BOSTON BOROUGH COUNCIL

Planning Committee – Tuesday 18th July 2023

Reference No: B/22/0356

Expiry Date: 24-Nov-2022
Extension of Time: 09-Jun-2023

Application Type: Major - Full Planning Permission
Proposal: Proposed Development Of A Photovoltaic Solar Array, Grid Connection, Access Improvements Works And Ancillary Development On Land At Bicker Fen, Boston And South Holland
Site: Land to the west of Cowbridge Road, Bicker, Boston

Applicant: Mr Luke Rogers, AGR Solar 2 Limited
Agent: Mr Phillip Roden, AXIS

Ward:	Five Village	Parish: Bicker Parish Council	
Case Officer:	Lauren Birkwood	Third Party Reps:	4

Recommendation: Approve with Conditions

1.0 Reason for Report

1.1 The application has been called in by Councillor Cooper on the grounds of cumulative impacts on residents.

2.0 Application Site and Proposal

2.1 This is a full planning application for a proposed development of a photovoltaic solar array, grid connection, access improvement works & ancillary development on land at Bicker Fen.

2.2 The development (including the grid connection corridor) would involve approximately 97.3ha of land, the majority of which is arable agricultural land. The development is anticipated to have a lifespan of 40 years, after which the land could be returned to agricultural use.

2.3 The solar farm is predicted to have a peak output of 49.995 megawatts during peak operation, which will be capable of powering thousands of homes.

2.4 The development would consist of solar PV panels arranged in linear rows approximately 5m apart to face south. Panels are mounted on a steel and aluminium frame, with supports pile driven into the ground to a depth of approximately 1.2m depending on ground conditions. In areas of archaeological sensitivity surface

mounted solar panel frames would be used to enable preservation of archaeology in situ. The panels will be mounted at approximately 0.8m from the ground at the lowest point, rising to up to approximately 3m at the highest point.

2.5 The development would also include a battery storage facility (to reinforce the power generation of the solar farm), inverter / transformer stations, CCTV, deer type perimeter fencing (approx. 2.1m high) and landscaping.

2.6 The electricity generated by the solar development will be fed into the Bicker Fen National Grid Substation via underground cables.

2.7 This is a cross-boundary application with South Holland District Council. The larger proportion of the site covered by panel's lies within the boundary of South Holland.

2.8 The application site predominantly comprises arable farmland made up of large fields, crossed by a network of ditches and drains. It also includes the grid connection corridor where underground cables would be laid. Field margins are typically formed by open ditches, however in some locations established hedgerows and hedgerow trees make up the field boundaries. These features are characteristic of the wider local landscape. The landscape is interspaced by occasional farm buildings (both residential and functional) of varying size and condition. A Public Right of Way follows Hammond Beck in a broadly north/south direction.

2.9 The site is not subject to any landscape, heritage or conservation area designations and there are no listed buildings on the site itself. There are listed buildings in Bicker to the east, but these are some distance away. There are no formal ecological designations within 2.5km of the site.

3.0 Relevant History

3.1 No relevant history for application site itself, however other sites outside the District but close by are as follows:

3.2 Heckington Fen - National Infrastructure Planning. (Planning Inspectorate ref EN010123). Under consideration under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 for the proposed Heckington Fen Solar Project situated North of the A17 between Sleaford and Boston. Undetermined.

3.3 B/21/0443 - Land North West Of Bicker, Vicarage Drove Solar Farm - Proposed construction and operation of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substation compound, security cameras, fencing, access tracks and landscaping. Approved 17-Feb-2022.

3.4 Land At Little Hale Fen, To The East Of Helpringham, To The South East Of Little Hale, And To The North West Of Bicker And Donington. (Within North Kesteven). Formal application not yet submitted. Screening Opinion Ref 21/1337/EIASCR - Proposed solar farm (up to 49.995MW generating capacity) and associated infrastructure including grid connection cabling to Bicker Fen Substation. Undetermined.

4.0 Relevant Policy

South East Lincolnshire Local Plan

4.1 The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 4 – Approach to Flood Risk;
- Policy 5 - Meeting Physical Infrastructure and Service Needs
- Policy 28 – The Natural Environment;
- Policy 29 - The Historic Environment;
- Policy 30 – Pollution; and
- Policy 31 – Climate Change and Renewable and Low Carbon Energy
- Policy 32 - Community, Health and Well-being

National Planning Policy Framework

4.2 At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

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

5.0 Representations

5.1 As a result of publicity, representations have been received from:

- Castle Stud, Cowbridge Road, Bicker
- Ing Farm, Ing Road, Bicker
- The Bungalow, Ing Road, Bicker
- Walnut Lodge, Rookery Road, Bicker

5.2 The objections and comments can be summarised as follows:

- Properties nearby will suffer glare, noise, visual and heat disruption, and health problems
- Overdevelopment
- Agricultural land desperately needed for growing food
- Traffic, and pedestrian and highways safety concerns including unacceptable levels of disruption, dirt, dust, sleep deprivation, fumes, vibration

- The proposed development represents serious abuse of local residents under the terms of the Human Rights Act
- Disruption to the wildlife
- Out of character with the area and Bicker Parish
- Erosion/spoiling of traditional Fenland Landscape

6.0 <u>Consultations</u>

6.1 Council's Environmental Health Officer – No objections.

6.2 Forward Planning Officer - The most relevant Local Plan policy is policy 31. Section B refers to Renewable Energy. This contains a number of criteria and the application includes reports to assist in considering the impact of the proposal on them.

The likely most contentious is "agricultural land take". This was inserted in the policy because of concerns about the impact on food production. The national mapping shows the site is grade 2. The agricultural land classification report shows the site is mostly grade 3a with the remainder split equally between grade 1 and 2. Sequentially it is preferable to use grade 3a rather than 2 or 1, so this report helps their case. However, there is still a loss from arable farming.

The planning statement indicates sheep grazing. Sheep will help maintain the grass and provide a crop although not at the intensity the current farming practice achieves. The ecological report also shows a significant bio diversity net gain that will contribute to Government policies relating to climate change. (It erroneously refers to Central Lincolnshire LP)

Given the current circumstances the country is facing with energy supply it is likely that conflict with this local plan criteria will not be an overriding reason to justify refusing permission. It would be useful to look at appeal decisions to clarify whether this opinion is valid. A similar scheme has been approved in February, to the west of the site.

6.3 Design Out Crime Officer – No objections. Informatives recommended.

6.4 Internal Drainage Board – No objections. Evidence that infiltration is suitable for the site should be submitted to the Local Planning Authority for their approval. Should infiltration prove unsuitable, then the applicant should submit details of an alternative scheme to the Local Planning Authority for consideration. Further informatives recommended.

6.5 Natural England – No objections, subject to safeguard to soil resources and agricultural land including a required commitment for the preparation of reinstatement, restoration and aftercare plans.

6.6 Heritage Lincolnshire Historic Officer - There would be some impact to the setting of the noted Non-Designated Heritage Assets which are sited close to the proposal site. In terms of their fabric these NDHAs have been altered somewhat, the proposals would change the agricultural character which is the setting historic and present. With Ing

Farm there is screening proposed that would mitigate visual impact. Strawberry Farm would not be impacted by proposals.

6.7 Heritage Lincolnshire Archaeologist - A written scheme of investigation (WSI) for archaeological trial trench evaluation has been submitted. The WSI meets the requirements of this office. The results of the evaluation will inform the archaeological mitigation strategy required.

If planning permission is forthcoming then the archaeological conditions should ensure that the archaeological evaluation is carried out in accordance with the agreed written scheme and that the results inform an appropriate archaeological mitigation strategy (whether archaeological remains are preserved in situ and/or by record).

Therefore, prior to any development commencing on site the archaeological evaluation shall be completed in accordance with the agreed written scheme in order to ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.

6.8 Environment Agency – No objections subject to a safeguarding condition and that the development accords with the Flood Risk Assessment.

6.9 East Lindsey District Council – No objections.

6.10 Lincs Wildlife Trust – No objections.

6.11 South Holland District Council – No objections subject to the consideration of vehicular access during construction and decommissioning.

6.12 Lincolnshire County Council – No objections subject to conditions and informatives.

6.13 Bicker Parish Council – Objects to the development on the following ground:

- Overdevelopment of land in a contained farm area
- Detrimental impact on outlook for local residents
- Highways, access and traffic concerns
- Loss of arable land

7.0 Planning Issues and Discussions

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

- Principle of Development
- Site Selection and Loss of Agricultural Land
- Cumulative Effects and Food Security
- Landscape Character and Visual Impact
- Impact on the Historic Environment
- Highway Safety
- Impact on Ecology
- Flood Risk and Drainage

- Impact on Residential Amenity
- Glint and Glare
- Planning Balance

Principle of Development

7.2 Planning permission is sought of the construction and operation of a solar photovoltaic (PV) farm with associated infrastructure. Government policy supports the development of renewable energy sources, including solar developments, to help ensure the UK has a secure energy supply and to reduce greenhouse gas emissions to slow down climate change.

7.3 Chapter 14 of the National Planning Policy Framework (NPPF), Meeting the challenge of climate change, flooding and coastal change, sets out its support for renewable energy development. Paragraph 152 states that:

7.4 'The planning system should support the transition to a low carbon future in a changing climate. It should help to support renewable and low carbon energy and associated infrastructure'. The NPPF goes on to state in paragraph 158 that when determining planning applications for renewable energy planning authorities should not require applicants to demonstrate the overall need for renewable energy. As a result, planning policy at a national level is very supportive of renewable energy development.

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

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

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

7.7 The applicant's supporting information also outlines various national initiative to combating climate change.

7.8 At a local level, the South East Lincolnshire Local Plan 2019 (SELLP) seeks to support the use of renewable energy technologies to help minimise carbon emissions.

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

achieve sustainable development, in line with Policy 1 of the South East Lincolnshire Local Plan 2019.

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

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

1. visual amenity, landscape character or quality, or skyscape considerations;
2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;
3. highway safety (including public rights of way);
4. agricultural land take;
5. aviation and radar safety;
6. heritage assets including their setting; and
7. the natural environment.

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

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

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

7.14 Policy 1 states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. In terms of location, an alternative site assessment has been submitted which concludes that greenfield sites are more appropriate for proposal of this scale.

7.15 Furthermore, solar development must also be located close to major grid infrastructure with sufficient capacity to accommodate the energy generated. Therefore, with the existing Bicker Fen substation the location is considered to be acceptable in respect of Policy 1 of the South East Lincolnshire Local Plan 2019.

7.16 In terms of environmental benefits, the provision of a solar farm will clearly contribute to climate change targets. At a local level, the Council adopted the Climate Change Strategy in spring, acknowledging that urgent action is required to limit the environmental impacts produced by the climate crisis. As such, the proposed development would significantly contribute to this target and the application

contributes to the National Government's aim to urgently de-carbonise energy production.

7.17 The proposed development, as well as providing a renewable energy source, would provide significant biodiversity net gain. The submitted Biodiversity Net Gain report confirms that the proposal would result in a +119.47% of habitat units and +1005.02% hedgerow units. This again is an environmental benefit.

7.18 In terms of community benefits, the applicant has confirmed that 'the Proposed Development would support the community through supplying low carbon energy that over time would reduce emissions from fossil fuel generation, improve long term air quality and reduce climate change. In addition, the Proposed Development would not restrict use of public rights of way and will provide opportunities for interpretation in respect of renewable energy and biodiversity on the site'.

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

7.20 The development would provide environmental, social and economic benefits. As such the proposal is considered to meet the requirements of Policy 1 of the South East Lincolnshire Local Plan 2019.

7.21 The proposed solar farm would create a renewable energy facility which, is considered acceptable in principle and would be accordance with Policies 1 and 31 of the Local Plan 2019 and the requirements of the NPPF, subject to the consideration of all other factors.

Site Selection and Loss of Agricultural Land

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

7.23 Chapter 15 – Conserving and enhancing the natural environment, at paragraph 174 (b) of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by…' recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

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

7.25 As part of their submission, the applicant has provided an Agricultural Land Classification document, which sets out the results of a survey that concludes that 87.2% of the site is Grade 3a (due to wetness), 6.4% is Grade 2 and 6.4% is Grade 1 agricultural land. The site is therefore deemed to fall into the category of 'best and most versatile agricultural land'. However, Natural England, whom are statutory consultees for non-agricultural development of greater than 20 hectares on grades 1, 2 or 3a agricultural land, have no objections to the proposal. It has been advised that the proposed development is unlikely to lead to its significant long-term loss since the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur.

7.26 In the submitted Planning and Design & Access Statement, the applicant provides some information on the considerations which applied in the site selection process. This is set out below:

7.27 *"The Applicant has undertaken an extensive Site search exercise to identify potential locations for solar farms across the UK. The Site search exercise focussed on areas in proximity to National Grid Substations with capacity to connect large scale Solar PV arrays. The Bicker Fen Electricity Generating Substation located off Vicarage Drove and adjacent to the existing Bicker Wind Farm, was identified as a primary search location due to available capacity and necessary land areas. The substation is located less than 400m to the west of the proposed location for the solar array.*

7.28 *Large-scale solar farms are increasingly economically viable, without the need for government subsidy. However, any solar farm development needs to be carefully designed to ensure its financial viability, particularly in the current climate of increasing development costs. As such the Applicant defined a 4km radius around the Bicker Fen Substation to limit the potentially prohibitive costs of longer grid connections and third-party land negotiations.*

7.29 *Firstly, brownfield Sites were considered by reviewing the Brownfield Land Registers. There were no Sites identified which are over 5 hectares and no Site within 4km of the grid connection point.*

7.30 *Secondly, the likelihood of best and most versatile agricultural land was reviewed based on Natural England's strategic scale mapping for the East Midlands. All the land within 6km of the substation has a high likelihood of being best and most versatile agricultural land. As such, it is unlikely that significant areas of lower grade agricultural land would be available and that there are no more sequentially preferential sites within the search area."*

7.31 Looking at the cumulative land use impacts of the development when considered in tandem with other schemes in the locale, in terms of the cumulative effects on agricultural land the applicant comments as follows:

7.32 *"The Heckington Fen Energy Park, Vicarage Drove Solar Farm, Little Hale Solar Farm and Bicker Fen Solar Farm would result in the cumulative, but reversible loss of c. 514 Hectares of best and most versatile (BMV) agricultural land. However, within*

Lincolnshire there is approximately 381,000 hectares of BMV agricultural land. As such the cumulative impact of all four solar projects would be c. 0.13% of the total available resource within the County.

7.33 *It should be noted that the land beneath the solar panel would be used for grazing and as such would continue in agricultural use, albeit crop production would not be possible during the operational life of the solar farms. In addition, removing land from intensively managed production for a period of time can have beneficial effects in terms of agricultural land quality as the soil structure and organic matter content can improve over time reducing the need for fertilisers, when returned to full agricultural use.*

7.34 *The temporary restriction in agricultural flexibility and very small percentage of BMV land affected by the four projects is not considered to represent a significant cumulative effect."*

7.35 With regard to the visual impact of the proposal when read in conjunction with other proposals, the application is supported by a document assessing these impacts has been submitted, that has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and Institute for Environmental Management and Assessment, 3rd edition 2013). The visual impact of the development is assessed below.

7.36 Taking the above into account, it is considered that suitable evidence has been provided by the applicant to demonstrate that the proposal is in general accordance with national guidance with regard to site selection and the grade of agricultural land. As such, there are not considered to be any significant or demonstrable adverse impacts in this respect that would justify refusing the application.

Cumulative Effects and Food Security

7.37 A cumulative statement has been provided by the applicant which outlines the percentage of different grades of agricultural land being cumulatively taken out of production, given other schemes within and adjacent to the District's boundaries.

7.38 The areas of best and most versatile (BMV) agricultural land for each development relevant to the proposed development has been extracted from relevant planning applications, DCO Preliminary Environmental Information Reports and DCO screening requests. The applicant has confirmed:

7.39 *The Heckington Fen Energy Park, Vicarage Drove Solar Farm, Middle Marsh, Little Hale Solar Farm, Springwell Energy Farm and Bicker Fen Solar Farm would result in cumulative, but reversible impact on c.1,833 hectares of BMV agricultural land. However, within Lincolnshire there is c.488,915 hectares of farmed landed with approximately 381,000 hectares of BMW agricultural land. As such, the cumulative impact of all six solar projects would be just c.0.5% of the total available BMA agricultural land resource within the County.*

7.40 It has been confirmed that the land within each submitted application boundary would not be fully removed from agricultural use as the areas beneath the solar panels would

be used for sheep grazing. Natural England have confirmed that the development would not result in the permanent loss of BMV land and that the land can be restored to full agricultural use following decommissioning. A condition, in this respect, is recommended. Furthermore, the applicant has confirmed that removing land from intensively managed production for a period of time can have beneficial effects in terms of agricultural land quality as the soil structure and organic matter content can improve over time reducing the need for fertilisers.

7.41 In terms of food security, the landowners have confirmed that the wheat and barley yields in the area range from 7.5-10 tonnes per hectare depending on weather conditions etc. As such, the land temporarily lost to this development for arable production could result in a UK reduction of wheat or barley production of approximately 728-970 tonnes per annum. Development of all cumulative sites, as stated above, would result in a UK reduction of wheat or barley production of approximately 13,738-18,330 tonnes per annum.

7.42 DEFRA indicates that 15.5 million tonnes of wheat and 7.4 million tonnes of barley were produced in the UK in 2022. Therefore, this development would represent a reduction of less than 0.006% of wheat production and less than 0.013% of barley production. Therefore, the loss of this land for wheat and barley production would be minimal.

Landscape Character and Visual Impact

7.43 National Planning Practice Guidance highlights that the deployment of large-scale solar farms can have a negative impact on the rural environment. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

7.44 The existing character of the application site and its surroundings is described above. The applicant has considered the impact of the proposed development upon the existing landscape and views in the submitted Landscape and Visual Impact Assessment (LVIA) which follows the "Guidelines for Landscape and Visual Impact Assessment" published by Natural England. The study covers an area of 2.5km from the site boundary.

7.45 The LVIA separates impacts into 'landscape effects' (effects on the landscape as a resource in its own right) and 'visual effects' (effects on specific views and on the general visual amenity experienced by people).

7.46 In terms of the former, the LVIA concludes that the overall susceptibility and value of the landscape fabric are low and that overall sensitivity is low. It goes on to state that:

7.47 *"During the operational life of the proposed development, grazing by sheep would be introduced in combination with mowing/strimming. This would maintain the agricultural usage of the site, albeit the pasture grassland would be relatively static compared to the constantly changing landscape fabric associated with arable crop rotation. A minor effect on the farmland within the site would occur, associated with the change from arable use to pasture or mowing activities. Change would be reversible*

following decommissioning, and the land could be returned to arable use. As such, effects on the underlying landscape fabric would not be significant. The introduction of new lengths of hedgerow and new woodland belts would have a beneficial effect in respect of the landscape fabric of the area and would be retained following decommissioning."

7.48 In regard to landscape character, the LVIA concludes that:

7.49 *"Electricity generation and supply infrastructure, including renewable energy is an established influence locally (e.g. the Bicker Wind Farm, the Triton Knoll Offshore Substation, and the Viking Link Convertor), and there is a clear trend for further such development to be located locally (e.g., the consented Vicarage Drove Solar Farm, and the proposed Little Hale Fen Solar Farm). The proposed development would accord with this trend. In the medium and longer term, the planting of new hedgerows and woodland belts would provide visual screening, and the influence of the new structures would therefore reduce. The new planting and new species-rich grassland would enhance biodiversity locally. The new planting would also increase the level of enclosure within the landscape locally, which would reflect current trends to enclose electricity infrastructure with planting. There would be some localised change in character, particularly initially as the new solar panels and associated features are introduced but change from baseline would be limited. Effects would be minor to moderate adverse and would not be significant. The associated landscape proposals would have a beneficial effect as new planting establishes."*

7.50 In order to assess the visual effects (including views from residential properties) of the proposal, a 'Zone of Theoretical Visibility' (ZTV) has been produced to accompany the LVIA. ZTVs are computer generated diagrams which illustrate the theoretical visibility of the development throughout a study area. In this instance, the ZTV is based on 3m above existing ground level – the maximum height of the solar PV panels. Two ZTVs have been prepared for the proposed development: one that is 'unscreened' and one that takes into account the landscaping proposals.

7.51 The unscreened ZTV shows that visibility would be concentrated within the area bounded by Cowbridge Road to the north and northeast, by North Ing Drove to the south, and by the South Forty Foot Drain to the west, with visibility reducing appreciably outside of this area. Outside of the site boundary, the areas with the greatest amount of visibility predicted would be the land to the west, with visibility reducing to the east where a greater amount of vegetation cover is present.

7.52 The ZTV with the benefit of landscaping identifies that the *"proportion of the proposed solar panels that would be visible would reduce substantially as a result of the proposed planting. By year five, visibility would seldom be greater than 40% of the proposed development, even within the site itself. Scattered areas to the south-west would have theoretical visibility of between 40% and 60% of the proposed development, but this would occur in the area where the Viking Link convertor stations are being constructed and may not therefore be available once these structures are built, and restrict some views towards the site. In the medium and longer-term less than 20% of the proposed development is predicted to be visible from the majority of the study area."*

7.53 It goes on to explain that *"clear views at short range would be visible from stretches of North Ing Drove, Ing Road and Cowbridge Road, and from some of the properties located along these. Properties likely to experience such views include The Old Barn, The Northings, Beck Cottage, the unnamed property at North Fen, 132-134 Northorpe Road, Cowbridge Farm, Ing Farm, The Haven, the property on Ing Drove called The Bungalow and Strawberry Farm. Garden vegetation may provide some filtering of views from some properties, but the new structures would remain visible... Initially, significant visual effects are likely to be experienced by residents in the properties...However, as the proposed new planting at the Site boundary establishes (after approximately five years), views of the new structures would be well screened. In particular, visibility from the nearby properties would reduce considerably. There would be some change in view associated with this planting, with the influence of vegetation increasing, but medium and longer-term visual effects would not be significant. Properties at 120 Northorpe Road, Cowbridge Farm and the adjacent property called The Bungalow, and the properties at Kingstree Cottage and Kingstree Lodge would benefit from the considerable screening provided by existing vegetation cover within gardens and at the property boundaries. Visual effects experienced at these properties would not be significant."*

7.54 With regard to road users (medium to low sensitivity receptors), their appreciation of the landscape is likely to be secondary to the primary purpose of the route, which is to provide local access. The closest roads to the site are Cowbridge Road (north/east), North Ing Drove (south/west), Middle Fen Drove (south), Vicarage Road (west) and Ing Road (east). The LVIA concludes that the effects experienced by motorists would not be significant.

7.55 A Public Right of Way (PROW) follows the Hammond Beck in a broadly north/south direction. The LVIA considers the impact on this from a particular viewpoint at the north of the site and identifies that *"a moderate to major adverse effect would occur initially, and this effect would be significant. The new solar panels and ancillary structures would be introduced at close range and would be clearly visible from the viewpoint. Whilst existing electricity infrastructure is already prominent, the influence of such infrastructure upon the view would undergo a clear increase as a result of the proposed development. However, once proposed perimeter planting becomes established, the visibility of the new structures would reduce considerably due to the screening provided by the new vegetation. The influence of vegetation cover upon the view would increase, as would the level of visual enclosure. The influence of built development would reduce appreciably once the planting establishes, after approximately five years. Medium and long-term effects at this viewpoint would be moderate adverse and would not be significant."*

7.56 The LVIA goes on to state: *"The only receptors to the west of the Site would be users of the bridleway that runs along the eastern side of the South Forty Foot Drain. The Bicker wind turbines and the Viking Link convertors are clearly visible and very prominent structures located between the bridleway and the Site. In this context the introduction of the Proposed Development would not have any notable influence upon the views available to bridleway users. Effects would not be significant."*

7.57 In response to concerns regarding the cumulative impact of this and other schemes identified in the locale, the applicant has responded, stating that the main cumulative landscape and visual effects would be experienced in the context of Vicarage Drove Solar Farm which will be part of a developing energy hub around the National Grid Substation that includes the existing substation infrastructure (and future planned expansions), Triton Knoll substation, Viking Link and the Proposed Development.

7.58 The documentation states *"In a cumulative baseline where the consented solar farm at Vicarage Drove and the proposed solar farm at Little Hale Fen are also present, the further presence of the development would not lead to appreciably different visual effects than those already identified in the LVIA.*

7.59 *The well-established influence of electricity generation and supply infrastructure in views from the area east of the South Forty Foot Drove would intensify as a result of the Vicarage Drove Solar Farm and the extension to the Substation proposed as part of the Heckington Fen Solar Farm. Views of the Substation extension would be considerably restricted by the mature vegetation cover around much of the Substation compound, and views of the Vicarage Drove solar farm would also be restricted as proposed perimeter planting establishes.*

7.60 *The Little Hale Fen Solar Farm would be separated visually from the other schemes due to the level of screening provided by the embankments and vegetation along the South Forty Foot Drain. Little Hale Fen Solar would not be seen in combination with the Proposed Development and Vicarage Drove Solar Farm from the majority of the public right of way that runs along the top of the eastern embankment due to the raised western embankment.*

7.61 *The Proposed Development would often be visible in views where the Vicarage Drove Solar Farm is also visible, along with the other existing infrastructure located east of the South Forty Foot Drain. Much of this infrastructure (e.g. the Bicker wind turbines and the Viking Link convertors) is visually prominent due to its height and or mass, and would remain appreciably more prominent than either solar farm, both of which would tend to be well screened over time by their associated landscaping.*

7.62 *Cumulative visibility with the Little Hale Fen Solar Farm would be limited. There would be some short stretches of the public rights of way network and the road network on either side of the South Forty Foot Drain from which both schemes would be visible, but in all cases views across the watercourse would be restricted by the adjacent embankments, and the solar farm on the further side (i.e. Bicker Fen as seen from the west of the watercourse, or Little Hale Fen as seen from the east) would be a very minor background presence, which would be largely screened from view.*

7.63 *The grid connection works associated with the various schemes (including Heckington Fen and Temple Oaks) would not be visible once construction is complete and vegetation reinstated. During construction any influence upon views would be confined to the immediate vicinity of excavations, and would have a negligible and short-term influence upon the views available."*

7.64 In summary, the LVIA concludes that, effects on landscape character would not be significant. Electricity generation and supply infrastructure is a well-established and visually prominent influence upon the landscape locally. There would be a limited increase in this influence as a result of the introduction of the proposed development, but the new solar panels and associated structures would be far less prominent than existing features. New planting would enclose the site, and once this vegetation becomes established the openness of the fenland landscape would reduce. All change would be localised and limited in scale. Short-term significant visual effects would occur locally, experienced by residents in twelve properties located close to the site boundary, by users of an approximately 500m stretch of the Cross-Britain Way, and by users of the footpath that runs along the Site boundary. As the proposed new planting at the site boundary establishes, views of the new structures would be largely screened from view. In the medium and longer-term, visual effects would not be significant. In the wider study area, the proposed development would be a limited addition to the view, appearing less prominent than existing development. As the landscape proposals establish, this limited visibility would reduce further. The presence of the solar panels and associated structures would have little influence upon the wider views available, and effects would not be significant.

7.65 Taking the above into account, the proposal is considered to satisfactorily accord with Policies 2, 3 and 31 of the SELLP. Policy 2 requires development proposals to take into account the character and appearance of the area and impact on amenity, and Policy 3 requires the landscape character of the location to be considered. Policy 31 requires renewable energy proposals to not cause significant harm to visual amenity, landscape character or quality, or skyscape considerations.

Impact on the Historic Environment

7.66 The closest designated heritage assets to the proposal site, including those within the neighbouring Authority South Holland District Council, are within the Donington and Bicker Conservation Areas, approximately 1.2km and 1.4km away respectively. The submitted Historic Environment Desk-Based Assessment concludes that although views of Donington's church are evident from the site, these views do not contribute in a meaningful way to the appreciation of the church's heritage values. It states:

7.67 *"Intervening built form, such as the farmhouses to the west of Bicker and the modern development of Northorpe to the north of Donington (Photo 4), contribute to the intervening presence of modern construction and detract from any contribution that the Site makes to the surrounds and experience of the designated heritage assets within a wider landscape context. Likewise, the individual Listed Buildings, such as Gaunlet House to the north-east of the Site, is entirely obscured by intervening vegetation, built form and distance. The Site plays no role in their significance as designated heritage assets. A such, change in the landscape as a result of development within the Site would not harm any of the designated heritage assets and detract from the key contributors to their heritage significance, which primarily derives from their historical (illustrative), aesthetic and (in some instances) communal (e.g. the churches) values."*

7.68 Heritage Lincolnshire's Heritage Officers have made no objects to the development, stating that the development would not significantly impact historic assets in the area.

Given the nature of these assets and some of the distances concerned, it is not considered that there would be a substantial harm to their significance. Overall it is considered that the proposed development would not harm the significance of nearby designated heritage assets.

7.69 With regard to archaeology, the Heritage Lincolnshire's Archaeologist has advised that:

7.70 *"A written scheme of investigation (WSI) for archaeological trial trench evaluation has been submitted. The WSI meets the requirements of this office. The results of the evaluation will inform the archaeological mitigation strategy required.*

If planning permission is forthcoming then the archaeological conditions should ensure that the archaeological evaluation is carried out in accordance with the agreed written scheme and that the results inform an appropriate archaeological mitigation strategy (whether archaeological remains are preserved in situ and/or by record).

Therefore, prior to any development commencing on site the archaeological evaluation shall be completed in accordance with the agreed written scheme in order to ensure the preparation and implementation of an appropriate scheme of archaeological mitigation."

7.71 Whilst this position is understood, there is the potential for this to be abortive work if permission were not to be granted and it is a matter which can be reasonably conditioned to be undertaken prior to commencement of development, as has been requested by the applicant. The developer should not be implementing the consent in advance of that condition being discharged and if changes to the development are required as a result of any findings of the required trial trenching there would be a means through the planning process by which to do this.

7.72 Taking the above into account, the proposal is considered to satisfactorily accord with Policies 2, 29 and 31 of the South East Lincolnshire Local Plan 2019. Policy 2 requires the impact on historical buildings and heritage assets to be taken into account and Policy 29 seeks to protect historic legacy. Policy 31 requires renewable energy proposals to not cause significant harm to heritage assets including their setting.

Highways Safety

7.73 The original submission proposed that construction access would be from the A52 Bicker Road and would use an existing National Grid construction track that links the A52 to Ing Drove. This would avoid construction traffic passing through the village of Bicker. From Ing Drove, construction traffic would travel along Cowbridge Road to the site entrance. Construction traffic would then use internal access tracks to access the remainder of the site. Operational access would be taken from Cowbridge Road and the wider adopted highway network.

7.74 In terms of vehicle movements, the submitted Transport Statement estimates that there will be a maximum of approximately 204 two-way movements (102 in / 102 out) per day during peak activities within the first 4 weeks of construction. This is inclusive of delivery-related movements and staff trips. For the remainder of the construction

period (20 weeks), there would be a maximum of approximately 128 two-way movements (64 in / 64 out) per day on average, inclusive of delivery related movements and staff trips. The number of vehicle trips associated with decommissioning is likely to be comparable.

7.75 The concerns raised by residents are noted including the adequacy of roads to the site for the types of vehicles that would be required for the construction and decommissioning phases. However, Lincolnshire County Council have commented on the application stating that they have no objections to the development, subject to conditions.

7.76 Lincolnshire County Council continues to state, *"The construction phase however, can give rise to much greater vehicle movements on the local highway network. The Transport Consultants for the Applicants have acknowledged that concern, and to address it, have negotiated their clients' use of the haul road that has been constructed by the Viking Link developers, which connects the A52 Donington By-pass to North Ing Drove, as a means of routing delivery vehicles to and from the Application Site. This will allow arriving, loaded vehicles to enter the site via the Viking Link Haul Road and North Ing Drove and the emptied vehicles to depart the site via Cowbridge Drove, Ing Drove and the Haul Road that was provided as part of the Bicker Fen Wind Farm and National Grid Sub-station developments, to get back onto the principal road network at the A52.*

It is the highway authority's preference that the loaded, and therefore heavier, vehicles arrive via the Viking Link route, so that the departing, and therefore lighter, vehicles use the Cowbridge Drove and Ing Drove route that has previously been subject to heavy usage during the Wind Farm and National Grid Sub-station projects. Cowbridge Drove and Ing Drove also have greater numbers of residential properties along their route.

North Ing Drove, Cowbridge Drove and Ing Drove, which are all public highways, will still be subject to extra-ordinary volumes of HGV traffic and therefore it is requested that pre-commencement condition of these roads is recorded, including by means of notes, still and moving picture images, and that the Applicants are required to both maintain these roads in a safe and usable condition throughout the construction phase of the proposed development and reinstate them to no worse than their pre-commencement condition following the completion of the construction phase. A corresponding arrangement will also be required for the period when the proposed solar farm is decommissioned".

7.77 Therefore, subject to safeguarding conditions, the proposal satisfactorily accords with Policies 2 and 31 of the South East Lincolnshire Local Plan 2019. Policy 2 requires access arrangements and vehicle generation levels to be acceptable and Policy 31 requires renewable energy proposals to not cause significant harm to highway safety.

Impact on Ecology

7.78 The applicant has submitted an Ecological Assessment Report, which includes a Biodiversity Net Gain Assessment, Winter Bird Survey Report and Otter and Water Vole Survey Report.

7.79 There are no statutory designated sites within 2km of the application site. No internationally designated sites are within 10km of the site, The Wash suite of designated sites is located 13.4km east of the site at its closest point. There will be no direct effect on habitats within any statutory designated sites due to the site's distance of spatial separation and the nature of the proposed development.

7.80 Three non-statutory designated sites are located within 2km of the site boundary, the closest two being the South Forty Foot Drain Local Wildlife Site (LWS) and the Old Forty Foot to South Forty Foot Drain LWS located 1.9km north-west. There will be no direct effects on any LWS as standard measures to ensure runoff control and pollution prevention will be implemented during construction of the proposed development. These measures will safeguard off-site habitats and the species they support. With such measures in place, no indirect effects are anticipated on non-statutory designated sites in the wider area.

7.81 The site itself comprises a series of arable fields that are bounded by a network of ditches and hedgerows. Hammond Beck is located between parcels of the site and is adjacent to the site boundaries. A small fragment of broadleaved woodland of approximately 1.1ha is located within the site, and a 1.4ha block of woodland lies adjacent to the south-eastern site boundary. Arable fields and areas of species-poor hedgerow were considered to be of low ecological value.

7.82 Higher value habitat provided by woodland, semi-improved field margins, tall ruderal, ditches and Hammond Beck are unaffected by the proposed development as the solar panel array layout has been designed to avoid ecologically valued field boundary features within and adjoining the site, with buffers provided during construction for their protection. No tree removal is required for the proposed development, and all retained trees within the vicinity of construction areas will be protected during construction works.

7.83 Given the low usage of the site, there is no evidence that the proposed development will have an adverse effect on local populations of wintering birds, including species, such as pink-footed goose. Furthermore, the site contained no suitable buildings or structures for bats, and the majority of trees were considered to offer negligible/low bat roost potential, due to their immature status, lack of ivy cover and few physical cracks/fissures.

7.84 Field surveys for otter and water vole found no evidence of either species along Hammond Beck during either survey. It is therefore concluded that otter and water vole are likely absent from the surveyed section. However, as otters are likely present within the wider area, it is considered possible that otter may occasionally utilise the Hammond Beck for foraging and commuting due to its suitability. The Ecological Assessment Report advises that where possible, impacts to ditches have been avoided through utilising existing culverts to cross ditches and watercourses and buffer incorporated around watercourses. A crossing is required over the Hammond beck to permit access. This crossing will be a 1.8m by 3m box culvert with a length no longer than 7m. Otter are known to pass through lengths of culvert, particularly when these have sufficient headroom, and therefore it is not considered that installation of the

culvert will present a significant barrier to the dispersal of otter, if the species is present in the wider area or colonises in the future.

7.85 As outlined above, construction of the proposed solar farm will mostly involve temporary disturbance to low ecological value arable land. However, extensive areas of grassland of high biodiversity value will be established thereafter and maintained for the lifetime of the operational site.

7.86 Both the National Planning Policy Framework (2021) and SELLP advocate the provision of net gain for biodiversity. The Biodiversity Net Gain Assessment indicates that the development will result in a 119.47% net gain in habitat biodiversity at the site as well as a 1005.02% net gain in linear units (hedgerows) as a result including species-rich grassland, native species hedging and new woodland blocks. The net gain that will be delivered by the development will therefore be substantial.

7.87 Mitigation Area in one of the fields next to the proposed Solar Farm to encourage Skylarks to nest adjacent to the site. The RSPB have undertaken studies which indicate that Skylarks use Solar Farms to forage, but tend to nest in areas adjacent to the farms. The applicant proposes to provide a bespoke Skylark Mitigation Area, and undertake management of the area to encourage nesting with a view to enhancing the local population of Skylarks (which nest on the ground), with management to protect the birds during nesting season. They have agreed to a condition which secures and incorporates the Skylark Mitigation Area into an overall Landscape and Ecological Management Plan (LEMP) for the entire site, to secure biodiversity improvements in a holistic manner (in conjunction with a sympathetic lighting strategy to allow dark corridors for bats and a landscaping scheme which has biodiversity benefits) and to maintain the LEMP for a minimum of 30 years.

7.88 Either Natural England or Lincolnshire Wildlife Trust (LWT) raise objections to the proposal and are supportive of the measures proposed with regard to biodiversity.

7.89 Taking the above into account, the proposal is considered to satisfactorily accord with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan 2019. Policy 2 requires the impact or enhancement for areas of natural habitats to be taken into account and Policy 3 requires the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity to be considered. Policy 28 seeks an overall net gain in biodiversity and Policy 31 requires renewable energy proposals to not cause significant harm to the natural environment.

Flood Risk and Drainage

7.90 The site is located predominantly within Environment Agency Flood Zone 3, with areas to the southeast of the site in Flood Zones 1 and 2. Annex 3 to the NPPF identifies solar development as 'essential infrastructure' and, for such development, the NPPG indicates that the Exception Test should be applied where it is to be located in Flood Zone 3.

7.91 In order to pass the exception test, it must be demonstrated that the proposed development will: Provide wider sustainability benefits to the community that

outweigh the flood risk; and that the development will be safe throughout its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

7.92 With respect to the first part of the exception test, the proposed development will provide renewable solar and low carbon energy equivalent to the annual electrical needs of thousands of family homes. Provision of a source of renewable energy will result in a reduction in carbon emissions meeting local, national and international targets. The site will also deliver biodiversity benefits and soil improvement gains. Therefore, the proposed development will provide sustainability benefits to the community, thereby satisfying the first requirement of the exception test. In terms of the second part of the test, it will not increase flood risk elsewhere (see responses of the Environment Agency and LCC as Lead Local Flood Authority) and the raising of key infrastructure/components, and monitoring/alerts of flood warnings, should ensure that the development is safe for its 40-year lifetime.

7.93 The Environment Agency has no objection subject to a condition requiring the development to be carried out in accordance with recommendations of the submitted Flood Risk Assessment.

7.94 In terms of surface water drainage, the proposal is to rely on infiltration given that rainwater would be able to fall between gaps between the panels to the grass surface, and all new site access tracks would be constructed of permeable stone. The Black Sluice Internal Drainage Board have commented that evidence that infiltration is suitable for the site should be submitted, and that should infiltration prove unsuitable, the applicant should submit details of an alternative drainage scheme. Lincolnshire County Council have raised no drainage concerns. A condition is recommended requiring the submission of a full drainage strategy if permission were to be granted.

7.95 On this basis, it is considered that the proposal satisfactorily accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 which require proposals to have an appropriate means of drainage and be acceptable in flood risk terms. It is also in accordance with National Planning Practice Guidance on Flood Risk.

Impact on Residential Amenity

7.96 Policy 31 of the Local Plan requires renewable energy proposals to not cause significant harm to residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic. Policy 2 of SELLP states that development will only be permitted where there is no impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion and Policy 3 states that residential amenity should be secured. Section 12 of the NPPF, Achieving well-designed places, is also relevant, in particular paragraph 130 which seeks to ensure development creates a high standard of amenity for existing and future users.

7.97 The comments by neighbouring residents and the Bicker Parish Council are noted.

7.98 Potential residential receptors are identified in the submitted Landscape and Visual Impact Assessment. There are several properties located adjacent or very close to the site boundary at Beck Cottage, an unnamed property at North Fen, Ing Farm, The

Haven, The Bungalow, and Cowbridge Farm (with an adjacent property also called The Bungalow).

7.99 A further thirty-three properties are located within approximately 500m of the site boundary. This includes twenty properties in the South Holland Distict area including nos. 13-49 Northorpe Road, located in close proximity to one another at the edge of Northorpe. The majority of the nearby properties have relatively open views looking in the direction of the site. At some properties, vegetation at their perimeter largely restricts such views.

7.100 Solar development does not typically generate a significant amount of noise or vibration outside of the construction period. During the operational period, the components that have the potential to give rise to noise impacts on receptors are the inverters, transformers and switchgear, operation of the battery storage plant, and cooling systems of the enclosed battery plant. These are all located in excess of 200m from the nearest dwellings. Likewise, traffic levels generated by the development will be minimal outside of the construction and decommissioning phases. No adverse fumes, heat or odour impacts or broadcast interference are anticipated to be generated by a proposal of this nature. Shadow flicker is not relevant to solar farm proposals. The potential for impact on visual amenity and sunlight reflection is considered further below.

7.101 The impact on residents as a 'visual receptor' is considered in the submitted LVIA and associated Zone of Theoretical Visibility. The LVIA identifies a number of residential receptors that could potentially be impacted, concluding:

7.102 *"Clear views at short range would also be visible from stretches of North Ing Drove, Ing Road and Cowbridge Road, and from some of the properties located along these. Properties likely to experience such views include The Old Barn, The Northings, Beck Cottage, the unnamed property at North Fen, 132-134 Northorpe Road, Cowbridge Farm, Ing Farm, The Haven, the property on Ing Drove called The Bungalow and Strawberry Farm. Garden vegetation may provide some filtering of views from some properties, but the new structures would remain visible... Initially, significant visual effects are likely to be experienced by residents in the properties. However, as the proposed new planting at the Site boundary establishes (after approximately five years), views of the new structures would be well screened. In particular, visibility from the nearby properties would reduce considerably. There would be some change in view associated with this planting, with the influence of vegetation increasing, but medium and longer-term visual effects would not be significant. Properties at 120 Northorpe Road, Cowbridge Farm and the adjacent property called The Bungalow, and the properties at Kingstree Cottage and Kingstree Lodge would benefit from the considerable screening provided by existing vegetation cover within gardens and at the property boundaries. Visual effects experienced at these properties would not be significant. From locations south of North Ing Drove and north of Cowbridge Road, visibility of the Proposed Development would be fragmented and very limited. Occasional views of a small proportion of the proposed solar panels would occur."*

7.103 The applicant has also submitted a Noise Impact Assessment in support of the application. The results of the assessment show that the noise contribution from

maximum site operations would be below the representative background sound level during daytime periods. Accordingly, it is concluded that noise from the site in the daytime would result in a low impact or below an adverse impact. For night-time periods, the assessment would indicate a low to below adverse impact magnitude at sensitive residential receptors. The maximum noise levels generated by the solar farm would be well below sleep disturbance limits (i.e. WHO guidelines of 40dB LAeq8hrs) and predicted levels within sensitive rooms with an open window would be between 6dB and 17dB LAeq. This level is significantly lower than guidance limits provided within BS8233: 2014 for sleeping conditions within bedrooms of 30dB LAeq.

7.104 Prediction calculations relating to the temporary impact of changes in road traffic movements during the construction phase works at the nearest receptors would indicate that this would be not significant in accordance with Government advice and guidance. Furthermore, maximum vibration levels during peak construction activities are predicted to be below perceptible levels of vibrations.

7.105 In light of the above, it is not considered that the proposed development would have a significant adverse impact on the visual amenity of residents living nearby and/or in the wider area.

7.106 It should also be noted that the Council's Environmental Protection Team have no objections to the proposed development subject to a condition regarding noise from fixed plant and machinery.

7.107 On balance, therefore, whilst there is likely to be some disruption during the construction and decommissioning phases of the development, once complete, any noise impact should be relatively minimal. Furthermore, any visual impacts would not be significant once planting has established. As such, it is not considered that there would be a material impact upon the living conditions of nearby residents, or a material loss of amenity, and the proposal accords with Policies 2, 3 and 31 of the Local Plan with regard to residential amenity considerations.

Glint and Glare

7.108 The applicant has submitted a Solar Photovoltaic Glint and Glare study to show the possible effects of glint and glare from the development.

7.109 The results of the analysis have shown that reflections from the proposed development are geometrically possible towards all 47 identified dwelling receptors that are within one kilometre of the proposed development. However, for the most part, existing screening in the form of vegetation will block views of the reflective area. A review of the available imagery has shown that a moderate impact with the requirement for mitigation is predicted for two dwellings if visibility of the reflective area is possible (receptor no's 11 and 12). These properties are owned by the landowners for the project and the landscape proposals include the necessary mitigation in the form of hedge planting.

7.110 For road receptors, the review shows that all roads surrounding the proposed development are considered local roads where traffic densities are likely to be

relatively low. Therefore, the maximum impact upon these roads is considered to be low.

7.111 Furthermore, solar panels are designed to maximise their energy generating potential and thus sunlight absorbency and, in reality, their reflective capability would be similar to or less than that of still water (and significantly less intense than many other reflective surfaces which are common in an outdoor environment).

7.112 Either the Lincolnshire County Council or Council's Environmental Health Officer have objected to the proposal on the grounds of highway safety or impact on residents from glint and glare.

7.113 The analysis shows that solar reflections are possible towards aircrafts approaching Sempringham Fen Airfield's runway threshold 10 between 1.4 and 2.0 miles. However, it is predicted that the glare intensity will have "low potential for temporary after-image". This level of glare is acceptable in accordance with the associated guidance and industry best practice. Therefore, low impact is predicted, and no mitigation is required. The high-level assessment of other aviation infrastructure has concluded that solar reflections are unlikely to be possible and if they are possible the impact will be insignificant.

7.114 Taking the above into account, the proposal is considered to satisfactorily accord with Policies 3, 30 and 31 of the South East Lincolnshire Plan 2019. Policy 3 seeks to protect residential amenity (amongst other matters) and Policy 30 aims to avoid unacceptable light pollution. Policy 31 requires renewable energy proposals to not cause significant harm to residential amenity in the form of sunlight reflection.

Planning Balance

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

7.116 It is clear from national planning policy and guidance that environmental considerations must not be overridden or disregarded, and that issues of landscape/visual amenity and agricultural land take must be given significant weight. However, it is also clear that renewable energy development is a national imperative and is sustainable by its nature. Therefore, proposals should be supported wherever possible and approved where impacts are, or can be made, acceptable.

7.117 The proposed scheme would inevitably have an impact upon the landscape, in particular until such time as mitigation measures are fully established. It would also lead to the temporary loss of Grade 1 agricultural land.

7.118 However, there are a number of considerations that weigh in favour of the proposal. The development type is acceptable in flood risk and drainage terms, and no adverse highway impacts have been identified. There would not be a material impact upon the living conditions of nearby residents, or a material loss of amenity, and there are no significant concerns relating to potential glint and glare impacts. Furthermore, the

proposed development would cause less than substantial harm to historic assets, no off-site impact on nature conservation designations is anticipated and the development would deliver a 119.47% net gain in habitat biodiversity and 1005.02% net gain in linear units (hedgerows) at the site.

7.119 The developers have also committed to an adjacent Skylark Mitigation Area and agreed to conditions associated with incorporating this into a site wide Landscape and Ecological Management Plan that deals holistically with landscaping to benefit biodiversity, a lighting strategy sympathetic to biodiversity, and species protection measures for a minimum 30 year period, secured by conditions. These factors weigh significantly in favour of the proposal.

8.0 Summary and Conclusion

8.1 On balance and taking all material considerations into account as outlined above, it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme in terms of its production of renewable energy. Therefore, the planning balance weighs in favour of the development, and the development accords with the policies set out in the South East Lincolnshire Local Plan 2019 and the NPPF 2021.

9.0 Recommendation

9.1 It is recommended that Committee approve the application subject to the following conditions:

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

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

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

   Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

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

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

Reason: To ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

4. If the solar farm hereby permitted (or any substantial sub-part of the farm) fails to produce electricity for supply to the grid for a continuous period of two years, a scheme for either:

(1) the decommissioning and removal of the solar farm (if there is no realistic prospect of the solar farm becoming operational again), incorporating the same details required under condition 3;

or

(2) the repair or replacement to enable the solar farm to continue to operate, including a programme and timetable of remedial works;

shall be submitted to the Local Planning Authority for their written approval within 6 months of the solar farm ceasing to operate.

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

Reason: To ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the character and appearance and the agricultural potential of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

5. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Planning Design and Access Statement August 2022
- 2920-01-01 Site Location Plan
- 2920-01-02 Statutory Plan
- 2920-01-03 General Arrangement Full Layout
- 2920-01-03a General Arrangement Sheet 1
- 2920-01-03b General Arrangement Sheet 2
- 2920-01-03c General Arrangement Sheet 3
- 2920-01-04 Illustrative PV Frame and Panels
- 2920-01-05 Solar Farm Indicative / Transformer Station
- 2920-01-06 Solar Farm Storage Building
- 2920-01-07 Solar Farm Control Building
- 2920-01-08 Solar Farm Switchgear Building
- 2920-01-09 Indicative Deer / Stock Fencing, Access Track and CCTV
- 2920-01-10 Typical Cable Trench
- 2920-01-11 Battery Storage Containers
- 2920-01-12 Battery Inverter/Transformer Stations
- 2920-01-13 Battery Switchgear Buildings
- 2920-01-14 Battery Control Building
- 2920-01-15 Acoustic Screen
- 2920-01-16 Indicative Box Culvert
- 2920-01-17 General Arrangement with Sky Lark Mitigation Area
- CA Report MK0548_01 Historic Environment Desk-Based Assessment July 2022
- Flood Risk Assessment v1.1 November 2022
- Appendix D2 Hydrological Analysis
- Ecological Assessment Report - Version 2 dated 26th September 2022 Appendix 3: Water Vole and Otter Survey Report
- Written Scheme of Investigation for an Archaeological Evaluation - Rev 2 dated 31 January 2023
- Skylark Habitat Management Plan - Issue 3 - reference Axis-043-1379 dated 10 February 2023
- Technical Note 01 Agricultural Land Note dated 14th April 2023
- Technical Note - Cumulative Effects on Agricultural Land and Farming Consequences
- Cumulative Landscape & Visual Effects Document March 2023
- Highways Scoping Note- Revised Access Strategy Technical Note 01
- Landscape and Visual Impact Assessment Appendix B Part 1 August 2022
- Landscape and Visual Impact Assessment Appendix B Part 2
- Landscape and Visual Impact Assessment Appendix B Part 3
- Landscape and Visual Impact Assessment Appendix B Part 4
- 40312 Archaeological Geophysical Survey June 2022 Part 1 – 25th August
- 40312 Archaeological Geophysical Survey June 2022 Part 2 – 25th August
- Appendix F Noise Impact Assessment May 2022
- Appendix G Glint and Glare Study
- Appendix H Agricultural Land Assessment - November 2021
- 2920-01-TS01 August 2022 - Appendix I Transport Statement
- Highways Scoping Note- Revised Access Strategy Technical Note 01
- Appendix J Stage 1 Contamination Assessment Part 1 - August 2022
- Appendix J Stage 1 Contamination Assessment Part 2
- Appendix J Stage 1 Contamination Assessment Part 3

- Appendix J Stage 1 Contamination Assessment Part 4
- Appendix J Stage 1 Contamination Assessment Part 5
- Appendix J Stage 1 Contamination Assessment Part 6
- Appendix J Stage 1 Contamination Assessment Part 7

Reason: To ensure that the development is carried out in accordance with approved plans in accordance with Polices 2 and 3 of the South East Lincolnshire Local Plan 2019.

6. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) completed by Weetwood Services Limited, Final Report v1.0 dated May 2022 and the following mitigation measures detailed within section 5 of the FRA:

    - The three inverter/transformer stations in the western portion of the site to be raised to a minimum level of 3.10mAOD
    - The remaining inverter/transformer stations and all storage/control/switchgear buildings and battery storage containers to be located outside the 1 in 100 plus climate change AEP flood outline, as shown in Appendix A, proposed layout plan 2920-01-03

    The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

    Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.

7. Unless agreed otherwise in writing by the Local Planning Authority, all vehicles making deliveries of materials and components to the permitted development shall arrive via the Viking Link haul road and North Ing Drove route described in the submitted Revised Access Strategy Technical Note, dated February 2023, and all departing, unloaded delivery vehicles shall leave the Application Site via the Cowbridge Drove, Ing Drove and Bicker Wind Farm haul road route, also described in the same Technical Note. The arrival and departure of Heavy Goods Vehicles during the decommissioning of the permitted development shall be in accordance with routing that shall first be agreed in writing, at the time of decommissioning, by the Local Planning Authority in consultation with the Local Highway Authority and with regard to prevailing condition of the local highway at the time of decommissioning. No other roads between the A52 and the Application Site shall be used by delivery vehicles during the construction and decommissioning phases.

    Reason: In the interests of highway safety, to reduce the likelihood and frequency of arriving and departing Heavy Goods Vehicles meeting on-coming vehicles on the narrow Fen roads serving the permitted development and having to over-run highway verges or undertake unreasonable reversing manoeuvres in order to pass one another.

8. Prior to the commencement of any part of the development hereby permitted, the condition of the parts of North Ing Drove, Cowbridge Drove and Ing Drove that will be used by vehicles making deliveries of materials and components to the permitted development shall be recorded by written notes, still and moving photographic images

during an inspection that shall be undertaken by the Applicants' representatives in the company of an officer of the Local Highway Authority. Those public roads shall be maintained, at the cost of the Applicants, in a safe and suitable condition throughout the construction phase of the permitted development and shall be reinstated to no less than the standard of their pre-commencement condition following completion of the construction phase. The Applicants shall also follow a reciprocal process during the decommissioning of the permitted development.

Reason: To ensure the safety and free-passage of the public using North Ing Drove, Cowbridge Drove and Ing Drove during the construction and decommissioning of the permitted development.

9. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

    - an assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);
    - a methodology and timetable of site investigation and recording;
    - provision for site analysis;
    - provision for publication and dissemination of analysis and records;
    - provision for archive deposition;
    - nomination of a competent person/organisation to undertake the work;
    - the scheme to be in accordance with the Lincolnshire Archaeological Handbook.

    The archaeological site work shall only be undertaken in accordance with the approved written scheme.

    Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.

10. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence works at least fourteen days before the start of archaeological work required in connection with condition 9 above in order to facilitate adequate monitoring arrangements.

    Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. This condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.

11. A copy of the final report required in connection with Condition 9 and 10 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

    Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

12. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) completed by Weetwood Services Limited, Final Report v1.1 dated November 2022 and the following mitigation measures detailed within section 5 of the FRA:

    - The three inverter/transformer stations in the western portion of the site to be raised to a minimum level of 3.10mAOD
    - The remaining inverter/transformer stations and all storage/control/switchgear buildings and battery storage containers to be located outside the 1 in 100 plus climate change AEP flood outline, as shown in Appendix A, proposed layout plan 2920-01-03

    The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

    Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.

13. Prior to commencement of the development hereby approved, full details of the means of surface water disposal and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

    Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2021.

14. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that prior to commencement of development shall first be submitted to, and approved in writing by the Local Planning Authority.

    The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include:

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. This condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

15. Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

    Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan 2019.

16. In the event that problems are encountered caused by glint/glare sufficient to result in a serious effect on amenity, details of proposed remediation/mitigation measures to be undertaken shall be submitted to the Local Planning Authority for written approval within 1 month of such problems being identified. The remediation/mitigation measures shall be carried out in their entirety within 3 months of the date of their approval in accordance with the approved details and retained thereafter.

    Reason: To safeguard the amenity of nearby residents and road users, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

17. Prior to the installation of any lighting (other than temporary lighting for construction), and before any above ground works commence, details of all external lighting to all buildings and areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include luminance, fields of illumination, the type, design, location, angle, fall, spread and intensity of the lighting together with a lighting assessment which sets out a lighting strategy and measures to minimise the impact of lighting, particularly on any nearby residences, villages or on wildlife/biodiversity. The lighting strategy shall be informed by the Landscape and

Ecological Management Plan required by condition 19 to minimise the impact of lighting to sensitive receptors and measures to prevent light spillage. The approved lighting scheme and strategy shall be implemented and maintained for the lifetime of the development. There shall be no external illumination other than that so approved.

Reason: To ensure an appropriate level of lighting is provided which is not detrimental to the amenity of the area or biodiversity in accordance with Policies 2, 3, 28 and 30 of the South East Lincolnshire Local Plan 2019.

18. The scheme of landscaping and tree planting shown on drawing 2920-01-03 Rev E shall be carried out and completed in its entirety during the first planting season following the first installation of any of the solar panels. All trees, shrubs and hedgerows forming part of the overall landscaping scheme shall be maintained by the owner or owners of the land on which they are situated for the period of thirty years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

    New hedgerows should be maintained at a height of approximately 3m-3.5m. Within the proposed woodland belts, larger stock (a combination of feathered and standard trees) should also be planted to provide initial screening benefit close to residential properties.

    The landscaping and tree planting details shall be informed by the Landscape and Ecological Management Plan required as part of condition 19 and implemented and maintained during the 30 year period.

    Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This condition is imposed in accordance with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan 2019.

19. No above ground development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall set out detailed scaled plans and shall include the following and be in force for no less than 30 years:

    - description and evaluation of features to be managed, informed by the Ecological Assessment;
    - details associated with the Skylark Mitigation Area and Skylark Habitat Management Plan by Avian Ecology reference: AXIS-043-1379 dated 19/12/2022 as required by condition 20;
    - details of the landscaping as required by condition 18;
    - ecological trends and constraints on site that might influence management;
    - aims and objectives of management;
    - appropriate management, maintenance, ongoing monitoring and remediation measures and retention;
    - prescriptions for management actions, broken into monitoring time periods;
    - preparation of a work schedule, including a timetable for implementation of all the planting, works and ecological and landscape enhancement/creation

measures and an annual work plan capable of being rolled forward over a five-year period;

- a scheme for dark corridors for biodiversity protection (including bats) to work in combination with an approved lighting strategy as part of condition 17;
- retention of higher quality nesting and foraging habitat and semi improved field margins, size and details associated with their buffer zones;
- construction and ecological management plan including ecologist pre-site clearance measures, survey to identify wild birds nests (including ground nesting birds), suitable work exclusion zones around any identified nest sites, and habitat protection during construction;
- use of mammal gates to allow free movements of mammals, amphibians and reptiles;
- use of box culvert for water voles in association with the new crossing in Hammond Beck;
- species rich hedgerow management plan;

The approved LEMP, the future maintenance and management scheme and associated measures shall be implemented within the first planting season following installation of any of the solar panels. All trees, shrubs and hedgerows and skylark mitigation shall be maintained by the owner or owners of the land on which they are situated for the period of thirty years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its biodiversity, visual amenity and that of the area in which it is set. This condition is imposed in accordance with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan 2019.

20. The Skylark Mitigation Area and Skylark Habitat Management Plan by Avian Ecology reference: AXIS-043-1379 dated 19/12/2022 shall be incorporated into an overall Landscape and Ecological Management scheme, including a future maintenance schedule, as required by condition 19 as above, and shall be implemented no later than the first planting season following the first installation of any of the solar panels.

    The Skylark Mitigation Area shall be maintained by the owner or owners of the land on which it is situated in line with the Landscape and Ecological Management Plan for a period of not less than 30 years and during that period all losses shall be made good as and when necessary.

    Reason: To ensure that the development is adequately landscaped, in the interests of its biodiversity, visual amenity and that of the area in which it is set. This condition is imposed in accordance with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan, 2019.

21. No development shall commence until details of a Training and Employment Management Plan, including Education, has been submitted to and approved in writing by the Local Planning Authority. The plan will aim to promote training and employment opportunities at all stages of the development for local people and social benefits and should include:

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

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

Reason: In the interests of promoting economic and training opportunities and social benefits in association with approved developments in accordance with Policy 1 of the South East Lincolnshire Local Plan 2019 and the National Planning Policy Framework (2021).

22. Noise from fixed plant and machinery shall not exceed the representative background noise level by more than a rating value of 5 dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership, when measured in accordance with BS 4142:2014+A1(2019).

Reason: To ensure that there is no noise nuisance to nearby residents. This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.

Informatives

Crime Reduction Officer – Attach comments

Black Sluice Internal Drainage Board –

Discharge Outfalls
If any proposed surface or treated water discharge outfall is into a watercourse, Section 23 Land Drainage consent will be required for any structures placed in the bank.

Access to Watercourses / Byelaws
There are a number of Board-maintained Watercourses crossing and bounding the land for development. The Board does not own the land within which these watercourses lie. The Board is only responsible for the conveyance of water.

The Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the top of the bank of an open watercourse without the prior written consent of the Board. This distance allows the Board unobstructed access to its vested watercourses for maintenance or planned works at all times.

Whilst the Board notes that in the majority of cases the main infrastructure is to be located outside of the byelaw distance, there are a number of instances where either security fencing or screen planning appears to located within this distance. This is NOT acceptable to the Board in any circumstances.

The applicant should therefore reassess their plans to ensure that the Board can carry out its statutory duties without hindrance.

The applicant should also note Section 4 of the Board's guidance document regarding disposal of waste material.

Filling in or Culverting Watercourses
There are also a number of watercourses NOT maintained by the Board bounding or crossing the site.

If the applicant or their successors intend to pipe of fill any watercourse, including those maintained by the Board, now or at any time in the future, then under Section 23 of the Land Drainage Act 1991 the prior written consent of the Board is required for any proposed permanent or temporary works or structures, including infilling, diversion, or replacement of any existing structures, within any watercourse. This is mandatory.

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

Site Ground Levels
The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties.

Lincolnshire County Council –

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the highway

authority's website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.