expects appropriate energy related benefits to the local communities and economy to be provided through a Community Benefits package and the Council would welcome the opportunity to explore appropriate opportunities through the examination.

LCC looks forward to working with the applicant and the Planning Inspectorate as the project progresses through the DCO process and welcomes the opportunity to comment on matters of detail throughout the examination.

Yours faithfully



Neil McBride
Head of Planning