

APPLICATION NO	PA/2021/1359
APPLICANT	Anesco Limited
DEVELOPMENT	Planning permission to construct a 10MW solar farm with associated access, landscaping and infrastructure
LOCATION	Winterton Solar Farm, Carr Lane, Winterton, DN15 9QX
PARISH	Winterton
WARD	Burton upon Stather and Winterton
CASE OFFICER	Rebecca Leggott
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Rob Waltham – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

IN1: Industrial Development Location and Uses

RD2: Development in the Open Countryside

RD7: Agriculture, Forestry and Farm Diversification

T1: Location of Development

T2: Access to Development

T19: Car Parking Provision and Standards

LC5: Species Protection

LC6: Habitat Creation

LC7: Landscape Protection

LC12: Protection of Trees, Woodland and Hedgerows

DS1: General Requirements

DS7: Contaminated Land

DS11: Polluting Activities

DS12: Light Pollution

DS14: Foul Sewage and Surface Water Drainage

DS16: Flood Risk

DS21: Renewable Energy

North Lincolnshire Core Strategy:

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering more Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS11: Provision and Distribution of Employment Land

CS16: North Lincolnshire's Landscape, Greenspace and Waterscape

CS17: Biodiversity

CS18: Sustainable Resource Use and Climate Change

CS19: Flood Risk

CS25: Sustainable Transport

CONSULTATIONS

Highways: No objections subject to a number of standard conditions.

Environment Agency:

18/08/2021: Objects to the proposed development due to insufficient information.

10/01/2022: No objections subject to the conditioning of the Flood Risk Assessment.

LLFA Drainage: No objections subject to a number of standard conditions.

Anglian Water: No comments.

Environmental Protection: No objections subject to a number of standard conditions relating to contaminated land and construction.

HER (Archaeology): No objections subject to a number of standard conditions, including a pre-commencement condition requiring a written scheme of investigation.

Ecology:

18/08/2021: Objects to the proposed development due to the lack of a wintering bird survey and conflict with the potential AONB extension.

20/09/2022: No objections subject to conditions relating to biodiversity net gain.

Natural England:

20.01.22: Objection due to the lack of surveys and a Habitat Regulations assessment.

19.05.22: Objection due to insufficient information.

15.08.2021: Objection due to insufficient information.

26.08.21: No objections. Following the submission of additional survey works and a completed Habitat Regulations Assessment, Natural England consider the additional information to be acceptable.

Ministry of Defence: No objections.

NATS Safeguarding: No objections.

RSPB: Objects to the proposed development due to the potential impacts on the Humber Estuary SPA and its associated bird species. Further bird surveys are required.

Lincolnshire Wildlife Trust: Objects to the proposed development due to lack of information. Further bird surveys are required.

TOWN COUNCIL

No objections to this application.

PUBLICITY

A site notice has been displayed – no comments received.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been provided.

ASSESSMENT

Planning history

PA/SCR/2021/3: EIA screening opinion relating to the creation of a new solar farm – not EIA development 28/06/2021.

Site characteristics

The application site is outside the defined development limits of Winterton within the open countryside. It is within Flood Zone 2/3 (a) Tidal (North and Northeast Lincolnshire SFRA 2011). The site is within open fields and from a site visit is currently used as an agricultural field.

Proposal

Planning permission is sought to construct a 10MW solar farm with associated access, landscaping and infrastructure.

The main issues in the determination of this application are:

- **principle of development**
- **design and impact on the character and form of the area**
- **impact on residential amenity**
- **impact on highways**
- **flood risk and drainage**
- **contamination and environmental issues**
- **impact on ecology.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

Policy CS1 sets out the overarching spatial strategy for North Lincolnshire. It states that, in the countryside, '...support will be given to development that promotes rural economic

diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.'

Policy CS2 states, 'Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location, or which will contribute to the sustainable development of the tourist industry.'

Policy DS21 states, 'Proposals for the generation of energy from renewable resources will be permitted provided that:

- (i) any detrimental effect on features and interests of acknowledged importance, including local character and amenity, is outweighed by environmental benefits; and
- (ii) proposals include details of associated developments including access roads and other ancillary buildings and their likely impact upon the environment.

Where appropriate, conditions will be imposed requiring the restoration of the site to its original condition or the implementation of an agreed scheme of after-use and restoration.'

Paragraph 158 of the NPPF states, '...local planning authorities should: not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;...'

Having considered the above, the proposed development is for the generation of renewable energy and therefore the proposals are acceptable in principle subject an assessment of the technical elements of the proposal which will be discussed below.

Design and impact on the character and form of the area

Policy CS5 of the CS is relevant. This states, 'All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy LC7 of the LP is relevant. This states, 'Where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.'

The application site is an open parcel of land located some distance down the single-track road Carr Lane. This parcel of land is set away from any settlement with limited views of the site from public vantage points with the exception of those from the highway, Carr Lane.

The comments from the council's ecologist regarding the potential impacts on the landscape have been noted. Following discussions with the planning agent additional information and landscaping has been provided.

Whilst the proposals would have some negative impacts on the character and appearance of the open countryside, on balance, these are limited by the proposed landscaping and screening around the site. It should be noted that the heights of the boundary treatments can reasonably be conditioned to further ensure the application site is well screened.

Overall, the proposed development is considered to be acceptable in terms of its impact on the character and appearance of the area and as such the proposals would be in accordance with policies LC7, RD2, DS1 and DS21 of the LP, policies CS2 and CS5 of the CS, and paragraph 130 of the NPPF.

Impact on residential amenity

Policy DS1 of the LP is relevant. At point iii) this states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisances, or through the effects of overlooking or overshadowing.' Paragraph 130(f) of the NPPF similarly seeks to ensure that developments have a, 'high standard of amenity'.

The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, and overshadowing of neighbouring properties which may occur from the size, scale and massing of the development proposed.

Environmental Protection do not raise any objections in respect of amenity subject to conditions relating to a construction management plan and working hours.

Having had regard to the design, siting and scale of the proposed development, it is not considered that the proposals would have any impacts on residential amenity.

Therefore, the proposed development is considered acceptable in respect of residential amenity and accords with policy DS1 of the LP.

Impact on highways

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 states that all proposals should be provided with a satisfactory access. Policy CS19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

Highways have been consulted on the proposals and have no objections in terms of highway safety subject to conditions. The suggested conditions are considered to be reasonable.

Having regard to the above, it is considered that the proposals would be acceptable in terms of highway safety and would accord with policies T1, T2, and T19 of the LP, and CS19 and CS25 of the CS.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the Core Strategy, and paragraphs 166 and 167 of the NPPF are considered highly relevant.

Policy CS19 (this policy sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is within Flood Zone 1 of the North Lincolnshire Strategic Flood Risk Assessment. It is noted that a Flood Risk Assessment has been submitted with the application.

Comments have been sought from the LLFA, Anglian Water and the EA. Following the submission of additional information by way of a Flood Risk Assessment, no objections remain from the relevant consultees.

Having regard to the above, the proposals are acceptable in respect of flood risk and drainage. Therefore, the proposal is considered to be in accordance with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy, and paragraphs 166 and 167 of the NPPF.

Contamination and environmental issues

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

Paragraph 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Paragraph 185 of the NPPF states that decisions should ensure that decisions take information account potential sensitivities of the site.

Comments have been sought from the Environmental Protection team who have raised no objections to the proposed development subject to a condition relating to unexpected contamination and a construction environmental management plan. These conditions are considered to be acceptable.

Having had regard to the above, the proposals are acceptable in respect of contamination and environmental issues. Therefore, the proposals would be in accordance with policy LC2 of the LP and paragraphs 183 of the NPPF.

Impact on ecology

Policy LC2 of the LP is relevant and states that proposals likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Particular regard should be paid to the site's significance and damage to the asset should be kept to a minimum.

Policy CS17 of the NLC CS is relevant and relates to the council promoting effective stewardship of North Lincolnshire's wildlife. This includes the requirement for development to produce a net gain of biodiversity.

Paragraph 174(d) of the NPPF expresses support for 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' However, it is also noted that paragraph 174(f) of the NPPF is relevant in respect of contaminated land. This expresses support for 'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Paragraph 180(a) of the NPPF states, '...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...'

Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.

Comments have been sought from Natural England and the council's ecologist. In summary, following the receipt of a wintering bird survey and additional information relating to a Habitat Regulations Assessment, Natural England have raised no objections to the proposed development. Furthermore, all points raised by the council's ecologist have now been addressed.

A condition requiring a detailed scheme of biodiversity enhancements is considered necessary to ensure that biodiversity net gain is achieved on site.

Having regard to the above, it is considered that sufficient information has been provided and the proposals would be acceptable in terms of protected species, conservation and biodiversity net gain. Therefore, the proposals would be in accordance with policies LC2 of the LP, CS17 of the CS, and paragraphs 174 and 180 of the NPPF.

Conclusion

Planning permission is sought to construct a 10MW solar farm with associated access, landscaping and infrastructure. The application is acceptable in all aspects: in principle, design and impact on the character and form of the area, impact on residential amenity, impact on highways, flood risk and drainage, contamination and environmental issues, and impact on ecology. The attached conditions are outlined within this report and any pre-commencement conditions have been agreed with the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

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

- SITE LAYOUT PL - C0002447_02 F
- SINGLE LINE DIAGRAM - C0002447_03 C
- LOCATION PLAN - C0002447_04 C
- BLOCK PLAN - C0002447_05 C
- TYPICAL CABLE LADDER DETAILS - C0002447_08 B
- TYPICAL FENCE DETAIL - C0002447_09 B
- LV SUBSTATION ELEVATIONS - C0002447_10 B
- TYPICAL SECTION AND REAR ELEVATION OF RAISED ARRAY - C0002447_11 A
- Fig. 11: Landscape Management Plan - P21-0851_11B
- Fig 9a: Illustrative Masterplan - P21_0851_09a
- DNO AND CUSTOMER SUBSTATION ELEVATIONS - C0002447_06 D.

Reason

For the avoidance of doubt.

3.

The development shall be carried out in accordance with the submitted flood risk assessment (December 2021/Flood Risk Assessment Technical Addendum/SLR Consulting Ltd). In particular, any critical equipment required to remain operational or undamaged in case of flooding shall be situated at a minimum of 3.257m AOD to ensure that any disruption caused by flooding is kept to a minimum.

Reason

To reduce the risk of flooding to the proposed development.

4.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts

- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories such as North Lincolnshire Museum and the ADS digital archive
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise harm; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

5.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise harm; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

6.

The development shall not be operational until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise harm; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

7.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise harm; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

8.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Drainage Strategy, prepared for: Anesco LTD, SLR Ref: 410.05075.00105 Version No: 01 July 2021. The detailed design must incorporate appropriate measures to mitigate against erosion/increased run-off below the solar arrays and provision of cut-off drainage on the appropriate boundaries.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change which should be based on the current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan,

policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

9.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 8 above, completed prior to the occupation of the site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

10.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 163 of the National Planning Policy Framework.

11.

Works and biodiversity enhancements shall be carried out strictly in accordance with section 6.1.1 of the submitted Ecological Impact Assessment dated July 2021. Prior to the operation of the photovoltaic panels, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the Ecological Impact Assessment.

Reason

To conserve protected species in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

12.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (i) prescriptions for the maintenance, planting and aftercare of native hedgerows of high biodiversity value;
- (ii) prescriptions for the creation and management of species-rich grassland, including:
 - (a) soil survey results;

- (b) details of UK origin wildflower and grass mixes to be used, comprising perennial neutral grassland species naturally occurring in North Lincolnshire plant communities;
 - (c) prescriptions for the ongoing management of grassland to maintain and enhance species diversity;
 - (d) monitoring proposals and remedial measures that may be triggered by monitoring;
- (iii) prescriptions for the management of ditches and drains;
 - (iv) details of how the measures proposed will provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 3.0;
 - (v) proposed timings for the above works in relation to the completion of the solar farm.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

13.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. In the third year of operation of the solar farm, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

Informative 1

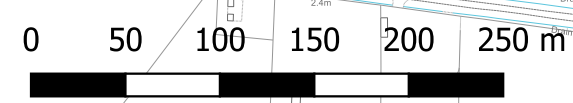
Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team, via email to llfadrainageteam@northlincs.gov.uk prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing riparian rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 2

The proposals show a new access to be provided over and/or connection into the watercourse. This must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

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



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