

BOSTON BOROUGH COUNCIL

Planning Committee – 4th February 2025

Reference No: B/24/0363

Expiry Date: 10-Dec-2024

Extension of Time: 7TH Feb 2025

Application Type: Major - Full Planning Permission

Proposal: Proposed development of a battery energy storage system and associated infrastructure

Site: Land to the south east of Vicarage Drove, Bicker Bar, Boston

Applicant: Vicarage Drove BESS Limited

Agent: Mr Phil Roden

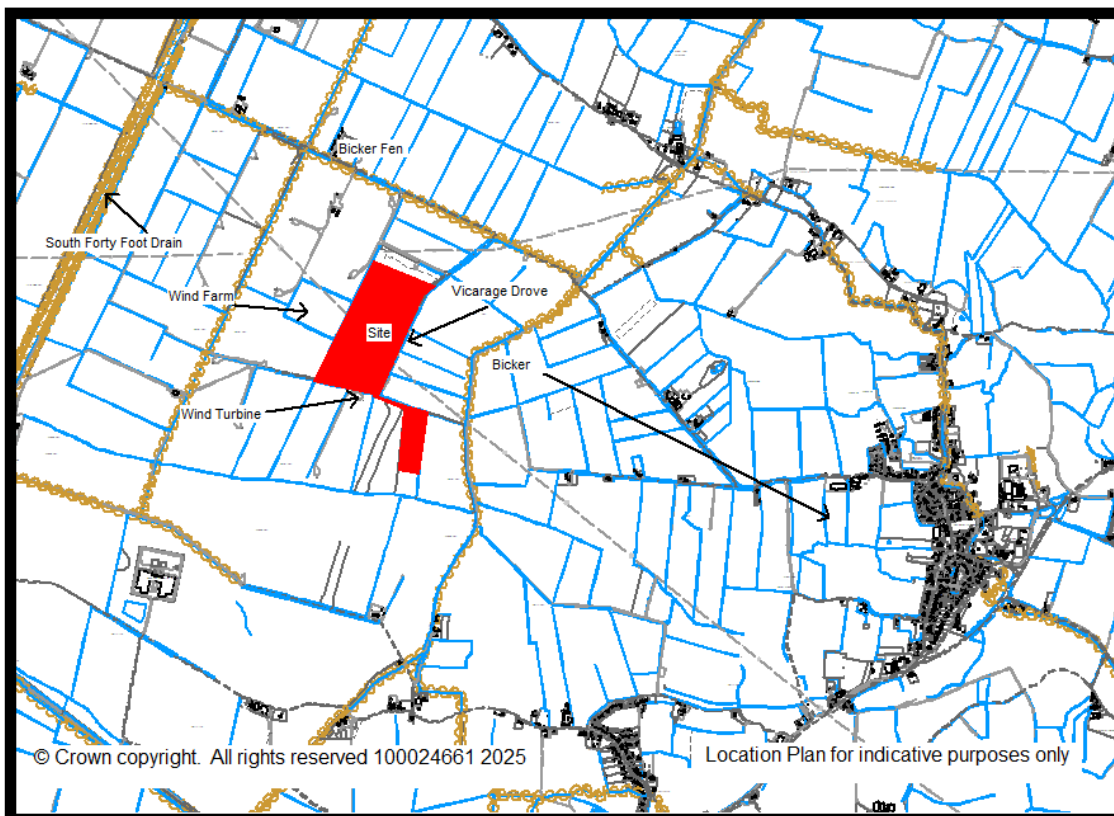
Ward: Five Village

Parish: Bicker Parish Council

Case Officer: Charlie Parry

Third Party Reps: 3

Recommendation: Grant Planning Permission



1.0 Reason for Report

- 1.1 The application has been referred to the planning committee by the Assistant Director (Planning) along with the other two Battery Energy Storage System applications so that there is transparency on all of the applications.
- 1.2 This application has also received two third party objections, a Local Ward Member objection and objection from the Parish Council.

2.0 Application Site and Proposal

- 2.1 The site to which the application relates is a parcel of land that measures approximately 4.16 hectares and is situated to the Southeast of Bicker Fen Substation. The site comprises rough grassland bounded by hedgerows, ditches and intermittent trees and it is agricultural in its nature.
- 2.2 Access to the site is located off Vicarage Drove to the north west of the field subject to this application. Vicarage Drove is a single track road but it has clear visibility. The road leads North/North-east to Bicker Drove which is connected to Cowbridge Road. The roads are similar in their nature. They are narrow and are uneven but the visibility along them is clear. There have been some passing places introduced through various schemes.
- 2.3 The site is within the countryside with Bicker village located approximately 2.5km to the West. Approximately 2.5km to the South is A52 and approximately 4km Northeast is the A17. The site is located within Floodzone 3. There are no public rights of way that crosses the site, and it is not covered by any statutory or local landscape designation, nature conservation or cultural heritage designations.
- 2.4 Planning permission is sought for the erection of a Battery Energy Storage System (BESS). The BESS would include transformer/inverter units, a switchgear building, control building, marshalling kiosk and a water tank. There would also be an attenuation pond to the north of the site. The site would be secluded by a 4m high security/acoustic fence.

3.0 Relevant History

- 3.1 The planning history for the surrounding area is extensive and a number of applications have been amended following grants of permission. The following applications are considered to be the key ones for the area or specific to the application site.
- 3.2 B/03/0189 - Erection of 13 wind turbines, together with access tracks, crane hardstandings, a wind monitoring mast, switch gear building and switch gear compound – Granted: 15-Oct-2004
- 3.3 B/05/0046 - Construction of 400kv and 132kv electricity substations and associated infrastructure – Granted: 20-Apr-2005

- 3.4 B/07/0252 - Erection of 13 external transformers associated with approved wind turbines – Granted: 15-Jun-2007
- 3.5 B/21/0443 - 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 – Granted: 17-Feb-2022
- 3.6 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 – Granted: 21-Jul-2023
- 3.7 B/23/0423 – EIA Screening Opinion – EIA not required.
- 3.8 B/24/0374 – Temporary planning permission for a period of 40 years for the erection of an Energy Storage System (ESS), with associated infrastructure, site levelling works, site access, landscaping and ancillary works – Pending Consideration.
- 3.9 B/24/0415 – Proposed installation and operation of a Battery Energy Storage System (BESS) and ancillary infrastructure and landscaping and biodiversity enhancements – Pending Consideration.

4.0 Relevant Policy

South East Lincolnshire Local Plan 2019

- 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
 - Policy 31 – Climate Change and Renewable and Low Carbon Energy
 - Policy 32 - Community, Health and Well-being

National Planning Policy Framework 2024

- 4.2 The following Sections of the NPPF are relevant to this proposal:
- Section 4: Decision Making
 - Section 9: Promoting Sustainable Transport
 - Section 11: Making Effective use of Land
 - Section 12: Achieving Well-Designed Places
 - Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

National Planning Practice Guidance (PPG)

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)

5.0 Representations

- 5.1 There have been three objection letters as follows: two from residential properties and one from the Local Ward Member.

Local Ward Member Comments

- 5.2 “I object to this application using the roads outlined in the Construction Traffic Management plan. The use of these small village roads is unacceptable and Cowbridge Road is being used for nearly all the new energy projects construction. This is harming my residents along the road health and unsustainable and unfair to Bicker Fen residents”

Residential Comments

- 5.3 The two objections from the residential properties raised concern regarding the following matters:
- Gross industrial overdevelopment of the area
 - Waste of top grade agricultural land needed for food security
 - The use of Ing Drove and Cowbridge Road is unsuitable
 - Cowbridge Road is a single track road with no pavements and has a heavy volume of construction traffic
 - There is a purpose built top quality road off the A17 which joins the bottom of Bicker Drove which should be used
 - Continued disruption to the residents and to their wellbeing
 - It would result in the destruction of Bicker Fen
 - The area has reached saturation point and development would be better on Brownfield sites
 - The countryside should be for leisure pursuits and enhancing physical and mental health.

6.0 Consultations

Environmental Health

- 6.1 Environmental Health have expressed that their main concerns with regards to the development is operational plant noise. However, based on the information submitted by the applicant and proposed noise mitigation measures Environmental Health have no objection from a noise perspective.

- 6.2 They also note that the proposal will include lighting for security and therefore has requested a condition regarding an operational lighting scheme to be attached to any grant of approval.

Anglian water Services

- 6.3 Stated that this application falls outside of their remit.

Lincolnshire County Council (Local Highway and Lead Local Flood Authority)

- 6.4 LCC's initial comments requested amendments to the CTMP so that construction traffic does not go through Bicker Village. They also requested further information regarding the cable route and a swept path drawing.
- 6.5 Following amendments to the construction traffic management plan the Local Highway Authority recommended approval subject to conditions. Within their comments they state that "the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF."
- 6.6 It should also be noted that on the 2nd December 2024, the Growth Manager in Development Management at Lincolnshire County Council stated the following in an email to the Assistant Director for Planning at Boston Borough Council:

"If all developments were to align construction periods, which is unlikely, then it is not envisaged that the cumulative impact will have an unacceptable impact on highway capacity or safety. The construction phase is transient and once developments are completed, they will operate with minimal associated vehicle movements.

To facilitate the construction phase, it will be requested that improvements are made to Bicker Drove. We will also suggest that 2 passing places are constructed on Cowbridge Road to allow two HGV's to pass where it is evident on site that informal passing places have been used."

Bicker Parish Council

- 6.7 Objected to the application on the basis that the construction traffic went through Bicker Village and requested the use of the purpose built top quality road off the A17 which joins the bottom of Bicker Drove.

Planning Archaeologist

- 6.8 The County Archaeologist does not object to the proposal but has requested that the developer carries out a scheme of archaeological work which should include trial trenching which then forms the mitigation strategy. This can be secured through the attachment of conditions.

Ecology Officer

6.9 The Ecology Officer is satisfied the 10% uplift can be achieved but did mention the possibility of securing more units to give a bigger margin for error.

7.0 Planning Issues and Discussions

7.1 Main Planning issues:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on Ecology and BNG
- Loss of Agricultural Land
- Impact on Residential Amenity
- The Impact on the Highway Network
- The Impact on Heritage Assets and Archaeology
- Impact on Flood Risk
- Impact on Health and Safety
- Cumulative Impact on the Area

Principle of Development

7.2 In accordance with Inset Map 11 of the South East Lincolnshire Local Plan, the site falls outside of the recognised settlement boundary of 'Bicker'. The site is therefore in the countryside, within the 'Bicker Fen' area. Consequently, Part D of Policy 1 in the Local Plan is relevant. 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.

7.3 The provision of a Battery Energy Storage System (BESS) could be located within a settlement, however, the purpose of this BESS is to facilitate the provision of renewable energy through increasing capacity at Bicker Fen National Grid Substation. It therefore has to be within close proximity to Bicker Fen Substation to which the proposed development would connect. Consequently, it would be unreasonable for the development to be located within the confines of a settlement boundary where connection to the Substation would not be possible. The first 'test' of Part D, Policy 1 is therefore considered to be passed and the location is considered acceptable in principle.

7.4 With regards to the second 'test', the proposal will result in some economic benefit in the form that there is investment in the area and the provision of jobs during the development phase. Community benefits are less apparent with the main aspect of this being aid in reducing the reliance on fossil fuel energy and reduction in emissions as a result of this. Finally, the proposal would bring environmental benefits, not only through helping facilitate the renewable energy industry but also through achieving a 10% increase in biodiversity on the site in accordance with the SELLP (2019). The second 'test' of Part D, Policy 1 is therefore passed.

7.5 Taking the above in to account it is considered that the proposal meets the requirements of Policy 1 of the SELLP (2019) and is acceptable in principle in this location.

7.6 Notwithstanding the above, Policy 31 of the Local Plan refers to Climate Change and Renewable and Low Carbon Energy. The policy states that:

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

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

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

7.7 The proposal will be assessed against the criterion of this policy in more detail throughout the report, but its inclusion at this stage is to demonstrate, along with Policy 1, that the principle of renewable energy is supported within Policy 31.

7.8 At the National level, the National Planning Policy Framework (NPPF) (2024) is up-to-date and is clear on its stance towards the provision of renewable energy. The following paragraphs are relevant to this application:

7.9 Paragraph 161 – “The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

7.10 Paragraph 168 – “When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future”

- 7.11 The above paragraphs clearly demonstrate a national support for this type of development and significant weight should be given to the benefits from this type of proposal. Although BESS do not generate the renewable energy they increase storing capacity and therefore ability to store and use energy from renewable sources, increasing capacity for energy resilience. Paragraph 161 of the NPPF specifically refers to ‘associated infrastructure’ in relation to the renewable energy industry. The proposal is therefore considered to accord with National Policy specific to this type of development.
- 7.12 Taking the above into account, the principle of the proposed development is considered to be acceptable in accordance with National and Local policies.

Character and Appearance

- 7.13 Policy 2 of the Local Plan states that a proposal requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation. Policy 3 states that all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.
- 7.14 Policy 31 of the Local Plan, as previously mentioned, states that development in relation to the renewable energy sector should not result in harm to “*visual amenity, landscape character or quality, or skyline considerations*”.
- 7.15 Paragraph 135 of the NPPF (2024) states that “planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)...”
- 7.16 Paragraph 187 of the NPPF (2024) states that “planning policies and decisions should contribute to and enhance the natural and local environment by:
- “b) 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”
- 7.17 The site is located in the open countryside which is relatively flat in topography. Although there is the presence of electrical installations and wind turbines in the area,

generally the land is interspersed by field boundaries, groups of trees and buildings normally associated in a rural setting. Views to the site itself from Vicarage Drove are limited due to existing hedgerow, although it can be seen from certain points along the highway.

- 7.18 It is first important to note that the proposed development will be significantly different to its existing use, in the form that it will no longer be agricultural and there will be built form on the land. However, it has been identified in the 'Principle of Development' section of the report that there is both National and Local support for this type of development. Taking this in to account the key focus for this section is ensuring that the proposal's impact on the character and appearance of the wider area is reduced as much as possible.
- 7.19 Accepting that the character and appearance of the site will be altered, the applicant has provided a landscape and visual impact assessment (LVIA). Within paragraph 2.1.3 of this document the applicant outlines the improvements to the site including a new native hedgerow which would stand at 3m. The LVIA includes viewpoints which are set out from paragraph 4.6.5 of the document. Photos of these view points have been submitted by the agent. The hedge will act as a screen to the site and will help maintain a 'countryside' character to the area by reducing views of the built form. Details of the landscaping, ecology and BNG will be explored later in the report. The hedging does not cover the full height of the 4m security/acoustic fencing, but the combination of the two does ensure that views of the BESS is reduced. The improvements to hedgerow and new hedgerow screening is considered to be beneficial to the site and would mitigate visual impacts in accordance with Para135 and 187 of the NPPF (2024).
- 7.20 Notwithstanding the above, the wider area has been subject to development of a similar nature in the form of the substation, solar farms and the wind turbines. It is recognised that this forms the concern of residents and the Local Ward Member, with there being a feeling that this area is being over-developed in this respect. With this in mind the proposed development would be seen within this context and is not introducing an alien structure into the landscape. Furthermore, the site is immediately south of the existing National Grid sub-station and the wind farm adjacent to the west. To the south and east of the site is the AGR Solar development scheme (B/22/0356). The proposal is therefore located centrally in the context of the energy developments in the area and would not cause further sprawl in this respect.
- 7.21 Accepting that this type of development is supported in principle by both National and Local policy the proposal has demonstrated clear measures to minimise its visual impact on the character and appearance of the area. It will be viewed in the context of existing renewable energy infrastructure in the area and through the provision of new and enhanced landscaping (explored in more detail later) its visual impact will be reduced. The proposal is therefore considered to be in accordance with Policies 2, 3 and 31 of the Local Plan as well as the paragraphs 135 and 187 of the NPPF (2024). It is therefore considered that proposal would not result in significant visual harm to the character and appearance of the site or the surrounding area to such an extent that would sustain recommendation for refusal.

Impact on Ecology and Biodiversity Net Gain

- 7.22 Following the previous section, a key aspect of how the proposal's impact on the landscape is being managed is through landscaping, ecology measures and Biodiversity Net Gain (BNG). On the 12th February 2024, a net gain in biodiversity became statutory requirement for development, under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). In accordance with this, developers must deliver a 10% increase on natural habitat currently on the site.
- 7.23 The site is subject to the statutory uplift of 10% and the applicant has submitted the relevant information to demonstrate that this can be achieved. The Ecology Officer has been consulted and is satisfied that this can be achieved. This can be secured through conditions which require the submission of a Biodiversity Gain Plan and the maintenance and monitoring of the measures for 30 years. This links to part a) of para 135 of the NPPF (2024) which states that development should "function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development". An uplift in 10% of Biodiversity on this site, which already has several habitats, will add to the quality of the area which will be monitored for at least 30 years. This will contribute positively to the site and the surrounding area.
- 7.24 Notwithstanding the national requirement, the Local Plan supports improvements in this regard. Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to provide an overall gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.
- 7.25 The applicant has submitted an Ecological Appraisal which assessed the presence of protected species. The appraisal found evidence of the protected species, but none were within 200m of the proposed site. The appraisal along with the management plan recommend the following mitigation measures to be implemented:
- Enhancing the existing hedge to the North of the site
 - Creating of a grassland that can be used for livestock grazing
 - Creating a two-species rich hedgerow along the South and East compound boundaries
 - Creation of a reedbed
 - Fencing of existing hedging during construction
 - There will be impermeable barriers near the drainage ditches to avoid pollution
 - An attenuation pond will be included to the north of the site
- 7.26 The proposal integrates existing hedgerows where possible which is in line with Policy 3 of the Local Plan and the Biodiversity Net Gain has already been established in paragraph 7.24 of the report. The proposal is therefore considered to be in accordance with Policies 28 and 31 of the SELLP 2019. The proposal is therefore considered to be acceptable in this respect subject to conditions to secure the BNG uplift, landscaping and ecology measures.

Loss of Agricultural Land

- 7.27 The existing site currently comprises good quality agricultural land (Grade 2 in the Agricultural Land Classification). Criterion 4 of Policy 31 in the Local Plan refers to agricultural land take. Para 187 of the NPPF makes specific reference to good quality agricultural land. However, Para 168 specifically states that the developer does not need to demonstrate the need for renewable or low carbon energy and significant weight should be given to their provision.
- 7.28 The loss of agricultural land is a key theme in the objection comments. Taking this into account it is accepted that there will be a loss to some of the agricultural land however the development does not cover the whole of the site, with the remaining grassland being enhanced through the planting of further grassland seeds as recommended by the Ecological Appraisal. Furthermore, it is considered reasonable to attach a condition that the site is restored to its previous state after 40 years. The combination of this ensures that the site is sympathetic to the value of the land has incorporated measures to reduce its impact.
- 7.29 The loss of agricultural land against the provision of renewable energy is a consideration. Due to the size of this application, its mitigation measures and the temporary nature, the benefits of the proposed development is considered to be significant, and therefore the loss of the agricultural land is considered acceptable in this regard. The proposal therefore accords with the NPPF and Paragraph 31 of the SELLP (2019).

The Impact on Heritage Assets and Archaeology

- 7.30 Bicker Fen is an area of Archaeological interest with finds dating to late prehistoric and Roman periods have been recorded. Policy 29 of the SELLP (2019) specifically acknowledges the historic archaeological landscape of the fens and states that developments will need to preserve or enhance heritage assets including any findings. Criterion 6 of Policy 31 in the Local Plan refers to heritage assets and their setting.
- 7.31 The application includes a heritage impact assessment where it demonstrates an understanding of the historic value of the surrounding area. The County Archaeologist has been consulted on the application and has no objections subject to a scheme of archaeological works being carried out through the inclusion of conditions. This should include trial trenching which will then inform the appropriate mitigation required on the site.
- 7.32 Subject to conditions to secure the above, the proposal is considered to be acceptable in this respect, in accordance with Policies 29 and 31 of the Local Plan.

Impact on Residential Amenity

- 7.33 Policies 2, 3 and 30 of the Local Plan seek to ensure that new development does not significantly impact on neighbouring land uses by reason of noise, odour, disturbance or visual intrusion. Similarly, Criterion 2 of Policy 31 in the Local Plan refers to residential amenity.
- 7.34 The objection comments have raised concern regarding the continued disruption to the residents within the area. Whilst their concerns do relate to highway matters (which will be explored in the next section), the development itself should not result in an adverse impact on residential amenity.
- 7.35 The closest neighbours to the site are located on 'Cowbridge Road', approximately 0.9km to the East. The separation distance means that there are no concerns regarding loss of light, outlook or privacy to these residential properties.
- 7.36 The main considerations are therefore noise pollution. It is accepted that there would be some disturbance from construction, which will be managed through the measures set out in the CTMP. Construction Hours and operating hours will also be restricted through conditions to the following hours Monday-Friday: 08:00-18:00 and Saturday: 08:00-13:00.
- 7.37 The development itself in terms of the energy storage process does not inherently have sound emissions, but the cooling systems do. In order to mitigate against the potential noise, the applicant has included an acoustic fence that encloses the BESS. Environmental Health have been consulted on this and have raised no objections based on the acoustic assessment submitted.
- 7.38 From paragraph 12.2.22 of the Planning Statement the applicant sets out that the development would be acceptable in respect of air quality, fumes and odour. P12.2.25 of the same document states that the SuDS scheme includes oil and petrol interceptors to mitigate contamination to the surrounding land. This is welcomed and helps address concern raised by third parties.
- 7.39 On balance, it is not considered that the proposed development would adversely impact the residential amenity of the residential properties. The proposal therefore accords with Policies 2, 3 and 30 and 31 of the SELLP (2019).

The Impact on the Highway Network

- 7.40 Criterion 3 of Policy 31 in the Local Plan refers to highway safety with regards to renewable energy projects, stating that there should not be an individual or cumulative impact on the highway network.
- 7.41 The proposal's impact on the Highway Network has been a main cause for concern in the objection comments, both as an individual project but also cumulatively with the other two BESS projects currently submitted. These projects have been identified in paragraphs 3.7 and 3.8 of this report.

- 7.42 Looking at the application on its own, the applicant has provided a Construction Traffic Management Plan (CTMP). The plan identifies a number of factors including traffic routes, distribution of traffic within the site, construction period, delivery hours, operating hours and phasing of construction.
- 7.43 The avoidance of Bicker Village for construction vehicles is imperative and this has been apparent within all application within this area. Cowbridge Road has also been highlighted in the objection comments and avoidance of this is preferable by the residents but has not been required by the Local Highway Authority.
- 7.44 Part 3 of the CTMP states that an agreement has been reached for the developer to use the Triton Knoll Haul Road, which is a purpose-built road for this type of development located to the north of Bicker Drove and avoids Bicker Village. Predominantly the construction traffic for this site therefore comes from the north, off the A17 and uses Double Twelves Drove and Bicker Drove. Some larger movements will be required to use the private haul road from the A52, which does use Cowbridge Road but does avoid Bicker Village. The use of this will be significantly reduced with 10 anticipated uses over an 8-month construction period. Both of the routes use the purpose-built roads which have been requested in some of the comments received.
- 7.45 The Local Highway Authority have been consulted and have raised no objection to the proposed development and support the construction route proposed. They have included conditions that also require passing places to be installed. These measures can be secured via conditions.
- 7.46 Taking in to account the cumulative impact with surrounding developments, the Highways Manager has stated in an email that if all applications were approved and constructed at the same time there would not be an adverse impact on the highway network. However, it is important to reiterate that the Local Highway Authority have raised no objections regarding the cumulative use of Cowbridge Road but have stated the use of Bicker Village needs to be avoided.
- 7.47 The CTMP also includes details of how traffic will be managed within the site with the vehicles being parked to the north of the site. No traffic is to be parked on the highway. The CTMP suggests a construction period of 6-8 months.
- 7.48 Taking the above into account, and securing construction routes and highways improvements via conditions as requested by the Highways Authority, it is considered that proposal would be in accordance with Policy 31 in respect of highway impacts.

Impact on Flood Risk

- 7.49 SELLP Policy 4 seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. It identifies the process by which planning applications in Flood Zones 2 and 3 will be considered and sets out particular requirements for certain types of applications. Development within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties. The applicant has provided a Flood risk Assessment (FRA) and

details within the planning statement (from paragraph 7.0) on flood risk and drainage matters.

- 7.50 Paragraph 175 of the NPPF (2024) states that the sequential test should be applied to development within areas of known flood risk. The planning statement submitted by the applicant acknowledges that the site is within Floodzone 3a. However, they also have stated that the development needs to be located within close proximity to the sub station and the existing renewable energy developments. Taking this in to account it would be unreasonable for the development to be located within a lower flood risk area or within the confines of a settlement boundary.
- 7.51 Taking this into account, Paragraph 177 of the NPPF (2024) is therefore relevant to this application. Para 177 states that if it is not possible for development to be located within areas of lower risk, the exceptions may have to be applied depending on the Flood Risk Vulnerability Classification. Appendix 3 of the NPPF (2024) identifies that infrastructure for electricity supply as 'Essential Infrastructure'. Essential Infrastructure is permitted within Flood zones 3a providing that the Exceptions test is passed.
- 7.52 Paragraph 178 of the NPPF (2024) states that: "To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."
- 7.53 Point A of the above paragraph is considered passed as it is clear that the development is providing a sustainability benefit to the wider community in the form of increasing renewable energy supply. With regards to point b) the Planning statement and the FRA identify that the ground will not be raised and the following mitigation measures will be used:
- Finished floor levels of the buildings and critical equipment will be 1m above existing ground level
 - In the event of a flood the site will be shut down and isolated from the power grid
 - External doors and windows are constructed from hard wearing material
 - Inclusion of a Flood Plan as well as a Flood warning and Evacuation Plan
- 7.54 The proposed mitigation is considered appropriate for this type of development. It is important to know there is no permanent habitation/occupation of the site. The proposal is considered acceptable with regards to the sequential and exceptions test.
- 7.55 Notwithstanding the above, Paragraph 181 of the NPPF (2024): "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of

flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

7.56 Points A, B, C and D have been addressed in the previous paragraphs. Taking C in to account the applicant has provided a SuDS for the site within the FRA. The site also includes an attenuation pond to the north of the site. The outline strategy is deemed to be acceptable in principle but a plan should be submitted prior to the site becoming operational. This is supported by the consultee responses, in which Lincolnshire County Council have raised no objections subject to conditions. Point E has been addressed within the Planning statement.

7.57 On balance, the proposal is considered to have an acceptable impact in terms of Flood Risk and meets the requirements of Policy 4 of the Local Plan as well as the NPPF (2024).

Impact on Health and Safety

7.58 The sites impact on health and safety in terms of fire hazards, pollution and other air quality is a material consideration and has been raised within the objection comments. It is first important to note that the Environmental Health team have raised no objections in respect of air quality, light pollution, ground pollution and noise.

7.59 Paragraph 12.2.25 of the Planning Statement states that the SuDS scheme includes oil and petrol interceptors that will prevent the contamination of the surface and ground waters during the operation phase of the development. This addresses the concerns raised around the potential for pollution of the land/surroundings as a result of water run-off.

7.60 Paragraph 3.2.5 of the Planning Statement addresses concern with respect of Fire Risk Management. They highlight that there are international safety standards for this type of development and the proposal includes fire suppression safety measures in accordance with these standards. In addition, there are software and hardware fail safes and temperature control monitoring systems that trigger cooling units if increases are detected, alongside the ability to partially or fully shutdown the BESS if risk of thermal run away is detected. The modern systems proposed use different lithium ion chemistry to those that have previously failed from thermal runaway, resulting in fires. The new systems used are more resistant to thermal run away and therefore the risk of fires is greatly reduced.

- 7.61 Nevertheless, this section of the planning statement, from paragraph 3.2.8, states that in the event of a fire there is a fire suppression system that would be triggered automatically and there are 5 water tanks included in the scheme for manual firefighting. The interceptors included within the proposed SuDs scheme would ensure potential pollution from fire suppression would be minimised.
- 7.62 The proposal is therefore considered to be in accordance with national and local policy in terms of Health and Safety impacts.

Cumulative Impact on the Area

- 7.63 The previous sections have identified that individually the impacts of the proposed application are considered acceptable and in accordance with the requirements of the Local Plan and the NPPF (2024). However, it is important that the proposal is considered in relation to the other two BESS applications (B/24/0374 and B/24/0415) as well as the wider renewable projects in the area in terms of cumulative impacts.
- 7.64 It is first important to reiterate that the Local Highway Authority have stated that there would not be a cumulative impact on the Highway network if all 3 applications were approved and constructed at the same time. Subject to conditions, it is therefore considered that the 3 proposals would not have a cumulative adverse impact.
- 7.65 A further point for consideration is whether there is a need for 3 BESS in this location and at the same time. Reiterating paragraphs 161 and 168 of the NPPF, this type of development is supported in principle and justification for their need is not required by the applicants. The purpose of the proposal is to supply battery storage for excess electricity for the Grid and assist in balancing the grid at times of system stress. Therefore the provision of 3 BESS units is supported and would contribute to building a more resilient and reliable energy supply to National Grid transmission network. Therefore there is no cumulative adverse impact in terms of need.
- 7.66 In addition, cumulatively the proposals would result in the temporary loss of 3 agricultural fields. The location of the units are limited due to the requirement to be within proximity to the National Grid Substation and nearby wind/solar farms for connection purposes. The surrounding land is all of agricultural value and the NPPF directs Local Planning Authorities to give significant weight to the provision of renewable energy sources and their associated infrastructure. The proposals would have a life span of 40 years, following which decommissioning would return the land to it's previous condition/use. Taking this into account it is considered the benefits of the proposals would outweigh the cumulative temporary loss of the agricultural land for the lifespan of the projects.
- 7.67 Finally, in terms of visual amenity and character of the area, all 3 of the sites are within the current span of renewable energy developments and are not encroaching closer to the nearby villages. All 3 will therefore be seen within the context of the existing area and include appropriate mitigation measures in the form of screening, planting and biodiversity net gain measures. It is therefore considered that the proposals would not have a cumulative adverse impact on the visual amenity or character and appearance of the area.

8.0 Summary and Conclusion

- 8.1 In conclusion, and taking into account the previous sections of this report, there is clear support for renewable energy projects and infrastructure in the National Planning Policy Framework and Policy 31 of the South East Lincolnshire Local Plan 2019. The principle of the development is acceptable and the siting of the scheme in this location is appropriate to facilitate connection with renewable infrastructure.
- 8.2 The proposal has been assessed against the material planning considerations, local and national policies and is considered to be acceptable in terms of the character and appearance of the area, ecology, landscaping and BNG, loss of agricultural and, residential amenity, the Highway network, heritage assets and archaeology, flood risk, and health and safety subject to the relevant conditions and informatives.
- 8.3 In terms of cumulative impacts, the proposal is one of 3 similar schemes proposed in the area. It is considered that the proposal would not have a detrimental cumulative impact in terms of visual amenity, character, highways impacts or loss of agricultural land. The use of mitigation measures and conditions to secure these would further reduce impacts. Therefore, it is considered that the proposal would be acceptable in terms of the cumulative impacts.
- 8.4 The proposal is therefore in accordance with Policies 1, 2, 3, 4, 5, 28, 29, 30, 31 and 32 of the South East Lincolnshire Local Plan and the National Planning Policy Framework (2024) and is recommended for approval subject to conditions.

9.0 Recommendation

- 9.1 Grant Planning Permission subject to conditions.

10. Conditions

CONDITIONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	<p>The development hereby permitted shall be begun before the expiration of five years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004 and to give sufficient time for the proposal to be connected to the National Grid.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <ul style="list-style-type: none">- Site Location Plan, Drawing No. 3593-01-01 Rev B- Statutory Plan, Drawing No. 3593-01-02 Rev B- General Arrangement, Drawing No. 3593-01-03

	<ul style="list-style-type: none"> - Battery Storage Container, Drawing No. 3593-01-05 - Inverter/ Transformer Unit, Drawing No. 3593-01-06 - Switchgear Building, Drawing No. 3593-01-07 - Control Building, Drawing No. 3593-01-08 - Main Transformer, Drawing No. 3593-01-09 - Auxiliary Transformer, Drawing No. 3593-01-10 - NER, Drawing No. 3593-01-11 - TX Marshalling Kiosk, Drawing No. 3593-01-12 - Fencing and Security, Drawing No. 3593-01-13 - Cable Trench Details, Drawing No. 3593-01-14 - Illustrative Landscape Design, Drawing No. 3593-01-15 - Water Tank Plan and Elevation, Drawing No. 3593-01-16 - Swept Path Analysis, Drawing No. 3593-01-ATR01 - Construction Traffic Management Plan, Drawing No. 3593-01-CTMP01e - Landscape and Visual Appraisal, Dated August 2024 <p>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.</p>
3	<p>The permission hereby granted shall expire 40 years from the date when the Battery energy Storage System first becomes operational. Written confirmation of the first operational date shall be provided to the Local Planning Authority no later than one calendar month after the event.</p> <p>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.</p>
4	<p>Development may not begin unless a biodiversity gain plan has been submitted to and approved by the Local Planning Authority.</p> <p>Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).</p>
5	<p>Prior to the commencement of development a detailed surface water drainage scheme, in line with the outline strategy included in the approved FRA, shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems. The Scheme submitted shall:</p> <ul style="list-style-type: none"> - be based on the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, ideally over a 12-month period); - be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development; - provide flood exceedance routing for storm event greater than 1 in 100 year; - provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change,

	<p>from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;</p> <ul style="list-style-type: none"> - provide attenuation details and discharge rates which shall be restricted to greenfield run off rate; - provide details of the timetable for and any phasing of implementation for the drainage scheme; and - provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime. <p>No part of the development shall be operational until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.</p> <p>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 in Section 14 of the National Planning Policy Framework 2024.</p>
6	<p>Prior to the commencement of the development hereby permitted passing places shall be provided on Double Twelves Drove and the widening of part of the highway in accordance with a specification to be submitted to and agreed in writing by the Local Planning Authority. Such a specification shall set out the number, location and construction method of passing places. The passing places as approved shall thereafter be maintained and retained in perpetuity.</p> <p>Reason: To ensure the provision of safe and adequate access to the development in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
7	<p>Prior to the start of works relating to the cable route, a detailed plan confirming the cable route and method of construction shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved scheme.</p> <p>Reason: In the interests of highways safety and archaeology and in accordance with Policies 2, 3, 29 and 31 of the Local Plan (2019).</p>
8	<p>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 remedy, repair or removal of the Battery Energy Storage System and all of the other associated equipment & paraphernalia and the subsequent restoration of the site. The scheme shall include details of:</p> <ul style="list-style-type: none"> - the extent of equipment and foundation removal and the site restoration to be carried out; - the management and timing of any works;

	<ul style="list-style-type: none"> - 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 BESS, 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. <p>The approved scheme shall be implemented and then proceed fully in accordance with the agreed details in accordance with the decommissioning programme.</p> <p>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.</p>
9	<p>The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) [completed by 'KRS enviro', dated: August 2024] and the following mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> - Finished floor levels of the buildings and critical equipment will be 1m above existing ground level - In the event of a flood the site will be shut down and isolated from the power grid - External doors and windows are constructed from hard wearing material - Inclusion of a Flood Plan as well as a Flood warning and Evacuation Plan <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>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.</p>
10	<p>Prior to the proposal hereby permitted being brought in to use, the acoustic/security fence indicated on the 'General Arrangement' (Drawing No. 3593-01-03) and the 'Fencing and Security' (Drawing No. 3593-01-13) documents, shall be erected and retained for the entirety of the developments lifetime.</p> <p>Reason: In the interest of reducing noise pollution and in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.</p>
11	<p>Prior to the installation of any lighting, a lighting plan shall be submitted to and approved in writing by the Local Planning authority, setting out brightness, light spill and timings. The development shall be undertaken in accordance with approved details thereafter.</p> <p>Reason: In the interest of protecting amenity and limiting light spill in the open countryside.</p>

12	<p>The development hereby permitted shall be undertaken in accordance with the Construction Traffic Management Plan [Produced by 'Axis', Dated January 2025]. The development shall be carried out in accordance with the CTMP as a whole but also in accordance with the following mitigation measures:</p> <ul style="list-style-type: none"> - Construction routes using the Tritton Knoll Haul Route which includes Double Twelves Drove, Bicker Drove and Vicarage Drove - Large HGVs only will use the Private Haul Road from the A52 which leads to Ing Drove, Cowbridge Road, Bicker Drove and Vicarage Drove - On site parking will be contained to the north of the site with the exception of construction vehicles - The phasing of construction as stated in section 6.0 of the CTMP <p>Reason: In the interests of highways safety and in accordance with Policies 2, 3 and 31 of the Local Plan (2019).</p>
13	<p>Prior to commencement of any part of the development hereby permitted, the condition of the parts of the public highway affected by the proposal (namely Vicarage Drove, Bicker Drove, Cowbridge Road, Ing Drove and Doubletwelves Drove) shall be recorded by written notes, still and moving photographic images during an inspection that shall be undertaken by the Applicant's 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 construction of the permitted development and shall be reinstated to no less than the standard of their pre-commencement condition following completion of the construction</p> <p>Reason: In the interests of safety and convenience to other road users and in accordance with Section 59 of the Highways Act 1980.</p>
14	<p>Notwithstanding the approved construction routes hereby approved, under no circumstances shall construction vehicles utilise any route through Bicker Village.</p> <p>Reason: To ensure the provision of safe and adequate access to the development in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
15	<p>Notwithstanding the Construction Traffic Management Plan, during construction of the development hereby permitted, no machinery shall be operated, no processes shall be carried out and no deliveries shall be taken at or dispatched from the site outside the hours of 08:00-18:00 Monday to Friday and Saturday 08:00-13:00 or at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: In the interests of the amenity of local residents in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019</p>
16	<p>No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:</p>

	<ol style="list-style-type: none"> 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements). 2. A methodology and timetable of site investigation and recording including trial trenching 3. Provision for site analysis 4. Provision for publication and dissemination of analysis and records 5. Provision for archive deposition 6. Nomination of a competent person/organisation to undertake the work <p>The scheme of archaeological investigation must only be undertaken in accordance with the approved details.</p> <p>Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019).</p>
17	<p>No development shall take place until a staged programme of archaeological evaluation and mitigation shall be undertaken within the site by a Registered Organisation of the Chartered Institute for Archaeologists in accordance with the approved Written Scheme of Investigation (C16).</p> <p>Should significant archaeological remains be encountered during the trial trenching then their preservation in situ will be secured through the designation of further archaeological sensitive areas and extending the ‘no dig’ methodologies that are set out by Conditions 16 and 17 to include these areas.</p> <p>The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority in consultation with their archaeological advisors.</p> <p>Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019).</p>
18	<p>A report of the archaeologist’s findings (as outcomes from Condition 16-17) shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.</p> <p>Reason: In the interest of protecting heritage assets and features of archaeological interest, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019).</p>
19	<p>The development hereby permitted shall be undertaken in accordance with the Ecological Appraisal and mitigation measures produced by ‘Rachel Hacking Ecology’, Dated July 2024. Should any protected species be found during the development work shall cease immediately and details of protection measures shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>Reason: To ensure the protection of protected species during the development, in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>
20	<p>The scheme of landscaping and tree planting shown on dwg. no. 3593-01-15 'Illustrative Landscape Design' shall be carried out and completed in its entirety during the first planting season following completion of the development. All trees, shrubs and bushes 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 as and when necessary.</p> <p>Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
21	<p>Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs) or any works on the proposed development (whichever comes first), a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the LPA. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:</p> <p>A) Aims, objectives and targets for management, including habitat target conditions matching the associated Biodiversity Metric submitted with the application. B) Descriptions of the management operations necessary to achieving aims and objectives. C) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement. D) Details of monitoring needed to measure the effectiveness of management. E) Details of the persons responsible for the implementation and monitoring. F) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets. G) Reporting on years 1, 2, 5, 10, 20 and 30'.</p> <p>Reason: Reason: In the interest of habitat management and in accordance with the requirements of Biodiversity Net Gain.</p>

<p>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</p>	
<p><u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 39 of the National Planning Policy Framework 2024 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	
1	<p>Highway Informative 1/4</p> <p>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</p>

	<p>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.</p>
2	<p>Highway Informative 2/4</p> <p>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's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management</p>
3	<p>Highway Informative 3/4</p> <p>In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.</p>
4	<p>Highway Informative 4/4</p> <p>The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.</p>

BNG	
BNG1	<p>BIODIVERSITY NET GAIN CONDITION</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <ul style="list-style-type: none"> (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Boston Borough Council</p>

BNG3	<p>Statutory exemptions and transitional arrangements</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.</p> <p>Irreplaceable habitat</p> <p>If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>Effect of Section 73(2D) of the 1990 Act</p> <p>Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -</p> <ul style="list-style-type: none">(a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and(b) the conditions subject to which the planning permission is granted:<ul style="list-style-type: none">(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan. <p>- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.</p>
------	--