

Development Management Delegated Decision Report

B/22/0198



SUMMARY OF APPLICATION				
Application Reference	B/22/0198			
Application Type	Full Planning Permission			
Proposal	Construction and installation of a 132kV underground electrical cable to connect Bicker Solar Farm to Bicker Fen Substation			
Location	Land adj North West of Bicker Fen Substation, Bicker, Boston PE20 3BQ			
Applicant	Ed Perrin, Renewable Connections Developments Ltd			
Agent	Mr Robert Booth, Dalton Warner Davis (DWD) LLP			
Received Date:	06-May-2022	Consultation Expiry Date:	06-Jul-2022	
Valid Date:	10-May-2022	Statutory Expiry Date:	05-Jul-2022	
Date of Site Visit:	19-May-2022	Extension of Time Date:	30-Sep-2022	
Objections received?	No			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approved with Conditions			
Report by:	Lauren Birkwood			
Date:	27-Jul-2022			



OFFICER REPORT

SITE AND SURROUNDINGS:

The area in which the cabling will be constructed would be to north of Bicker Fen Substation, within National Grid land which comprises grass and scrubland and a small open drainage ditch that runs along the northwest edge of the existing substation.

Further south, the cable route leaves the National Grid land and passes into the Solar Farm site boundary. An drain will be required to be crossed by the underground cable as it passes into the Solar Farm site. The drain is maintained by the Black Sluice Internal Drainage Board (IDB) and is known as the 'Cross Drain South' which drains from 'Bicker Fen Pump Drain' in a northerly direction at the crossing location to 'Boundary Drain West'.

DETAILS OF PROPOSAL:

The proposal is for the construction and installation of a 132kV underground electrical cable to connect Bicker Solar Farm to Bicker Fen Substation. The Proposed Development will allow the renewable electricity generated by the future Bicker Solar Farm to be exported to the local distribution grid network. The proposed cable connection will cross from west to east to connect to the substation.

RELEVANT HISTORY:

B/21/0443 - Proposed construction and operation of a solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substation compound, security cameras, fencing, access tracks and landscaping. Approved 4th January 2022.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk
- Policy 28: Natural Environment
- Policy 29: Historic Environment
- Policy 30: Pollution
- Policy 31: Climate Change and Renewable and Low Carbon Energy

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving Sustainable Development
- Section 4: Decision Making
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Environmental Health Officer – No objections.

Black Sluice Internal Drainage Board – No objections. The applicant should be reminded that they must submit an application for consent to relax the Board's Byelaw No.10 (the 9 metre byelaw) to formalise the 2.5m distance agreement.

Lincolnshire County Council – No objections.

Heritage Lincolnshire – No objections. Condition recommended regarding written scheme of archaeological investigation.

THIRD PARTY REPRESENTATIONS RECEIVED:

No representations received.

EVALUATION:

The key planning material considerations are:

- Principle of Development
- Impact on Visual and Residential Amenity
- Impact on Heritage
- Ecology Impacts

Principle of Development

The proposed development would satisfy the aims of the National Planning Policy Framework (2021) in the support of infrastructure applications for the renewable energy industry. The site lies outside of the development limits and as such policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan (2019) applies. According to these policies, proposals consisting of support to generate energy from sources of renewable energy are acceptable. The principle of a solar photovoltaic farm, battery storage and associated infrastructure has already been established through planning permission B/21/0443.

Therefore, the issue is to consider the visual impacts, residential amenity, heritage, ecology and landscaping issues for the installation of cabling for the renewable energy project.

Impact on Visual and Residential Amenity

The proposal will consist of the installation of an electrical cable to connect Bicker Solar Farm to Bicker Fen Substation. The applicant has confirmed:

“The electrical cable will be installed using both standard trenching techniques and HDD (where appropriate, such as under the ditch). Areas of any standard cable trenching (i.e. non-HDD) would involve the excavation of a narrow area before backfilling, following the placement of the duct and cable. The nominal depth of the trenching will be 1.3m, although in places (for example beneath existing watercourses/ditches) this may be increased to 2-3m.

A cross-sectional drawing has been included as part of this application, entitled ‘132kv Cable Trench Cross Section Plan – Ref. RC41-004’, illustrating a typical cable installation. The electrical cable will be installed in ducts within the trench. The ducts will be surrounded by crushed stone. The cable drums will be located at one end of the route and the winch at the other, the bond lead would be fed through the ducts, then connected to the cable and pulled through the ducts.”

The applicant has not yet confirmed the exact location and design requirements of the cable, specifying a wider red line area within the application documents. On this basis, a condition requiring the selected route option for the underground electrical cable, including the extent of the working width required for its installation, is recommended.

However, in terms of visual impact, the construct of the works and installation of a cable would not present any significant issues. The applicant has provided a red edge location of where the cable would be situated, and it would be an acceptable and significant distance from any residential properties, and clearly related to approved infrastructure works. On this basis, there is no conflict with policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan (2019).

Impact on Heritage

A Scheduled Monument, known as Roman Saltern in Helpringham Fen, lies approximately 1 km west of the site on the opposite side of the South Forty Foot Drain. A number of Grade II Listed Buildings and a Grade I Listed Church are located in Bicker and Bicker Gauntlet some 2.35km from the application site.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. This statutory duty sits above the policy objectives identified within the earlier section of this report. Beyond this, where harm would be caused, there is a necessity to establish the extent of that harm and consider this within the policy context. Policy 29 of the South East Lincolnshire Local Plan states that proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the

Listed Building. This is reiterated in Section 16, Conserving and enhancing the historic environment, of the NPPF 2021.

Due to the location and the nature of the proposal, the proposal would not result in significant harm to any designated or non-designated assets.

Heritage Lincolnshire confirmed on the previous application that the site lies in an area of archaeological interest where evidence of cropmarks and finds, dating to the late prehistoric and Roman periods, have been recorded. Archaeological conditions have been attached to the solar farm application, however, in advance of further archaeological work to evaluate the land, including that lying closest to the redline boundary for the cable route, it is not possible to fully assess the archaeological potential for this parcel of land.

Given the likely impact of the cable route an archaeological scheme of work (possibly monitoring and recording during development groundworks) may be needed to mitigate impact on any archaeological remains. A condition, to this effect, is recommended for a written scheme of investigation and watching brief.

Ecology Impacts

Policy 28 of the Local Plan seeks to ensure that all development proposals provide an overall net gain in biodiversity. Policy 31 of the Local Plan states that renewable energy schemes should incorporate measures which promote and enhance green infrastructure and provide an overall net gain in biodiversity.

A phase I habitat survey and walkover protected species surveys were undertaken on all areas of accessible land with 50m of the proposed cable route. The survey determined that the proposal would be low impact with respect to the identified ecological receptors; however, to ensure full legislative compliance a Construction Ecological Management Plan (CEMP) is recommended and should be secured.

CONCLUSION:

It is considered that the proposed development accords with the policies set out in the South East Lincolnshire Local Plan (2019) and NPPF 2021 on this basis, and therefore it is recommended that planning permission is approved, subject to conditions.

RECOMMENDATION:

Approved with Conditions.

CONDITIONS / REASONS			
Pre-commencement conditions?	Yes	Agreed with applicant/agent - Date:	22-Sep-2022
1	The development hereby permitted shall be begun before the expiration of 4 years from the date of this permission. Reason: Required to be imposed pursuant to Section 51 of the Planning and		

	Compulsory Purchase Act 2004.
2	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans:</p> <ul style="list-style-type: none"> - RC041-001 Site Location Plan - RC041-002 Site Red Line Boundary Plan - RC041-003 Directional Drill Profile - RC041-004 132kV Cable Trench Cross Section Plan <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
3	<p>Prior to commencement of any development, a plan showing the selected route option for the underground electrical cable, including the extent of the working width required for its installation, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To define the terms of permission and in the interests of proper planning in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
4	<p>Prior to commencement of any development, a construction method statement for the selected route option for the underground electrical cable, including details of the methods for installing the cable and the reinstatement of the working width required for its installation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the construction methods are acceptable and do not result in any unacceptable environmental impact in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
5	<p>No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:</p> <ol style="list-style-type: none"> 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements). 2. A methodology and timetable of site investigation and recording 3. Provision for site analysis 4. Provision for publication and dissemination of analysis and records 5. Provision for archive deposition 6. Nomination of a competent person/organisation to undertake the work <p>The scheme of archaeological investigation must only be undertaken in accordance with the approved details.</p> <p>Reason: In the interest of protecting heritage assets and features of archaeological interest in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.</p>
6	No development shall take place until a Construction Ecological Management Plan

	<p>has been submitted to and approved by the Local Planning Authority. The document should including the following:</p> <ul style="list-style-type: none"> - Details for the appropriate exit and entry points of the directional drill, together with proposed machinery movements, to ensure that watercourses and the associated riparian habitats are appropriately protected. - Pre-construction surveys in respect of badgers to determine whether the status of setts have changed and protection measures which will be undertaken if active setts are found. Measures to protect badgers during the construction phase should also be included, such as the prevention of trapping badgers in open trenches. - Precautionary protection measures for reptiles, should works be undertaken within suitable boundary features. - Pre-works nesting surveys and protection measures for nesting birds, should the proposed works be undertaken within the breeding season <p>The scheme only be undertaken in accordance with the approved details.</p> <p>Reason: In the interest of protected species, and to support ecological protection and biodiversity enhancement, in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>
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INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
Black Sluice Internal Drainage Board: The applicant should be reminded that they must submit an application for consent to relax the Board's Byelaw No.10 (the 9 metre byelaw) to formalise the 2.5m distance agreement.	
<u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.	