

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, "EIA development" means development which is either Schedule 1 development or Schedule 2 development that is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Schedule 2 development is development of a type listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which:-

- (i) is located wholly or in part in a 'sensitive area'; or
- (ii) meets one of the relevant criteria or exceeds one of the relevant thresholds listed in the second column of the table in Schedule 2.

Part 3 '*Energy industry*' of the Schedule 2 of the Regulations includes:-

**Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1);**

The threshold for exceeding Part 3 is 0.5 hectares. The area of the development site is circa 122 hectares. As such it is considered the proposal comprises Schedule 2 development required to be screened. A detailed assessment of the proposal in the context of relevant statutory considerations follows.

The question that must be asked is:-

"...Would this particular development be likely to have significant effects on the environment?..."

The Regulations provides an indicative threshold and criteria for identification of Schedule 2 development requiring EIA. Planning Practice Guidance in respect of Part 3 states:-

**The key issues to consider relate to levels of emissions to air, arrangements for the transport of fuel and any visual impact.**

The starting point to determine whether the development is likely to have significant effects on the environment are found in Schedule 3 of the Regulations. Schedule 3 sets out the 'selection criteria', which must be taken into account.

The fundamental test to be applied in each case is whether the particular type of development and its specific impacts are likely, in that particular location, to result in significant effects on the environment.

## **SCREENING OPINION**

The EIA Regulations 2017 Schedule 3 Selection Criteria assist Local Planning Authorities and developers in their consideration of each application to ensure that the characteristics of the development and its location are taken into account. This criterion has been used as a basis on which to determine whether an EIA is required.

### **1. Location of Development**

#### *a) Existing Land Uses*

The application site is located within a rural area predominantly in an agricultural setting interspersed by watercourses, field boundary vegetation, residential properties and other energy associated installations turbines, pylons and substations.

The site covers approximately 1.22 hectares and is split between two sites. The site is bound to the north by Bicker Drove and beyond this to the north is a substation associated with the Triton Knoll offshore wind farm. The eastern part of the site is adjacent to Hammond Beck. The South Forty Foot Drain, a designated Local Wildlife Site, runs adjacent to the western boundary (of the western parcel) which is defined by a 3m embankment. Other than the embankment the topography is relatively flat.

#### *b) Relative Abundance, Quality and Regenerative Capacity of Natural Resources*

The proposed development is to be contained within the site and it is considered that there are not a large number of natural resources in this area which would be affected by this development.

#### *c) Absorption Capacity of the Natural Environment*

- (i) wetlands;
- (ii) coastal zones;
- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) areas designated by Member States pursuant to Council Directive 2009/147/EC on the conservation of wild birds(a) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(b);
- (vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded;
- (vii) densely populated areas;
- (viii) landscapes of historical, cultural or archaeological significance.

The site is not located in an environmentally sensitive location as defined in the Regulations such as SSSI, a National Park, the Broads, an Area of Outstanding Natural Beauty, a World Heritage Site or Scheduled Ancient Monument.

The site is approximately 13 km to the west of the coast with The Wash which amongst other destinations is a SSSI. However, there are existing settlements, infrastructure and developments in the intervening space which would lessen the significance of the proposed development on the designated area.

The existing site currently comprises good quality agricultural land (Grade II in the agricultural land classification) which would be replaced by the proposed development. The overall loss of land associated with agricultural is mitigated by the opportunity to use the land as ancillary grazing. This would be considered in the balance of the quantum of development of a planning application.

It is therefore considered the proposed development would not have a significant environmental impact in regard to the EIA Regulations.

## **2. Characteristics of the development**

The characteristics of development must be considered having regard, in particular to:

### *a) Size of development*

The National Planning Practice Guidance provides that an Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination. Furthermore an indicative threshold is provided to gauge if the site represents an intensive scale of development i.e. the area of the development exceeds 0.5 hectare and/or has a thermal output of more than 50 megawatts.

There would be an evitable change of use of the land from arable crops to the generation of renewable energy over a significant area. However, the proposed end use would not generate a high level of contamination. Furthermore, following its construction phase the use of the site would not be of a greater scale than the current use given that grazing could still take place on the land.

It is considered in this instance an EIA would not be required.

### *b) Cumulation with other development*

Taking into account the surrounding area is in agricultural use and the proposed development would be a reduction in the overall quantum which still assimilates into the prevailing character of the surrounding area. It is considered an EIA would not be required.

### *c) Use of Natural Resources*

The construction process will require the use of limited natural resources, as is standard for construction phases of a scheme. Manufacture of the component parts (e.g. panels, frames and other equipment) would also require the use of some natural resources. However there would be no excessive or unusual use of natural resources.

During the operational phase, minimal natural resources would be required for maintenance, primarily fuel for visiting the site and water for washing the panels.

However, the demand can be minimised by best practice and modern techniques. The use of natural resources in the proposed construction and use of the development will not be unusual for this type of development. In this instance it is considered an EIA would not be required.

### *d) Production of Waste*

During the construction phase, typical construction waste would be generated the levels of which given the scale and nature of construction would be low and would be handled in accordance with appropriate licenses and procedures. On decommissioning, the majority of materials removed from the site could be re-used or recycled. No waste materials would be generated during the operational period.

The proposal is considered to not warrant an EIA.

### *e) Pollution and Nuisances*

The construction phase will require the temporary storage of fuels and vehicle maintenance materials. These will be stored and used in accordance with construction best practice methodology to minimise the risks to the soil and also to surrounding watercourses, waterbodies and groundwater.

No hazardous or toxic materials will be stored on site during the operation phase of the development. The proposed development will not generate any polluting emissions.

Solar farms are passive and do not include moving parts that generate noise. Concerns can sometimes be raised regarding noise from the cooling fans of the inverters required onsite, however these are housed within cabinets which deaden the noise to a very low level.

Any noise that may be generated during the construction phase can be controlled by the imposition of a planning condition restricting working hours.

Lights may be required onsite during the construction phase of the development, however as with noise, the hours of operation can be controlled by the imposition of planning condition. No on site lighting will be required during the operational phase of the development.

In this instance it is considered an EIA would not be required.

#### *f) Transportation/Access*

The Highway Authority would fully assess the impact on highway safety taking into account the submitted drawings and the level of potential cumulative use of the site.

It is anticipated that the peak use of the highway would result from the construction stage. Given the size of the site the effect would spread over a number of routes leading from the main highways which are largely on tarmac narrow roads.

Through careful management the volume and types of vehicles could be dissipated over a large area to coincide with how the development is phased.

The impact of the proposed use following its construction is not too dissimilar to the highway than the existing use.

It is considered the highway implications would not warrant an EIA.

#### *g) Risk of Accidents*

There will be potential for accidents during the construction phase of the development, however this relates to the normal risks associated with construction and would be managed in an appropriate way by the lead engineering contractor and designer. The development is considered to not be unusually complex or potentially hazardous in terms of environmental effects.

During the operational phase of the proposed development, the solar farm would be unmanned. Visits to the site would be infrequent and for the purposes of animal grazing husbandry, grass cutting and equipment maintenance (e.g. panel washing). There is the potential for accidents to occur during these processes; however they would be managed by use of good agricultural and commercial practices. No unusual substances and technologies particular to the proposed development would be likely bring about accidents.

In this instance it is considered an EIA would not be required.

### **3. Characteristics of the potential impact**

The potential effects of the development have been considered in relation to the criteria set out under sections 1 and 2 above, and have had particular regard to:

(a) the extent of the impact (geographical area and size of the affected population);

#### *Transportation*

Given the width of road within the existing highway network and the size of the site there would be an inevitable rise in highway use during the construction. However, given the size of the site the impact of vehicles could easily be dissipated over the wider network and through planning condition can secure a construction management plan which would identify suitable roads for access depending on the phase of the development.

There would be a decrease of traffic generation during the operational period of the development and would not be significantly different to the flow of agricultural vehicles that are associated with the current land use.

Nevertheless, the full impact and traffic generation associated with the development is likely to be local in its extent and absorbed into the existing road network. As such, an EIA is not required on this basis.

#### *Noise, dust and vibration*

The proposal is unlikely to give rise to noise and general disturbance. There would be a short term disturbance as a result of construction, however, this can be mitigated through the imposition of planning conditions.

Taking into account the existing operation and the reduction in scale it is not envisaged that there would be an increase in noise and disturbance resulting from the proposed development. It is envisaged there would not be a level of disturbance of significance to warrant an EIA.

#### *Air Quality*

It is noted the overall quantum of the development will not anticipate a significant impact on air quality, mainly from service vehicles visiting the site.

It is therefore unlikely the level of pollution would significantly result in a harmful impact to the environment to warrant an EIA.

#### *Drainage/Flood Risk*

The majority of the site is within Flood Zone 3 which represents the highest risk of flooding. Although the site covers a significant area the development would be considered against the vulnerability classification any sequential testing and an exception test if found to satisfy the criteria in terms of its location.

The Environment Agency, the LLFA and Black Sluice Internal Drainage Board will be consulted to consider the risk of flooding during the planning application. However, it is considered through a detailed design the building can be accommodated within the site without placing a significant pressure on the existing drainage system or indeed give rise to a high level of surface water flooding to warrant an EIA.

#### *Landscape*

The site is located in the open countryside which is relatively flat in topography. Although there is the presence of electrical installations and wind turbines in the area generally the land is interspersed by field boundaries, groups of trees and buildings normally associated in a rural setting.

The height of the arrays and the area covered would have a marked appearance on the landscape. Although the land is relatively flat in topography given the size of the site there will be undulations in the land form which would make parts of the site more visible. Furthermore, there would be different kind of impacts that would need to be considered (e.g. glare and glint from public vantage points) which could affect long range views across the countryside.

The proposed building is located in the south easterly side of the site where it be visible given the flat nature of the land. However, it would be read against the glasshouse horticultural operation and its height would not be significantly untoward in its agricultural setting to warrant the submission of an EIA.

### *Ecology*

Overall, the site does not have ecological value in regard to the existing trees, land and protected species. No substantial impacts are anticipated.

In this instance it is considered an EIA would not be required.

### *Archaeology and Heritage*

It is not anticipated the development would result in a significant impact upon archaeology or heritage assets.

In this instance it is considered an EIA would not be required.

### *Contamination*

Through best practice any necessary risks associated with the agricultural land use can be mitigated.

### *Crime prevention*

The proposals do not raise any significant issues in relation to crime prevention.

(b) the transfrontier nature of the impact;

The application site straddles the authority area of Boston Borough council and North Kesteven District Council. The proposed development will be considered by Boston Borough Council against the South East Lincolnshire Local Plan and by North Kesteven District Council under the Central Lincolnshire Local Plan.

It is considered that the development will not result in any significant transfrontier impacts.

(c) the magnitude and complexity of the impact;

It is anticipated that although the development process may have an impact, it will be localised to the surrounding area.

(d) the probability of the impact;

The probability of the impacts listed is considered low in relation to the development process, due to the agricultural nature of the site. Nevertheless, this impact will be limited to the construction process, which would be for a short period of time.

(e) the duration, frequency and reversibility of the impact.

This impact will be limited to the construction process and its development could not be reversed in the future.

### **Conclusion**


It is considered that the development would not be likely to have significant effects on the environment by virtue of factors such as nature, size and location. Accordingly the Authority has adopted the opinion that the development does not warrant the submission of an EIA as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Recommendation**

An EIA is not required.

### **Documents referred to in this opinion:**

- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Planning Practice Guidance
- National Planning Policy Framework

Signed:	 R J Byrne	Date:	26 <sup>th</sup> March 2021
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