

Nationally Significant Infrastructure Project EN010130: Outer Dowsing Offshore Wind (Generating Station)

Local Impact Report - October 2024

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1. Terms of Reference

- 1.1 This report is the Local Impact Report (LIR) for Lincolnshire County Council (LCC). In preparing this LIR regard has been made to the purpose of LIRs as set out in s60(3) of the Planning Act 2008 (as amended), DCLG's Guidance for the examination of applications for development consent, the Planning Inspectorate's Advice Note One: Local Impact Reports, as well as the Planning Inspectorate's 'Example Documents'.

Scope

- 1.2 This LIR relates to the impacts of the proposed development as it affects the administrative area of Lincolnshire County Council.

2. Purpose and Structure of the LIR

- 2.1 The LIR covers topics where the Council has a statutory function or holds particular expertise. The Council defers to East Lindsey District Council, South Holland District Council and Boston Borough Council on all other matters.

The topics the subject of this LIR cover:

- Principle of the Development
 - Landscape
 - Highways and Transportation
 - Public Rights of Way (PRoW)
 - Flood Risk, Drainage and Surface Water
 - Minerals and Waste
 - Cultural Heritage – Archaeology
 - Socio-economics – Jobs and Skills
 - Health and Land Use – Loss of Agricultural Land
 - Fire Safety
- 2.2 The LIR is structured by first identifying the relevant national and local policies, secondly identifying the local impacts, and lastly address the extent to which the development proposals accord with these policies. For each topic area, the key issues are identified on the extent the applicant addresses these issues by reference to the application documentation, including the draft DCO articles, requirements and obligation, where relevant.
- 2.3 The LIR will seek not to duplicate material covered in the Statement of Common Ground (SoCG).

3. Proposed Development

- 3.1 The Outer Dowsing Offshore Wind Generating Station (ODOW) with a projected generation capacity of 1500MW is proposed by Total Energies and Corio Generation. The project comprises of an offshore wind farm and associated onshore and

offshore infrastructure including offshore and onshore high voltage electricity cables onshore and offshore electricity substations, connections to the National Grid and ancillary temporary works.

- 3.2 In summary, the proposed development, known as Outer Dowsing Offshore Wind, would be an offshore windfarm located approximately 54km off the Lincolnshire Coast. The project includes infrastructure required to transmit the power generated by the turbines to an onshore substation (OnSS) at Surfleet Marsh and subsequently into the National Grid Transmission System.
- 3.3 The Outer Dowsing Wind Farm comprises of an offshore generating station and offshore and onshore transmission infrastructure. Only the onshore transmission elements of these proposals fall under Lincolnshire County Councils administrative boundaries.
- 3.4 The onshore Order Limits include the landfall compound at Wolla Bank, South of Anderby Creek, the onshore export cable corridor (ECC) within which onshore export cables would be placed, the onshore substation (OnSS) at Surfleet Marsh, and the 400kV cable corridor between the OnSS and the National Grid Substation (NGSS), the grid connection point at Weston Marsh. The NGSS would be built, owned and operated by National Grid Energy Transmission separate to these proposals.

Landfall

- 3.5 The projects proposed landfall area is Wolla Bank, south of Anderby Creek. Landfall is the point at which offshore export cables would come ashore. Ducts would be installed underneath the beach, the dunes, the Anderby Creek Local Nature Reserve (LNR) and Roman Bank Road. A technique called Horizontal Directional Drilling (HDD) would be used to connect offshore cables to the onshore cables in the Landfall Compound which would be located west of Roman Bank Road.

Onshore Cabling

- 3.6 The projects cabling would consist of 70km of underground cabling from landfall at Wolla Bank to the connection point at Weston Marsh. The cabling comprises of two main elements, the cabling from landfall to the OnSS at Surfleet Marsh with a maximum cable voltage of 275kV (70km in length) and the cabling connecting the OnSS to the National Grid Substation at Weston Marsh, which would have a maximum cable voltage of 400kV (4km in length).
- 3.7 The ECC would have a maximum trench depth of 3m. Where a trenchless methodology would be utilised for cable burial, the cable depth would vary between 2 and 25m.

- 3.8 The export cables would be placed in up to four trenches. Construction compounds, temporary access routes and a temporary haul road would also be required for the works.
- 3.9 The cable corridor whilst varying in width to accommodate environmental and engineering constraints, would require a working width of 80m which would reduce to 60m post construction.

Onshore Substation

- 3.10 The project has committed to a single transmission technology type, High Voltage Alternating Current (HVAC). However, the project has retained flexibility for two types of technology for the substation, Air Insulated Switchgear (AIS) and Gas Insulated Switchgear (GIS). The type of technology adopted influences the maximum footprints and heights of the substations final design. There would be one onshore substation, with a maximum footprint of 144,000m² (14.5 ha) (428m X 335m) and a maximum building height of 13m for AIS technology. Whereas there would be a maximum footprint of 72,600m² (7 ha) (270m X 268.5m) and a maximum building height of 16.5m for GIS technology. The maximum permanent footprint of the OnSS including associated infrastructure such as drainage, access requirements and onsite landscaping would measure 261,500m² (26 ha).
- 3.11 Preparatory works would be necessary before onshore installation works could begin. These works would include, but may not be limited to, road and junction modifications and any new junctions off existing highways, hedgerow removal and vegetation clearance, drainage management, and ecological and archaeological mitigation.

Construction Compounds

- 3.12 Temporary construction compounds of varying sizes would be required for the construction of the proposals. These compounds would be located within the projects onshore footprint and would be used for laydown and storage of materials, plant and staff, as well as areas for temporary offices, welfare facilities, security and parking. Compound areas would also be required for crossings (roads and rivers) and site operations such as drilling works.
- 3.13 During landfall and intertidal works a landfall compound would also be constructed which would include housing the Transition Joint Bay (TJB) and any drilling works. As temporary features, all construction compound areas would be reinstated to their original state following the completion to all construction works. The applicant has stated however that some of the compounds may be retained during the commissioning stages of the projects.

Access and Haul Roads

- 3.14 The project would include the construction of a temporary haul road to provide access to the projects onshore infrastructure instead of relying on main roads. The proposed haul road would extend the entire length of the ECC and 400kV cable corridor (approximately 74km as mentioned in onshore cabling above) with the exception of areas wherein a trenchless technique would be adopted.
- 3.15. Once constructed the applicant anticipates that the operations and management of the project would last approximately 35 years. The OnSS would be an unoccupied installation with no onsite presence with the exception of routine maintenance and emergency repairs.
- 3.16 At the end of the operational life of the project it would be decommissioned. The applicant expects that the onshore cables will be left in place, to avoid the occurrence of additional negative impacts.

4. Description Of Site and Surroundings

- 4.1 The proposed onshore development is linear in nature and is located between Anderby Creek on the east coast of Lincolnshire and Weston Marsh, east of Spalding. The majority of the cable route passes through open countryside interspersed with small settlements. The Order Limit boundaries span three district councils, South Holland, Boston and East Lindsey.
- 4.2 The development site crosses a number of main highway routes including the A52, A158 and the A17 at various points along the ECC route as well as a number of 'B' roads and minor roads. There are also 33 of Public Rights of Way (PRoW) which have been identified that intersect the Order Limits.
- 4.3 The ECC route intersects a number of waterways including Willoughby High Drain, The Lymm, Wainfleet Relief Channel, Steeping River, The Haven, and The River Welland. The route is located within areas at higher risk of flooding (flood zones 2 and 3).
- 4.4 There are 22 statutory designated sites within the study area (up to 15km from the Order Limits), this consists of two Special Areas of Conservation (SAC) 15 Sites of Special Scientific Interest (SSSI) 3 National Nature Reserves (NNR) and 2 Local Nature Reserves (LNR). There are 51 non-statutory sites designated for their nature conservation value located within 2km of the Order Limits, 17 of which are located wholly or partially within the Order Limit boundary.
- 4.5 A total of 75 heritage assets have been identified within the 5km study area of the site. This includes 7 Scheduled Monuments, 9 Listed Buildings, and 3 Conservation Areas. The ECC route also passes through two of Lincolnshire's historic landscape character areas, Area 8 Grazing Marshes and Area 10 The Wash as described in The Historic Character of the County of Lincolnshire (2011) document.

- 4.6 The majority of the onshore export cable corridor (ECC) crosses agricultural land uses. The applicant has assessed the ECC route using Agricultural Land Classification, the applicant has stated that Natural England's ALC classification maps do not differentiate between Grades 3a and 3b, for the purposes of their assessment all Grade 3 land will be classified as Best and Most Versatile (BMV) considering the worst case scenario. A 14.1 hectare (ha) coastal area has not been graded as ALC mapping does not extend to the mean high water springs (MHWS). The development site (DCO boundary) covers a total of 857.17 ha, none of which falls below Grade 3 ALC and is all therefore classified as BMV land. 181.22 ha is classified as Grade 3, 184.08 ha is Grade 2 and the remaining 99.5 ha is Grade 1. The poorer quality agricultural land is located to the northern end of the cable corridor closest to the sea, the greater quality agricultural land is located at the southern end of the proposals.

Planning History

- 4.7 There is no relevant planning history for minerals, waste or County Council developments in the Order Limits area.

5. Policy Context

National planning Policy

- 5.1 The Secretary of State (SoS) is required to have regard to any relevant national policy statement (NPS), amongst other matters, when deciding whether to grant a DCO. Where there is a relevant NPS in place DCO applications are determined in line with Section 104 of the PA2008. However, where there are no relevant NPS in place then Section 105 of the PA2008 takes effect and provides the legal basis for determining DCO applications. Section 105 requires the SoS to consider 'important and relevant' matters which includes this LIR and any other matters which the SoS thinks are both important and relevant to its decision.
- 5.2. The NPS's set out assessment principles for judging impacts of energy projects and are a material consideration that the SoS will need to consider. The following NPS's are considered relevant to the determination of this DCO application.

EN-1 – Overarching National Planning Policy Statement for Energy

EN-3 – National Planning Policy Statement for Renewable Energy Infrastructure

EN-5 – National Planning Policy Statement for Electricity Networks Infrastructure

- 5.3. **EN-1 – Overarching National Planning Policy Statement for Energy.**
EN-1 (Overarching National Policy Statement for Energy) confirms the Government's commitment to the legally binding target to cut greenhouse gas emissions by 80% by 2050, compared to 1990 levels. It also identifies the need to increase dramatically the amount of renewable electricity generation capacity in order to meet the commitments under the EU Renewable Energy Directive and to improve

energy security by reducing dependence on imported fossil fuels, decrease greenhouse gas emissions and providing economic opportunities.

5.4 NPS EN-1 identifies wind and solar as the lowest cost ways of generating electricity, helping to reduce costs and providing a clean and secure source of electricity. It goes on to state that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar. The Government has an ambition to deliver up to 50GW of offshore wind by 2030. The Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. The NPS goes on to state that, subject to any legal requirements, the urgent need for CNP infrastructure to achieving the governments energy objectives will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy.

5.5 **EN-3 – National Planning Policy Statement for Renewable Energy Infrastructure.** EN-3 was updated and adopted in January 2024, it covers nationally significant renewable energy electricity generating stations including offshore wind generating stations more than 100MW in England. NPS EN-3 reiterates that the government expects that offshore wind will play a significant role in meeting demand and decarbonising the energy system. Government has concluded that there is a critical national priority for the provision of nationally significant new offshore wind development and supporting onshore and offshore network infrastructure and related network reinforcement.

EN-3 also sets out the key considerations and factors to take into account for design and site selection, these include national designations and other locational considerations, seabed leasing, marine licensing and climate change adaptation. EN-3 also refers to technical considerations, including network connections, flexibility of project details, micro siting and micro routing, repowering, monitoring and decommissioning. The NPS also houses a non-exhaustive list of key impacts for consideration.

5.6 **EN-5 – National Planning Policy Statement for Electricity Networks Infrastructure.** EN-5 (National Policy Statement for Electricity Networks Infrastructure) is also relevant as it recognises electricity networks as “transmission systems (the long distance transfer of electricity through 400kV and 275kV lines), and distribution systems (lower voltage lines from 132kV to 230V from transmission substations to the end-user) which can either be carried on towers/poles or underground” and “associated infrastructure, e.g. substations (the essential link between generation, transmission, and the distribution systems that also allows circuits to be switched or voltage transformed to a useable level for the consumer) and converter stations to convert DC power to AC power and vice versa.” This is therefore relevant in so far as it relates to the proposed, underground onshore cables, onshore substation and grid connection.

- 5.7 The National Planning Policy Framework (NPPF) (December 2023) at paragraph 5 states that the document does not contain specific policies for NSIPs. These are to be determined in accordance with the decision-making framework set out in the Planning Act and relevant NPS's for nationally significant infrastructure, well as any other matters that are considered both important and relevant (which may include the NPPF).
- 5.8 The NPPF does, however, state that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and support renewable energy and low carbon and associated infrastructure (paragraph 157).
- 5.9 The government is currently reviewing the NPPF, the draft revised text is out for consultation, the proposed changes to the NPPF seeks to achieve sustainable growth in the planning system and seeks views on wider policy proposals including appropriate thresholds for certain Nationally Significant Infrastructure Projects.
- 5.10 The National Planning policy Guidance (NPPG) outlines the guidance on the specific planning considerations that relate to renewable and low carbon energy, (013 Reference ID: 5-001-20140306). It states that increasing the amount of energy generated from low carbon and renewable technologies will help to ensure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Specific reference to wind turbines is also contained within this guidance (014 reference ID: 5-014-20150618). However, in this instance, this guidance is not directly relevant as the proposed turbines would be located offshore whereas the associated infrastructure would be located onshore, within LCCs administrative boundaries.
- 5.11 Notwithstanding, the NPSs provide the predominant policy context; and whilst the applicants DCO application has cross referred to the NPPF and NPPG where applicable, where there are any inconsistencies between the and the relevant NPS.
- 5.12 **Development Plan**
The documents that comprise the development plan are listed below. Other policy documents that should be considered as a material consideration are also identified.
- 5.13 **South East Lincolnshire Local Plan (SELLP)**
The South East Lincolnshire Local Plan 2011-2036 was adopted March 2019, this local plan covers the administrative boundaries of Boston Borough Council and South Holland District Council.

The relevant policies are:

- **Policy 2: Development Management** – Reason: To ensure sustainable development considerations are met.

- **Policy 3: Design of New Development** – Reason: To promote high quality design and layout of new development ensuring appropriate design for the locality maximising opportunities for improving the character and quality of the local area.
- **Policy 4: Approach to Flood Risk** – Reason: The majority of the order limits fall within flood zones 2 and 3.
- **Policy 28: The Natural Environment** – Reason: Protecting, enhancing and managing natural assets located within or in close proximity to the order limits boundary.
- **Policy 29: The Historic Environment** – Reason: To protect the archaeological and built heritage interests on sites.
- **Policy 30: Pollution** – Reason: To protect the amenities of the local area and health and safety of the public.
- **Policy 31: Climate Change and Renewable Energy and Low Carbon Energy** – Reason: To protect the visual amenity, landscape character or quality of the skyline, highway safety PRow, agricultural land take, heritage assets, the natural environment and aviation and radar safety.
- **Policy 32: Community, Health and Wellbeing** – Reason: The policy aim to improve access to greenspace and create socially cohesive and inclusive communities reducing health inequalities.
- **Policy 33: Delivering a More Sustainable Transport Network** – Reason: The development involves traffic on the highway network.

5.14 East Lindsey Local Plan Core Strategy (ELLP)

The East Lindsey Local Plan Core Strategy was adopted July 2018.

The relevant policies are:

- **Policy 10: Design** – Reason: Policy aim to produce well-designed sustainable development.
- **Policy 11: Historic Environment** – Reason: To protect archaeology, heritage assets and their settings.
- **Policy 16: Inland Flood Risk** – Reason: the majority of the order limits are located within flood zones 2 and 3.
- **Policy 17: Coastal East Lindsey** – Reason: The development is located partly along the east coast of Lincolnshire and is at risk from coastal flooding.

- **Policy 22: Transport and Accessibility** – Reason: The development involves traffic on the highway network.
- **Policy 23: Landscape** – Reason: To protect the landscape character of the locality, including the historic landscape characterisation.
- **Policy 24: Biodiversity and Geodiversity** - Reason: To protect and enhance the biodiversity on the development site.
- **Policy 25: Green Infrastructure** – Reason: to protect greenspace, maximising opportunities for new and enhanced greenspace, including PRow.
- **Policy 27: Renewable and Low Carbon Energy** – Reason: To consider individual and cumulative impacts of low carbon or renewable energy in relation to residential amenity, surrounding landscape, townscape, and historic landscape characterisation, highway safety, local economy, biodiversity and water environment.

5.15 **Neighbourhood Plans**

There are no Neighbourhood Plans or Neighbourhood Development Orders that fall within the Order Limit boundaries.

5.16 **Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies**

The planning policy framework for minerals and waste within Lincolnshire is set out in the adopted Lincolnshire Mineral and Waste Local Plan (2016).

The relevant policies are:

- **Policy DM1: Presumption in favour of sustainable development** - Reason: “the County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework”.
- **Policy DM4: Historic Environment** – Reason: Potential archaeological interest and the protection of built heritage assets.
- **Policy DM6: Impact on landscapes and townscapes** – Reason: Required to give regard to the development’s impact on landscapes.
- **Policy DM12: Best and Most Versatile Agricultural Land** - Reason: development proposals that involve significant amounts of best and most versatile agricultural land will only be permitted where the stated criteria are met.
- **Policy M2: Providing for an Adequate Supply of Sand and Gravel.**

- **Policy M11: Safeguarding of Mineral Resources.**
- **Policy W1: Future Requirements for New Waste Facilities.**

5.17 In addition to the development plan documents listed above, there are additional policy documents which provide local policy on key topics of relevance to this development

5.18 **South East Lincolnshire Strategic Flood Risk Assessment (March 2017)**

The SFRA has assessed the flood risk issues at a strategic scale to inform the spatial planning process.

5.19 **Lincolnshire County Council Energy Infrastructure Position Statement (December 2023)**

The County Council position statement notes that Nationally Significant Infrastructure Projects (NSIPs) cover a range of potential developments including solar farms and cable routes.

All new energy sources need to be connected to the grid and this creates a risk. The Council's position is that any cabling required should be underground unless connecting to an existing overhead line.

The statement notes the advice contained in the NPPF that local planning authorities should take into account the economic and other benefits of best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary Local Planning Authorities should require the use of areas of poorer quality land in preference to that of higher quality. Based on this the Council will object to development on Grade 1,2, 3a land.

In considering NSIP proposals the protection of Best and Most Versatile agricultural land is the starting point for the Council for projects that involve significant land take. This principle will be cross referenced with other topics of consideration such as local environment, landscape, historic and community impacts to come to a view if there is any justification to override the loss of agricultural land.

Finally consideration should be given to the cumulative impact from proposals in combination for significant impact of numerous developments clustered within the same locality in a similar time period.

6. Assessment Of Impacts

6.1 The following sections identify, for each topic heading listed below, the relevant policies, the key issues and impacts raised by the proposed development and the extent to which the applicant has addressed these issues in the application document .

- Principle of the Development – Climate Change
- Landscape
- Highways and Transportation
- Public Rights of Way (PRoW)
- Flood Risk, Drainage and Surface Water
- Minerals and Waste
- Cultural Heritage
- Archaeology
- Socio Economics
- Land Use – Loss of Agricultural Land
- Health and Fire Safety

7. Principle of the Development – Climate Change

7.1 Key Policies

- Policy 31: Climate Change and Renewable Energy and Low Carbon Energy (SELLP)
- Policy 27: Renewable and Low Carbon Energy (ELLP)

7.2 Section 4.8 of NPS EN-1 addresses climate change adaptation and resilience in energy infrastructure development. It notes that the SoS should take the effects of climate change into account when developing and consenting infrastructure, referring to the potential long term impact of climate change.

7.3 Paragraph 4.10.8 states that ‘new energy infrastructure will typically need to remain operational over many decades, (35 years in the case of this development) in the face of a changing climate. Consequently, applicants must consider the direct (e.g. site flooding, limited water availability, storms, heatwave and wildfire threats to infrastructure and operations) and indirect (e.g. access roads or other critical dependencies impacted by flooding, storms, heatwaves or wildfires) impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure’.

7.4 The SoS should be satisfied that applicants for new energy infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections and associated research and expert guidance available at the time the ES was prepared to ensure they have identified appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure, including any decommissioning period (4.10.13).

7.5 EN-1 notes that we must continue to accelerate efforts to end our contribution to climate change by reaching Net Zero greenhouse gas emissions reiterates the need to minimise the most dangerous impacts of climate change. It also emphasises the need for adaptation, which is necessary to manage the impacts of current and future climate change.

- 7.6 Paragraph 2.3.5 notes the country's historic dependence of our energy system on fossil fuels, stating that this is still the case today. Although representing a record low, fossil fuels still accounted for just over 76 per cent of energy supply in 2020. It goes on to state that we need to dramatical increase the volume of energy supplied from low carbon sources.
- 7.7 Paragraph 2.3.6 acknowledges the need to transform the energy system, tackling emissions whilst continuing to ensure secure and reliable supply. Increasing the supply of clean energy is highlighted.
- 7.8 EN-5 notes that as climate change is likely to increase risks to the resilience of some of the infrastructure that falls under the umbrella of EN-5 (electricity networks). It refers to risks such as flooding it goes on to state that applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it has been designed to be resilient.
- 7.9 Policy 27 of the ELLP states that large scale renewable and low carbon energy development, development for the transmission and interconnection of electricity and infrastructure required to support such development will be supported where both their individual and cumulative impacts are considered to be acceptable.

These impacts would be measured in acceptability in relation to residential amenity, surrounding landscape, townscape, and historic landscape character and visual qualities, the significance of heritage assets, sites or features of biodiversity, the local economy, highway safety and the water environment and quality.

- 7.10 Policy 31 of the SELLP is split into two segments, A, climate change and B, renewable energy. Part A states that all development proposals will be required to demonstrate that the consequences current climate change has been addressed, minimised and mitigated. Whilst part B states that 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 they would not cause significant harm to the following; visual amenity, landscape character or quality, residential amenity, highway safety, agricultural land take, aviation and radar safety, heritage assets and the natural environment.
- 7.11 The Council acknowledges the target set by the UK Government of delivering over a third of electricity from offshore wind by 2030 and, therefore, it is supportive of the principle of offshore wind development in helping to tackle the challenges faced by climate change.
- 7.12 The Council also recognises the national importance of having a balanced supply of electrical generation, including increasing renewable energy supplies from offshore turbines in helping decarbonise the UK's energy sector. Critical national infrastructure must not only deliver the Government's energy objectives, but also deliver sustainable societal and economic impacts in the regions that are hosting

them. Therefore, the Project needs to be achieved without significant adverse effects on the environment, local communities, and economy of Lincolnshire.

- 7.13 The Outer Dowsing Offshore wind project would make a significant contribution towards renewable energy generation. This contribution aligns to key commitments at the national level and within the adopted NPS recognising the importance of the Government's commitments to cut greenhouse gases by 80% of 2050.
- 7.14 Therefore whilst the Outer Dowsing Offshore Wind Project by its nature offers significant positive impacts in terms of the production of clean renewable energy and the transition and movements towards Net Zero, in order to be supported it must be demonstrated that there are no significant adverse environmental impacts that cannot be appropriately managed and/or mitigated through the DCO process. The Council's position is therefore that, adopting a 'whole life' approach to GHG emissions, there are no negative and neutral impacts and that significant **positive impacts** would accrue.
- 7.15 The sections below consider the potential impacts of the development on other factors/topics and the Examining Authority will need to balance these positive impacts against any negative impacts identified within this LIR and those raised by other host authorities and Interested Parties.

8. Ecology

8.1 Key Policy

- Policy 28: Natural Environment (SELLP)
- Policy 31: Climate Change and Renewable Energy and Low Carbon Energy (SELLP)
- Policy 24: Biodiversity and Geodiversity (ELLP)
- Policy 25: Green Infrastructure (ELLP)

8.2 Section 5.4 of NPS EN-1 covers biodiversity and geological conservation. The government's policy for biodiversity in England is set out in the Environmental Improvement Plan 2023, the National Pollinator Strategy and the UK Marine Strategy. The aim is to halt overall biodiversity loss in England by 2030 and then reverse loss by 2042, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. Healthy, naturally functioning ecosystems and coherent ecological networks will be more resilient and adaptable to climate change effects. Failure to address this challenge will result in significant adverse impact on biodiversity and the ecosystem services it provides (5.4.2).

8.3 Paragraph 5.4.39 states that the 'SoS should have regard to the aims and goals of the government's Environmental Improvement Plan 2023 and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere'. Paragraph 5.4.41 goes on to state that 'the benefits of nationally significant low carbon energy infrastructure development may include benefits for

biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The SoS may take account of any such net benefit in cases where it can be demonstrated’.

‘If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the SoS will give significant weight to any residual harm’ (5.4.43).

- 8.4 EN-1 states that when considering proposals the SoS should maximise reasonable opportunities for building-in beneficial biodiversity or geological features as part of good design and give appropriate weight to environmental and biodiversity enhancements. As this can help towards delivering biodiversity net gain.
- 8.5 Policy 28, the natural environment, of the SELLP states that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife friendly greenspace will be achieved by protecting, enhancing and managing natural assets. It goes on to state that development proposals that would cause harm to internationally designated sites will not be permitted, except in exceptional circumstances where imperative reasons of overriding public interest exist.

This policy refers to nationally or locally designated sites and protected or priority habitats and species, similarly stating that any proposals that would directly or indirectly adversely affect these assets development would not be permitted unless, suitable prevention, mitigation and compensation measures are provided or the benefits of the development at the proposed site clearly outweigh the adverse impacts on the features of the site and the wider network of natural habitats.

The policy also aims to address gaps in the ecological network by ensuring all development proposals provide an overall net gain in biodiversity. The policy states that this could be achieved by protecting the biodiversity value of the land, minimising the fragmentation of habitats, maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance.

- 8.6 Policy 31 of the SELLP part A climate change states that development proposals should demonstrate that the consequences of climate change have been addressed, minimised and mitigated against. The incorporation of measures which promote and enhance green infrastructure and provide an overall net gain in biodiversity to improve the resilience of ecosystems within and beyond the site is specifically referenced.
- 8.7 Policy 24, Biodiversity and Geodiversity of the ELLP aims to enhance the biodiversity and geodiversity value of land, minimise fragmentation and maximise opportunities for connectivity between natural habitats. The policy aims to protect internationally, nationally and locally significant sites, and protected species and

habitats. It goes on to state that where new habitats are created it should be linked, where possible, to other similar habitats and provide a network of sites for wildlife.

- 8.8 Policy 25 of the EELP, states that the council will safeguard and deliver a network of accessible green infrastructure by protecting all greenspace identified through the settlement proposals DPD so that there is no net loss, maximise opportunities for new and enhanced green infrastructure and publicly accessible open spaces, and seek opportunities to connect existing green infrastructure to improve the network of spaces and accessibility for both local population and wildlife.
- 8.9 The biodiversity and ecological elements of the Applicant's Environmental Statement are broadly divided into offshore and onshore. The Council has reviewed the information in relation to onshore ecological impacts. APP-076 identifies a range of onshore ecological impacts, whilst APP-077 focuses on impacts to onshore ornithology. It is considered that information included in APP-076 and APP-077 provide a reasonable summary of ecological interest features and likely significant effects, mitigation, and residual effects of the proposed development.

Statutory Designated Sites

- 8.10 There are seven onshore European designated sites of importance to onshore and intertidal ecology and ornithology within 15km of the DCO Site Boundary:
- Humber Estuary SPA, SAC and Ramsar
 - Saltfleetby - Theddlethorpe Dunes and Gibraltar Point SAC
 - Gibraltar Point SPA and Ramsar
 - The Wash SPA and Ramsar
 - The Wash and North Norfolk Coast SAC
 - North Norfolk Coast SPA and Ramsar
 - Greater Wash SPA

There are also 15 nationally designated ecologically important sites (SSSI) within 15km of the DCO Site Boundary.

Non-Statutory Designated Sites

- 8.11 There are 43 non-statutory sites designated for their nature conservation value within 2 km of the DCO Site Boundary; these designations include Local Wildlife Sites (LWS) and Local Wildlife Trust (LWT) sites.

The Council notes that APP-076 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 welcomes this approach.

Habitats Regulations

- 8.12 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 (AS1-095) has been produced. The Examining Authority 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.
- 8.13 The applicant has worked with Natural England via the Discretionary Advice Service and potential impacts, such as habitat loss (both temporary and permanent), noise, pollution and disturbance relating to onshore elements of the scheme all appear to have been assessed appropriately. Where impacts were considered to potentially have a Likely Significant Effect (LSE) on the site(s) interest features appropriate, further evidence is provided and where necessary mitigation measures have been identified to ensure that they do not constitute an Adverse Effect on Integrity (AEOI). Overall the Council has no reason to disagree with the conclusions of the Report to Inform the Habitats Regulations Assessment as far as they relate to onshore ecology and ornithology. The Council advises that mitigatory measures should be secured in the Project Environmental Management Plan (PEMP) an outline of which is included at APP-277 and the DCO.

Existing biodiversity value

- 8.14 A range of both desk-based studies and field surveys has been undertaken to establish the suite of habitats present within the DCO site boundary. These are described in APP-076 and associated appendices. A suite of habitat types of local importance and above were identified. The Council is of the opinion that the level of survey effort, survey methods and desk-study research undertaken to identify important habitats and establish the baseline biodiversity value is appropriate.
- 8.15 Likely impacts, impact avoidance measures, mitigation measures and enhancement measures are proposed to avoid significantly negative effects on the suite of habitats present within the development footprint. Any significant effects that cannot be avoided will require mitigation to be secured within the DCO. 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) (AS1-103) which sets out the main mitigation measures that will be undertaken to manage the potential impacts to onshore ecological receptors have been produced.
- 8.16 The Council notes the intention to produce a Landscape Management Plan (LMP) and an Ecological Management Plan (EMP) which will be submitted for approval to this Council and the other relevant Local Planning Authorities prior to construction. The Council agrees with the Applicant's approach and considers that impact

avoidance and mitigation measures are appropriate and that they should be secured in the DCO.

- 8.17 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.

Protected and priority species

- 8.18 A suite of both desk-based studies and field surveys has been undertaken to identify protected and priority species likely to occur within the DCO Site Boundary. In the onshore environment, these are described in APP-076 and APP-077 and associated appendices. The Council has reviewed the application in accordance with Natural England's standing advice for protected species. Having considered APP-076 and APP-077 it is considered that the survey methods used, and the survey effort deployed were appropriate.
- 8.19 Without mitigation, the proposed development has the potential to result in negative effects on the populations of a number of species / species groups. Impact avoidance measures, mitigation measures and enhancement measures are proposed to avoid significantly negative effects. Where protected species will be affected by the proposed development, a licence from Natural England will be sought and mitigation will be secured as part of the licensing process. The Council agrees with the approach and considers that impact avoidance and mitigation measures currently proposed are appropriate and that they should be secured in the DCO.
- 8.20 The Council also notes that the OLEMS sets out principles relating to the aimed at avoiding the spread of Invasive Non-Native Species (INNS) during construction. This approach is welcomed.

Biodiversity Net Gain (BNG)

- 8.21 The delivery of at least 10% BNG is not currently mandatory for NSIPs however it is accepted as good practice. The Council welcomes the Applicant's intention to achieve BNG as a result of the development. Given the scale of the development the Council encourages the applicant to seek to deliver significantly more than the minimum of 10% BNG.
- 8.22 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. The Council notes that *"The BNG assessment is proposed to be updated as required throughout the examination phase and then, post-DCO decision, based on the detailed scheme design stage."* The Applicant has used the Statutory Biodiversity Metric to establish the baseline and post-development biodiversity values. This was the most up-to date version of the metric at the point the assessments were undertaken.

- 8.23 Information included in APP-302 indicates that the post-development output of the metric shows that the development is currently predicted to result in a net loss of 143.58 Biodiversity Units for area-based habitat units, a net loss of 1.28 Biodiversity Units for hedgerow units and a net loss of 44.62 Biodiversity Units for watercourse units". This suggests that significant effort is still required to identify how a minimum of 10% BNG will be delivered. The Council considers that, subject to achieving a minimum of 10% BNG, the overall approach to BNG is considered to be acceptable.
- 8.24 The Council encourages the Applicant to work closely with local stakeholders to refine the approach to BNG delivery and provide details of the biodiversity enhancement proposed. The Council advises that the Greater Lincolnshire Nature Partnership has produced Biodiversity Opportunity Mapping (BOM) for the whole of Greater Lincolnshire which will be useful in helping to prioritise options. In addition to this a Local Nature Recovery Strategy (LNRS) is currently being produced for Greater Lincolnshire. The BOM and LNRS will both provide useful detail which can be used to refine the approach to BNG delivery and identify additional opportunities.
- 8.25 The Council also encourages the Applicant to work with other developers and stakeholders in the area to identify opportunities to deliver BNG strategically. The Council welcomes ongoing engagement with the Applicant in relation to BNG.
- 8.26 Given the current uncertainty around the level of BNG that will be achieved by the Project, The Council is of the opinion that a requirement to deliver a minimum of 10% BNG will need to be included in the DCO and the applicant will need to demonstrate that the commitments made to delivering BNG are achievable.

Cumulative Effects

- 8.27 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. The Council considers the approach to the assessment of Cumulative Effects appropriate.

Ecological Steering Group

- 8.28 The Council considers that to ensure the proposed mitigation for landscaping and ecology is achieved and maintained to the required standards the establishment of an Ecological Steering Group or similar for the Proposed Development is necessary. This group should consist of key ecological stakeholders (both statutory and non-statutory). The remit of the group would be to receive updates on project progress and to advise on issues encountered during construction as well as to refine delivery

of required mitigation and enhancement measures. Meetings should be held at an appropriate frequency to ensure good communication between both the developer, stakeholders and other developers as further projects emerge and the need for a mechanism to secure collaboration between the projects is essential to ensure all the proposed mitigation measures are implemented and monitored.

To ensure such a group is set up and provide the necessary information and evidence of the on-going landscaping and ecological works mitigation works it is recommended that contributions should be secured via a Section 106 Agreement to enable an Environment Compliance Officer to be secured for the duration of the construction phase and 10-year aftercare periods.

- 8.29 Also the establishment of an ecology, enhancement fund. The Environment Compliance Officer would monitor compliance with the approved documents, including the, stage specific Biodiversity Management Plans, stage specific BNG Strategies and stage specific LEMPs. They would provide a key point of contact for the Applicant and their contractor(s) in relation to addressing unforeseen ecological issues liaising with the Council's Infrastructure Ecologist, receipt of monitoring reports, and reaching agreement, where necessary, over remedial works, such as where habitat re-instatement or creation has failed.
- 8.30 A landscape and ecology enhancement fund would be used to deliver measures to conserve and enhance, habitats and heritage features across the diversity of landscapes impacted by the onshore cable route and on shore sub-station. This fund would be made available to landowners for projects such as hedge planting to improve habitat connectivity, through scrub control such as in the vicinity of the coastal country park.

Overall impact of the development on biodiversity and ecology

- 8.31 The Applicant's Environmental Statement identifies a series of potential impacts on onshore ecology during the construction stage of the development. These range from minor adverse impacts to significant adverse impacts depending on the species, habitat or site concerned. Measures to address these impacts are proposed and should be secured in the DCO. If the mitigation measures including the establishment of an ecological steering group are secured and delivered as proposed the Council considers that the development would have a **minor negative impact** on onshore ecology.
- 8.32 With regard to BNG, the Applicant has signalled an intention to deliver BNG though the level of this is currently unclear. Given the scale of the project the Council considers that the project should seek to deliver significantly more than 10% BNG. If this is achieved, it is considered that overall, the development could have a **positive** impact in terms of BNG. Commitments to deliver a minimum of 10% BNG should be secured in the DCO and subsequently monitored by the Environment Compliance Officer

9. Landscape

9.1 Key Policy

- Policy 2: Development Management (SELLP)
- Policy 3: Design of New Development (SELLP)
- Policy 31: Climate Change and Low Carbon Energy (SELLP)
- Policy 10: Design (ELLP)

9.2 EN-1 states that the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation (5.10.37).

9.3 Paragraph 3.10.35 of EN-1 states that the 'scale of energy projects means that they will often be visible across a very wide area. It goes on to stress that the SoS should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project'. Paragraph 5.10.36 then sets out that the SoS should 'consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable'.

9.4 Paragraph 5.10.5 of EN-1 states that 'virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation'.

9.5 Paragraph 5.10.6 then goes on to state that 'projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate'.

9.6 Policy 2 of the SELLP states that proposals requiring planning permission for development should meet sustainable development considerations specifically in relation to the 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.

9.7 Policy 3 of the SELLP aims to promote development of a high quality design that makes use of local traditional styles and materials. It states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area will not be acceptable. The landscape character of the area is identified within this policy as a key consideration.

9.8 Policy 31 of the SELLP, particularly section B relating to renewable energy states that consideration should be given to both the individual and cumulative impacts in relation to visual amenity, landscape character or quality or skyline

considerations. It goes on to state that provision should be made for the post construction monitoring and removal of the facility and reinstatement of the site if the development ceases to be operational.

- 9.9 Policy 10 of the ELLP states that the council will support well-designed sustainable development, which maintains and enhances the character of the districts towns, villages and countryside. Specifically by supporting the use of brownfield land for development, unless it is of high environmental value, seeking to use areas of poorer quality agricultural land in preference to that of a higher quality, promoting the use of high quality materials and where the layout, scale, massing, height and density reflect the character of the surrounding area, and providing on-site landscaping to integrate the development into its wider surroundings and make provision for open space.
- 9.10 The Council Landscape Consultants AAH 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. A full copy of the report prepared by AAH is attached as an Appendix 1 which has reviewed the DCO application documentation and the following summary is based on those comments and should be read in conjunction with the full document.
- 9.11 The Environmental Statement Chapter on Landscape and Visual Impact Assessment 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.
- 9.12 These comments relate to the cable corridor and the On-Shore Sub-Station (OnSS) only.
- 9.13 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.
- 9.14 Eleven representative viewpoints have been utilised, these were agreed with the Council 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.

- 9.15 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. The Council reserves its position on this point and adequacy and seeks to assess this further as the design evolves.
- 9.16 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. The Council 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.
- 9.17 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.
- 9.18 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.
- 9.19 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.

- 9.20 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.
- 9.21 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 these will be refined at the detail design stages. Again an Ecological Compliance Monitoring Officer is needed to give confidence to the community that the implementation of the required mitigation schemes are undertaken in a timely manner and to the agreed standard.
- 9.22 The sub-station will be a large industrial structure in an area that is generally open and flat in character. The Council believe the mitigation needs to be carefully considered and should commence with an approach that seeks to not just hide a functional building through bunding and vegetation. A design panel has been part of the design development process and the Council would welcome clarification as to how this Panel will operate during the examination process and beyond. To date this dialogue has formulated a dynamic approach that combines different strategies to help the development sit comfortably within the character of the study area.
- 9.23 The submission is light on the process of establishment and management of landscape mitigation. The Council accept this is yet to be finalised given the developing nature of the design, however do stress that the applicant team fully understand that if mitigation planting is to be used, the success rate needs to be high. By default, a robust management and establishment plan needs to be agreed for a period of 15-25 years. Given the extremes of climatic conditions the UK is experiencing and is likely to continue to experience the design and maintenance of planting strategies is of fundamental importance.

Areas requiring further discussion

- 9.24 The areas of clarification that the Council wish to pursue during the examination are as follows:-
- Welcome on-going participation in the design development of the OnSS.
 - The Council submits the assessment of effects on the existing landscape fabric of the study area, has been under-considered given the small local road network and the scale of the construction traffic for the OnSS.
 - The Council has concerns regarding the onus on landscape planting as a mitigation strategy, given the open expansive character of the study area. The Council does not reject the stance of using planting to settle the structures in the landscape but would resist the over-reliance of planting to screen a functional building.

- Agree that given the evolving design that the worst-case scenario has been adopted along with the Rochdale envelope principle, however wish to see the detail design of the development to be fixed with urgency so the LVIA can be re-assessed during the examination.
- Recommend a robust monitoring policy to ensure the successful establishment of any landscape mitigation measures. This would initially comprise the scrutiny of planting procurement and installation methodologies. The Council would then look to collaborate in the development of management plans to ensure successful plant establishment.
- Through collaboration with the Council the detailed management documents which cover all aspects of the mitigation planting and establishment for a period of no less than 20 years will be produced and accepted as the method of appraising success. The focus would be to establish vibrant habitats rather than a minimum standard to simply screen and mitigate. Recommend that Council initiated monitoring for a period of a minimum of 10 years would be essential to the success of the mitigation planting in biodiversity net gains and this should be secured using an appropriately funded Ecological Compliance Officer.

With the above points still requiring clarification and based on the national and local policies set out above the Council concludes at this stage that the development will have a **negative** impact on the landscape and character of the area during both construction and operational stages.

10. Highways and Transportation

10.1 Key policy

- Policy 33: Delivering a more sustainable transport network (SELLP)
- Policy 22: Transport and Accessibility (ELLP)

10.2 Paragraph 5.14.8 of the 2024 EN-1 sets out that the SoS should consider the substantial impacts of traffic and therefore should ensure 'that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the SoS should consider requirements to mitigate adverse impacts on transport networks arising from the development'. Moreover, applicants may be willing to enter planning obligations to fund infrastructure and otherwise mitigating adverse impacts.

10.3 With regards to mitigation, EN-1 states that the SoS may attach requirements to a consent where there is likely to be substantial HGV traffic that control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements, make sufficient provision for HGV parking including to avoid prolonged queuing on approach roads and ensuring satisfactory arrangements for reasonably foreseeable abnormal disruption (paragraph 5.14.14).

- 10.4 Policy 33 of the SELLP states that Local Planning Authorities will work with partners to make the best use of, and seek improvements to, existing transport infrastructure and services within, and connecting to South East Lincolnshire. For the road based transport network this includes working with the Highway Authority to mitigate against congestion and securing delivery of new local access roads.
- 10.5 Policy 22 of the ELLP states that the Council will support accessibility and seek to reduce isolation in the district by supporting development that gives pedestrian and cycle movements priority and requiring any development that involves loss of an existing parking facility to include a robust parking survey.
- 10.6 The construction works associated with the installation of the onshore cable route, substation, and other ancillary infrastructure are expected to have a negative impact on the local road network and the local communities the roads pass through. These negative impacts are a consequence of the anticipated increase in vehicular traffic arising from the workforce and material deliveries during the construction phase, and the resultant potential safety and amenity issues that may occur. Once the construction phase is complete, traffic generation would be limited to that required for inspection and maintenance purposes. The resultant movements during the operational phase are unlikely to be discernible from other traffic using the network. Once operational, the development would have neutral impact on the local highway network.
- 10.7 Due to the length of the onshore cable route and the requirement to gain access to it, a significant number of construction access points have been proposed by the Applicant. Existing and proposed vehicular accesses are intended to provide construction and operational access. The final details of the accesses will need to be submitted and agreed with the Council as Highway Authority.
- 10.8 The Project will generate increased vehicle movements on the highway network during construction; this will include increased HGV activity. The increase in vehicle movements will add to existing congestion issues. Whilst impacts would be worse at network peak times, the Project will still result in a notable impact particularly on lightly trafficked rural roads throughout the proposed working day. These impacts may result in safety and/or other amenity issues.
- 10.9 Access will be required along rural roads that are not designed or constructed to accommodate HGVs, resulting in increased wear and damage to the local highway network. Given the anticipated vehicle movements, there is the potential for damage to result to certain roads. The use of these roads will need to be carefully managed with mechanisms included within any phase specific management plan to enable damage to be repaired.

The use of rural roads, which have no dedicated provisions for pedestrians, cyclists, or equestrians, may result in the increased potential for conflict between these user groups and construction traffic. There is a clear safety issue associated with increasing vehicle activity on roads that have no specific provision for non-

motorised road users. Vehicular activity on these roads should be restricted, where possible, with specific mitigation otherwise provided as part of phase specific construction management plans.

- 10.10 The Council generally, agree with methodology and approach in the Transport Assessment. 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, the Council 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.

- 10.11 Para 93 lists roads to be crossed using trenchless technique, the Council 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.
- 10.12 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.
- 10.13 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 be approved by the Council as Section 278 Minor Works.
- 10.14 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.
- 10.15 The Draft DCO text is similar to other NSIPs draft and approved 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. The applicant will also need to gain approval of when the works are to be implemented and the diversions/traffic management through LCC Permitting scheme.

- 10.16 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 the Council would expect: i.e. that once the applicant have DCO approval they will discuss and obtain technical approvals from the Council for works in the highway.
- 10.17 There is also a need to ensure that the DCO provides a mechanism for the Highway Authority to review and provide the necessary specification for works in the Highway that would normally be captured via a Section 278 Agreement and the mechanism as how this will be achieved is still under discussion in the drafting of the DCO. Due to the uncertainties regarding the impact of cumulative impacts from combined traffic flows during the construction phases of other NSIPs being promoted in this area, the Council concludes that traffic and transport impacts during the construction and operation, is currently **negative**.

11. Public Rights of Way (PRoW)

11.1 Key policy

- Policy 32: Community, Health and Wellbeing (SELLP)
- Policy 33: Delivering a more sustainable transport network (SELLP)
- Policy 25: Green Infrastructure (ELLP)

11.2 Paragraph 5.11.24 of EN-1 sets out that the SoS should consider imposing requirements to ensure the functionality and connectivity of the green infrastructure network is maintained in the vicinity of the development and that any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space including appropriate access to National Trails and other public rights of way and new coastal access routes.

11.3 Policy 33 of the SELLP states that Local Planning Authorities will work with partners to make the best use of, and seek improvements to, existing transport infrastructure and services within, and connecting to South East Lincolnshire. Part C of this policy relates to cycling, walking and other sustainable transport. The policy seeks to protect existing footpaths, cycle routes and public rights of way from development, improve connectivity creating a more coherent network and ensure new major developments provide for walking and cycling routes. Whereas Policy 32 aims for the development to contribute to the creation of a socially-cohesive and inclusive community, reducing health inequality and improving the communities health and wellbeing. The policy seeks to protect and enhance existing public rights of way and create new links to the right of way network.

11.4 Policy 25 of the ELLP seeks to safeguard and deliver a network of accessible green infrastructure by protecting and safeguarding all greenspace identified through the Settlement Proposals DPD so that there is no net loss, maximising opportunities for

new and enhanced green infrastructure and publicly accessible open spaces in and around all communities and seek opportunities to connect existing green infrastructure to improve the network of spaces and accessibility for both the local population and wildlife.

- 11.5 At the point of landfall and the surrounding area impacted by the cable route, there could be interruption to lawful users' ability to access the coast. This is a well-used amenity and the local PRow network is key for many to gain access to this popular and important environment as part of the County's Coastal Country Park.
- 11.6 During the construction phase, there will be a negative impact on lawful users of the PRow due to the considerable construction works proposed to take place. This will vary in distance from the PRow network but will negatively impact the amenity of the routes for users and their enjoyment of what is usually, in most cases, a rural environment.. These comments relate to the compounds along the proposed route and also the substation site at the southern end of the Project. The existence of the compounds during construction will adversely impact the environment for walkers visually through the construction phase as will the substation site, which will continue to adversely impact visual enjoyment of the local area through the operational phase as well.
- 11.7 During the operational phase, the visual impact of the new infrastructure at the substation will continue. This will be a negative impact on what is currently a rural environment. The path that appear to be most impacted is the McMillian Long Distance Footpath.
- 11.8 In terms of long-term visual impacts, with particular reference to the above ground infrastructure of the onshore substation, a commitment should be made to mitigate this as much as possible by offering landscaping to restrict visibility of infrastructure by lawful users of the McMillian Long Distance Footpath.
- 11.9 The Applicant has proposed measures to mitigate these effects, through the Public Access Management Plan in accordance with the outline public access management plan which is secured through a Requirement in the draft DCO. Although it does set out clear mitigation for the network, this will negatively impact lawful path users within the County due to the temporary closures and diversions that are proposed. To reduce disruption to lawful users as much as possible, the Council would need to see a strong commitment to a phased construction programme and its securement through an appropriate requirement within the DCO. If this can be secured there will be **negative** impacts during construction as temporary diversions and other measures are put in place to footpath users but this will reduce to **neutral** during the operational phase.

12. Flood Risk, Drainage and Surface Water

- 12.1 Key Policy
- Policy 4: Approach to Flood Risk (SELLP)

- Policy 16: Inland Flood Risk (ELLP)

- 12.2 Section 5.16 of the 2024 NPS EN-1 focusses on water quality and resources. In the decision making process, the SoS should note that all activities that discharge to the water environment are subject to pollution control (5.16.11). Moreover, the SoS will ‘generally need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the Water Framework Directive’ (5.16.12).
- 12.3 EN-1 also states that ‘the risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice’ (5.16.9). It further elaborates that the SoS should consider ‘proposals to mitigate adverse effects on the water environment and any enhancement measures put forward by the applicant and whether appropriate requirements should be attached to any development consent and/or planning obligations are necessary’.
- 12.4 Paragraph 5.8.7 of EN-1 notes that new energy infrastructure should only be permitted by exception in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), and that it should be safe for its lifetime without increasing flood risk elsewhere and, where possible, should reduce flood risk overall. It should also be designed and constructed to remain operational in times of flood. Paragraphs 5.8.9 and 5.8.10 confirm the requirement for the flood risk sequential and exception tests to be applied.
- 12.5 The guidance confirms that the Exception Test should only be engaged where “the Sequential Test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified”. The examples of such ‘relevant policies’ which would provide a clear reason for refusing potential alternative sites are those relating to landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), SSSIs and World Heritage Sites.
- 12.6 Section 2.3 of EN-5 relates to climate change adaptation and resilience. It states that climate change is likely to increase risks to the resilience to some of the electricity network infrastructure and specifically refers to flood risk as an example. Paragraph 2.3.2 states that ‘applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it has been designed to be resilient to flooding, particularly for substations that are vital to the network; and especially in light of changes to groundwater levels resulting from climate change’.
- 12.7 Policy 4 of the SELLP states that development proposed within an area at risk of flooding (flood zones 2 and 3) of the Environment Agency’s flood map or at risk during a breach or overtopping scenario would be permitted where It can be demonstrated that there are no other sites available at a lower risk of flooding, the

application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change, the development proposes appropriate flood resistance and resilience measures, the development includes appropriate flood warning and evacuation procedures where necessary, the development incorporates the use of Sustainable Drainage System and demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

- 12.8 Policy 16 of the ELLP states that all new development must show how it proposes to provide adequate surface water disposal, including avoiding impacting on surface water flow routes or ordinary watercourses. The Council will expect this to involve the use of Sustainable Urban Drainage Systems along with other appropriate design features, including the retention of any existing water features on a site. It goes on to state that the Council will support development that demonstrates an integrated approach to sustainable drainage that has positive gains to the natural environment. All new development must show how it can provide adequate foul water treatment and disposal or that it can be provided in time to serve the development. It finally states that the Council will support improvements to the existing flood defences, the creation of new flood defences, infrastructure associated with emergency planning, washlands and flood storage areas.
- 12.9 Surface Water, Flooding and Drainage – the Council as Lead Local flood Authority for Drainage has reviewed Document 8.1.5 -The Outline Surface Water Drainage Strategy – This is a relatively short and high level document. The Council 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.
- 12.10 In summary, subject to the development being carried out as proposed within the DCO application documents and further details being agreed as part of subsequent DCO Requirements, the Council as Lead Local Flood Authority for Lincolnshire, is of the view that impacts of this proposal for both construction and operational phase are **neutral**.

13. Minerals and Waste

- 13.1 Key Policy – Lincolnshire Minerals and Waste Local Plan (2016)
- Policy M2: Providing for an adequate supply of sand and gravel
 - Policy M11: Safeguarding of Mineral Resources
 - Policy W1 Future Requirements for New Waste Facilities
- 13.2 Section 5.15 of EN-1 NPS covers resource and waste management. EN-1 states that the government policy on 'hazardous and non-hazardous waste is intended to protect human health and the environment by producing less waste and by using it

as a resource wherever possible. Where this is not possible and disposal is required as a last resort, waste management regulation ensures that waste is disposed of in a way that is least damaging to the environment and to human health'. It goes on to state that sustainable waste management is implemented through the waste hierarchy wherein the 'disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome'.

- 13.3 Paragraph 5.15.4 states that 'all large infrastructure projects are likely to generate some hazardous and non-hazardous waste. The EA's Environmental Permit regime incorporates operational waste management requirements for certain activities. When an applicant applies to the EA for an Environmental Permit, the EA will require the application to demonstrate that processes are in place to meet all relevant Environmental Permit requirements'.
- 13.4 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.
- 13.5 The Council would like to understand the potential impact on the provision of minerals in this area as it begins the review of the Minerals and Waste Local Plan. Therefore details of the amount of mineral; such as chalk that would be required in the construction works for haul roads and construction compounds would be helpful to the Minerals Planning Authority to plan for future mineral provision.
- 13.6 As the Council have no mineral safeguarding objections to the proposals and the impacts on the minerals resource is assessed as **neutral**.
- 13.7 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. The Council 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.

Whilst clarification on the above matters would be helpful to the Waste Planning Authority at this time there is assessed to be a **neutral** impact for both the construction and operational stages of the development with regard to waste.

14. Cultural Heritage and Archaeology

14.1 Key Policy

- Policy 29: Historic Environment (SELLP)
- Policy 11: Historic Environment (ELLP)

14.2 EN-1 states that the 'construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at and below the surface of the ground'.

14.3 Paragraph 5.9.21 states that 'where there is a high probability (based on an adequate assessment) that a development site may include, as yet undiscovered heritage assets with archaeological interest, the Secretary of State will consider requirements to ensure appropriate procedures are in place for the identification and treatment of such assets discovered during construction'.

14.4 Paragraph 5.9.7 states that the SoS 'should also consider the impacts on other non-designated heritage assets (as identified either through the development plan making process by plan-making bodies, including 'local listing', or through the application, examination and decision making process). This is on the basis of clear evidence that such heritage assets have a significance that merits consideration in that process, even though those assets are of lesser significance than designated heritage assets'.

'In considering the impact of a proposed development on any heritage assets, the SoS should consider the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal' (5.9.24). EN-1 also states that 'where appropriate, the SoS will impose requirements on the Development Consent Order to ensure that the work is undertaken in a timely manner, in accordance with a written scheme of investigation that complies with the policy EN-1 and which has been agreed in writing with the relevant local authority'.

14.5 Policy 29 of the SELLP seeks to conserve and where appropriate enhance distinctive elements of South East Lincolnshire's historic environment. It goes on to state that to respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

14.6 Policy 11 of ELLP states that the Council will support proposals that secure the continued protection and enhancement of heritage assets in East Lindsey, contribute to the wider vitality and regeneration of the areas in which they are

located and reinforce a strong sense of place. It continues to state that proposals will be supported where they preserve or enhance heritage assets and their setting, preserve or enhance the special character, appearance and setting of the District's Conservation Areas, have particular regard to the special architectural or historic interest and setting of the District's Listed Buildings, do not harm the site or setting of a Scheduled Monument; any unscheduled nationally important or locally significant archaeological site, preserve or enhance the quality and experience of the historic landscapes and woodland of the District and their setting, are compatible with the significance of non-designated heritage assets in East Lindsey and do not have a harmful cumulative impact on heritage assets.

- 14.7 While the submission documentation on archaeology and heritage is substantial, it is disappointing that the issues the Council have identified in the 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.
- 14.8 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.
- 14.9 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.
- 14.10 EN-1 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)."
- 14.11 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.
- 14.12 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.

- 14.13 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 the Council would expect details of what is proposed: for preservation in situ for example the Council 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.
- 14.14 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.
- 14.15 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.
- 14.16 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).
- 14.17 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.

14.18 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 C7: 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.

14.19 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.

14.20 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 C9, 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)

14.21 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.

14.22 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.

14.23 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.

- 14.24 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.
- 14.25 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.
- 14.26 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)

- 14.27 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.

- 14.28 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).
- 14.29 The 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)
- 14.30 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.
- 14.31 As stated in the Council's PEIR response, the EIA requires the full suite of comprehensive deskbased 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.
- 14.32 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.
- 14.33 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)).
- 14.34 Whilst there is still uncertainty around the amount of archaeology to be disturbed and that recovered to be placed in the archives. The Order Limits extends to around 850ha and noting the amount of items that were recovered on recent cable

projects in this area (Viking Link) there is a need for additional archives storage and recording to be established as a result of this project.

- 14.35 Given the scale of the Project and the anticipated size of the resulting archive, which will likely be above and beyond the standard rates of collection for the Lincoln Museum, the existing facilities do not have sufficient capacity to accommodate the likely archive. There is a need for provision of additional storage facilities in order to comply with the requirements for archiving. Provision for the infrastructure to accommodate the archive is required.
- 14.36 There is potential for the discovery of treasure as part of the archaeological mitigation requirements. Under the legislation pertaining to treasure items there is a legal obligation to report all finds of Treasure. Treasure belongs to the Crown, until it is disclaimed or acquired by a museum. On confirmation an item is Treasure, it is valued by the Treasure Valuation Committee, with the valuation being the amount comprising the reward for finders/landowners. This is the amount a museum must fundraise in order to acquire an object valued as Treasure. Finders/landowners can only be encouraged to gift the object to a museum, but are not required to. The vast majority of museums in England have little to no acquisition budget and must instead fundraise to acquire objects identified as Treasure. Fieldwork at the potential scale of Outer Dowsing given the geographic area has the potential to result in treasure finds.
- 14.37 The need to partially offset the anticipated degree of harm to the historic environment with a bespoke public benefit, interpretation and outreach programme. There is a need to ensure that the outreach programme is fit for purpose and will be able to meet the anticipated demand, given the high profile of the scheme.
- 14.38 Therefore as part of a mitigation package it is submitted that a Section 106 Agreement is forthcoming to secure funds to create additional archives storage and documentation to provide the additional capacity that will be needed to document the finds recovered as a result of this project, Treasure Acquisition Budget and an appropriate Outreach programme.
- 14.39 There is therefore a **negative** construction impact upon the archaeological remains in relation to the Order limits with the degree of harm as yet unquantifiable due to the insufficient evaluation undertaken so far and the need for appropriate funding to compensate the Council for the additional burden it will place on its Cultural Heritage resources as a result of this development.

Heritage Statement (6.3.20.2)

- 14.40 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.

- 14.41 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.
- 14.42 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.
- 14.43 Heritage Assets (Annex 1, 6.3.20.2 Chapter 20 Appendix D 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.
- 14.44 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)

- 14.45 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).
- 14.46 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)

- 14.47 The Heritage Statement (6.3.20.2, Annex 3, Appendix D0.2) 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.
- 14.48 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. Need confirmation if these assets have been considered and will remain undisturbed.
- 14.49 The Council 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.
- 14.50 Until the additional information requested is received the Council remains of the view that there is a **negative impact** on above ground heritage assets for both the construction and operational phase of the development.

15. Socio-economics, Land Use and Agriculture

- 15.1 Key Policy
- Policy 10: Design (ELLP)
 - Policy 31: Climate Change and Renewable and Low Carbon Energy (SELLP)
- 15.2 EN-1 Paragraph 5.11.12 states that ‘applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5)’.
- 15.3 Paragraph 5.11.34 goes on to state that the SoS ‘should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality’.
- 15.4 Policy 10 of the ELLP states that the council will support well-designed sustainable development, specific reference is made to the support of the use of brownfield

land for development unless it is of high environmental value, seeking to use areas of poorer quality agricultural land in preference to that of a higher quality.

- 15.5 Policy 31 of the SELLP states that renewable energy development should consider the individual and cumulative impacts of, among other considerations, agricultural land take.
- 15.6 A full assessment of the impacts on agricultural land is set out in the report attached at Appendix 2 – Soils and Agricultural Land Classification Report for Outer Dowsing. This report notes that 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.
- 15.7 The current 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.
- 15.8 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.
- 15.9 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.
- 15.10 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.

- 15.11 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.

- 15.12 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)

- 15.13 Currently 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.
- 15.14 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.
- 15.15 The SMO identifies a number of soil based challenges including running sand and drainage issues which will need to be addressed in detail.
- 15.16 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

- 15.17 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

- 15.18 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.
- 15.19 In considering the impact on the overall farming enterprises both locally and across the Cable Route, it is 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.
- 15.20 There is a tension in relation to BMV impacts given that around site by area comprises land in Grades 1,2 or 3a and a full survey of the cable route has yet to be assessed but is predicted to be around 50-60% BMV. The NPSs direct that previously developed land, brownfield land, contaminated land, industrial land and non-BMV land should be developed as a preference, and where policies seek to protect the best and most versatile agricultural land so as to preserve opportunities for food production and the continuance of the agricultural economy. A significant permanent and negative impact as a consequence of the loss of agricultural land is identified, a proportion of which is classed best and most versatile land. This loss is not only at a local level but significant when considered in-combination with the loss of land from other NSIP scale solar developments that are also being promoted and considered across Lincolnshire contrary to Policy
- 15.21 Consequently in terms of agricultural land during the construction stage it is assessed to be a **negative** impact which is reduced during the operation stage to **minor negative impact** once the agricultural land subject to the cable route is

restored but also note the long-term loss of BMV land for the development of the OnSs. Some of this impact could be mitigated by the provision of an Agricultural Compliance Officer to ensure the mitigation measures proposed by the applicant are undertaken and completed to the required standards and also an additional requirement is secured for the approval and implementation of a Soil Management Plan.

Tourism

- 15.22 For tourism, the impact of construction is considered by the Council to be potentially negative. Visitors may be deterred from undertaking visits, such as to coastal resorts, recreational routes, and to beaches. This would occur either due to the setting of these being changed by visual impacts from onshore and offshore works during construction, the, or from changes to the general perception of the area as a visitor location. This could result in loss of income and the jobs this supports. Construction phases should avoid peak visitor attraction time, when the visitor economy provides employment and income for local communities. 'bad press' about congestion, additional HGVs etc can have a big impact on the number of visitors who come to the area, and this must be taken into account when planning the scheme.
- 15.23 Consequently the Council 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 peak visitor attraction times than others. The Council 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).
- 15.24 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 22 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.
- 15.25 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.

15.26 Due to the potential displacement of visitors from the area, both local and wider users of recreational activities and tourists, and the effect on the tourism economy sector, it is assessed that during the construction phase there is a **negative impact** on the tourism sector. The Council would like to see mitigation measures proposed by the Applicant to reduce, mitigate and compensate impacts on the tourism sector.

16. Health and Fire Safety

16.1 Key Policy

- Policy 30: Pollution (SELLP)
- Policy 23: Landscape (ELLP)

16.2 Paragraph 1(8) of Schedule 4 to the EIA Regulations requires consideration to be given to the risks of major accidents and disasters, but does not include a definition of these terms. Paragraph 4.4.1 of EN-1 states that 'energy infrastructure has the potential to impact on the health and well-being ("health") of the population. Access to energy is clearly beneficial to society and to our health as a whole. However, the construction of energy infrastructure and the production, distribution and use of energy may have negative impacts on some people's health'.

16.3 EN-3 identifies the need for offshore wind to meet Government targets. As such, it has been identified as a critical national priority. Paragraph 3.8.14 identifies the SoS's approach to non-HRA residual impacts of CNP infrastructure, it states that 'where there are residual non-HRA impacts, of any sort other than those that present an unacceptable risk to, or unacceptable interference with, human health, national defence or navigation, these are unlikely, in all but the most exceptional cases, to outweigh the urgent need for this type of infrastructure and are therefore unlikely to result in an application being refused'.

16.4 Paragraph 3.8.15 goes on to state that 'as a result, the SoS will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any test requiring a clear outweighing of harm, exceptionality, or very special circumstances within EN-1, EN-5 or any other planning policy'.

16.5 Policy 30 of the SELLP states that development proposals will not be permitted where, taking account of any mitigation methods, they would lead to unacceptable adverse impacts upon the health and safety of the public by way of air quality, including fumes and odour, noise, including vibration, light levels, land quality and conditions and surface and groundwater quality.

16.6 Policy 23 of the ELLP, whilst primarily referring to landscape matters does state that the district's landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment.

- 16.7 To assist with some of the comments set out below regarding cumulative impacts the applicant should establish the baseline, using the Lincolnshire Joint Strategic Needs Assessment (JSNA) and the updated Joint Health and Wellbeing Strategy for Lincolnshire (2024). Information contained on Fingertips and Local Health websites will also be helpful. Human health should be assessed using evidence (from published research and best practice guidance, etc.) wherever possible as opposed to entirely subjective, professional judgement. It is recognised that many likely and potentially significant issues associated with the proposed development will be based on a preliminary judgment of significance.
- 16.8 It is essential to ensure that key design and construction decisions do not result in unacceptable or adverse impacts on residents within Lincolnshire over the onshore construction period. Given the duration of the onshore construction programme and the potential for overlap with other NSIP projects construction phases being promoted in this area, there is a lack of construction phasing information, which should be presented more clearly to enable local communities and the Council to understand if the impacts have been appropriately addressed and mitigated through the outline control documents.
- 16.9 Operational impacts are considered across the wider route to be lesser potential impacts to human health; however, the above ground infrastructure at the substation site must be better documented in terms of engagement with the affected communities and how the outcome of those engagements have influenced the Applicant's assumptions, chosen locations for these infrastructure elements, and on the proposed mitigation measures to reduce these impacts. Again this is important given that other substations are proposed in the vicinity of the proposed sub-station.
- 16.10 It is important that the cumulative effects of this development and others in the locality, county, are considered and that mental health effects, as well as physical health effects, are reflected so at this time the proposed development is assessed to have a **negative impact** on public health during the construction phases

17. Section 106

- 17.1 The topics above have identified an assessment of the potential impacts on a variety of topics and the majority have concluded negative impact particularly during the construction phase but also during the operational phase. To ensure the mitigation identified is delivered and maintained, the additional burden of the Council resulting from expected archaeological finds during construction and also to mitigate the impact on the tourism and recreational sector contributions to mitigate these impacts need to be secured. Consequently the Council would welcome a dialogue on the setting up of a Section 106 with the Council to secure funding for the following:

- Funding of Environmental Compliance Officer
- Landscape and ecology enhancement fund

- Archive deposition, archives provision and storage enhancement
- Treasure Acquisition Budget
- Tourism strategy and action plan to support local visitor economy and mitigate the impact of the proposed development on the tourism sector
- Outreach interpretation and public benefit package.
- Agricultural Specialist

18. Other Topics

18.1 The Council may wish to make further representations as appropriate during the examination and at issue specific hearings relating to matters that are not contained within this LIR particularly with regard to the draft DCO. Therefore, the comments contained above are provided without prejudice to the future views that may be expressed by the Council in its capacity as an Interested Party in the examination process.

19. Summary

19.1 This LIR has undertaken an assessment of the likely issues and impacts that the Council considers will arise from the construction and operation of the Outer Dowsing project . The LIR has identified the predicted positive, neutral and negative effects during the construction and operational stage based on the information that is available at the time the LIR was prepared.

Appendix 1 – Landscape and Visual Review of the Development Consent Order (DCO) Application for Outer Dowsing

Appendix 2 – Soils and Agricultural Land Classification Report for Outer Dowsing

Appendix 3 – Summary of changes necessary to the draft DCO



**LANDSCAPE AND VISUAL REVIEW
OF THE DEVELOPMENT CONSENT ORDER (DCO) APPLICATION
FOR THE OUTER DOWSING OFFSHORE WIND PROJECT
FOR
LINCOLNSHIRE COUNTY COUNCIL**

SEPT 2024

Landscape and Visual Review

Quality Assurance – Approval Status

Version	Date	Prepared by	Checked by	Approved by	Version Details
1	12/09/2024	Kevin Gillespie	Oliver Brown	Kevin Gillespie	Initial Draft for client comment
2	16/09/2024	Kevin Gillespie	Paul Booth	Oliver Brown	Issued for Proofing
3	25/09/2024	Kevin Gillespie	Tom Ferraby	Oliver Brown	Issued for client comment

Landscape and Visual Review

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Appendices:

Appendix A: Previous AAH Consultation documents:

AAH TM01 PEIR comments 20/07/23

Appendix B: Landscape Institute Technical Guidance Note 1/20 (10 Jan 2020): *Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)*.

1.0 Introduction

Purpose of the Landscape and Visual Review

- 1.1 AAH Consultants (**AAH**) has been commissioned to prepare a review of the onshore Landscape and Visual elements of the Development Consent Order (**DCO**) Application for the Outer Dowsing Offshore Wind Project (the '**Development**'), submitted to the Planning Inspectorate in March 2024, on behalf of Lincolnshire County Council (**LCC**). This follows on from AAH providing landscape and visual consultation with the developer and design team on behalf of LCC at the Pre-Application stage of the project, with AAH correspondence (in the format of Technical Memos) provided within **Appendix A**.
- 1.2 The purpose of this report is to carry out an independent review of the landscape and visual elements of the DCO submission, with a focus on a review of the Landscape and Visual Impact (**LVI**) chapter of the Environmental Statement (**ES**), which is based on the guidance provided within the Landscape Institute *Technical Guidance Note 1/20 (10 Jan 2020): Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)*, which is included within **Appendix B**.
- 1.3 This report will be utilised to inform and guide LCC input into further stages of work through the Examination of the application for a DCO for the Development, which is a Nationally Significant Infrastructure Project (**NSIP**). This is likely to include input into Local Impact Reports (**LIR**) and Statements of Common Ground (**SoCG**) and statement of areas of disagreement as well as formal requests for information that may be required through the Examination or at any associated hearings.

About AAH Planning Consultants and The Author

- 1.4 AAH Consultants comprises professional and accredited individuals. Our consultants are chartered members of the Landscape Institute (LI) and the Royal Town Planning Institute (RTPI).
- 1.5 This review has been prepared by Kevin Gillespie, who is a Chartered Landscape Architect within AAH with over 20 years' experience in landscape design and assessment.

Relevant Documents

1.6 The Landscape and Visual review is based on the following documents (including sub-appendices) submitted to the Planning Inspectorate, which are available at:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010130/documents>

- Environmental Statement; Chapter 28: Landscape and Visual Impact Assessment March 2024;
- 6.1.3 Project Description
- 6.1.4 Site Selection and Alternatives
- 6.1.5 EIA Methodology
- 6.1.17 Seascape, Landscape and Visual Impact Assessment
- 6.1.20 Onshore Archaeology and Cultural Heritage
- 6.1.21 Onshore Ecology Chapter
- 6.1.22 Onshore Ornithology
- 6.2.28 Landscape and Visual Impact Assessment Figures
- 8.10 Outline Landscape and Ecological Strategy (OLEMS)
- 8.18 Design Approach Document
- 8.19 Design Principles Statement

Chapter 28 Figures:

- 6.2.28.1 Study Area Landfall / Onshore Cable Route (1 of 4)
- 6.2.28.2 Study Area Landfall / Onshore Cable Route (2 of 4)
- 6.2.28.3 Study Area Landfall / Onshore Cable Route (3 of 4)
- 6.2.28.4 Study Area Landfall / Onshore Cable Route (4 of 4)

- 6.2.28.5 OnSS Bare Ground ZTV
- 6.2.28.6 OnSS Screened ZTV
- 6.2.28.7 National Landscape Character Areas
- 6.2.28.8 Local Landscape Character Areas
- 6.2.28.9 Local Landscape Character Areas with ZTV
- 6.2.28.10 Landscape Designations
- 6.2.28.11 Principal Visual Receptors
- 6.2.28.12 Principal Visual Receptors with ZTV
- 6.2.28.13 Cumulative Developments
- 6.2.28.14 Cumulative ZTV with NGSS
- 6.2.28.15 OnSS Indicative Layout and Mitigation Planting
- 6.2.28.16 Viewpoint Location Plan
- 6.2.28.17 Viewpoint 1: Marsh Lane near Manor House
- 6.2.28.18 Viewpoint 2: A16 near Marsh Lane junction
- 6.2.28.19 Viewpoint 3: A16 near Gosberton Bank Junction
- 6.2.28.20 Viewpoint 4: Macmillan Way near Ship Inn
- 6.2.28.21 Viewpoint 5: Macmillan Way near Welland House Farm
- 6.2.28.22 Viewpoint 6: Reservoir Road, Surfleet Seas end
- 6.2.28.23 Viewpoint 7: Wragg Marsh, Marsh Road
- 6.2.28.24 Viewpoint 8: Cook's Road, Gosberton Marsh
- 6.2.28.25 Viewpoint 9: Cunsdike Lane, Gosberton Marsh
- 6.2.28.26 Viewpoint 10: Willow Farm, Sutterton Dowdyke

- 6.2.28.27 Viewpoint 11: Gosberton

The Landscape and Visual chapter was read, and is assessed, in conjunction with the following documents;

- Arboricultural Impact Assessment (AIA) (Appendix 15.2) [EN010127/APP/6.2]
- Outline Construction Environmental Management Plan (oCEMP) [EN010127/APP/7.6]
- Outline Operational Environmental Management Plan (oOEMP) [EN010127/APP/7.7]
- Outline Decommissioning Environmental Management Plan (oDEMP) [EN010127/APP/7.8]
- Outline Landscape and Ecological Management Plan (oLEMP) [EN010127/APP/7.9]

Previous Consultation

1.7 As part of the DCO process, as stipulated by *The Planning Act 2008 (PA2008)*, AAH have carried out pre-application landscape and visual consultation with the applicant and relevant members of their design team, on behalf of LCC, over approximately a 12-month period. This has included discussion and consultation on:

- Expectations of the LVIA, including content and reflection of current best practice and guidance
- LVIA Methodology;
- ZTV parameters;
- Study Area extents (distance);
- Viewpoint quantity and locations;
- Accurate Visual Representations (AVRs), including the quantity and location, as well as type and Level.
- Mitigation Measures/Landscape Scheme/Site Layout;
- Cumulative landscape and visual effects, including identification of sites/projects; and

- Residential Visual Amenity Assessment (RVAA) if there are residential properties with receptors likely to experience significant effects to their visual amenity.

1.8 AAH have issued a Technical Memo summarising comments and consultation through the Pre-application period, reviewing the Preliminary Environmental Information Report (**PEIR**) (July 2023). The AAH Technical Memo is included within **Appendix A**. AAH have also attended site visits with the applicant and attended community consultation events.

1.9 This document will follow Landscape Institute methodology for reviewing LVIA and will consider areas of common ground as well as areas where further discussion is necessary to reach common ground.

2.0 Presentation of the LVIA

The following section provides a review of the presentation of the LVIA:

- *Is the LVIA appropriate and in proportion to the scale and nature of the proposed development;*
- *Are findings of the assessment clearly set out and readily understood;*
- *Is there clear and comprehensive communication of the assessment, in text, tables and illustrations;*
- *Are the graphics fit for purpose and compliant with other relevant guidance and standards; and*
- *Are landscape and visual effects considered separately;*
- *Are receptors and all likely effects comprehensively identified;*
- *Does the LVIA display clarity and transparency in its reasoning, the basis for its findings and conclusions; and*
- *Is there a clear and concise summation of the effects of the proposals.*

LVIA Chapter

2.1 The LVIA introduction confirms compliance with GLVIA3, and reiterates the purpose is to identify and assess the significance of, and the effects of change resulting from, the development on both landscape as an environmental resource and on people's views and visual amenity.

2.2 The chapter was read in conjunction with the other documents forming Part 6 of the Environmental Statement:

- a. Part 6 Documents
 - i. Volume 1, Chapter 3: Project Description (document reference 6.1.3);
 - ii. Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (document reference 6.1.4);
 - iii. Volume 1, Chapter 5: Environmental Impact Assessment Methodology (document reference 6.1.5);

- iv. Volume 1, Chapter 17: Seascape, Landscape and Visual (document reference 6.1.17);
 - v. Volume 1, Chapter 20: Onshore Archaeology and Cultural Heritage (document reference 6.1.20);
 - vi. Volume 1, Chapter 21: Onshore Ecology (document reference 6.1.21);
 - vii. Volume 1, Chapter 22: Onshore Ornithology (document reference 6.1.22)
- b. Part 8 Outline Documents
- i. 8.10 Outline Landscape and Ecology Management Strategy (document reference 8.10);
 - ii. 8.18 Design Approach Document (document reference 8.18); and
 - iii. 8.19 Design Principles Statement (document reference 8.19).
- 2.3 The LVIA chapter is clear, concise and adheres to the submitted methodology commencing with a review of the statutory and planning context. The AAH review of the PEIR stage document commented on the processes of presenting the LVIA and these have been followed into the formal submission. Throughout the development phase AAH have communicated and been consulted on a regular basis and we have provided input and opinion, which has helped develop a robust submission chapter. The consultation process is discussed in section 3 of the submission commencing page 25.
- 2.4 The scheme baseline is covered in detail in section 4 of the submission, describing the existing landscape and visual environment. Again, this follows the methodology, which has progressed from the PEIR review. We have no disagreement with this approach. Table 4.3 of the submission summarises the representative viewpoints. AAH have worked with the applicant team to develop the location of these and therefore we have no objection and believe they fully represent a range of views appropriate to the assessment of the scheme.
- 2.5 We agree with the cumulative assessment developments identified in the submission, as with other comments these have moved forward in line with the PEIR stage document.
- 2.6 The LVIA considers both the cable route and the sub-station, AAH have considered both of these elements within this review. There is, distinct crossover for the two

elements, although the OnSS (onshore Sub-station) being a large structure set within the landscape will have longer-term impacts whereas the cable route will be a short-term intervention. The chapter is clear in the structure of defining the two distinct elements of the development.

- 2.7 The LVIA adheres to the methodology and all of the review items listed in paragraph 2.0 above are dealt with concisely and therefore we have no objection in the overall presentation.

LVIA Appendices

- 2.8 The Appendices produced as part of the LVIA provide very detailed supporting information relating to the assessment.

LVIA Figures

- 2.9 Plan graphics and visual representations within Volume 2, Chapter 28: Landscape and Visual Assessment Figures (document reference 6.2.28) support the chapter and have been reviewed. The figures are well presented, clear to follow and logical in presentation. Each of the 11 viewpoints has been selected through consultation with ourselves and other parties. We concur that the selected viewpoints are sufficient to adequately assess the effects of the development. The approach on presenting the viewpoints follows best-practice guidance with the baseline presented alongside the development at completion and then in year 15.

3.0 Methodology and Scope

The following section provides a review of the LVIA Methodology:

- *Has the LVIA been prepared by ‘competent experts’;*
- *Is the methodology in accordance with relevant guidance and meet the requirements of the relevant Regulations;*
- *Does the methodology and scope of the LVIA meet the requirements agreed in discussions at the pre-application stage during scoping and consultation;*
- *Has the methodology been followed in the assessment consistently;*
- *Are the levels of effect clearly defined and have thresholds and approach to judging significance been clearly defined;*
- *Is detail about various development stages provided and appropriately assessed;*
- *Have cumulative landscape and visual effects been addressed.*

Methodology

- 3.1 The Methodology to the EIA is presented in Chapter 5: Environmental Impact Assessment Methodology (document reference 6.1.5). We have considered this generic chapter as well as assessing the LVIA methodology in section 6 of chapter 28.
- 3.2 The EIA methodology considers the requirement for an EIA and then progresses to consider the development envelope, which has been dictated by the lengthy process of route planning and site selection before detailing the embedded mitigation approach.
- 3.3 The process for assessing effects is considered in section 1.7, this is clear and detailed and follows a logical process of identification of receptors, considering the impacts, the significance of these effects and how mitigation is used to seek address those effects. Given the scale of the sub-station the cumulative effect as well as transboundary effects are given specific sections of the document.

- 3.4 The EIA has considered a Project Design Envelope (PDE) –also known as the Rochdale envelope approach. Given the scale, complexity, and the as yet unresolved elements of the development, we agree to this approach.
- 3.5 We agree with the approach to adopt a proportionate approach to the EIA, however we believe there is scope for further discussion regarding the decisions made to define what is proportionate, especially given the unresolved elements of the development. For example, the potential mitigation option which relies on landscape planting to screen the substation needs to be scrutinised as the character of the study area is generally open large scale vistas. Excessive over-reliance upon tree planting could, without care, impact on the baseline character of the study area.
- 3.6 As this is a generic document, there is crossover between the onshore and offshore elements of the development. Whilst this is unavoidable it does blur the distinctiveness of the two parts of the development and the necessity for robust assessment of all aspects. It is important to avoid a one size fits all approach, especially given the design decisions that need to be made and the onus on mitigation for the onshore elements.
- 3.7 Mitigation is considered in section 1.54; embedded and additional mitigation measures are to be used. We have stated our position on the need to carefully design the mitigation to fit the character of the area, and indeed would welcome a sub-station building which by careful design stands alone as a landmark structure without the need to overtly cloak in vegetation. We welcome our involvement in the on-going consultation process, which has considered extent and merit of mitigation. We welcome the opportunities to develop this further as the project progresses.
- 3.8 Section 6 of chapter 28 considers the specific LVIA methodology, the approach as been discussed during the consultation process, and adheres to best practice principles and compliance with Landscape Institute and other guidance, which is listed in section 6.3. We therefore agree with this approach. The section is detailed in explaining the types of effects and the process for assessment including a description of the field work undertaken. Landscape, visual and cumulative effects are individually described. Section 6.4 provides a full dialogue into the approach of assessment. Compliance with GLVIA3 is confirmed, this is a useful section in detailing the process, we agree with the approach.

- 3.9 Section 6.4.1 defines impact significance and whilst the text is lengthy and would have been more useful summarised in a table it does provide a clear explanation of the process used to assess the impacts of the development. In line with best practice, the assessment considers scale of change, geographical extent, duration, and reversibility prior to defining a magnitude of change rating.
- 3.10 Section 6.5 details the methodology used for defining visual impact assessment, commenting initially on the ZTV production and analysis before considering the viewpoint selection and how these have been assessed. Firstly the value of the view or series of views is defined with a clarification on the two aspects of recognition; formal and informal. Value is defined on a 5 point scale in paragraph 120 and we agree with this grading. The susceptibility to change is then considered in terms of the nature of the viewer and the experience of the viewer.
- 3.11 Paragraph 124, section 6.5.3.1 considers the size or scale of change, and uses a set of criteria to define the magnitude of change. This includes assessing the distance between the receptor and the onshore element of the development, size of the onshore elements that are seen in the view, the field of view, consistency of image of the onshore elements of the development seen in relation to other developments, where the onshore elements are viewed against the skyline or background landscape and how this may affect the level of contrast and magnitude. The number of onshore elements visible within the view as well as the nature of visibility combined with geographical extent.
- 3.12 Duration and reversibility, which is the period over which the onshore elements of the development are likely to exist is an important assessment given the distinct onshore elements of the cable route and the sub-station. Paragraph 126 defines short-term, medium, and long term effects
- 3.13 Table 6.1 presents the matrix used to guide the determination of effects significance, this is used throughout the LVIA, and we agree contents including the division between the determination of significant and not significant.

3.14 The methodology presented both in chapter 5 and within the LVIA has been consistent throughout the pre-application stage, and AAH have consulted on this at the PEIR stage, we therefore continue to accept this methodology as thorough and appropriate to the assessment requirements.

4.0 Appraisal of Landscape Baseline and Effects

The following section provides a review of the Landscape Baseline and Effects:

- *Has the methodology been followed in the landscape assessment;*
- *Are all landscape receptors and all likely effects comprehensively identified and assessed;*
- *Has the value and susceptibility of landscape resources been appropriately addressed and at appropriate scales (e.g., site, local, regional, and national);*
- *Is there a clear and concise summation of the visual effects of the proposals; and*
- *Are potential cross-over topics, such as heritage or ecology, addressed.*

Landscape Baseline

- 4.1 The Landscape Baseline is considered in section 4 of the LVIA. The study area for the OnSS has been set at 5km. As part of the pre-application consultation, AAH have been party to this process, and we therefore agree that the assessment study area is appropriate. This has been confirmed by our own on-site and desk-based research.
- 4.2 Section 4.3 of the LVIA, reviews the existing baseline including landscape character. As with the PIER review, we find this assessment to be thorough and accurate. The section includes a detailed description of the two National Character Areas, NCA's that the development is located within; 42 Lincolnshire Coast and marshes, and 46 The fens. The section then progresses to defining the district level landscape character assessments alongside identifying landscape designations, with paragraph 35 explaining how such designations are relevant to the LVIA.
- 4.3 The cable corridor is assessed in paragraph 42, where it is considered that there will be little or no visual effects as they are due to be buried, whilst this is a fair statement when considering medium to long-term effects, the short-term, construction effects, are under-played here given the necessity for invasive excavations, alongside the large scale of vehicles necessary for construction and movement of plant. The extent of invasive activity is lacking in detail here and we would need this to be addressed during the examination period.

- 4.4 The sub-station is assessed from paragraph 43, which begins by confirming that the substation will have effects across a wider area than other elements of the development. AAH have participated in the selection of representative viewpoints, and we have reviewed each as presented in table 4.2 on site. We agree with the selection of these 11 viewpoints.
- 4.5 Given the scale of the OnSS the cumulative baseline is assessed in section 4.4. As with the previous comments regarding viewpoint selection, AAH agree with the cumulative developments identified that are relevant to the LVIA in table 4.3.

Landscape Assessment

- 4.6 Section 5 considers the basis of assessment, overall, it confirms with best practice and considers effects across the development lifecycle- construction, operation, and decommissioning. The maximum design envelope is appropriate in this section, given the developing nature of the sub-station design. We welcome that the worst-case approach is used in the assessment process, as summarised in table 5.1.
- 4.7 The landscape assessment commences with a review of Natural England's National Character Areas (NCA): the scheme lies within The Fens NCA areas and is considered in detail across the LVIA.
- 4.8 Two Local Landscape character Areas (LLCA) are considered, Surfleet and Gosberton Marsh and Weston Marsh. Each is considered in detail beginning with the baseline, then assessment of the sensitivity and then magnitude of change
- 4.9 The landscape assessment is thorough and follows best practice methodology. The findings presented indicate localised effects on the Surfleet and Gosberton Marsh LLCA, with major or major-moderate effects identified within 2km of the development. Beyond 2km the effects are moderate minor or minor. We generally agree with these assessments given the scale of the development.
- 4.10 Paragraph 250 suggests that there will be no significant effects on the Weston Marsh LLCA, and AAH site and desk based assessments concurs with this assertion, but again, given that the design is evolving, and our comments on the mitigation strategy, which we consider could have an impact on the marshes character if too many trees are added, we request continued dialogue on this matter during the examination period as the design detail of the sub-station is fixed.

5.0 Appraisal of Visual Baseline and Effects

The following section provides a review of the Visual Baseline and Effects:

- *Has the methodology been followed in the visual assessment;*
- *Are all visual receptors and all likely effects comprehensively identified and assessed;*
- *Has the value and susceptibility of visual resources been appropriately addressed;*
- *Is there a clear and concise summation of the visual effects of the proposals;*
- *Are the viewpoints that have been used appropriate and meet the number, location and requirements agreed in discussions at the pre-application stage during scoping and consultation; and*
- *Are the Visualisations/Photomontages that have been used appropriate and meet the number, location and requirements agreed in discussions at the pre-application stage during scoping and consultation.*

Visual receptors

- 5.1 Eleven representative viewpoints have been identified for the OnSS which resulted from a series of consultations with AAH. It is considered that the selection of the viewpoints does reflect the consultation, the site particulars and provides a good range of views from users. The on-site and desk-based research confirms that visibility of the OnSS will be diminished beyond the 2km buffer. However, we shall revisit this assertion as the design details are confirmed. We do acknowledge that at present the worst-case scenario is adopted for the assessment
- 5.2 Visual receptor groups include residents, people at their places of work, motorists using local roads, and walkers/ horse riders using PRow we accept that this is a robust approach, and we believe all receptor groups are covered effectively.
- 5.3 Both the cable route and the sub-station will have a significant visual effect both in the short-term, medium term and long term. The study area is predominantly flat and open, and any such development will have visibility across a wide area.
- 5.4 We agree with the assessment of significant effects, and we agree with the approach of assessing on the worst case scenario. The viewpoints have been presented showing the use

of planting and bunding as a sole strategy to mitigate the identified effects. We consider that this approach, whilst being one viable option has the potential to introduce new tree coverage at a scale that effects the overall character of the landscape, particularly the fens NCA. We therefore desire on-going dialogue to consider alternative options including the design of the sub-station. Similarly, the LVIA and the application as a whole does not yet fully detail an establishment or management strategy to ensure the full establishment and success of the mitigation planting.

- 5.5 Whilst we agree to the overall findings of the LVIA we consider that the extent of construction impacts on the existing landscape, the sub-station and the cable route has not been fully considered especially given the scale of construction, the volume of traffic and the local road network of soft verged roads.

Visualisations/Photomontages

- 5.6 The representative viewpoints are summarised in figure 6.2.28.16 and in detail from figure 6.2.28.17. AAH have been consulted on in the selection of these viewpoints and therefore we have accepted the location as appropriate for the assessment process.
- 5.7 Section 6.9.1 of the LVIA details the methodology of the visualisation presentation, we agree that the presentation is in line with current best practice and the guidance provided by the Landscape Institute. The images are clear and presented from locations which in fine grain provide a good view of the proposed scheme with no obstructions. Given the limited detail regarding the management and establishment of proposed mitigation planting at present, we consider that the extent of mitigation shown in the visualisation to be a best-case outcome. We would need to ensure that this best-case is the minimum standard by ensuring that the applicant develops robust management plans for successful establishment. We would also need to see proposals for replacement planting where mitigation planting has failed to match the visualisations.
- 5.8 Each representation location consists of five sheets which are detailed in paragraph 149 of the LVIA and summarised below:
- The first visualisation sheet for each of the viewpoints (a) illustrates the existing view with a baseline photograph;
 - the second visualisation sheet (b) presents a photomontage showing an indicative computer-generated model² of an AIS OnSS based on the MDE set within the Rochdale Envelope shown as a dashed white line, representing the maximum extentsof the OnSS (AIS footprint and GIS height);

- the third visualisation sheet (c) presents the photomontage as shown in visualisationsheet (b), but including the proposed mitigation planting at year 15;
- the fourth visualisation sheet (d) presents a photomontage showing an indicative computer-generated model² of a GIS OnSS based on the MDE set within a Rochdale Envelope shown as a dashed white line, representing the maximum extents of the OnSS (AIS footprint and GIS height); and,
- the fifth visualisation sheet (e) presents the photomontage as shown in visualisation sheet (d) but including the proposed mitigation planting at year 15.

6.0 Appraisal of Cumulative Landscape and Visual Effects and Residential Visual Amenity Assessment

The following section provides a review of the cumulative effects and Residential Visual Amenity Assessment (RVAA):

- *Have cumulative landscape and visual effects been addressed;*
- *Are the RVAA and cumulative effects methodologies in accordance with relevant guidance and meet the requirements of the relevant Regulations;*
- *Does the methodology and scope of the assessment of cumulative effects and RVAA meet the requirements agreed in discussions at the pre-application stage during scoping and consultation;*
- *Has the methodology been followed consistently;*
- *Are residential and cumulative receptors and all likely effects comprehensively identified; and*
- *Are any residential properties (receptors) likely to experience significant effects to their visual amenity.*

Appraisal of Cumulative Landscape and Visual Effects

5.1 Cumulative schemes are considered in chapter 9: table 9.1 identifies 8 projects considered to have potential cumulative effects. AAH have been involved in the selection of these and we agree they offer a robust assessment given the scale of the OnSS. As the design for the OnSS is evolving, particularly in regards the use and extent of mitigation planting we would seek to continue the assessment process to ensure validity remains.

5.2 Each of the OnSS viewpoints is assessed in regards the cumulative projects in table 9.2, the use of a table helps provide a useful preliminary assessment that is clear to understand. For each assessment the baseline is robustly assessed before considering sensitivity and magnitude of change. From these appraisals the significance of effect is considered. This is an acceptable approach and follows the methodology from the PEIR submission.

7.0 Mitigation and Design

The following section provides a review of the Mitigation and Design:

- *Is there evidence of an iterative assessment-design process and it is clear that this has informed the site redline, layout and primary and secondary mitigation;*
- *How appropriate is the proposed mitigation;*
- *Are potential cross-over topics, such as heritage or ecology, addressed and incorporated within the mitigation; and*
- *Is the long-term management of existing and proposed vegetation properly addressed in any long-term management plans to promote establishment.*

Evidence of Iterative Process

5.3 Mitigation has been considered in section 5.3 of the LVIA. Two streams of mitigation are identified; embedded and applied. Both are considered for the different phases of the development from construction to operation to decommissioning. Embedded mitigation seeks to mitigate the effects through a design evolution that has been transparent and collaborative. This would be supplemented by additional mitigation- which would commence pre-construction and could include offsite measures.

5.4 Given the scale of the development of the OnSS, it is evident that mitigation measure including planting will reduce the impact of the identified effects, however, we do have concerns over the extent of tree planting and the potential of effects on the open character of the study area.

Mitigation Measures

5.5 One area of discussion, which we suggest is explored during the examination stage, revolves around the extent of mitigation around the OnSS. At present the detail design is not developed, relying on parameters, however we would recommend that the applicant resist the reliance upon mitigation planting if it were shown to be detrimental to the open character of the study area. We welcome the inclusion of a design panel within the consultation process. In early discussions there was talk of an iconic structure, that exceeds

function and sits proudly within the landscape. We do not suggest no use of planting in mitigation we simply wish for a measured approach rather than a clamour to hide a functional building.

- 5.6 We welcome the ideas behind the use of native species and the use of quick growing nursery species. It is important the DCO allows for the establishment and management of the planting for a significant period of time (c25 years) to ensure success, and to ensure that planting is maintained to assist in establishment to at least the residual phase of the LVIA. We would also expect a success rate of establishment in excess of 90%. The use of earth bunding and planting off-site is also acceptable with the caveat of the comments regarding retaining and enhancing the character of the study area.

8.0 Conclusions and Recommendations

The following section provides an overall summary and conclusion on the suitability of the Landscape and Visual elements of the DCO Application. This includes the adequacy of the LVIA, reviewed in accordance with the Landscape Institute *Technical Guidance Note 1/20 (10 Jan 2020): Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)* and whether it is sufficient to support making an informed decision.

Also, the Landscape and Visual elements of the supporting information (as listed in **Section 1.6** of this report) has been reviewed and comments made where relevant.

Finally, recommendations for further information to be sought are provided to assist in the Examination of the DCO Application.

Summary and Conclusions on the LVIA

- 6.1 The LVIA and the associated figures, appendices and documents provides a thorough analysis of the development. We have welcomed the collaborative approach to developing the submission documents and therefore are in general agreement with key aspects of the assessment including the location of viewpoints, the establishment of the study area and the assessment of effects.
- 6.2 The text, figures, methodology and graphics are clear, concise, and adequately enable a thorough assessment of the development.
- 6.3 We agree with the use of the worst-case scenario and the Rochdale envelope principle, given the developing nature of the development. We welcome the opportunity to continue the consultation process as the fine grain details of the development become fixed.
- 6.4 AAH have considered the effects of the OnSS on the landscape and character of the study area. We have attended site visits, and consultation events, we have provided feedback throughout the progression of the submission documents. The sub-station will be a large industrial structure in an area that is generally open and flat in character. We believe the

mitigation needs to be carefully considered and should commence with an approach that seeks to not just hide a functional building through bunding and vegetation. A design panel has been part of the design development process and we hope this dialogue continues to formulate a dynamic approach that combines different strategies to help the development sit comfortably within the character of the study area.

- 6.5 The submission is light on the process of establishment and management of landscape mitigation. We accept this is yet to be finalised given the developing nature of the design, however we do stress that the applicant team fully understand that if mitigation planting is to be used, the success rate needs to be high. By default, a robust management and establishment plan needs to be agreed for a period of 15-25 years. Given the extremes of climatic conditions the UK is experiencing and is likely to continue to experience the design and maintenance of planting strategies is of fundamental importance.

Areas requiring further discussion

Statement of areas of disagreement

- 6.6 To summarise the areas of clarification that we wish to pursue during the assessment process following the submission of the development application;
- We welcome on-going participation in the design development of the OnSS.
 - We wish to participate in the design panel regarding the OnSS
 - We consider the assessment of effects on the existing landscape fabric of the study area, has been under-considered given the small local road network and the scale of the construction traffic for the OnSS.
 - We have concerns regarding the onus on landscape planting as a mitigation strategy, given the open expansive character of the study area. We do not reject the stance of using planting to settle the structures in the landscape but would resist the over-reliance of planting to screen a functional building.
 - We accept, given the evolving design that the worst-case scenario has been adopted along with the Rochdale envelope principle, however we wish to see the detail design of the development to be fixed with urgency so the LVIA can be re-assessed during the examination period.

- Given the point above, the management and establishment of any landscape mitigation works are somewhat lacking in the submission and only at a generic high level of detail. We would welcome significant progression on these aspects to ensure successful establishment. We would recommend a robust monitoring policy to ensure the successful establishment of any landscape mitigation measures. This would initially comprise the scrutiny of planting procurement and installation methodologies. We would then look to collaborate in the development of management plans to ensure successful plant establishment.

Through collaboration with AAH and LCC the detailed management documents which cover all aspects of the mitigation planting and establishment for a period of no less than 20 years will be produced and accepted as the method of appraising success. The focus would be to establish vibrant habitats rather than a minimum standard to simply screen and mitigate. We recommend that LCC initiated monitoring for a period of a minimum of 10 years would be essential to the success of the mitigation planting in biodiversity net gains.

**Review of Soils
and Agricultural
Land
Classification
Cable Route for
Project Outer
Dowsing**

Lincs County Council

June 2024



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Geology and Soils
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Introduction

This report focuses on soils and Agricultural Land Classification issues. Landscape have considered the Planning Statement and a number of documents as part of the application including Chapters 25 and 4, together with the outline soil management plan.

The importance of agriculture and soils in Lincolnshire

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 a recent Government Circular of 15th May 2024.

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 percent 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 percent 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 alternative routes pass across and will be buried under mainly open countryside that is largely arable farmland with some areas of pasture

Agricultural Land Classification

The route has not yet been surveyed in detail for ALC. Most of the alternative route options follows land in higher ALC grades including Grades 1 and 2. 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 final route.

A schedule of condition will be essential in the first instance. 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 SS locations at Weston Marsh. Constraints mapping that included proximity to Land Use (and ALC) was undertaken when identifying route options and the selected alternative route option impacted less Grade 1 land than the original route option - see Section 9.3 for further details.

Alternative Routes

Chapter 4 (document reference 6.1.4) considered several options to mitigate potential impacts on Best and Most Versatile Agricultural Land. The effects of onshore infrastructure associated with the Project on agricultural land and soil quality are considered in Chapter 25 Land Use (document reference 6.1.25).

Recommendations for Landfall Options

The combination of the BRAG matrix, site visits, feasibility of the cable routing to and from the landfall and expert opinion, led to a short-list of recommended landfall options being taken forward for further appraisal and refinement. The short-listed landfalls for the Lincolnshire coastline are outlined in Figure 4.3 (Document Reference 6.2.4.3)

Criteria were determined for each factor to align with the BRAG approach. The scores assigned were:

- Black (landfall not possible) = section removed;
- Red (landfall possible with moderate/high issues) = 3
- Amber (landfall possible with minor/moderate issues) = 2; and
- Green (landfall possible with no/minor issues) = 1.

314. The Applicant notes that National Planning Policy advocates schemes to avoid Best and Most Versatile (BMV) land classification where there are suitable alternatives. While the Applicant is not able to avoid impacting BMV land, it considers that the adoption of the alternative route option supports these policy requirements.

Soil Management Plan

At the moment this is an outline document, but it appears to be a sensible document which needs to be conditioned so that it forms part of the work programme. 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.

Conclusions

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.

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 and Agricultural Officer is to be employed.

Appendix 3

Draft Development Consent Order Comments	
Provision	Comment
Part 3, Articles 9-16	In respect of these Articles the Highway Authority wishes to ensure that it retains the same control and approval process that it would do if the application was submitted under the Town and Country Planning Act and subject works in the highway would need the approval of the Highway Authority using the Section 278 of the Highway Act process. This comes down to a highway safety concern to ensure that the works in the highway are undertaken to the correct specification. In terms of Traffic Regulation Orders the Council should be able to co-ordinate this so that there is not a situation where other statutory undertakers are undertaking works in the highway in the same location and at the same time as the developer causing traffic congestion in the local area. If the Highway Authority is not aware of the developer undertaking works as they are not required to secure a permit or approval for these works this could enable traffic lights or other means of traffic management tools to be set up in the highway without the prior approval of the Highway Authority.
Part 3 Article 13	The works are indicated to have deemed consent if the Planning Authority does not respond within the stated timeframe. However, the wording within 13(b) requires the Relevant Planning Authority to consult with the Highway Authority. In the situation that the Planning Authority does not respond and the works are consented, this places the Highway Authority in an unreasonable position of having to take forward works it has not had an opportunity to review. It is considered that it should be clearer in Requirement 20 (Highway Access) that Lincolnshire County Council (LCC) is the relevant planning authority for discharging this requirement. Therefore LCC is in control of the whole process as both local highway authority and also relevant planning authority. For deemed consent to be retained, a longer time frame (suggested 56 days) should be included in line with Schedule 20 (Article 39) 1 (3) (a) (unless this is changed as suggested in comments to Schedule 20 below)
Part 3 Article 16	Makes reference to traffic authority other articles reference street authority and others the highway authority. Can it be made clearer that all of these authorities are actually the same authority. Also question the need for deemed consent and if that is justified request a longer period of 56 days for the reasons set out for Article 13 above
Part 3 Article 12 and 15	Question the need for deemed consent and if that is justified request a longer period of 56 days for the reasons set out for Article 13 above.
Part 7 Article 35 and 36	<p>Advice Note 15 says, if there is a general power of removal the powers themselves should be subject to later consent, so therefore LCC are of the opinion that the same ought to be included in the articles. In other words, Advice Note 15 is clear that the powers should be limited and that it is preferable that is also in the drafting of the articles rather than solely through the approval of other plans/ requirements, so it is clear on the fact of the DCO itself.</p> <p>In the absence of a schedule of trees to be removed in the dDCO, LCC consider that its concerns could be resolved if the wording of articles 35 and 36 were amended to limit the removal of trees, tree groups and hedgerows to those shown on tree and hedgerows plans in the applicant's arboricultural report. Any tree and hedgerow removal beyond this would require separate approval of the relevant planning authority</p>

Schedule 1, Part 3 – Requirements.	
Include an Interpretation section for this Part	Interpretation 1. In this Part—“relevant planning authority”, unless as provided otherwise, means— (a) Lincolnshire County Council for the purposes of— (i) Requirement 8 (Stages of authorised development onshore); (ii) Requirement 10 (Provision of Landscaping); (iii) Requirement 11 (Implementation and maintenance of landscaping) ; (iv) Requirement 12 (Ecological Management Plan); (v) Requirement 15 (Operational drainage management plan); (vi) Requirement 17 (Onshore archaeology): Requirement 20 (Highway accesses); Requirement 21 (Traffic); Requirement 22 (Public Right of Way); Requirement 23 (Restoration of land used temporarily for construction; Requirement 31 (Soil management plan); and Requirement 32 (Biodiversity)
Requirement 8	...approved by the relevant planning authority in consultation with the District Councils
Requirement 10	...approved by the relevant planning authority in consultation with the District Councils
Requirement 11	...approved by the relevant planning authority in consultation with the District Councils
Requirement 12	...approved by the relevant planning authority in consultation with the District Councils and relevant statutory nature conservation body
Requirement 15	...approved by the relevant planning authority in consultation with the District Councils and the Environment Agency
Requirement 17 Onshore Archaeology	<p>It is considered that the Applicant’s proposed wording is unnecessarily complicated. Given there is outstanding archaeological trenching still to be done to provide sufficient baseline evidence to inform a fit for purpose and reasonable mitigation strategy to deal with the developmental impact upon surviving archaeology, we recommend the Archaeological Requirement for the recently consented Mallard Pass DCO be used.</p> <p>1) The authorised development may not commence until:</p> <p>(a) a scheme for additional trial trenching has been submitted to and approved by the relevant planning authority, in consultation with Historic England;</p> <p>(b) additional trial trenching has been carried out in accordance with the scheme approved under sub-paragraph (a); and</p> <p>(c) updates are made to the outline written scheme of investigation to account for the results of the additional trial trenching carried out and the updated outline written scheme of investigation is submitted to and approved in writing by the relevant planning authority in consultation with Historic England.</p> <p>(2) The authorised development must be carried out in accordance with the updated outline written scheme of investigation approved under sub-paragraph 1(c).</p>

Requirement 18	(2) (d) Remove soil management plan from this requirement
Requirement 20	Delete Highway Authority and replace with approved by relevant planning authority
Requirement 21	Delete highway authority and replace with approved in writing by the relevant planning authority in consultation with the District Council
Requirement 22	Delete highway authority and replace with approved by the relevant planning authority.
Requirement 23	Delete highway authority and replace with approved by the relevant planning authority in consultation with the District Council
Proposed Requirement 31	Soil management plan - (1) No part of the authorised development may commence until a soil management plan has been submitted to and approved by the relevant planning authority. (2) The soil management plan must be substantially in accordance with the outline soil management plan. (3) The soil management plan must be implemented as approved
Proposed Requirement 32	Biodiversity -The authorised development may not commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority, in consultation with the relevant statutory nature conservation body. (2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 10% biodiversity net gain in habitat units will be reached, for all of the authorised development during the operation of the authorised development, and the metric that has been used to calculate that percentage. (3) The biodiversity net gain strategy must be substantially in accordance with the outline landscape and ecological management plan and must be implemented as approved and maintained throughout the operation of the authorised development to which the plan relates.
Schedule 20– procedure for discharge of requirements (1) Application made for certain approvals	<p>3 (a) Do not consider that 56 days is sufficient time in relation to providing the undertaker with a decision and this should be increased to 13 weeks</p> <p>3(b) Where further information is required 56 days is not long enough and this should be increased to 13 weeks so that sufficient time to review and consult other parties.</p> <p>(4) Any application made to the relevant planning authority pursuant to paragraph 1 (1) must include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then it must be accompanied by information setting out what those effects are.</p> <p>(5) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement included in this Order and the relevant planning authority does not determine the application within the period set out in sub-paragraph (3) and is accompanied by a report pursuant to sub-paragraph (4) which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement then the application is to be taken to have been refused by the relevant planning authority at the end of that period.</p>

Schedule 20– procedure for discharge of requirements (4) Fees	After sub-paragraph 4 (2) (b) a further clause is added (c) states as follows (c) a longer period of time for determining the application has been agreed pursuant to paragraph 1(3) (c) of this Schedule, as applicable.