

BOSTON BOROUGH COUNCIL

Planning Committee – 3 April 2018

Reference No: B/17/0340

Expiry Date: 15-Dec-2017

Application Type: Full Planning Permission

Proposal: Installation of underground high voltage Direct Current cables for the Viking Link Interconnector project between proposed landfall at Boygriff in East Lindsey to a proposed converter station at North Ing Drove in South Holland; installation of underground alternating current cables from the converter station to the existing Bicker Fen 400 kV NGET Substation; as well as permanent access road to converter station, temporary facilities required during construction such as compounds and works areas are included within Boston Borough. (This application is for Environmental Impact Assessment development by virtue of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017

Site: Land off Vicarage Drive, Bicker Fen, Boston, PE20 3BN

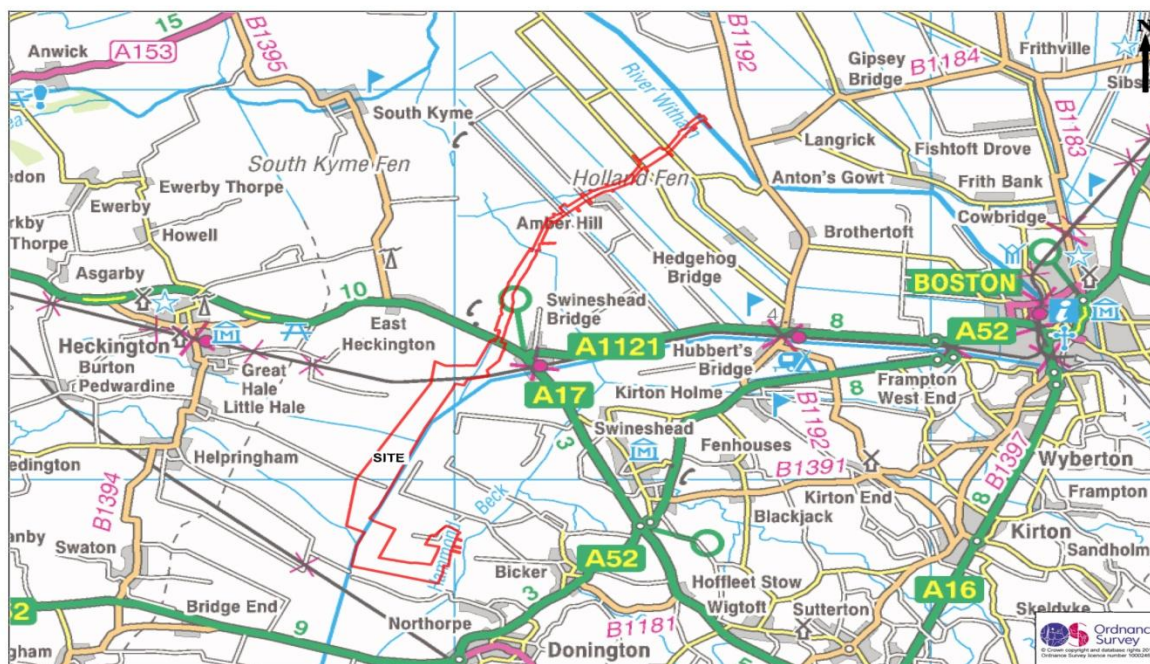
Applicant: Ms Liz Wells, National Grid Viking Link Limited

Ward: Swineshead and Holland Fen, Five Village

Parish: Amber Hill Parish Council, Bicker Parish Council, Brothertoft Parish Council, Swineshead Parish Council

Case Officer: Hilary Kernohan

Recommendation: Approve



Members are advised that The Council was notified on 19/2/2018 by the Ministry of Housing Communities and Local Government, that under Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order 2015, - The Secretary of State has directed the Council not to grant planning permission on this application, without specific authorisation. This Direction has been issued to enable him to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990, that the application should be referred to him for determination.

In this situation, it is still appropriate for the Council to consider whether they would wish to approve the application – even though no notice can be issued.

1.0 The Site

- 1.1 Viking Link is a proposed 1400 megawatt (MW) high voltage direct current (DC) electricity link between the British and Danish electricity transmission networks. It comprises approximately 762 km of onshore and submarine high voltage DC electricity transmission cables between the new converter stations, which in turn are connected to the high voltage electricity transmission networks at existing substations as Revsing, Jutland in Denmark, and at Bicker Fen, Lincolnshire in Great Britain.
- 1.2 The UK Onshore scheme is located in Lincolnshire, and comprises a landfall at Boygrift and approximately 67.17 km of underground DC cable to a new converter station at North Ing Drove, in South Holland District, which is then connected to new equipment at the existing Bicker Fen 400kV substation by approximately 2.34 km of underground AC cable, of which approximately 1.13kms is proposed within Boston Borough.

2.0 Description Of The Proposed Development – The UK Onshore Scheme

- 2.1 In the UK onshore, the scheme extends across four local authority boundaries- from east to west these are:
East Lindsey District Council (ELDC)
North Kesteven District Council (NKDC)
Boston Borough Council (BBC)
South Holland District. (SHDC)
- The UK onshore scheme for which planning permission is sought, comprises the following main components - (the elements located within Boston Borough are highlighted):
- At the proposed landfall installation of two (2) submarine high voltage DC cables between MLWS (mean low water springs) and a Transition Joint Pit (TJP) at Boygrift in East Lindsey
 - From the TJP Installation of two (2) onshore high voltage DC cables between the landfall at Boygrift and the converter station at North Ing Drove in South Holland, **part of which runs through Boston Borough.**
 - Construction of associated Temporary Construction Compounds (TCC) and Temporary Works Areas (TWA) and temporary vehicle access arrangements, **some of which are in Boston Borough.**
 - Erection of converter station buildings and outdoor electrical equipment together with the formation of internal roads and erection of security fencing and provision of landscaping;

- Formation of a permanent access road from the A52 to the converter station site including a bridge crossing of Hammond Beck;
- Installation of up to six (6) onshore high voltage AC cables between the converter station at North Ing Drove and the existing Bicker Fen 400 kV Substation, **partially in Boston Borough.**
- Installation of link pillars along the AC cable route for inspection and maintenance purposes, these will be contained within fenced areas, **partially within Boston Borough.**
- Installation of two substation bays at Bicker Fen 400 kV Substation to connect Viking Link to the National Electricity Transmission System (NETS), **within Boston Borough.**
- Installation of temporary and permanent land drainage works as well as temporary water management areas, **partially within Boston Borough.**
- Installation of fibre-optic cable(s) with the high voltage AC and DC cables for the purpose of monitoring cable performance, **partially within Boston Borough.**

Consents Required for the UK Onshore Scheme

- 2.2 Planning permission for the Scheme is being sought under the Town and Country Planning Act 1990 (TCPA). Due its long linear nature the Scheme crosses four LPA boundaries, requiring multiple planning applications to be submitted, as summarised below:
- To ELDC for the installation of approximately 51.60 km of proposed underground DC cable, and associated temporary works.
 - **In Boston Borough-** for the installation of approximately 9.78 km of proposed underground DC cable, approximately 1.13 km of proposed AC underground cable, and associated temporary works.
 - To NKDC for the installation of approximately 4.8 km of proposed underground DC cable, and associated temporary works.
 - To SHDC for the proposed converter station, 2.8 km long permanent access road, approximately 0.98 km of proposed underground DC cable, approximately 1.21 km of proposed AC underground cable, and all associated temporary works.

Route Section though Boston Borough

- 2.3 The section of the DC cable route through this Borough runs from the River Witham (north of Langrick Bridge) in a SW direction north of Amber Hill and east of East Heckington. The route avoids residential properties at Kirton Drove, a disused sewage works and residential properties at Amber Hill. Between Kirton Drove and Claydike Bank, the main influence on the proposed DC cable route has been to minimize the number of drain crossings, as well as avoid residential properties, and the proposed route of the Triton Knoll Electrical system.
- 2.4 Following the crossing of the A17, the alignment kinks to the west to avoid a Second World War Monument, and then runs parallel to the western bank of the South Forty Foot Drain to the south.

Here the proposed DC cable route has been aligned to minimize the number of land parcels affected and to minimize the number of drain crossings. Other influences on the proposed DC cable route have been the need to cross a gas pipeline and a suitable location to cross the Nottingham to Skegness railway.

- 2.5 The proposed DC cable route crosses the South Forty Foot Drain to the east, and then again heads south to the North Ing Drove and the proposed converter station site. The route follows field boundaries and as far as possible avoids trees. The route crosses the South Forty Foot Drain north of Helpringham Eau, avoiding the hamlet of adjacent properties.
- 2.6 This section of the overall route is generally flat, low lying agricultural land.

Description of the proposed installation of the Underground DC cables

- 2.7 The installation of the proposed DC cable route will typically be undertaken within a 30m wide working width. The exception to this is where engineering constraints mean that additional land is required such as where the proposed DC route is required to cross obstacles such as roads or watercourses. In these locations temporary works areas will be established as the proposed working width is required to be larger in order to accommodate the larger construction equipment required to undertake the installation works.
The main activities of the installation include:
- Open cut methods – typically to be used on agricultural land involving excavation of a trench into which cables are laid directly, or into a duct through which the cables are pulled
 - Trenchless methods – typically used where there are obstacles such as roads, watercourses, railways, flood defences – this would involve the installation of a duct below the obstacle
 - Jointing methods- used where 2no sections of cable meet .As conditions must be clean and dry, covers or cabins would be erected temporarily, but no permanent above ground structure will be needed.
- 2.8 Cable installation does not need to be undertaken sequentially, so that installation could occur in multiple sections along the route in parallel. Typically a 1km length of cable will take approximately 4-9 months dependent on the complexity of the installation, and the re-instatement. It is assumed that the overall installation will take between 2-3 years.
- 2.9 National Grid VL have recently advised the Council that:
“The cables will generally be laid so as to avoid continued interference with normal agricultural operations as far as reasonably practicable. The cables shall be laid to a contour with a depth of cover of not less than 1.2m from the original surface to the top of the protective tile above the cables, except where necessary for good engineering reasons and with the agreement of the landowner and/or occupier such agreement not to be unreasonably withheld or delayed.”
- 2.10 Other construction requirements include the need to establish temporary construction facilities on and off the DC cable route. Up to 16 Temporary work area and 9no Temporary construction compounds have been included in the scheme design.

- 2.11 In addition, the planning application boundary also includes areas for dewatering, temporary and permanent land drainage and temporary access roads. Where access for land drainage surveys has not been agreed prior to submission of the planning application, the boundary encompasses fields which are crossed by the proposed DC route, in order to provide flexibility.

Operational requirements

- 2.12 Once the development has been completed, the need for access will be limited to non-intrusive inspections and cable repairs (the later only if there had been a cable fault). The activities involved in a cable repair would be similar to installation described above, albeit in a much smaller area. In the event the route was to be decommissioned, the cable would either be left in situ, removed for recycling, or disposed of in accordance with the Waste Disposal Regulations in operation at the time.
- 2.13 The proposed converter station is proposed in South Holland District, along with a new 2.8kms access road is proposed to connect it to the A52, to the SW. This is proposed to be constructed at the beginning of the works so that it can be used by all construction traffic. The converter station is proposed to be connected to the existing Bicker Fen sub-station in Boston District by a 2.34m long AC cable.

AC underground cables

- 2.14 The proposed AC cable route leaves the converter station on the east side, crossing Middle Fen, in South Holland District, and crossing into Boston Borough and entering the Bicker Fen sub-station. The installation of the AC cable route is proposed to be undertaken within a 50m wide construction easement working width. Again the exception is where the route is required to cross obstacles such as watercourses where the temporary working area may need to be extended. The maintenance and repair and decommissioning of the AC cables would be very similar to that of the DC cables, as described above.

Other consents required for the overall scheme

- 2.15 It is brought to Members attention that the 4no current planning applications within Lincolnshire are not the only consents required by this development. The European Commission has development guidelines to assist in the development of energy networks within Europe known as the European Union's Trans-European Networks for Energy (TEN-E) regulation. They set out guidance for streamlining the permitting process for major energy infrastructure networks that contribute to European energy networks. These projects are referred to as Projects of Common interest (PCI) which deliver benefits for member states to support market integration, competition, enhance security of energy supply, and contribute to reduction of CO2 emissions. Viking Link has been confirmed as a PCI project- this is unaffected by the decision to leave the EU. In these projects a National Competent Authority (NCA) is designated to co-ordinate the permitting process- in this case in the UK the NCA role falls to the Marine Management Organisation (MMO) – their role is to co-ordinate the decision making process with the relevant LPAs (Local Planning authorities) affected by the Viking Link in order to reach a comprehensive decision. A comprehensive decision comprises all of the consent and permits necessary for a developer to be granted authorization to construct a PCI.

- 2.16 In addition to the 4no planning permissions in the UK, the other primary consents are:
- Planning permission for the Denmark onshore scheme
 - Offshore installation permit from the relevant Danish Authorities for the installation of the submarine cables
 - Permit from the relevant German authorities for the installation of submarine cables
 - Permits from the relevant Dutch authorities for the installation of submarine cables
 - Marine licence from the MMO for the installation of submarine cables

The Need for the Development

- 2.17 It is recognised that in order to have a competitive, sustainable and secure supply of energy, there is a need to invest in new infrastructure and diversify the way in which the energy market operates. Interconnectors are a fundamental part of this enabling electricity to flow between countries and markets, and can be used to both import and export power as required.
- 2.18 A number of specialist studies have demonstrated the need for, and benefits of, increasing interconnection capacity between the UK and Europe, in particular as a means for addressing energy security, sustainability, and affordability. The UK currently has four interconnectors to neighbouring European countries which provide 4 gigawatts (GW) of interconnection capacity. Additional interconnectors are proposed that would double interconnection capacity to the equivalent of approximately 10% of the total existing electricity generated in the UK (based on 2014 figures). Viking Link would make an important contribution to the UK's interconnection capacity, increasing it by 1,400 MW and providing enough electricity to power over a million homes.

3.0 RELEVANT HISTORY

- 3.1 None

4.0 RELEVANT POLICY

4.1 National Guidance

- 4.2 The National Planning Policy Framework (NPPF) March 2012

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core Planning Principles

Section 1 – Building a strong competitive economy

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

National Policy Statement

- 4.3 EN-1 Overarching national Policy statement for energy
EN-5 Energy Infrastructure

Planning Practice Guidance (PPG) 2014

The Development Plan – Boston Local Plan Adopted 1999 (saved policies)

- 4.4
- G1 – Amenity
 - G2 – Wildlife and landscape resources
 - G3 – Foul and surface water disposal
 - G4 - Safeguarding of the water environment
 - G6 – Vehicular and pedestrian access
 - G8 – Air and soil resources
 - G10 – External lighting schemes
 - ED11 – Renewable energy
 - R1 – Protection of existing recreational open space
 - R4 – Water based recreational facilities
 - R5 – Witham Way footpath and nature reserve
 - R8 – Leisure facilities in the countryside
 - C8 – Stump Views
 - C7 – Development of sites adjacent to the River Witham
 - C17 – Sites of nature conservation value
 - C24 – Protected landscape sites
 - CO1 – Development in the Countryside
 - T1 – New accesses onto major roads
 - T2 – Roads and footpaths in new developments
- 4.5 Under the Town and Country planning Act 2004, determination of planning applications must be made in accordance with the Plan unless material considerations indicate otherwise.

5.0 REPRESENTATIONS

5.1 Public

- Why can the Viking Link not follow the same route as Triton Knoll as would be less disruptive?
- Concerns from landowners and farmers affected by the proposals in relation to the impact on the future agricultural use and drainage of their land. Concerns that the cables will disrupt filed drainage systems. Concern that the proposed depth is not adequate- advised it should at least be at 2m depth.
- Concern from landowner that they will not be able to re-drain over the cables – they consider that the depth of the cables should be 2.7m, as is being used in relation to the private dykes.
- The cables are AC not DC
- Request that the agreed “no traffic” promises made by the Viking Link Project Director in relation to roads and around Bicker and Cowbridge Rd, will be enforced with a specific planning condition incorporated into the planning permission.
- Landowners will not accept the reconnection of broken drains which will cause up to 1/3 of the fields to be un-drainable. Urge the Council to insist on a planning condition which ensures the drainage is still possible after the placement of the cable.
- Removal of hedgerows should be kept to a minimum and should be fully re-instated as these provide important wind protection benefits.
- State that in some cases proper survey work of agricultural land has not been carried out despite permission to access

- Concern that drain-jetting which is used to clear the drains of buildup of material deposits, would not be possible during construction
- Concern re the proposed temporary site compound which may be onsite for up to 2 years and how surface water run-off will be managed, and sediment captured.

NFU

5.2 A submission has been made on behalf of both the NFU and the Lincolnshire Association of Agricultural Valuers (LAAV) The NFU and the LAAV are working together on this project to look after their members and clients and to this end have formed a Land Interest Group (LIG).

5.3 They state that the total land take from the River Witham (on north east boundary of Boston BC to the converter station, is 69.2ha. The total land take for the construction will be 265ha for the DC cables, and a further 46.8ha for the temporary construction compounds. In total this is 311ha needed during construction, and to be taken out of agricultural production for up to 3 years. This does not include the land for the converter station and the AC cable route. Aside from the overall land take, other issues of concern are

- the construction and depth of cable laying- it has been stated that the trenches will be at a depth of 1.5m and the minimum depth of cover for agricultural land will be 0.9-m. There may be a problem with this depth as it may interfere with agri-cultivations. Further discussions are required in order to see if this depth can be increased. *(this statement has now been amended in the light of comments from landowners so that the minimum proposed depth of cover is to be 1.2m).*
- Field drainage – it is vital to know if the cables will be at a depth above or below the existing field drainage. The LIG is disappointed that no information has been provided as to how field drainage will be dealt with during construction, and reinstated once the cables have been laid. Further it will not be possible to reinstate all the field drainage within the construction area within which planning permission has been sought. The LIG would like to see the Construction Environmental Management Plan (CEMP) confirmed as a certified document. Further the soil handling and storage protocol must include post pre construction and post construction clauses. National Grid must be prepared to work with all the landowners affected by the scheme to ensure that the drainage system is put back in at least as effective a condition as it is at present.
- Soils and aftercare- LIG are pleased that the soil handling and storage protocol has been set out in a document. LIG believes it is necessary for soil testing to be carried out pre and post construction in order to set a target specification for each field on a holding. It is know that it can take a long time to restore soil to its former condition, once construction has taken place.
- Agricultural liaison officer (ALO) – LIG would like further information on the role of the ALO, who must be accessible to the landowners 24/7 during construction.
- The haul road – LIG and NGVL would like to enter into discussions with the landowners in respect of the type of road it may be possible to construct.
- The submission states that there has been little discussion with landowners in this regard to date. (Nov 2017).

Conclusion – NFU and LAAV have significant concerns regarding the project and believe that the planning application should not be approved until NGVL carry out negotiations with LIG, their members and clients, and the LPA are provided with the necessary documentation that will provide the necessary information to amend the documents which will authorize NGVL, and their contractors, to undertake the construction of the project.

5.3 Longstaff Chartered Surveyors

They express significant concerns about the scheme on behalf of many local farmers/landowners in relation to significant land take over some of the most highly productive Grade 1 and 2 agricultural land. Specific attention must be given to working methods, the effects on land drainage, the depth of the cable, the impact on fertility, the sterilisation of land for long periods, damage to existing drainage systems, and the need for indemnity for any work carried out. Environmental mitigation should be carried out to minimize the impact on wildlife, and working hours be governed by these concerns. Full consideration of traffic management is needed due to the lack of highway infrastructure in and around the application site.

Brown and Co

5.4 Ask that any planning permission granted be made subject to the condition that developers must have a landowner specific soil management and drainage reinstatement plan in place, prior to commencing the works.

5.5 Pygott & Crone

Representing farmers and landowners – concern re the impact on agricultural land and bespoke drainage schemes. They consider that the Soil Management Plan does not adequately address the many bespoke and individual drainage schemes and land drainage issues.

5.6 The above comments are responded to under the Agriculture and Soils section of this report

5.7 Triton Knoll

Whilst the red line planning application boundary for the Viking Link line is largely different to the Triton Knoll application red line boundary, there is however an overlap at the Bicker Fen substation. There is a lack of detailed plans for the proposed infrastructure at Bicker Fen substation. Triton Knoll understand that the infrastructure requirement for both projects can be accommodated at the sub station, but in the absence of detailed plans, Triton Knoll reserve the right to object /comment on any detailed crossing proposals or infrastructure plans, in relation to how they may affect the deliverability of the Triton Knoll scheme.

5.8 National Grid VL have responded to these comments as follows- until such time as NGET have sought the relevant notifications /permissions from Boston BC, NGVL are unable to provide further detail on the detailed design of the unlicensed works required within the substation to connect the Viking Link Project. Therefore refer Triton Knoll to an indicative substation layout referenced by NGET in the Triton Knoll DCO hearing of Nov 2015, as a potential layout for Bicker Fen substation.

5.9 The Environmental Statement includes a large area around the substation and has considered cumulative impacts so as to address this scenario, whereby both schemes are constructed in parallel.

6.0 STATUTORY AND NON-STATUTORY CONSULTEE RESPONSES

(Updates on the stated position are provided in italics)

Bicker Parish Council

- 6.1 Advise that the Planning Inspectorate for Triton Knoll has confirmed that the roads in, through and around Bicker village are unsuitable for construction traffic. The Parish Council has obtained written confirmation from the Viking Link Project Director that no traffic will use Bicker or Cowbridge Road. This includes the wiring between the new interconnector and the existing National Grid Sub station at Bicker Fen. Traffic for this section is to use a temporary access road across fields. The Parish Council request a specific planning condition to cover this no traffic agreement. The Parish Council request further details in relation to the sub station.

(In response to these concerns, the commitment by National Grid Viking Link to develop, at the outset, a new access road to the A52, which would then be used by all construction traffic thereafter, is provided in "Traffic and Transport" section of this report.)

North Kesteven District Council

- 6.2 No objection

Boston BC Environmental health

- 6.3 Advise that conditions relating to construction noise, dust, lighting etc, should mirror closely those for each authority. They ask for clarification as to whether or not there will be any increase in operational noise from the sub station as a result of the new AC connection, and substation works within the BBC authority area.

(National Grid VL advise that, based on the connection offer between NGVL and NGET there will not be any material increase in operational noise from the sub station as a result of the additional connection. The dominant noise sources at the substation are the existing supergrid transformers- the additional connection will not change the noise behaviour of these transformers, and no additional transformers are required.)

- 6.4 **LCC Highways – No objection** subject to conditions given below. The operation of the development proposed in this application would not be expected to have any discernable impact upon the operation of the highway network within the Borough. It is the construction phase of the proposed development that would cause the greatest transportation impacts. However the application provides a very comprehensive account of the expected transportation impacts and how those impacts, as much as possible, would be mitigated.

(Proposed conditions and informative are incorporated below)

6.5 **LCC SUDS – no comment**

6.6 **Network Rail** – no objection to the proposals, subject to the continuation of discussion between the parties and the developer entering into the appropriate asset protection agreements once further engineering detail has become available, and prior to work commencing on site. They request that an informative be added to any proposed consent – *(this has been incorporated within this report)*

6.7 **Environment Agency** – make a **holding objection** as there is insufficient information to ensure that the project will not increase the risk of flooding to third parties during the lifetime of the development. As the cables are laid under existing flood defences, both landfall and under main rivers, this has the potential to prejudice future flood defence works, by increasing maintenance and capital costs to the Environment Agency. If the Environment Agency is prevented from improving and maintaining defences, this could lead to increases in the frequency and impact of flooding in these locations. A legal agreement is proposed which would indemnify the Agency against increased costs – on completion of this agreement, the holding objection will be removed.

6.8 A condition is proposed below to cover the matter of groundwater and potential land contamination and unsuspected contamination.

A condition is required in relation to the need for a foul water drainage strategy.

The EA confirm that the proposed mitigation measure proposed in relation to the Water Framework Directive are satisfactory, and should not cause deterioration to water body status.

The EA are satisfied that the Construction Environmental Management Plan (CEMP) as long as the measures and best practice outlined are implemented during construction.

The EA considered the Waste Management Plan to be satisfactory.

(a condition requiring the delay of the issuing of any consent, until the Environment Agency are able to lift their current holding objection, is included below).

6.9 **Anglian Water**

The proposed cable route is immediately adjacent to the Amber Hill Water Recycling centre, and the outfall pipe from the centre crosses the route. Further information is required to assess the implications. We understand that there are a total of 36 crossings required for this project, however we have not received detailed plans showing the design of these crossings to enable Anglian Water to assess the implications of the crossings. It is important that Anglian water assets are not adversely affected by the project.

The application does not specify the proposed method of foul water disposal, so that we request the imposition of a condition in relation to this information. *(This has been included in the proposed conditions below).* In relation to surface water disposal –this does not relate to Anglian Water’s operated assets. If this should change, then Anglian Water would wish to be re-consulted in this regard.

NGVL advise that they are in detailed discussion with Anglian Water, as well as with other asset owners along the proposed route, seeking to secure a crossing agreements with them in due course.

6.10 **Black Sluice IDB**

The Drainage Board have specific requirements in relation to the rate of rainfall runoff, disposal of foul or dirty water, discharge outfalls, access to watercourses, filling in or culverting of watercourses, and site ground levels.

The Board has specified that all cables will be installed to a minimum depth of 2m beneath the hard bed of all ordinary watercourses, plus a 500mm cable clearance from live surfaces (giving a 2.5m total depth of cover), unless in the case of non-internal drainage board maintained ordinary watercourses only, agreement is reached with the relevant Internal Drainage Board, not to be unreasonable withheld, to reduce the installation depth to a minimum of 1m beneath the hard bed level, plus a 500mm cable clearance (giving a 1.5m total depth of cover). The above requirements have been agreed between the Board and the applicant as memorandum of understanding, **a signed copy of which must be provided by the applicant to the planning authority as part of the application.** This will allow the Board and landowners to make improvements, now or at any time in the future, to any watercourse which may be required to ensure flood defence standards. The applicant must also ensure that land drainage systems and flood defence standards are not compromised during construction and following completion of the proposed works.

We are advised by National Grid VL that a Memorandum of Understanding has been signed between NGVL and all affected Internal Drainage Boards. that the cable is to be installed at a minimum depth of 2.5m below the hard bed of the ditch. This approach is to be taken for all significant internal non-IDB maintained ditches ie all ditches of a significant depth. For all non IDB maintained ditches which are relatively shallow, this could potentially be reduced to a minimum depth of 1.5m below the hard bed of the ditch.

6.11 **Witham IDB**

The Board has maintained watercourses along the route of the proposed cable and to which the land drainage act applies. The Board has reached agreement with the applicant in respect of the depth of the cable under ordinary watercourses within the Boards catchment. The applicant must ensure that land drainage systems and flood defence standards are not compromised during construction and on completion of the works, carrying out such repairs or improvements that are necessary having obtained the required consents under the Land Drainage act 1991 and associated byelaw (as amended by the Floods and Water Management Act 2010).

As above, we are advised by National Grid VL that a Memorandum of understanding has been signed between NGVL and all affected Internal Drainage Boards.

6.12 **Welland and Deepings Internal Drainage Board**

The site falls outside their area.

6.13 **Canal and River Trust**

This scheme, as with any scheme close to the waterways, has the potential to cause adverse impacts on the infrastructure in terms of stability, drainage, pollution, etc. land stability is a material planning matter. As referred to in para 120-121 of the NPPF. The proposal requires works near the river Witham, and it will be important to ensure structural integrity is not affected. We therefore request a construction method statement providing details of all construction works in proximity of the River Witham, including details of any drive and reception pits in proximity to the river, and details of the depth of cable blow the river should be secured by condition in order that the extent of the risk of such works can be assessed.

(this request has been included in the informatives below)

6.14 **Cadent Gas**

Have notified the Council that they have a high pressure gas pipeline close to the proposed route of the cable west of East Heckington. Have advised that they require agreement on crossing arrangements when heavy plant has to cross their CP/LHP gas pipelines. **Objection withdrawn.**

6.15 **Natural England**

They comment on the high level of usage of best and most versatile agricultural land (97%) of the scheme – consider this may be an overestimate. They would have liked to see a breakdown of the agricultural land types. They confirm high standards of reinstatement and aftercare will be needed. Due to the fact that the cable is to pass through areas which are subject to agri- environmental agreements, the applicants need to liaise directly with landowners in relation to impacts on higher and entry levels stewardship agreements. – to include financial re-imburement.

(the requirements of landowners has been set out by the NFU in a proposed condition relation to the details required within the Soil Management Plan, which is part of the required Code of Construction practice. This is included in both the proposed Conditions and the Informative).

6.16 **Lincolnshire Wildlife Trust**

Locally designated sites- they are satisfied that the significant ecological impacts are unlikely. They wish to be assured that mitigation measures are secured to avoid any damage to the woodland habitats. They understand that specific issues and appropriate mitigation measures will depend on the ultimate position of the cable route within the limits of deviation and requirements for land drainage. They would wish to be involved in these discussions at a later date.

Protected species- they are generally satisfied that protected species issues have been fully considered and appropriate mitigation put forward

They support the draft CEMP

They welcome the recognition in the Soil Handling document, the recognition of the ecological importance of soils. They support the statement in the CEMP that that the reinstatement of habitats should ensure the functionality and connectivity of the wider landscape is maintained.

They support the reinstatement of hedgerows.

A comprehensive programme of management and monitoring of the mitigation, reinstatement and enhancement should be secured. They would wish to see further detail of the management and monitoring regime.

They are disappointed by the limited at the limited biodiversity enhancements and believe that further effort should be made. – for example support for water voles in this area also required mink control.

They had no further comments to make at the time of the 2nd consultation.

(Two further conditions in relation pre commencement surveys, voles and reduction of mink, proposed by the Councils Ecology consultants ESL, have been added to the proposed conditions)

Response to the comments of Natural England and Lincolnshire Wildlife Trust

ESL Ecological Services was appointed to review the ecological sections of the Environmental Statement, and Supplementary Environmental Information Report on behalf of the affected Local Authorities. They advise that:

“They consider that the assigned zone of influence is appropriate to the potential impacts and that the survey scope and assessment of impacts was thorough and provided the evidence base needed to support determination of the planning application.

The working methods have been designed to minimize impacts on sensitive habitats, and operations will be timed to minimize impacts to protected and notable species. Pre-commencement surveys will be undertaken well in advance of any works and will inform the final mitigation proposals and enable Natural England Licences to be secured where required. Reasonable avoidance method statements will be incorporated into the finalized CEMP to minimize the risk of negative impacts to species and comply with a precautionary approach. The appointment of an ecological clerk of works will ensure that the methods and timings of work as set out in the CEMP will be instigated on the ground. “Draft conditions proposed incorporated below.

6.17 Historic England

They initially raised concerns on heritage grounds, but these were principally in relation to the impact on a site in East Lindsey, and on the approach to archaeological investigation along the full length of the cable route.

With regards to the impact of the converted station, they recommend that it would be helpful to have a combined figure showing the designated heritage assets within the 3km study area around the substation, to better enable BBC to assess how representative the photomontages are. BBC must ensure that it has sufficient information to assess, guided by the advice of the conservation officer, the impact of the appearance of the converter station in such views as considered significant in the Borough. Historic England state that BBC must be able to identify and assess the particular significance of any heritage assets that may be affected and should take this into account when considering the impact of the proposals, in order to minimize conflict. The NPPF makes it clear that sustaining and enhancing the significance of heritage assets is considered desirable and recognize the positive contribution that conservation of heritage assets can make. They also note that non-designated assets can also be important and should be taken into account.

Historic England welcomes an early approach to mitigation. The local heritage advisor should be involved in agreeing all forms of mitigation. The significance of any heritage asset must be identified, and this then taken into account when considering the impact of the proposals. At present they consider that further archaeological investigation is required to fully inform a mitigation strategy approach. They remind the authority of the need to consider listed buildings and conservation areas.

Following the further submission of archaeological information, Historic England advised that while they welcomes the nuanced multi technical approach to archaeological investigation, they would refer BBC to the local specialist at LCC who would be able to assess the adequacy of the data provided. They recommend that the issues and safeguards they have raised in their advice still need to be addressed.

(Proposed planning conditions dealing with the above concerns, have been included in the report below)

- 6.18 **LCC Historic Environment Officer**- in the response to the first consultation in November, the LCC Historic Environment officer advised that the EIA needs to provide sufficient evidence to understand the impact of the proposals on the significance of any heritage assets and their settings as required by para 128 of the NPPF. The documents submitted include desk based assessments of currently known archaeological remains, however, the nature, extent, and significance of the known, as well as potential archaeological deposits has not been assessed in order to determine the appropriate level of mitigation, we need to understand the presence, depth, and significance of any archaeological remains. And the likely impact of the proposals on these heritage assets. Insufficient information is therefore unavailable at present.

The 2nd consultation on the further evidence provided by the applicant states that the earlier comments still stand.

(Proposed planning conditions dealing with the above concerns, have been included in the report below)

- 6.19 **Boston Borough Council Local Plan**
Lists of relevant policies are provided as shown above.
- 6.21 **Police**
No Objection
- 6.22 **Fire and Rescue**
No comment received
- 6.23 **Health and Safety Executive**
Advise that HSE only need to be consulted on the elements where there is to be an increase in the number of people present eg access to the substation, the converter station, or temporary facilities. NGVL have confirmed that prior to construction commencing, they will notify the HSE in line with the Construction (Design and Management) Regulations 2015, should consent be granted.
- 6.24 **PROW**
No objection, however the applicants are required to work with the PROW team at LCC to agree proposals for temporary closures, as soon as possible, as these take a minimum of 12 weeks to process, so that the earliest possible notice is required. They advise progressing the diversion of the PROW at Donington at the earliest.
- 6.25 **Byways and Bridleways Trust**
No comment received.
- 6.26 **Ramblers**
No comment received
- 6.27 **Anglers Association**
No comment received

6.28 **British Horse Society**

No comment received

6.29 **RSPB**

No comment received

6.30 **Network Rail** – The applicant is in discussion with the Railway Asset Protection Team. We therefore have no objections to these proposals on grounds of operational railway safety, subject to the continuation of these discussions and the applicant entering into the necessary Asset Protection Agreements once further engineering detail has become available, prior to commencing on site.

7.0 PLANNING ISSUES AND DISCUSSION

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

- Principle of development and planning policy
- Appropriateness of the development within a countryside location
- Design of the proposed converter station
- Landscape and visual amenity
- Ecology
- Archaeology and cultural heritage
- Traffic and transport
- Agriculture and soils
- Socio-economics and tourism
- Noise and vibration
- Water and hydrology
- Geology and hydrogeology
- Agriculture and soils
- Cumulative effects

Principle of Development and Planning Policy

7.2 A number of specialist studies have demonstrated the need for, and benefits of, increasing interconnection capacity between the United Kingdom and Europe, in particular as a means for addressing energy security, sustainability and affordability. The UK currently has four interconnectors to neighbouring countries which provide 4 gigawatts (GW) of interconnection capacity. Additional interconnectors are proposed that would double interconnection capacity to the equivalent of approximately 10% of the total existing electricity generated in the UK (based on 2014) figures. Viking Link would make an important contribution to the UK's interconnection capacity, increasing it by 1,400MW and providing enough electricity to power over a million homes.

7.3 The UK Government recognizes the important role interconnectors play in achieving Great Britain's energy, security, affordability and de-carbonisation objectives. It is recognized that in order to have a competitive, sustainable and secure energy supply, there is a need to invest in new infrastructure and diversify the way in which the energy market operates.

- 7.4 Planning permission for the UK onshore scheme is being sought under the Town and Country Planning Act 1990. The following applications have been made:
- To East Lindsey District Council – for the installation of approximately 51.6 km of proposed DC cable route and associated temporary works.
 - Boston Borough Council for the installation of approximately 9.78km of proposed DC cable route, approximately 1.13 km of proposed AC cable route, and associated temporary works.
 - To North Kesteven District Council for the installation of approximately 4.8 km of proposed DC cable route, and associated works
 - To South Holland for the proposed converter station, 2.8 km long permanent access road approximately 0.98 km of proposed DC cable route, approximately 1.21km of proposed AC cable route, and all associated temporary works.

- 7.5 National Policy Statement (NPS) overarching national Policy Statement for Energy (EN-1) Although this strictly applies to nationally significant Infrastructure projects via Development Consent Order regime rather than to planning applications, EN-1 recognises that the NPS is likely to be a material consideration in decision making in planning applications.

The NPS provides support for interconnector projects as follows:

Para 3.3.12 of EN-1: overarching national Policy statement for Energy notes that it is critical that the UK continues to have secure and reliable supplies of electricity as we make the transition to low carbon economy. The NPS further notes that “*existing transmission and distribution networks will have to evolve and adapt in various ways to handle increases in demand.*”

The National Policy Statement for Electricity Networks Infrastructure (EN-5)

This highlights that the new electricity generating infrastructure that the UK needs in order to move to a low carbon economy, while maintaining security of supply, will be heavily dependent on the availability of a fit for purpose and robust electricity network. That network will need to be able to support a more complex system of supply and demand and cope with generation occurring in locations of greater diversity.

Section 4.4 of EN-1 includes the following on design:

“The visual appearance of a building is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object – be it a building or other type of infrastructure – including fitness for purpose and sustainability, is equally important applying good design to energy projects should produce sustainable infrastructure sensitive to place, efficient in use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetics as far as possible.”

7.6 National Planning Policy Framework

The NPPF (2012) demonstrates a commitment to sustainable growth through a balance of development in appropriate places. The 3no dimensions of sustainable development are the roles of economics, social and environment which are to be balanced. The NPPF is purposely positive, opportunity focused and pro-growth, and seeks to facilitate development, where the environmental impacts are acceptable, and there are social benefits. Para 17 states that Planning should proactively drive and support economic development, support the transition to a low carbon future, and contribute to conserving and enhancing the natural environment, reducing pollution, meeting the challenges of climate change.

The economic, environmental and social impacts of the application’s proposals are considered within this report.

7.7 Boston Borough Council Local Plan

The Local Plan was adopted in April 1999, and a large number of the Policies within the plan were agreed to be “saved” beyond 27 September 2007. While a new Plan is in preparation, it is not currently used for development management purposes. The relevant policies of the Local Plan are noted in each of the material considerations sections below.

7.8 Appropriateness of the development within a countryside location

The central theme of the Local Plan is to promote and encourage new development in the Borough, provided it can be accommodated without harming the area’s environment and character.

Local Plan Policy CO1 states that the Council wishes to conserve the character of the countryside and protect the best and most versatile agricultural land. Development will not be supported in the countryside unless it is supported by other Local Plan policies.

Policy ED11 supports the granting of planning permission for development that will provide a renewable energy source where it will not significantly harm the character of the area, will not generate levels of traffic, noise or other pollution or harm the local environment, and will not adversely affect The Wash SSSI or sites of Local Nature Conservation interest.

The application is to provide a new source of energy supply for the UK, we understand from renewable and other sources. Overall it will assist in widening the potential sources of electricity for the UK, and indeed facilitate the ability of the UK to also export its excess electricity production from renewable and other sources.

The UK Onshore scheme, by its very nature, requires a countryside location. The delivery of the proposed new DC and AC underground cabling and associated above ground infrastructure, require sufficient open and accessible land that would not be possible or practical in a more urban location. The scheme is one of linear infrastructure, requiring continuous area of open land of sufficient length and generally of a width between 30-50 meters, as explained in the description of the project.

It is also the case that open countryside land does not offer the same prohibitive construction costs that would undoubtedly apply in a more urban location. Following a basic sequential approach to the development, there is no reasonable alternative to delivering the scheme in a non-countryside location, noting that the preferred point of connecting is an existing substation in a rural environment.

Due to the fact that the application site is in a countryside location, in turn it largely avoids impacts on existing built development within and around settlements, and indeed in the countryside, where the line has been routed to avoid, where possible, impacts on settlements and other key environmental concerns. Following restoration, there will be no adverse impacts on the local economy, with the opportunity for enhancement through direct and indirect employment through the construction phase of the development.

Due to the fact that the vast majority of the scheme within Boston Borough is underground, the permanent impacts (from a land-use planning perspective) are by their nature more limited, with large scale restoration of the land following the construction phase. Other than discrete marker posts, there will be no significant visible evidence of the DC/AC cable route following construction and restoration, thereby maintaining the open character of the countryside.

7.9 Landscape and visual amenity

The NPPF outlines 12 core principles, one of which is to contribute to conserving and enhancing the natural environment. This is of relevance to landscape visual considerations as it sets out the requirement to protect and enhance valued landscapes

The Boston Local Plan contains the following relevant saved policies:

- G1 – Amenity – protection against development that would substantially harm the amenity of nearby land-users or residents, or the broader character of the area.
- G2 – Wildlife and landscape resources – this provides protection against development would have a significant adverse impact on existing landscape
- G10 – External lighting schemes should not substantially harm the character of the area
- C8 – Stump views should not be compromised.

The section of the overall route running through Boston District, is not located within any designated landscape nor an area of high landscape value. The local landscape character is fenland, with its distinctive flat, open low lying appearance, largely in use for intensive agriculture, with sparse tree cover. This is generally a geometric manmade landscape, with the larger drains and ditches key features of the locality such as the North Forty Foot Drain, and South Forty Foot Drain. The area also contains a wind farm and substantial existing electrical equipment at Bicker Fen sub-station. There are distant views of the Boston Stump.

Over the section of the route within Boston District between the River Witham and the proposed converter station, the environmental statement advises that due to the length of this section of the route some 9.8kms, and the high number of trenchless crossing (22) required, there would be a medium level of change experienced during the course of the works. Distant views of the Boston Stump are not considered to be materially affected.

In terms of residual affects it is considered that following completion of construction and site restoration, there is anticipated to be little if any, change in the overall impression of the character of the area, and as such the level of residual effect is considered to be negligible and not significant.

In view of the above, it is considered that National and Local Planning Policy are complied with.

7.10 Ecology

The NPPF paras 109-125 identifies the importance that the Government places on development enhancing the natural environment by protecting and enhancing valued landscapes, geological conservation interests and soils. It recognises the wider benefits of ecosystems beyond their inherent value to wildlife. The NPPF emphasises the hierarchy of designations, the mitigation hierarchy and the principle that new development should result in no net loss of biodiversity.

The adopted Boston Local Plan has the following saved policies which are relevant to consideration of the ecological aspects of this application.

- Policy R5 Witham Way footpath and nature reserve- development will not be permitted which may prejudice the establishment and recreational value of the Witham Way footpath
- Policy G2 – Protection of wildlife and landscape resources,
- Policy G4 – Safeguarding the water environment
- Policy C17 – Development which adversely affects the sites of local nature conservation, will only be permitted where they could not feasibly be sites in a less sensitive location, or there are public benefits which outweigh their adverse impact

Baseline – there are no internationally designated sites present within 10km, and no nationally designated sites are present within 2km of the base scheme through Boston District. Seven non-statutory designations are present within 1km of the base scheme design.

Much of the proposed DC cable route is dominated by intensive arable farmland dissected by drains of varying sizes which are heavily managed. Small areas of semi-natural broadleaved woodland and broadleaved plantation woodland are present. Several watercourses are crossed varying from significant drains to individual field ditches.

To minimize potentially adverse impacts on ecological receptors, embedded mitigation such as the legal compliance for construction work activities in proximity to known protected species or habitat suitable for their refuge. This includes “Reasonable Avoidance Measures” (RAMs) for reptiles, pre construction surveys, phased vegetation strimming and setting exclusion zones where relevant. In some instances licenses for the disturbance of species may be required and in these instances works will be carried out in accordance with the licences.

Further to these measures in some more sensitive locations such as at the River Witham, where aggregations of wintering birds are likely to be present, screening will be erected around construction works.

Following implementation of the mitigation there are anticipated to be no significant impacts on ecological receptors from the construction or operation of the proposed DC cable and AC cable routes.

In view of the above, and with the inclusion of the proposed ecological conditions proposed, it is considered that the application proposals comply with National and Local Policy, in that it will not lead to the loss of, or significant harm to important habitats, and mitigation will be secured through appropriate mitigation measures.

7.11 Archaeology and Heritage

The NPPF section 12 provides national policy in relation to the conservation of the Historic Environment- the desirability of sustaining and enhancing heritage assets, the wider socio- cultural benefits that conservation can bring, and desirability of development making a positive contribution to local character and distinctiveness.

The Planning (Listed Buildings and Conservation Areas) Act 1990 applies special protection to buildings of special architectural and historic interest.

It was considered that the heritage and conservation policies in the original adopted Boston Local Plan, were in effect the same as the policies of the NPPF and national conservation legislation, and for this reason were not saved.

Route selection of the proposed DC cable route has been done in such a way as to avoid all designated receptors. Temporary impacts to the setting of receptors within the vicinity of the proposed DC cable route will be mitigated through the adoption of good construction practices such as dust management, traffic management and pollution prevention measures as identified within the CEMP. Furthermore a four-tiered approach to mitigation will be implemented to mitigate longer term impacts. These include: archaeological watching brief, trial trenching, strip, map and sample and detailed archaeological investigation. These will all be outlined within the written scheme of investigation, and provide a means for preservation by record for any items found of archaeological value during construction.

Overall, taking account of the proposed mitigation, the majority of the heritage receptors will experience negligible or minor adverse effects (not significant). The prehistoric crop markings at North Ing Drive close to the Bicker Sub-station, are predicted to experience moderate adverse effects.

A number of heritage and conservation related conditions are proposed below.

In view of the above, it is considered that national conservation and heritage policy has been complied with by the proposals.

7.12 Traffic and Transport

The NPPF (2012) para 32 indicates that developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are “severe”.

At a local level, relevant saved Policies in the Boston Local Plan are:

- Policy G1 amenity – development not substantially harm the amenities of other land users, including by traffic generation
- Policy G6 – which advises that planning permission should not be granted where pedestrian or vehicular access is unsuitable.
- Policies T1 and T2 – both relate to new accesses within and around the town of Boston – the proposed route is outside the town in the countryside.

Baseline traffic conditions were established using automatic traffic counts positioned at 100 agreed locations throughout Lincolnshire to collect base traffic flows and key roads in the area surrounding the proposed DC cable route.

Due to the remote nature of monitoring the proposed DC cable route, there are no anticipated impacts from the operation of the DC cable. The greatest potential for impacts during construction is from the increased number of HGVs on the local road network.

A Construction Traffic Management Plan will be implemented to provide mitigation for HGV movements that occur during construction. This will reduce impacts as far as practically possible. This will include the routing of movements to avoid sensitive areas (use of A and B roads only where possible), the use of banksmen when entering /exiting works areas, traffic signalling to ensure continued traffic movements and the implementation of speed limits for construction traffic to reduce the potential for incidents.

The criteria adopted during the development of the scheme includes the avoidance, where possible, of settlements, thus reducing impacts on local communities. Traffic routes and access points have been fully assessed for the construction phase in order to identify the most appropriate locations from a highway safety and amenity perspective, and avoid the use of routes that would cause significant impact on local communities and the environment.

Public Consultation issues:

Bicker Parish Council and residents have advised of considerable concern in relation to the potential serious impact that the use of local roads would have on the village. National Grid VL have confirmed in their Environmental Statement Ch 17, that the proposed permanent access road to the A52 will be constructed first, and thereafter used during construction. The submitted Construction Traffic Management Plan also shows the proposed HGV access routes which will avoid Bicker village. This has also been confirmed separately in writing by National Grid Viking Link.

It would only be during a short period for the construction of the Hammond Beck crossing, as part of the development of the permanent access road, to the converter station, which could result in a small level of traffic utilizing the immediate highway network for a short period. Once the permanent access road is available, all of the construction traffic will use it.

The planning application is accompanied by a draft CTMP (construction traffic management plan) and CEMP (construction environmental management plan) which include mitigation identified in the Environmental Statement and contain measures to ensure compliance with relevant standards and legislation.

In view of the above, with the relevant conditions in place, it is considered that the proposed development complies with the requirements of all national and local level policy, and that the scheme will not lead to significant impact on local communities and the environment.

7.13 Agriculture and Soils

The NPPF paragraphs 111 and 112 promotes the sustainable management of soils and agricultural land, while para 109 states that development should consider the wider benefits the environment provides, and should protect soils from pollution.

Boston Local Plan saved policy G8 states that planning permission will not be granted for development which would have an adverse effect on the quality of air or soil.

The underground cabling works would result in the temporary loss of approximately 198.6ha of land, across the four districts, 74% of which is “best and most versatile” (BMV) agricultural land. Following completion of these works all agricultural land would be returned to its former state, therefore there would be no permanent effect on agricultural land as a result of the underground cabling. During site selection, consideration was given to agricultural land and avoiding areas of BMV if possible, whilst taking into account other considerations. However, given the prevalence of BMV agricultural land, this was very generally difficult.

Consultation responses:

Numerous landowners and their agents have advised of their concern in relation both to the proposed depth of the cabling, and the potential for long term damage to both the drainage and fertility of the soils affected.

National Grid VL have advised concerned parties that the process of land acquiring and landowners agreement is separate from planning approval, and these separate channels will need to be followed by both National Grid and the landowners and their agents in relation to these matters for the approval of additional permits and consents, outside the planning process.

National Grid VL advise, being fully mindful of the importance of both drainage and agricultural re-instatement in the region- they would be happy to work with NFU and LAAV and BBC in the wording of an appropriate condition in this regard.

To this end NFU have submitted wording of their proposed condition which details what information will be required to be provided as part of the Code of Construction Practice, which is one of the proposed conditions to be placed on this development in relation to soil drainage and aftercare, should consent be granted.

In response to landowners’ concerns as to cable depth- NGVL have recently advised the Council that it is now their intention that cables will generally be laid so as to avoid continued interference with normal agricultural operations as far as reasonably practicable. The cables shall be laid to contour with a depth of cover of not less than 1.2m from the original surface to the top of the protective tile above the cables, except where necessary for good engineering reasons and with the agreement of the land downer/and/or occupier such agreement is not to be unreasonably withheld or delayed.

The proposed condition of the NFU in relation to cables, drainage and soil aftercare is included in the report below as part of the requirements for the Soil Management Plan.

On balance, subject to the imposition of the enclosed conditions, it is considered that this part of the scheme is considered to respect the wider aims of the policy objectives as set out in the NPPF and NPPG, particularly in respect of the loss versus overall supply, and when considered in the wider planning balance with regard to the normal imperative of delivering new electricity infrastructure, and as such has addressed the comments of Natural England.

7.14 **Socio-economics and tourism**

The NPPF seeks to support a prosperous rural economy and support sustainable rural tourism that benefits rural areas, communities and visitors, and which respects the character of the countryside.

The Boston Local Plan saved Policy CO1 states that development in the countryside will not be permitted unless it is supported by other Local Plan Policies. The plan makes allowance for development which benefits economic activity, or which meets particular social needs, whilst maintaining or enhancing the environment.

It is considered that there will be no significant detrimental impacts in terms of socio-economics as a result of the development. There is potential for beneficial effects during construction through the use of local services, accommodation, shops etc. by the construction workforce alongside the use of local suppliers for materials, plant, machinery etc.

The effects on tourism are considered temporary during the construction of the proposed DC cable route in Boston Borough. National Grid Viking Link acknowledges the importance of tourism to the local economy in this regions, particularly at the coast, and as such they will continue in their dialogue with the LPA in order to minimize disruption. The project interacts with a number of public rights of way due to its linear nature, and subject to permission being granted, National Grid Viking Link recognizes that temporary diversions will be required during the construction phase, principally for health and safety.

In view of the above it is considered that the application proposals meet the requirements of national and local policy in relation to socio-economics and tourism.

7.15 **Noise and Vibration**

The NPPF para 123, the Noise Policy Statement for England, and the Planning Practice Guidance on Noise, provide national guidance on noise matters.

The Noise Policy Vision is to promote good health and a good quality of life through the effective management of noise. Para 123 of the NPPF states that planning policies and decisions should aim to avoid development from creating significant noise impacts.

At a local level Boston Borough relies on National Noise policy guidance.

While there will be noise generated during the construction phase of the development, the project is committed to the implementation of noise mitigation consistent with Best Practicable Means (BPM) which is recognized as best practice, and is considered to reduce noise as a far as is reasonably practicable. The applicant has undertaken a comprehensive assessment of potential noise impacts and has concluded that the noise generated by the development during construction would not result in detrimental impact or harm to residential amenity. Impacts during construction such as noise and air quality can be controlled via planning conditions which will secure a detailed Construction Environmental Management Plan (CEMP). To avoid or limit the adverse impacts, noise mitigation measures will be incorporated within, and implemented through a CEMP based on BPM, which is submitted with the planning application.

The relevant National and Local Policies seek to protect the general amenities of people living nearby to new development through the consideration of relevant amenity criteria including noise and disturbance. The proposal has where possible, through its siting and design, and layout, sought to prevent or reduce any detrimental impact on residential amenity and other sensitive receptors. To avoid or limit the adverse impacts during construction, noise mitigation measures will be incorporated within, and implemented through the CEMP, a draft of which has been submitted with the application. This will be secured through planning conditions.

In view of the above, and subject to the relevant conditions, the application proposals are considered to meet national noise and vibration policy requirements, including the Control of Pollution Act 1974 S61 prior Consent Notice.

7.16 Water and Hydrology

The NPPF para 99 and 108 outline the development requirements in terms of flood risk, water quality and resources and the impact of climate change, stipulating that a flood risk assessment is required for all development proposals for new developments within flood zones 2 and 3, and for proposals of a scale of 1ha or above in Flood Zone 1.

Relevant saved Boston Local Plan Policies are as follows:

- Policy G4 – planning permission will not be granted for developments which will have an adverse effect on the water environment, or the quality of surface or groundwater
- Policy G5 – planning permission will not be granted for development which weakens the effectiveness of land drainage systems or river or sea defences, unless mitigating measures are undertaken as part of the development

Due to the linear nature of the scheme the DC and AC cable routes will involve a high number of watercourse and drain crossings. Trenchless and non-trenchless crossing techniques have been set out in the ES and the applicant has committed to trenchless crossing techniques for main rivers, chalk streams, and major drain crossings. Subject to dialogue with the relevant bodies, necessary consents will be obtained and the appropriate techniques applied.

Water management measures are to be put in place during the construction of the DC and AC cables to control surface water run-off and ground water discharge. Pre and post construction land drainage will be put in place to maintain the integrity of the existing land drainage systems.

In view of the above, subject incorporated conditions, to the signing of an agreement with the Environment Agency and the removal of their objection, it is considered that the application proposals meets the requirements of national and local policy.

7.17 Geology and Hydrogeology

The NPPF paras 109 and 110 state that the planning system should contribute and enhance the natural and local environment by:

- preventing both new and existing development from contributing to, or being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate
- Para 120 advises that where a site is affected by contamination or stability issues, it is the responsibility of the developer or landowner to secure a safe environment.

At a local level, saved Boston Local Plan policies of relevance are as follows:

- G4 – planning permission will not be granted for developments which will have an adverse effect on the water environment or the quality of surface or groundwater
- G8 – planning permission will not be granted for developments which will have an adverse effect on the quality of the air or soil.

The DC and AC cable routes have avoided mineral safeguarding areas and known areas of contaminated land in the development of the scheme. Ground investigation surveys have been undertaken to establish a high level understanding of the underlying geology and ground conditions along the proposed cable route and converter station to inform the scheme design.

In view of the above, and subject to the relevant proposed conditions, it is considered that the application proposals are in compliance with national and local policy.

7.18 Cumulative effects

A cumulative impact assessment has been undertaken in order to consider potential impacts from the combined environmental impacts of the different components of the project (i.e. the UK offshore scheme and the UK onshore scheme, or the proposed DC cable route with the proposed converter station, and the UK onshore scheme in combination with other projects). These are referred to as intra- project and inter-project effects. Officers consider that the cumulative effects have been appropriately considered.

7.19 Other determining factors

Consideration has been given to electric and magnetic field (EMFs) produced by the onshore high voltage DC bipole cables (proposed onshore elements of the project). The DC cables will operate in a bipole arrangement at +525kV carrying 1400 megawatts of power.

All equipment that generates, distributes or uses electricity produces EMFs. The power frequency of alternating current equipment in the UK is 50 Hz, and AC equipment will produce electric and magnetic fields with a principal frequency of 50Hz/These EMFs are known as extremely low frequency EMFs. DC equipment produces static electric and magnetic fields and these are referred to as static fields. All static and alternating fields can have different effects, but in both cases, there are exposure limits set by independent organizations designed to prevent all established effects of EMFs on people.

The project uses both AC and DC technology, so both static and alternating electric and magnetic fields will be produced. The new Converter station will be designed to ensure that it is compliant with the International Commission on Non-ionising Radiation Protection public exposure guidelines from EMFs outside the boundary fence. It has been demonstrated that the DC cables would be compliant with exposure limits so there will be no significant EMF effects resulting from the project.

7.20 **Human Rights Act 1998 and Equality Act 2010 –**

In line with this legislation, the Council has considered the effect of the proposals on individuals and businesses has been considered in preparing this report.

7.21 **Conclusion**

The importance of the project as essential national and European infrastructure which is in the public interest along with the locational requirements of the type and scale of the development proposed, remain material considerations which weigh in favour of the proposed development.

The submitted EIA has identified and assessed the likely significant effects which would result from its construction and operation. Through careful siting and routing as well as embedding mitigation within the scheme base design, and the provision of further mitigation where possible and appropriate, it is considered that a number of potentially significant environmental effects have been prevented or reduced. However, given the scale of the scheme, a small number of significant environmental effects are unavoidable and as such will remain following mitigation-these relate to the above-ground development of the converter station and permanent road, both of which are within South Holland District.

The majority of significant environmental effects will occur during the construction of the scheme, and whilst significant, they will generally be temporary, lasting for the duration of the construction works only.

Having regard to the clear need and national policy support for the proposed development and local level policy compliance, and the balancing of the weight to be afforded to identified material planning considerations, alongside the mitigation measures proposed, it is considered that the proposed development is policy compliant, and that there are no material planning considerations in place which would override this position.

8.0 RECOMMENDATION

- 8.1 It is recommended that the application be Approved subject to those Conditions and Informatives listed at Section 9.0 of this report, subject to allowing officers under delegated authority to revisit condition wording, in conjunction with the other 3 Local Planning Authorities once the outcomes of the applications submitted to North Kesteven DC, East Lindsey DC and South Holland are known, and the holding objection of the Environment Agency is withdrawn.

9.0 CONDITIONS

1. **Timescale** – The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. **Approved Plans** – The development hereby permitted shall be carried out in accordance with the following approved plans:

Environmental Statement and Appendices; Submitted Drawings (full list to be included on decision notice); VKL-08-39-G500-010 Flood Risk Assessment; and other supporting documents (full list to be included on decision notice).

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **Code Of Construction Practice** – No stage of onshore works may be commenced until for that stage, a code of construction practice, in accordance with the outline code of construction practice, and based on the submitted Environmental Statement, has, after consultation, with the Environment Agency, been submitted to and approved by the relevant Local Planning Authority. The code of construction practice must include:

- (1) a construction method statement including details of management of Public rights of way and methods (trenchless and non-trenchless techniques for the crossing of watercourses. (main river crossings to be undertaken using trenchless techniques only.
- (2) A health and safety plan
- (3) A noise and vibration management plan
- (4) A soil management plan
- (5) An artificial light emissions plan
- (6) A site waste management plan
- (7) A pollution prevention and emergency incident response plan
- (8) And a communications plan

The code of construction practice must be implemented as approved.

Reason: As required by National Planning Policy Framework section 11 and National Environmental Protection Legislation and Guidance, and saved Policy G1 of the Boston Local Plan.

4. **CEMP** – Except for Permitted Preliminary Works, the commencement of the underground cable installation shall not take place until there has been submitted to, approved in writing by, and deposited with the Council, a Construction Environmental Management Plan. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work including from piling and associated traffic movements, from both inside and outside the Site boundary, will be controlled and mitigated. (All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228: 2009 +A J: 2014: Code of practice for noise and vibration control on construction and open sites - Part 1 - Noise, Part 2 – Vibration.) The construction of the specified phase of the Development shall be completed in accordance with the approved Plans unless otherwise agreed in writing by the Council.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development.

This Condition is imposed in accordance with the National Planning Policy Guidance and National Environmental Protection Legislation and Guidance.

5. **Unexpected Contamination** – If during any stage of the authorized development, contamination not previously identified is found to be present within the construction limits, no further development in the vicinity of the contamination may be carried out until a written scheme to deal with the associated risks has been submitted to and approved by the relevant planning authority after consultation with the environment agency.

The scheme must include an investigation and assessment report, prepared by a specialist consultant notified in advance to the relevant Planning Authority. The purpose of which is to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long term measures with respect to any contaminants remaining on site.

No remedial work identified may be carried out until the scheme is approved.

The scheme and management plan must be implemented as approved

Reason: In compliance with National Environmental Protection Legislation and Guidance and saved Policy G1 of the Boston Local Plan 1999.

6. **Highways** – Prior to the commencement of any other engineering operations within the parts of the permitted development that will be accessed from the A17 Swineshead Bridge and East Hecklington, the A17 shall be improved by the construction of a ghost island right turn lane, the engineering details of which shall first be submitted to, and approved in writing by the Local Planning Authority. The highway improvement works referred to in this condition are required to be carried out by means of a legal agreement between the County Council as Highway Authority, the developer and the landowner

Reason: In the interests of providing safe and adequate access for the construction of the permitted development and to ensure the safety of the users of the public highway.

This Condition is imposed in accordance with saved Policies G1 and G6 of the Boston Local Plan 1999.

7. **CTMP** – Except for Permitted Preliminary Works the commencement of the underground cable installation shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a Construction Traffic Management Plan (CTMP) and Access Route which incorporates adequate provision for addressing any abnormal wear and tear to the highway has been submitted to, approved in writing by and deposited with, the Council. The Construction Traffic Management Plan shall include proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure that no other local roads are used by construction traffic. The underground cable installation shall be completed in accordance with the approved Plan unless otherwise agreed in writing by the Council.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development. This Condition is imposed in accordance with Policies G1 and G6 of the Boston Local Plan 1999.

8. **Hours for Construction Operations** – No construction work associated with the Development shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 0700 - 1900

Saturday 0700 - 1700

Unless such work –

is associated with an emergency ; or

(a) is carried out with the prior written approval of the Council; or

(c) does not cause existing ambient background noise levels to be exceeded.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development. This Condition is imposed in accordance with National Environmental Policy and Regulations and saved Policy G1 of the Boston Local Plan 1999.

9. **Hours for Piling Operations** – No impact piling approved under the Plan approved pursuant to Condition (14) shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 09.00 - 18.00

Saturday 09.00 - 13.00

Unless such work -

(a) Is associated with an emergency; or

(b) is carried out with the prior written approval of the Council.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development.

This Condition is imposed in accordance with National Environmental Policy and Regulations and Policy G1 of the saved Boston Local Plan 1999.

10. **Hours of Working for Commercial Vehicles** – No heavy commercial vehicles associated with the construction of the Development shall enter or leave the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 0700 - 1900
Saturday 0800 - 1600

Unless such movement:

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development and to reduce the number of traffic movements for the safety of other road users and pedestrians.

This Condition is imposed in accordance with National Environmental Policy and Regulations and Policy G1 of the Saved Boston Local Plan 1999.

11. **Breach of time limits** – In any instance where a time limitation referred to in Conditions (8), (9) and (10) is not adhered to, the applicant shall as soon as practicable notify the Council and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed.

Reason: For the effective management of the site works, and in accordance with the saved Policy G1 of the Boston Local Plan 1999.

12. **Noise monitoring:** The commissioning of each phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a programme based on the Environmental Statement for the monitoring and control of noise generated by the normal commercial operation of the specified phase of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with BS 4142 2014 and the maximum permissible levels of noise at each such monitoring location. At such measurement locations noise levels shall not exceed the levels specified in the approved programme, except in an emergency or with the prior written approval of the Council.

Reason: In accordance with Boston Local Plan saved Policy G1 Amenity.

13. **Point of Contact** – A point of contact will be provided by the applicant to local residents and Local business for any queries or complaints relating to noise generated by the construction and/or operation of the Development. If a local resident or local business complains direct to the applicant or the applicant has been notified in writing by the Council of any complaint about noise generated by the construction and/or operation of the Development the applicant shall carry out investigations to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant, copied to the Council, shall be made as soon as reasonably practicable following the investigation and/or remedial work. The applicant shall keep all such reports in an appropriate file and such file shall be made available to the Council on request.

Reason: To ensure that any complaints on the grounds of noise are properly dealt with so as to reduce the impact of the Development on local residents.

This Condition is imposed in accordance with saved Policy G1 of the Boston Local Plan 1999.

14. **Prevention Of Contamination To Watercourses** – Except for the Permitted Preliminary Works, the commencement of each phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency, a scheme showing the method and working of drainage facilities, including foul water drainage on the Site associated with the specified phase of the Development. Such facilities shall be put in place in accordance with the approved scheme.
The specified phase of the Development shall be completed in accordance with the approved scheme unless otherwise agreed in writing by the Council.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built.

15. **Prevention of Contamination to Watercourses (2)** – The scheme referred to in Condition (14) shall include:

- (i) measures to ensure that no leachate or any contaminated surface water from the Site associated with the specified phase of the Development shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
- (ii) provision to ensure that all existing drainage systems continue to operate and that riparian owners upstream and downstream of the Site associated with the specified phase of the Development are not adversely affected;
- (iii) provision for trapped gullies in car parks, hardstandings and roadways;
- (iv) measures to ensure that all foul sewage drains to an approved foul sewerage and/or sewage disposal system;
- (v) provisions to distinguish between temporary and permanent parts of the works; and
- (vi) provision to ensure that there is no discharge of water from the Site associated with the specified phase of the Development until such a time as the permanent surface water drainage system is operational with provisions to contain any run-off from the Site associated with the specified phase of the Development.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built.

16. **Prevention of Contamination by Hydrocarbons** – Any surface water contaminated by hydrocarbons which are used during the construction of the Development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.

Reason: To ensure proper drainage of the site and that proper containment facilities are built.

17. **Prevention of Contamination BT Hydrocarbons** – All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.

Reason: To ensure that proper containment facilities are built.

18. Any storage facility to which Conditions (16) or (17) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.

Reason: In compliance with saved Policy G1 of the Boston Local Plan 1999.

19. **Replacement of Landscaping** – The replacement landscaping and planting, including grass sowing, shall take place in accordance with the scheme referred to in Condition (20) and no later than the appropriate planting or sowing season following the completion of the construction of the specified phase of the Development, unless otherwise agreed in writing by the Council. Any trees or shrubs, including hedges, which die, become seriously damaged or diseased or are removed within five years from the date of planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Council.

Reason: In compliance with Policy G1 of the saved Boston Local Plan 1999. This Condition is imposed in accordance with Policy NPPF Section 7 and Boston Local Plan Policy G1.

20. **Landscape Works** – The scheme referred to in Condition (19) shall deal with the treatment of any environmentally sensitive areas their aftercare and maintenance as well as the general provision of screening, shrub and tree planting and grassed areas and means of integrating the Development with the surrounding landscape and shall include details of the following matters:

- (i) planting (which should be mainly of locally native species, ideally with a local provenance);
- (ii) management of existing and new planted areas including protection of existing planting during construction;
- (iii) restoration of areas affected by construction works;
- (iv) details of grass seed mix for areas of the Site to be restored to grassland;
- (v) details of the height, type, size and species of the shrubs and trees to be planted;
- (vi) details of the measures to be taken to create new flora and fauna habitats and of the management of such new habitats including the Sustainable Urban Drainage Water feature.

Reason: To ensure proper landscaping for the Development. This Condition is imposed in accordance with NPPD section 7.

21. **Flood Risk Assessment** – The construction of the Development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), undertaken dated, especially the following mitigation measures detailed in the FRA:

The mitigation measures shall be fully implemented prior to occupation and the Company shall confirm completion of the approved scheme in writing to the Council and the Environment Agency within one month thereafter.

Reason: To reduce the risk of flooding to the Development and future occupants.

This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

22. **Surface Water Drainage Scheme** - The commencement of the Development shall not take place until a surface water drainage scheme for the Site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the Development, has been submitted to and approved in writing by the Council. The scheme shall be implemented in accordance with the approved details prior to the commissioning of the Development unless otherwise agreed in writing by the Council.

Reason: To ensure there is no increase in the risk of flooding, both at the Site and to third parties, as result of the Development.

This Condition is imposed in accordance with Policies SG11 and SG12 of the South Holland Local Plan 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

23. **Removal of Redundant Buildings and Structures** – Within 6 months of the Development ceasing to be used for the purposes of electricity transmission the Company shall submit to the Council, for approval in writing, a scheme for the demolition and removal of redundant buildings and structures from the Site and the restoration of the Site and unless otherwise agreed in writing by the Council shall thereafter implement the approved scheme.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity transmission.

24. **Removal of Redundant Buildings And Structures (2)**

The scheme referred to in Condition (23) shall include:

- (i) details of all structures and buildings which are to be demolished;
- (ii) details of the means of removal of materials resulting from the demolition;
- (iii) the phasing of the demolition and removal;
- (iv) the means of de-contaminating the Site;
- (v) the means of removal of any contaminated material;
- (vi) the phasing of the de-contamination works; (vii) details of the restoration works; and
- (viii) the phasing of the restoration works.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity transmission.

25. **Scheme of Archaeological Investigation** - 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:

1. Detailing sites and areas which will be subject to a programme of investigation
2. The techniques to be employed and how recorded
3. How these works will be managed within the overall context of the development
4. The sequence of the investigations
5. Timetabling of each stage to be agreed with each local authority
6. Where finds are made- An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
7. Provision for site analysis
8. Provision for publication and dissemination of analysis and records
9. Provision for archive deposition
10. Nomination of a competent person/organization 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 12 of the National Planning Policy Framework, 2012. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

26. **Notice of Archaeological Work** – The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 32 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 12 of the National Planning Policy Framework, 2012.

27. **Final Historical Record Report** – A copy of the final report required in connection with Condition 25 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 12 of the National Planning Policy Framework, 2012.

28. **Ecological Pre Commencement Surveys** – must be undertaken prior to commencement of each section of the works, to supplement and update the existing baseline and include detailed botanical surveys and water vole assessments at the locations of culverted crossing points of wet drains.

Reason: In compliance with NPPF section 11.

29. **Mink Control** – prior to commencement, the applicant must submit a programme for mink control for the written approval of the LPA. Works to then be implemented as approved.

Reason: In compliance with NPPF section 11.

INFORMATIVES

- (1) **Highways** - The details submitted for this proposed development include the post construction removal of the infrastructure required to facilitate the installation of the cable. The proposed development includes the creation of two high quality accesses, to the north and to the south of the A17 between Swineshead Bridge and East Hecklington. There has for some years been a seasonal problem with agricultural vehicles getting to the crops from the adjacent fields safely on and off the A17 in this area .The Highway Authority therefore requested that consideration be given to exemption the A17 access from the requirement to remove all temporary construction infrastructure if it is concluded that the retention of this specific element of the works could improve longer term highway safety
- (2) **Artificial lighting** - The use of columns for artificial lighting shall not exceed the obtrusive light limitations of sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Obtrusive Light: GNO1 2011", nor shall such lighting be arranged so that danger or inconvenience is caused to users of the nearby public highways)
- (3) **Canal and River Trust** - The applicant is reminded of the need for agreement with the Canal and River Trust for consent to cross the waterway.
The developer will also need to abide by the Trusts "Code of practice for works affecting Canal and River Trust"
The applicant/developer is advised to contact the Canal and River Trust Works engineering team on 0303 0404040 in order to ensure that any necessary consents are obtained, and that the works comply with the Trusts Code of practice for works affecting the Canal and River Trust.
- (4) **Ordinary watercourses** are defined under the Land Drainage Act 1991 as "any watercourse that does not form part of a main river "IDB –maintained, or owned watercourses are therefore by definition ordinary watercourses.
- (5) **Dewatering during construction** – there is a requirement for dewatering the trench during construction, which will require discharge to ground or surface water and may require a permit from us. It is unlikely that discharge to ground will be appropriate due to the clayey conditions at surface in most locations, as infiltration capacity would be minimal the EA has a position statement for discharges to surface waters which may assist in this: if the requirements can be met then there may be no need for a permit. The position statement can be found on the EA website under de-watering guidance on building sites and other excavations.

- (6) **Environmental permitting regulations:** the development may require a permit under the Environmental permitting (England and Wales) (Amendment) (No2) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within 8 m of the top of the bank of a watercourse, designated a main river. This was formerly called Flood Defence Consent. Some activities are now excluded as exempt. Further details are available, on the gov.uk website – [guidance/floodrisk/activities-environmental-permits](https://www.gov.uk/guidance/floodrisk/activities-environmental-permits).
- (7) There is an exemption for service crossings to go under a **main river**.
- (8) **Control of Pollution Act** – The Contractor may apply to the local authority to start work under a Control of Pollution Act 1974 Section 61 Agreement. The Agreement must be completed prior to the start of construction work and requires the Contractor to provide detailed information on:
1. The works and the method by which they are to be carried out; and
 2. Measures to minimise noise resulting from the works.
- If the local authority approves the Section 61 application then legally they cannot serve the Contractor with any noise control notices throughout the construction programme, provided that the Agreement is adhered to. This protection can be an attractive approach for sites where noise or vibration is likely to be an issue. The Section 61 Agreements can take some time to negotiate, especially for complex construction sites. However, once an application has been submitted, the local authority must inform the applicant of its decision within 28 days.
- (9) **Network Rail** – no work is to commence on site until the necessary asset protection agreements with Network rail have been entered into by the developer.
- (10) **Requirements of the Soil management Plan** to be produced as part of the Code of Construction Practice, as required by Condition 3 above, are as follows:
- (a) Existing land drains, where encountered during construction, will be appropriately marked. Temporary drainage will be installed within the cable corridor working width to intercept existing field drains and ditches in order to maintain the integrity of the existing field-drainage system during construction. Such measures will also assist in reducing the potential for wet areas to form during the works, thereby reducing the impact on soil structure and fertility. Where necessary, existing land drains will be replaced during construction to ensure continued agricultural use.
 - (b) Particular care will be taken to ensure that the existing land drainage system is not compromised as a result of construction. Land drainage systems will be maintained during construction and reinstated on completion.
 - (c) Drainage systems will be reinstated to the Landowner's reasonable satisfaction (and to the reasonable satisfaction of the Occupier, if applicable, and where this does not conflict with the Landowner's reasonable satisfaction), ensuring that the drainage system is put back in a condition that is at least as effective as the previous condition, and that the restoration follows best practice for field drainage installations, and takes into account site specific conditions.

- (d) The landowner will be consulted prior to the installation of the cable ducts, on the design, including layout, falls, pipe sizes, pipe types and outfall, of any land drainage works required during construction, and on the design and timing of any land drainage works required for the subsequent restoration of the land. This process will take due regard of any local knowledge appropriate to individual circumstances.
- (e) The services of a suitably qualified drainage consultant will be employed by the Applicant to act as a drainage expert during the detailed design process, to agree with landowners the pre and post drainage schemes required.
- (f) A dispute resolution process will be established including an Independent Expert for drainage design and implementation appointed jointly. Where agreement cannot be reached on the appointment of the expert the matter will be referred to the president of the institute of Civil Engineers.
- (g) Landowners will be provided with the opportunity to inspect land drainage works as they progress. Records of existing and remedial drainage will be made by the Applicant and copies provided to the Landowner (and the Occupier, if applicable) after installation of the cables.
- (h) During construction all reasonable care will be taken to minimise physical damage to the landowners land and adjacent land resulting from the pumping of water from the construction trenches (if required), in wet conditions. Any water will be pumped into existing and appropriate open drainage/watercourse.
- (i) **Soils Aftercare**
A schedule of aftercare maintenance will be agreed between the undertaker and landowner and (if relevant) the occupier for each landholding. The schedule of aftercare maintenance will define a target specification to include soil condition, soil nutrient levels and organic content. Soil testing, appropriate to the target specification, will be undertaken for a period of up to five years following the completion of the construction work until the target specification is met. The target specification will be informed by the pre-entry record of condition for each farm holding along with information received from the landowners or tenants on cropping yields. If the target specification is met within the 5 years then the aftercare will be completed and signed off by a final report to determine the final handover. If the target specification is not met within 5 years a further period will be agreed. The schedule of aftercare maintenance will highlight what action will be undertaken by the landowner or occupier to mitigate any loss and to improve the soils, at the cost of National Grid Viking Link where appropriate.

Simon Rowberry
Interim Development Manager