

Present:

Chairman: Councillor David Middleton

Vice-Chairman: Councillor David Scoot

Councillors: Joythi Arayambath, Alison Austin, Peter Bedford, Dale Broughton, David Brown, Anne Dorrian, Barrie Pierpoint, Claire Rylott, Lina Savickiene, Suzanne Welberry and Stephen Woodliffe

Officers: Assistant Director - Planning, Legal Advisor, Legal Services Lincolnshire, Deputy Development Manager, Planning Officer and Democratic Services Officer

**159 APOLOGIES**

Apologies for absence were table from Councillor Helen Staples with Councillor Anne Dorrian substituting and from Councillor Ralph Pryke with Councillor Stephen Woodliffe substituting.

**160 MINUTES**

With the agreement of the committee, the Chairman signed the minutes of the previous meeting.

**161 DECLARATION OF INTERESTS**

Standing declarations of interest are tabled for Members of the Planning Committee who are also a:

**Member of Lincolnshire County Council:**

Councillor Alison Austin

**Members of the South East Lincolnshire Joint Strategic Planning Committee:**

Councillors: Peter Bedford, Anne Dorrian and David Middleton.

**Representatives of the Drainage Boards:**

Councillors Peter Bedford, David Middleton, Chris Mountain, Claire Rylott, David Scoot, and Suzanne Welberry

Councillor David Brown declared that he would speak as the ward member on planning application B 23 0046 and as such absent from the committee for that item.

Councillor Peter Bedford declared that he knew Mr Wray who was registered to speak on planning application B 22 0356 as a member of the Black Sluice Drainage Board but it would not preclude him from determining the application.

Councillor Claire Rylott 0112 had a phone call from the applicants' wife but did not respond to the call and would consider the application with an open mind. Councillor Claire Rylott further advised that she knew Mr Wray who was registered to speak on planning application B 22 0356 as a member of the Black Sluice Drainage Board, but it would not preclude her from determining the application.

## **162 PUBLIC QUESTIONS**

No public question tabled.

## **163 PLANNING APPLICATION B 23 0046**

### **Proposed 1no two storey dwelling with parking The Corner Bungalow, Puttock Gate, Fosdyke, Boston PE20 2BX Mr & Mrs Howell**

The Deputy Development Manager presented the report advising that the application had been called-in by the Ward Member Councillor David Brown citing the reason that the application would be incongruous to its surroundings.

The application site was located at the corner of Puttock Gate and Old Main Road, Fosdyke and consisted of part of a domestic garden. It was partly gravel-surfaced, but was mostly lawned and contained a number of shrubs and small trees. The site's boundaries were a 2m-high conifer hedge and a very short length of 2m-high close-boarded timber fence to the west of the site, a 2m-high close-boarded timber fence to the north, to the east partly by a 2m-high hedge and it was partly undefined to the south. The boundary treatments onto Old Main Road contained a gap which appeared to correspond with the location of the vehicular access approved under B/10/0318, but did not appear to be in use as an access at the time of the site visit.

The land surrounding the site was predominantly in residential use, but that immediately to its north was in use as an agricultural yard.

Full planning permission was sought for the erection of a detached, three-bed, two-storey dwelling (with single-storey elements). The dwelling would measure a maximum of 11.5m x 8m in plan, would stand 7.7m-high at ridge level, and would have windows/glazed doors in every elevation. The walls being finished in red multi facing brick; the roof in imitation slate tiles with integrated solar panels and white upvc windows. The application form indicated that doors would either be in upvc or woodgrain composite. 2 swift nesting bricks, 1 starling nest brick, 1 house-sparrow nest brick and 1 bat box would be provided within the building.

Vehicular access was proposed to come from Old Main Road (via the existing gap in boundary treatments), and would lead to a parking and manoeuvring area to the north of the dwelling.

The application was accompanied by a Flood Risk Assessment dated January 2023; a Sequential and Exception Test dated April 2023; a Supporting Planning Statement and three documents from the applicant and agent which sought to respond to points raised by objectors.

Full planning permission had been granted on 15<sup>th</sup> October 2010 on the site for the construction of a new vehicular access.

Planning permission had been refused on 20<sup>th</sup> October 2010 for the construction of a chalet bungalow with integral garage as the application had conflicted with the Local Plan in place at that time.

Objections had been received from the owner of the agricultural yard to the site's immediate north on several grounds including concerns in respect of the access to their own yard which adjoined the access proposed to serve the dwelling, which been used for loading and deliveries since to their site since 1952 and would significantly limit visibility for vehicles using the proposed new access.

Further objection noted that the owner of agricultural yard had not made aware of application B/10/0318 in October 2010 stating they would have objected to had they been informed and they now considered that the planning permission has lapsed because there was no evidence that condition 2 attached to the permission, had been discharged.

There had been no objections from any of the statutory consultees subject to the inclusion of the informatives' and standing conditions.

Representation was received from Mr Finch in objection to the application which included:

Confirming he was speaking as the agent for Mr. Mowton who was the owner of the agricultural business alongside the application site, Mr Finch confirmed that the business had been operating from the site for 70 years. He stressed that Mr. Mowton was not against development on the site but the access point was the main point of his objection. The reason being HGV's loading and unloading produce for his business parked on the highway to do so, as his site did not have room for the vehicles. The HGV's when parked on the road could cause visibility problems for vehicles exiting the proposed new access road. An alternative access to the site would be a safer option. Referencing the refused planning application in 2010 Mr. Finch recognising a new local plan had been agreed in 2019, questioned what had actually changed since that decision. He stated that whilst the new plan facilitated suitable new development in Fosdyke, it had to be appropriate to scale. Members were asked to note that the proposed development was not in keeping with the village which was low density development with good separation distances and amenity land.

Responding to question tables by members in respect of his representation Mr Finch advised as follows:

In relation to the impact of the development on the agricultural business, the concerns were the impact of the HGV's in respect of potential dangers to vehicles existing the proposed development site. The option of parking the HGV's on the other side of the highway would cause potential problems with issues of having to cross the road to unload and load the goods. Currently HGV's parked on the near side at the access to the site and were unloaded and loaded direct onto the private land of the business.

Whilst being unable to respond in respect of why the owner Mr. Mowton had not established a legal right though precedence on the highway, Mr Finch advised that the site had operated for 70 years without any issues or complaints from either LCC Highways or the Police. Should the vehicles need to be unloaded on the site it would mean the site being changed with the possible loss of existing storage facilities.

Representation was received by Ms. McIntee the agent for the applicant which included: Members were advised that the applicant owned the existing dwelling and as such had designed the proposed new dwelling which had a lower ridge and eaves than their own, to complement the existing street scene. Swift bricks and bird boxes would be provided, flood risk had been adequately addressed and there would be no impact on highway safety with ample parking on the site. Referencing the location map, members were advised that there had been a new development of nine new homes just around the corner extending the developing surrounding area. LCC Highways had raised no objections to the access and whilst the objector used the highway as a part of their business and had tabled an objection against it, access was not a material planning consideration.

By granting the application the use of the existing access which could mean the objector having to use his own premises for vehicle loading / unloading which could result in the highway being less dangerous by taking the HGV's into the yard. Residents who exited Puttock Gate did experience visual issues when the HGV's were parked up.

Responding to question tables by members in respect of his representation Ms. McIntee advised as follows:

No alternative access had been considered due to the existing one already being in place and considering the site and boundary there was no automatic option. The existing access was in place and LCC Highways had raised no objection to it.

**Representation was received from Cllr Brown which included:**

Councillor Brown referenced the application submitted in 2010 for the proposed Chalet on the site, which had been refused due to it being incongruous in design and layout and the flood risk deemed inadequate. He stated that the current application was also visually incongruous to its surroundings and it appeared to be over-development of a former garden introducing an elevated building to the side of the highway. The owner of the agricultural business alongside the site had not known about the application for the access in 2010 and would have objected to it, had he known. The business had operated in the same way for 70 years and there was no room on the site for vehicles to deliver and collect produce. Councillor Brown further cited Policy 10 and stated that the proposed single dwelling would not, as was identified within the report, make a modest contribution to the allocation for the Borough of Boston. Fosdyke had identified areas within its settlement which were sequentially preferable to the site which was in flood zone 3. Furthermore Councillor Brown asked how the condition requiring residents to use no more than 110 litres of water per person per day would be monitored.

*It is recorded that Councillor Brown left the meeting at this part in the proceedings.*

Prior to committee deliberation the Assistant Director – Planning and Strategic Infrastructure addressed some of the points raised during the representation received. Issues relating to materials and contamination would be addressed by the virtue of conditions as was standard practice. Referencing the comments relating to the access and the previous application on the site, the access was clearly in place and committee were determining the application tabled, which LCC Highways had raised no objection to despite the unloading and loading in a low speed environment. Similarly where comments had noted possible implications in respect of changes being required to their working practices for the existing business alongside the application site, again LCC Highways had raised no objection to the application. Addressing the query in respect of the condition for water usage, members were advised this too was common practice to comply with the Local Plan and would be taken forward through building regulations.

Committee deliberation followed which included:

Overall members supported the application agreeing that the village had grown significantly since the previous application on the site in 2010 and that the current application was not incongruous within the surroundings. Referencing the existing business a member noted that he saw no problem with HGV's reversing into the site and comments relating to the road not being wide enough were incorrect as the road had originally been the main A17 and was the width of such a main road. Comments also included that the application was akin to back-land development.

In response to questions tabled the Assistant Director – Planning and Strategic Infrastructure advised that there were no double yellow lines along the road, and had LCC Highways considered the need for them, they would have made an application for traffic regulation order. Referencing the term of back land development, members were advised that there was no such edict in policy terms not to build on gardens. Policy directed the character and context for an acceptable form of development and in policy terms the application was fully compliant. Members were further advised that there was a condition in place to control the building materials to ensure they were sympathetic to the existing area.

It was moved by Councillor Anne Dorrian and seconded by Councillor Claire Rylott that the application be approved in line with officer recommendation

**Vote: In Favour: 12          Against: 0          Abstentions: 0**

**RESOLVED:**

**That the application be approved as per officer recommendation subject to the following conditions, reasons and informatives.**

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 development hereby permitted shall be carried out in strict accordance with the application received on 03-Feb-2023, and the associated plans referenced:
  - Dwg No: 01B – Location Plan;
  - Dwg No: 02C – Block Plan as Proposed;
  - Dwg No: 03C – Site Layouts Existing & Proposed;
  - Dwg No: 04C – Proposed Dwelling Floor Plans & Elevations;
  - Dwg No: 05C – Proposed Sections.

**Reason:** To ensure that the development is undertaken in accordance with the approved details, and to comply with Policies 2, 3, 4, 28, 30, 31 and 36 of the South East Lincolnshire Local Plan 2019.

**Conditions which apply during the course of and following completion of the development.**

3. No development shall take place above ground level until details of the materials proposed to be used in the construction of the dwelling's external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the new building is in keeping with the character of the area, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

4. The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out in the accompanying Flood Risk Assessment prepared by RM Associates (January 2023 Version 2), namely:
  - the raising of the dwelling's ground floor living accommodation 0.75m above the existing ground level;
  - all sleeping accommodation at first floor level;
  - water, electricity and gas meters located above the predicted flood level;
  - all electrical services and ancillary devices installed at least 50cm above ground floor level, and electric ring mains installed at high level with drops to ground-floor sockets and switches;
  - ground floor constructed with a solid concrete floor with no voids beneath, and wall vents fitted with 'flood angel' air bricks; and
  - the use of flood resilient materials at ground-floor level.

These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

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

5. The proposed tree planting shown on Dwg No: 03C – Site Layouts Existing + Proposed shall be carried out and completed during the first planting season following the completion of the development. All trees shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good. The bird and bat nesting/roosting bricks/boxes shown on Dwg No: 04C – Proposed Dwelling Floor Plans & Elevations shall be implemented prior to occupation of the dwelling and shall be maintained thereafter.

**Reason:** In the interests of biodiversity and in accordance with Policy 3, 28 and 31 of the South East Lincolnshire Local Plan 2019.

6. The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and Policy 31 of the South East Lincolnshire Local Plan 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.

**Reason:** To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan 2019.

7. If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure all contamination within the site is dealt with and to accord with Policy 30 of the South East Lincolnshire Local Plan 2019.

8. No development shall take place above ground level until details regarding the provision of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
  - Location of charging points;
  - Specification of charging points; and
  - Timetable for the implementation of the above measures.

The development shall then be carried out in strict accordance with the approved details.

**Reason:** In the interests of promoting sustainable transport in accordance with Policy 31 of the South East Lincolnshire Local Plan 2019.

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

##### STATEMENT OF PROACTIVE WORKING:

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

The **Welland and Deepings Internal Drainage Board** asks to be re-consulted if soakaways are not to be used for surface water disposal.

The **Lincolnshire County Council** indicates that:

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

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the highway authority website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

The Environment Agency supports “the suggestion in the FRA that occupants sign up to receive flood warnings. Occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct from telephone, email or text message. Anyone can sign up.”

*It is recorded that Councillor Brown returned to the meeting on conclusion of this item.*

## **164 PLANNING APPLICATION B 23 0112**

**Outline Application with all matters reserved (Access, Appearance, Landscaping, Layout and Scale) for the erection of a two-storey domestic dwelling.**

**Land at the rear of La Vern, Washdyke Lane, Kirton Meeres,  
Boston PE20 1PP  
Mr John Burton**

The Deputy Development Manager presented the report confirming that it had been called in by the Ward Member Councillor Ralph Pryke stating he felt the reasons given for the recommendations to refuse the application to be grossly unfair, with numerous other applications having been granted within the locality. Almost all residents living outside of the town needed a vehicle to carry out essential tasks and almost no applications in the area to the south of Boston could demonstrate a sequential test.

The application site was part of a pasture field, located on the western side of Drainside North, Kirton which was a narrow, rural road without footways or street lighting and was subject to a 60pmh speed limit. The site was located in the countryside but within a group of three existing dwellings, two of which had extensive curtilages (a substantial part of which was in equestrian use and contained paddocks, menage, stable and storage buildings). The application sought outline planning permission with all matters reserved and the application form identified was that the dwelling would have two bedrooms and two-storeys. The site was in open countryside and officers had determined that it had not been demonstrated that the proposal was necessary to the location or that it would meet the sustainable development needs of the area and as such the proposal is contrary to Policy 1. Furthermore the site was located within Flood Zone 3 of the Environment Agency Maps and within the ‘more vulnerable’ flood risk vulnerability category and a successfully completed Sequential Test had not been provided.

Representation was received by Mr. Goldsmith in objection to the application which included:

Advising his main concern was in respect of overlooking, Mr. Goldsmith stated that he felt his horses could be affected by the noise from the proposed dwelling, due to its proposed location 2 metres from the fence. He stated that whilst the proposed house would not overlook his house, it would overlook stables and menage. Concern was also tabled in respect of accessing the proposed site when there was insufficient room to turn a car around, and a suggestion was made that the location of the proposed build be relocated to an area within the site which was 17m wide and from where the applicant would have views over their own land and not over his equestrian facilities.



Committee were further advised that the post code for the application was recorded incorrectly and should read PE20 1PE.

No significant questions were asked of Mr. Goldsmith just points of clarification on the site plan provided.

Representation was received from the applicant Mrs. Sarah Burton which included: Advising she would address the objections raised, Mrs. Burton stated that the current menage facility within the objectors' site was unused and was overgrown with grass and weeds, and had old pallets and ironworks lying on it. She further noted that when the menage had been granted planning permission, it had been for private use only and not business use. Members were asked to recognise that the application was only in outline and all matters relating to the best location on the site, build materials to keep it within the current street scene and any screening matters could all be addressed to be compliant in keeping with the village. Addressing other issues of objection Mrs. Burton stated that visitors to the site would park within the site – not on the highway; to the best of her knowledge she had no recollection of any nearby properties flooding and the impact in respect of a loss of view would be minimal. Members were further advised that the existing property had been purchased under ten years ago, Mrs. Burton had realised that should the need to downsize arise in the future, by having a gated entrance then a further property could be built within the grounds and they could move to that new property and pass the existing build to family members.

No questions were tabled of Mrs. Barton

Representation was received from Cllr Pryke which included: Referencing the flood risk identified as a reason not to grant the application, Councillor Pryke stated that virtually all areas to the south of Boston were in flood zones 2 or 3 and should the rule be applied strictly then nothing would get built. However, developers quite often got around that issue by 'building up' especially around the Kirton area in larger developments. There were existing properties around the site which had been subject to planning permission at some point and had been granted. Members were asked to note it was not a speculative application, unlike some within the area which had been built and priced at the market for those living within the south of the Country. This was a considered outline application, enabling change to be made to the final application and one which would allow the owners of the existing building on the site, to down size and enable members of their family to move to the existing dwelling. Cllr Pryke referenced the need for a vehicle at the site and noted that everyone south of Boston had access to one or two vehicles, although residents within the area did cycle to the facilities at Kirton. Committee were asked to agree that the need for a car should not be a reason for objection. Councillor Pryke further stated he felt the land to be equivalent to a brownfield site

No questions were tabled of Councillor Pryke who left the meeting at this part in the proceedings.

Prior to moving into deliberations the Chairman invited the Assistant Director – Planning and Strategic Infrastructure to address any of the comments received during representation:

Members were advised that the site was not a brownfield site and committee needed to discard that comment, it was classified as a greenfield site in the countryside. Existing dwellings on the site would have been subject to the local plans in place at the time of their application, and would have been compliant with those plans at the time to have enabled the building of the houses. The application had not been presented clearly as a personal circumstance application and committee had to determine the application as received, even though they could take on board what had been said and give it the appropriate consideration. However, committee must be mindful that there was nothing to say the situation could change in time. The Council could not ignore the requisite for a sequential test and had to weigh the submitted test in the planning balance as presented. The test presented within the application was not sufficient enough, to enable officers to say it was officially comprehensive to pass or fail.

Members were reminded that the Local Plan had gone through independent testing with a hierarchy of a sustainable town, large villages and then smaller settlements reliant on larger settlements for facilities. It did not encourage development in the countryside.

Committee deliberation followed which included:

Concern was noted that the site was greenfield and not brownfield as had been suggested by the ward member. Further concerns also noted that should committee decide to grant the application it would be setting a precedent moving forward, whereby it would find it difficult to refuse any similar application on land within the countryside. Sympathy was tabled for the applicant who members recognised was just trying to build something on their own land for a potential member of their family, but the committee had a responsibility to protect the countryside and had to abide by the process in place to do so.

It was moved by Councillor Anne Dorrian and seconded by Councillor Claire Rylott that committee refuse the application in line with officer recommendation for the reason therein

**Vote: In Favour: 12          Against: 0          Abstention: 1**

**RESOLVED:**

**That the committee refuse the application in line with officer recommendation for the following reasons:**

1. The application site lies in the countryside, outside of any defined settlements listed in Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan 2019. The site is remote and physically and functionally separate from any settlement. It has not been demonstrated that the proposal is necessary to the location or that the proposal would meet the sustainable development needs of the area and as such the proposal is contrary to Policy 1. Future occupiers of this proposed dwelling would be highly reliant on the use of a motor vehicle to carry out essential tasks. As a result the proposal is contrary to the provisions of Policy 1, 2 and 3 of the South East Lincolnshire Local Plan 2019 and the aims of sustainable development in the National Planning Policy Framework 2021.

2. The application site is located within Flood Zone 3 of the Environment Agency Maps and the proposal is within the 'more vulnerable' flood risk vulnerability category. The application is not accompanied by a successfully completed Sequential Test, and therefore fails to demonstrate a necessity for the development in this location or that sites at lower risk of flooding are unavailable. As such the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan 2019 and Section 14 of the National Planning Policy Framework 2021.

## **165 PLANNING APPLICATION B 22 0356**

### **Proposed Development Of A Photovoltaic Solar Array, Grid Connection, Access Improvements Works And Ancillary Development On Land At Bicker Fen, Boston And South Holland.**

**Land to the west of Cowbridge Road, Bicker, Boston  
Mr Luke Rogers, AGR Solar 2 Limited**

The Planning Officer presented the report confirming that the application has been called in by former Councillor Michael Cooper on the grounds of cumulative impacts on residents.

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

The solar farm was predicted to have a peak output of 49.995 megawatts during peak operation, which would be capable of powering thousands of homes. The development would consist of solar PV panels arranged in linear rows approximately 5m apart to face south. Panels were 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 would be mounted at approximately 0.8m from the ground at the lowest point, rising to up to approximately 3m at the highest point.

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

This was a cross-boundary application with South Holland District Council. The larger proportion of the site covered by panel's lay within the boundary of South Holland. The application site predominantly comprised arable farmland made up of large fields, crossed by a network of ditches and drains. It also included the grid connection corridor where underground cables would be laid. Field margins were typically formed by open ditches, however in some locations established hedgerows and hedgerow trees made up the field boundaries. These features were characteristic of the wider local landscape. The landscape was 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.

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.

Representation was received in support of the application by Mr Wray which included: Confirming he was the owner of Wray Farms, one of three farms which had provided the land for the application site, Mr Wray advised his family had been farming his land for over 100 years. The allocation of his land to the application site was 38 hectares, 15% of his farming area. Mr Wray believed he was a custodian of the land and it was his responsibility to make it the best it could be and if possible, better for future generations. His business was to grow commodities and as such he had no say in the price he would achieve for his produce. The ongoing increase in cheap imports and the obsession for cheap food was having a continual financial impact on the business and along with issues on the land including the impact of black grass weeds on heavy dirt land, it was increasingly hard to grow profitable produce.

The proposed application would provide much needed employment in the region for local contractors; the land would improve significantly with the hedge planting, wildflower meadows and installation of the boxes and it would be maintained throughout the term of the site increasing the wildlife extensively.

No significant committee questions were asked of Mr Wray in respect of the application or representation received.

Representation was received from the applicant Mr Rogers who was supported by the agent Mr Roden to assist in responding to any questions tabled and included:

Committee were reassured that AGR were an experienced developer with a sound track record over the last 10 years. A key issue and consideration when assessing the proposed site had been the connection to, and the spare capacity of, the Bicker Fen Sub Station which had been integral to the decision. The site once operating, would generate energy for 18,000 homes

As part of the consultation exercise, several local schools and universities had been contacted with follow up visits and talks at the schools and ongoing liaison with the universities to include students in the scheme.

Care had been taken to minimise any traffic impact to the local road network and residents. Vehicles would access via one route and exit via another to ensure there was no meeting of vehicles on the roads.

Screening in keeping with the site would be provided and maintained in line with the Ecological Management Plan, required as part of a condition.

New hedgerows would be planted along with wildflower meadows which were secured by a planning condition. Two local farmers had shown interest in their sheep grazing on the land directly beneath the solar panels, arrangements which were already in place at other sites and which had provided successful. The land would be fully resorted to farmland for agricultural production at the end of the 40 years life of the site, with a full de-commissioning plan for removal of all the structures.

Responding to questions tabled by committee Mr Rogers and Mr Roden advised as follows:

AGR had experience of similar developments and understood the importance of liaison by their communications department with all persons involved, including residents and Parish Councils, to offer reassurance where needed and to address any issues which arose. A vigorous enforcement management plan was in place and drivers were disciplined to not speed or threaten during their trips whilst to the site and from it.

In reference to the educational establishments contacted in respect of the development, members were advised that visits to the schools had taken place where presentations of the proposed development had been provided for the students which included the process and time line for the development, and whilst tours were not permissible during the construction phase, they would take place once the site opened. The universities had been approached with a view to forming a partnership with students being invited on site to monitor the changing bio-diversity of the site.

The Assistant Director – Planning and Strategic Infrastructure addressed the meeting following the comments made and advised that should members wish, an amendment could be made to condition 14 of the report to incorporate communications and engagement to address the concerns raised.

Committee deliberation followed which included:

Concern was noted at the siting of the development on productive farmland, with three serious events having significantly affected arable farmers over recent years with the latest resulting from Ukraine having a huge impact. Furthermore the Country had a growing population with food productivity being even more important, and whilst such developments would ensure there was plenty of electricity, no thought was being given to the where future food would come from.

Concern was also noted at climate change and global warming and the greater significance at the current time and the need to stop using fossil fuels. A suggestion was made to look to further alternative sites for harnessing solar power at smaller sites including car parks which had been trialled elsewhere to produce alongside the large Solar farms. Further concern noted the possibility of additional applications for sub-stations at the Bicker site.

Support of the proposed development was given citing the benefits of the Bicker Fen area provision of facilities overall, and the standard of the design of the builds on site to date, with suitable screening having been provided and the benefits of the whole operation.

It is recorded at this point that The Assistant Director – Planning and Infrastructure urged caution at the recommendation for an additional condition in respect of the Black Sluice Internal Drainage Board, advising committee that it would blur planning and IDB Bye-Laws and that there was an informative within the report addressing the concerns raised. The recommendation was withdrawn.

It is recorded that Councillor Alison Austin and Joythi Arayambath left the meeting during the deliberation and prior to the vote being taken.

It was moved by Councillor Anne Dorrian and seconded by Councillor Pierpoint

Vote: 8 In favour 3 against. 0 Abstentions

**RESOLVED:**

That the application be granted in line with officer recommendation, subject to the reasons, conditions and informatives and subject to the amendment to condition 14.

**1.0 Recommendation**

1.1 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 Policies 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)<sub>eq</sub> 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 planting appears to be 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 or 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>.

## **166 INFRASTRUCTURE FUNDING STATEMENT**

Committee noted the report tabled by the Assistant Director – Planning and Strategic Infrastructure.

The Meeting ended at 1.00 pm