



B O S T O N BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

Town and Country Planning Act 1990

APPLICATION DECISION NOTICE

Application Reference: B/21/0443

Applicant: Mr Ed Perrin
Renewable Connections Developments Ltd
3rd Floor
141-145 Curtain Road
London
EC2A 3BX

Agent: Mr Nick Bowen
DWD Property & Planning
6 New Bridge Street
London
EC4V 6AB

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:

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 at Land North West Of Bicker, Vicarage Drove Solar Farm

And in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **GRANT Full Planning Permission** for the said development subject to **compliance with the following condition(s)**:

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. The permission hereby granted shall expire 40 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. If the solar farm hereby permitted (or any substantial sub-part of the farm) fails to produce electricity for supply to the grid for a continuous period of two years and there is no realistic prospect of the solar farm becoming operational again, a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the solar farm. Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the solar farm is required the scheme shall include the same details required under the decommissioning condition of this

permission. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: To ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the character and appearance and the agricultural potential of the area.

4. Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated equipment & paraphernalia and the subsequent restoration of the site. The scheme shall include details of:

- the extent of equipment and foundation removal and the site restoration to be carried out;
- the management and timing of any works;
- a traffic management plan to address likely traffic impact issues during the decommissioning period;
- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
- location of material laydown areas;
- full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling;
- full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site;
- a programme of implementation.

The approved scheme shall be implemented and then proceed fully in accordance with the agreed details in accordance with the decommissioning programme.

Reason: To ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area.

5. Unless varied by other conditions, attached to and forming part of this decision, in particular Condition 11, the development hereby approved shall be carried out in accordance with the parameters established by the following approved plans:

- Site Location Plan, reference RNC004-SP-01 Rev 2, as received by the Local Planning Authority 05.10.21;
- Indicative Layout Plan, reference RNC004-PL-01 Rev 12, as received by the Local Planning Authority 12.01.22;
- Development Zone Plan, reference RNC004-DZ-01 Rev 4, as received by the Local Planning Authority 05.10.21;
- Panel Cross Section Details, reference RNC004-SD-01 Rev 1, as received by the Local Planning Authority 05.10.21;
- Access Gate Elevation, reference RNC004-SD-04 Rev 1, as received by the Local Planning Authority 05.10.21;
- Customer Substation Floor Plan, reference RNC004-SD-09 Rev 1, as received by the Local Planning Authority 05.10.21;
- Inverter Elevations and Dimensions Layout RNC004-SD-06 Rev 1, as received by the Local Planning Authority 05.10.21;
- Fixed Panel Cross Section Detail, reference RNC004-SD-10 Rev 1, as received by the Local Planning Authority 05.10.21;
- Proposed Circuit (underground) Plan, reference RNC004-SD-15 Rev 1, as received by the Local Planning Authority 05.10.21;

- Palisade Fencing – Standard Drawings, reference RNC004-SD-16 Rev 1, as received by the Local Planning Authority 05.10.21;
- Access Track Cross Section, reference RNC004-SD-05 Rev 1, as received by the Local Planning Authority 14.12.21;
- Inverter Floor Plan, reference RNC004-SD-14 Rev 1, as received by the Local Planning Authority 05.10.21;
- Battery Container (HVAC on ground) Standard Detail, reference RNC004-SD-13 Rev 1, as received by the Local Planning Authority 05.10.21;
- Customer Substation Elevations and Dimensions Layout, reference RNC004-SD-02 Rev 1, as received by the Local Planning Authority 05.10.21;
- Security Fence and CCTV Standard Design, reference RNC004-SD-03 Rev 1, as received by the Local Planning Authority 14.12.21;
- Cable Easement Corridor, reference RNC004-EA-01 Rev 2, as received by the Local Planning Authority 12.01.21;

And read in conjunction with the various recommendations of supporting documents which accompany the application including:

Landscape and Visual Impact Assessment;
 Archaeological Geophysical Survey;
 Flood Risk Assessment and Drainage Strategy;
 Alternative Site Assessment;
 Agricultural Quality Statement;
 Transport Statement;
 Planning, Design and Access Statement;
 Cultural Heritage Assessment ;
 Glint and Glare Assessment;
 Biodiversity Net Gain Assessment Report (as amended);
 Preliminary Ecological Assessment (as amended).

Reason: To ensure that the development is carried out in accordance with approved plans in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

6. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) dated August 2021 version 1.2 completed by Kaya Consulting Limited and the following mitigation measures detailed within the FRA:
 - All critical infrastructure be raised above the 0.1% event scenario. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to comply with Policy 4 of the South East Lincolnshire Local Plan (2011-2036).

7. No development shall take place before a Material Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the route to be taken by delivery vehicles to access the site and measures to ensure that at no time are returning vehicles and loaded vehicles travelling on the same section of any highway between either the A17 or the A52 and the Application Site. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of the safety and free passage of those using the public highways between the A17 and the A52 and the Application Site, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

8. No development shall take place before a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include as a minimum;
- Details of measures to minimise and control noise, vibration, dust and fumes during the development.
 - Traffic management – including routing, signage and measures for recording
 - The location and storage of plant and materials
 - Hours of operation/site deliveries
 - Site security
 - A complaints procedure

You are advised that during construction the working hours shall be restricted to 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 Saturday. Should work be required to be undertaken outside of these times, this should be agreed in writing in advance with the Council.

The construction works shall be carried out in accordance with the approved method statement.

Reason: In the interests of residential amenity, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

9. Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it concerning glint/glare, the solar farm operator shall submit details of proposed mitigation measures and timescales for their implementation. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority. The proposed mitigation measures shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents and road users, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

10. 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:

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

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

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 (2011-2036).

11. No development shall take place until a staged programme of archaeological evaluation and mitigation shall be undertaken within Development Zone 1, the northern part of Development Zone 2, the western part of Development Zone 7 and the northern part of Development Zone 9 by a Registered Organisation of the Chartered Institute for Archaeologists in accordance with the approved Written Scheme of Investigation.

Should significant archaeological remains be encountered during the trial trenching then their preservation in situ will be secured through the designation of further archaeological sensitive areas and extending the 'no dig' methodologies that are set out by Conditions 10 and 12 to include these areas.

The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority in consultation with their archaeological advisors.

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 (2011-2036).

12. Following the approval and completion of the archaeological evaluation referred to in Condition 11 and prior to the commencement of development, a final detailed site layout plan shall be developed with reference to the archaeological sensitive areas (Conditions 10 & 11) and the findings of the archaeological evaluation (Condition 11) with full details of the final locations, design and materials to be used for the panel arrays, inverters, control room, substations, CCTV cameras, fencing, foundations and cabling. The final detailed site layout plan will define archaeological sensitive areas within which below and above ground development will be excluded or provide sufficient design mitigation including but not limited to the use of above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required. The final detailed site layout plan shall be submitted to and approved in writing by the Local Planning Authority.

Subsequently the development shall be carried out in accordance with the approved details.

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 (2011-2036).

13. A report of the archaeologist's findings (as outcomes from Condition 10-12) shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

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 (2011-2036).

14. Before any above ground works commence details of any external lighting to all buildings and areas of the site, including details of luminance and fields of illumination shall be submitted to and approved in writing by, the Local Planning Authority and there shall be no external illumination other than that so approved. Any external lighting that is installed shall accord with the details so approved and thereafter maintained.

Reason: To ensure an appropriate level of lighting is provided which is not detrimental to the amenity of the area in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036).

15. Before any above ground works commence a detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of both hard and soft landscape works (including new planting) and earthworks. The scheme as approved shall be completed in full not later than the end of the first planting season following the operational use of the site hereby permitted commencing.

Reason: In the interests of visual amenity and to ensure an effective landscaping scheme is delivered, including planting of trees, and to ensure that the approved scheme is implemented satisfactorily, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

16. No development or works (including ground works and vegetation clearance) shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and been approved by the Local Planning Authority.

Guidance on the structure of the CEMP can be found in BS 42020:2013 Biodiversity Code of Practice for Planning and Development. The CEMP should accord with the National Planning Policy Framework 2021 (paragraphs 170, 174 & 175) and chapter 28 of the South East Lincolnshire Local Plan (2011-2036).

The development of the site shall then only proceed in accordance with the agreed Construction Ecological Management Plan (CEMP).

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 (2011-2036).

17. Before the development hereby permitted is commenced, a Landscape & Biodiversity Management Plan (LBMP) shall be submitted to and approved by the Local Planning Authority. Details shall include, but not limited to, details of the proposed new hedgerow(s) and any strengthening of existing hedgerow planting and shall include details of ground preparation, species and planting pattern. Thereafter the new planting shall be implemented in accordance with a timetable to be agreed in writing with the Local Planning Authority. The new hedgerows and planting shall be managed in accordance with the Management Specification set out in the LBMP.

Reason: To protect and enhance existing landscape features on the site and to mitigate harm to rural character caused by the proposal and in the interest of protected species in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

18. No development shall commence until a Skylark Mitigation Strategy, to secure 18 skylark mitigation plots to compensate for the losses arising from the development, has been submitted to and approved in writing by the Local Planning Authority. The Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark nest plots;
- b) Detailed methodology for the Skylark nest plots following Agri- Environment Scheme option: 'AB4 Skylark Plots';
- c) Locations of the Skylark plots in nearby agricultural land by appropriate maps and/or plans;
- d) Persons responsible for implementing the compensation measure.

No development shall commence until the approved Skylark Mitigation Strategy has been implemented to the satisfaction of the Local Planning Authority, and thereafter all features shall be retained for a minimum period of 10 years.

Reason: In the interest of protected species in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

19. No development shall commence until details of a Training and Employment Management Plan, including Education, has been submitted to and approved in writing by the Local Planning Authority.

The plan will aim to promote training and employment opportunities at all stages of the development for local people and social benefits and should include:

- Measures to ensure the owner and contractors work directly with local employment and training agencies;
- Targets for employing local labour
- Targets for work experience opportunities and apprenticeships
- Measures to provide training opportunities in respect of any new jobs created
- An Educational Strategy/Plan, which sets out opportunities and measures for Education benefit in connection with local schools, colleges and universities
- Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority.

The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of promoting economic and training opportunities and social benefits in association with approved developments in accordance with Policy 1 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework (2021).

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.

Date: 17-Feb-2022



Mike Gildersleeves
Assistant Director – Planning
Boston Borough Council and East Lindsey District Council

Informatives

1. At the request of the Internal Drainage Board;

Rainfall Runoff

It is understood that the applicant intends to discharge surface water via soakaways or infiltration. If this is the case, then any systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that such methods are appropriate for the site should be submitted to the local planning authority for their approval.

Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the Local Planning Authority for consideration, and must have received approval for any such scheme, prior to works commencing on site.

Discharge to any watercourse will require prior written consent from the Board.

Access to Watercourses

There are a number of open and piped watercourses bounding and crossing the land concerned which are maintained by the Board under the terms of the Land Drainage Act 1991. These watercourses, and the land within which they lie, are NOT owned by the Board. Ownership is deemed to lie with the adjacent landowners as per common law.

UNDER SECTION 66 OF THE LAND DRAINAGE ACT 1991, THE BOARD HAS A BYELAW (NO.10) WHICH PROHIBITS THE SITING OF ANY OBSTRUCTIONS, WHETHER TEMPORARY OR PERMANENT, INCLUDING PLANTING, WITHIN 9 METRES OF THE TOP OF THE BANK OF AN OPEN WATERCOURSE, OR WITHIN 9 METRES OF THE LATERAL EDGE OF A PIPED WATERCOURSE, WITHOUT THE PRIOR WRITTEN CONSENT OF THE BOARD.

This byelaw permits the Board to access the watercourses it maintains to carry out annual maintenance or improvement works as required, including desilting (dredging). A plan is enclosed to show the locations of the watercourses maintained by the Board for your information.

For information, the Board carries out desilting of the watercourses it maintains on a 5-10 year rolling programme. These works currently involve the removal of siltation and depositing the arisings on the adjacent field, as per the Board's licence for the removal of waste material with the Environment Agency. The arisings are then left to dry and then spread cross the fields for the farmer. Please be aware that the Board will continue to carry out these works regardless of the proposed development. If the applicant does not wish for the arisings to be placed on the land, then they will be responsible for paying for the removal of the arisings to a suitably licenced disposal facility.

WITHIN THIS DEVELOPMENT, ALL NEW TEMPORARY OR PERMANENT INFRASTRUCTURE SHOULD REMAIN OUTSIDE THE 9 METRE BYELAW DISTANCE.

If any infrastructure is necessary within this distance, then the Board will consider a relaxation of the byelaw on submission of an application, but each instance will require written evidence to explain why the infrastructure cannot be placed elsewhere.

Filling in or Culverting Watercourses

As per the plan enclosed, there are also a number of open and piped watercourses bounding and crossing the land concerned. Under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse (including those maintained by the Board), including infilling or diversion. This also applies to the replacement of any existing structures, including any highway structures under any access roads into the site.

The applicant is reminded that within common law, ownership and maintenance responsibility for any watercourse, including any structures within (such as access culverts) lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board, unless proved otherwise. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse.

2. National Grid

Prior to the commencement of any development you are advised to liaise with National Grid and the relevant authorisation and guidance has been received.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice**, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application** and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- **If this is a decision to refuse planning permission for a householder application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse planning permission for a minor commercial application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse express consent for the display of an advertisement**, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- **If this is a decision to refuse consent for works to a tree protected by a Tree Preservation Order**, if you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- **For all other decisions**, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **If you intend to submit an appeal** that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)
- **Proposed Demolition** - The provision of Section 80 of the Building Act 1984 require that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control department (01205 314295) beforehand, and work shall not commence until the Local Authority has given Notice under Section 81, or the relevant period of 6 weeks has expired.

THIS IS A LEGAL DOCUMENT – PLEASE RETAIN IN A SAFE PLACE, PREFERABLY WITH YOUR DEEDS