

**PLANNING AND REGULATION COMMITTEE
 2 OCTOBER 2023**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors Mrs C L E Vernon (Vice-Chairman), M Hasan, N M Murray, Mrs S A J Nutman, Mrs M J Overton MBE, N H Pepper, N Sear, P A Skinner and T J N Smith

Councillors: M J Hill OBE and M Brookes attended the meeting as observers

Officers in attendance:-

Jeanne Gibson (Programme Leader: Minor Works and Traffic), Neil McBride (Head of Planning), Martha Rees (Solicitor), Marc Willis (Applications Manager) and Rachel Wilson (Democratic Services Officer)

34 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors T R Ashton, P Ashleigh-Morris, I D Carrington, A H Hall and R P H Reid.

35 DECLARATIONS OF MEMBERS' INTERESTS

Councillor T J N Smith requested that it was noted that in relation to agenda item 5.1, he worked for Sir Edward Leigh MP, but he had not discussed the application with him, but was aware that it was a topic of interest.

36 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 4 SEPTEMBER 2023

RESOLVED

That the minutes of the meeting held on 4 September 2023 be signed by the Chairman as a correct record, subject to it being noted that Councillor C L E Vernon was in attendance as an observer via Microsoft Teams.

37 TRAFFIC ITEMS

37a A15, Harmston crossroads to Green Man Road - proposed 40mph speed limit

A report was received which invited the Committee to consider a review of the existing 60mph speed limit along a section of the A15 (Harmston Crossroads to Green Man Road)

shown at Appendix A to the report. Investigations had indicated that a reduction in speed limit at this location may be considered as a borderline case, as defined within the Council's Speed Limit Policy.

The Programme Leader – Traffic introduced the report and shared a presentation which detailed the area under consideration.

Councillor M J Hill OBE, Leader of the Council, addressed the Committee and made the following points:

- He was not a local member, but he knew the road very well.
- There was an issue with people travelling east to west.
- There were a lot of tractors that used this road and most of the working day there was queueing traffic, and the average speed would be around 40mph.
- Most local people believed that 50mph would be a reasonable compromise
- There was a need to take into account accidents and the severity of those accidents.

A representation had also been received from Councillor R A Wright which referenced that the A15 was an arterial route through Lincolnshire.

It was highlighted that this was being presented as a borderline case, there was not a proposal from the Lincolnshire Road Safety Partnership (LRSP) that a 40mph speed limit should be introduced. Members were able to consider and set a higher speed limit if necessary. This would still need to go out to full public consultation and come back to the Planning and Regulation Committee for decision.

During discussion of the report, the following points were noted:

- There was surprise that a 40mph limit was proposed as it did not seem in keeping with the area. It was noted that the A607 had the same accident rate.
- There was a need for the limit to make sense to local residents if it was to be enforceable.
- The junction needed to be looked at to see if there was anything more that could be done to improve safety in that area.
- There was support for a 50mph limit on this road.
- It was felt that a 40mph limit was too excessive a decision to make. There were concerns that if a 40mph limit was introduced drivers would find alternative routes which were quicker, which could then lead to problems elsewhere.

On a motion by Councillor I G Fleetwood, seconded by Councillor T J N Smith, it was:

RESOLVED (7 in favour, 3 against)

That the decision be deferred and officers re-examine the data and determine suitable options for this road.

37b Lincoln, Permit Parking Zones 5B, 5C and 5D - proposed amendment to list of streets

A report was received which invited the Committee to consider objections to a proposal to amend the list of streets associated with Lincoln permit parking zones 5B, 5C and 5D to include sections of the High Street and Canwick Road.

The Programme Leader – Traffic introduced the report and shared a presentation which detailed the areas under consideration.

There was support for this proposal, and it was noted that these schemes had transformed the area.

On a motion proposed by Councillor I G Fleetwood, seconded by Councillor P A Skinner it was:

RESOLVED (unanimous)

That the objections be overruled so that the amendment to the Order, as advertised, may be introduced.

38 OTHER REPORTS

39 APPLICATION BY COTTAM SOLAR FOR A DEVELOPMENT CONSENT ORDER TO INSTALL SOLAR PV PANELS TO GENERATE 530MW, ON SITE BATTERY STORAGE WITH 600MW/H CAPACITY AND ASSOCIATED INFRASTRUCTURE INCLUDING BATTERY ENERGY STORAGE SYSTEM, ACCESS PROVISION AND AN UNDERGROUND 400KV ELECTRICAL CONNECTION TO THE NATIONAL GRID SUBSTATION AT COTTAM POWER STATION.

Consideration was given to a report which outlined an application by Cottam Solar seeking an unrestricted duration Development Consent Order (DCO) for the construction, operation and maintenance of an energy solar park covering four separate land parcels covering approximately 2,800 acres (1,150 ha) that would produce 600 MW of energy that would be transferred to Cottam Sub Station via underground cable, roughly situated in a linear form between the A631 and A1500 in West Lindsey. The Council was required to provide its comments on this application to the Examining Authority who would, following a six month examination, make a recommendation to the Secretary of State for Energy Security and Net Zero as to whether the Development Consent Order should be granted or not.

The Council was required to engage in the process by providing confirmation of its views on the proposal and the report set out the matters the Council was required to comment on including consideration of the Council's Local Impact Report.

The Head of Planning introduced the report and advised that the Review of Soils and Agricultural Land Classification report had been circulated to the Committee that morning, as it was not available when the papers were circulated.

It was highlighted that there were a number of NSIP's which had been received for Lincolnshire, but they were all at different stages of the DCO process, but they would eventually all come before the Planning and Regulation Committee.

The positive impacts highlighted within the report included the production of clean and sustainable energy and a significant biodiversity net gain. Negative impacts included the landscape and visual impact, concerns about impacts on Public Rights of Way (PROW), and any archaeological remains which may be affected.

Eve Browning, Project Development Manager, Island Green Power, spoke on behalf of the applicant and made the following points:

- Over the last 2 and a half years the project team of Cottam Solar Project have built a good relationship with Lincolnshire County Council and its officers and gratitude was expressed for this. The regular meetings held with the Council were informative and productive and had helped to shape the application.
- From October 2024, Great Britain would no longer use coal to generate electricity, and it was known that the demand for electricity continued to increase and that the UK faced some of the highest electricity costs in Europe. There was a clear need for renewable, affordable and reliable energy. The de-commissioning of the coal-fired Cottam power station, where this development would connect to the national grid presents a great opportunity to repower the region with clean, green energy.
- The Cottam Solar Project was being developed by Island Green Power who were a leading international developer of renewable projects, committed to responsible land use and who believe that large scale solar developments could be achieved in harmony with their surroundings.
- As the meeting was aware, there were a number of large scale NSIPs proposed for Lincolnshire, but the focus for today was the Cottam Solar Project.
- The applicant was pleased to see and acknowledge the positives in the Local Impact Report noted at paragraph 24 of the Committee report, such as the strong contribution towards net zero and also significant biodiversity net gain. There were also some negatives identified and summarised in paragraph 25, and on these, the following comments were made:
 - Landscape and visual – dialogue was continuing within the council on landscape visual impacts, both standalone and cumulative and additional information would be submitted to the Examination as had been requested for further consideration.
 - Agricultural Land Grade – in isolation there was only a very small loss of best and most versatile land associated with the Cottam Solar Project, only 4% of the total land take and only until the point at which the project was decommissioned.
 - Public Rights of Way – no public rights of way were intended to be lost or diverted permanently as a consequence of the development and there was an intention to hold discussions with the new Public Rights of Way Officer over matters raised. A new permissive path was also proposed.

- Archaeology – it was confirmed that the applicant was in disagreement with the Council over the approach to archaeological investigation but work was underway to iron out these areas of disagreement, with a meeting to discuss further the day after this Committee.
- Finally, the recommendation for a Community Benefit scheme to be established was noted. The Cottom Solar Project has committed throughout the development process to providing a package of community benefits and underwent initial conversations with the Lincolnshire Community Foundation to start off that process and would welcome further discussion with the Council to firm up proposals further.

The Committee asked a number of questions to the applicant and the following was noted:

- the report indicated that this development would comprise 4% best and most versatile land, and it was queried how many trials had been done and how certain were the developers that this percentage was accurate. Members were advised that the data had been peer reviewed and it was not believed that the developers methodology was being challenged. The Head of Planning confirmed that the methodology that had been undertaken was robust.
- It was confirmed that in relation to the sites being used, there were a number of different landowners.
- It was queried whether any work had been done in relation to the productivity of the land, as meadowland and grass still had value. Members were advised that this was a planning system decision in relation to best and most versatile land and the tests which needed to be done and the impact on that best and most versatile land.
- The power generated would be leaving the county, so it was queried what would be the benefits for the local area. It was noted that these were normally considered separately, but there was an intention to provide a package of community benefits following discussions with the community.
- It was queried whether the benefits would include any improvement to infrastructure, such as EV charging points, and it was noted that this was something which could be looked at as part of the community benefits.
- Further detail was requested in relation to the contribution that this project would make towards net zero targets. Members were informed that the grid connection would be 600MW, and the former Cottam coal power station generated 2GW.
- In relation to why there were so many applications in progress in Lincolnshire members were informed that it was government policy to increase renewable energy sources, and Lincolnshire and Nottingham had existing connections to the power grid. It was also highlighted that there was a paragraph relating to climate change within the environmental impact assessment.
- It was queried whether the cumulative impacts from several NSIPs had been considered. It was noted that these would be considered with the relevant national planning policy sections.
- In relation for the site to generate up to 600MW of electricity, it was noted that this was the maximum which could be generated, however, there was also a proposal for battery plant to be included within the project which would also have capacity to store up to 600MW. It was confirmed that this would use lithium ion technology.

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The Committee discussed the report and some of the points raised during the discussion included the following:

- There was a lot of opposition to this application in West Lindsey.
- It was commented that the hard standing areas would never be removed and as such the land would never return to its previous state.
- There were also concerns that the application was open ended and it was suggested that the Council to ask the Secretary of State for an end date to be included. In terms of the longevity of the project, officers advised that whilst there was no end date for when the development would cease, it had been assessed on a 40 year basis.
- Concerns were raised that an end of life plan was not included within the report, and it was noted that solar panels had an approximate life of 20 – 25 years.
- The recommendation to refuse the application was fully supported.
- The Committee was keen to include more robust wording in the response, and officers were happy to incorporate stronger wording.
- It was commented that in relation to renewable energy, that companies should be looking to fit solar panels to industrial buildings, or they should be using brownfield sites rather than agricultural land.
- There were concerns about the quantity of food which would not be able to be grown if applications such as this went ahead, as well as the impact on the landscape.

In terms of the wording, officers advised that they would include concerns regarding the lack of an end date, as well as the life span of the panels.

On a motion by Councillor T J N Smith, seconded by Councillor P A Skinner, it was:

RESOLVED (9 in favour, 1 against, 0 abstention)

- (a) That the Committee approves the Local Impact Report at Appendix A to be submitted to the Examining Authority.
- (b) That the wording of the written response to the Examining Authority be strengthened to set out Council's concerns in a more robust way.

40 APPLICATION BY ECOTRICITY (HECK FEN SOLAR) LIMITED FOR A DEVELOPMENT CONSENT ORDER TO INSTALL GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) ELECTRICITY GENERATING AND ENERGY STORAGE FACILITY COVERING APPROXIMATELY 644.5 HECTARES (HA) OF LAND (THE ORDER LIMITS) WITHIN THE ADMINISTRATIVE AREAS OF LINCOLNSHIRE COUNTY COUNCIL (LCC), NORTH KESTEVEN DISTRICT COUNCIL (NKDC), AND BOSTON BOROUGH COUNCIL (BBC).

Consideration was given to a report which set out an application by Ecotricity (Heck Fen Solar) Limited for a Development Consent Order (DCO) for Ground Mounted Solar Panels,

Energy Storage Facility, Below Ground Grid Connection to, and extension at, Bicker Fen Substation and all associated infrastructure works at Heckington Fen.

The Applications Manager introduced the report and advised that the examination on this project had already commenced, with preliminary hearings taking place on 18/19 September 2023. He advised that the site would cover 644ha, with a 524ha energy park in North Kesteven and the cable corridor extending into Boston Borough. It was expected that the solar park would produce 400 MW AC energy or 500MW DC to the sub-station. It was noted that the applicant was seeking a 40-year Development Consent Order for the construction, operation and maintenance of the development.

Laura White from Ecotricity spoke on behalf of the applicant and made the following points:

- There was a need to reduce reliance on fossil fuels and fix the climate crisis. Ecotricity believed there was another way.
- Ecotricity had been making and selling only renewable electricity to its customers for over 25 years.
- This solar park would allow agriculture to continue moving it from arable to pasture whilst making electricity and improving biodiversity. It was a triple winner.
- A recent consultation from the Central Lincolnshire Local Plan's Manager was looking for landowners to confirm their interest in offering sites for biodiversity enhancements for 30 years. This solar park would offer this and more much needed renewable energy towards net zero.
- This project would contribute over £1million per year in business rates, create over 400 jobs during construction followed by five FTE jobs during the operation, plus an additional seven in the wider community without losing any jobs from farming. The shepherd would also require personnel.
- Once operational it could power up to 100,000 households and avoid the equivalent of 75,000 tonnes of carbon dioxide emissions every year.
- The solar panels had a 30 year warranty and so were expected to last the lifetime of the project.
- 81% of the site was grade 3 agricultural land, grades 1 and 2 were considered the better grades and grades 4 and 5 less so. Approximately half of the UK's agricultural land is grade 3, grade 3 was then split into a and b, grade 3a falls into the 'Best and Most Versatile' banding, and taking this site, 11% was grade 1, 7% was grade 2 and 81% was grade 3. Over 450 soil samples had been taken from across the site and from this it was known that 30% was grade 3a and 50% was grade 3b. so land was 50% not the best and most versatile, and out of the 49%, 30% was in the lowest bracket.
- As part of this scheme, Ecotricity was committed to agriculture continuing and this would be a legal obligation secured through requirement 8 of the draft Development Consent Order which officers would help shape over the course of the examination.
- Some would say that the land grading should be based on what the land actually grew rather than what was theoretically possible. In this case, the landowner predominantly grew feed wheat for the European market. This was not the same as wheat grown for bread production for human consumption. The landowner no

longer grew oil seed rape due to a particular type of beetle which could not be treated with regulated chemicals and the land was not suitable for potatoes and other vegetables due to soil constraints and irrigation requirements. There was a full report on this by Savills in the planning application. Wheat was the only crop grown in recent years and required significant fertilizers, chemicals and herbicides to stay on top of the black grass constraint which was problematic for farmers due to its early seed dispersal. Also, agrichemicals were not great for invertebrates, water courses and flora and fauna.

- Planning permission was not needed for the landowner to turn the site over for cattle or sheep grazing or environmental schemes or to grow miscanthus which was a crop burnt to produce energy. The project offered a scheme which could remain in agriculture whilst reducing electricity and offering ecological enhancements. It was well contained with few objections from the local community on land that had already been consented for renewable energy. Support for this scheme was urged and for the Committee to recommend approval to the Planning Inspectorate.

Councillor M Brookes, the local member for Boston Rural addressed the committee and made the following points:

- Bicker Fen was part of his Boston Rural Division and had the comments to make about the Heckington Fen Solar Park Impact Statement:
- He supported the opposition to the project on the use of BMV land, but wanted to focus on the access and transport aspects.
- Access for vehicles to the existing Bicker Fen Sub-Station would continue via the A52 Haul Road for construction vehicles associated with the extension to the sub-station, but the haul road did not go all the way to the sub-station. It bypassed Bicker village and leads onto Cowbridge Road which was a very narrow country lane with two vehicles unable to pass. The heavy construction traffic caused a nuisance to the residents and damaged the carriageway and verges.
- This disruption occurred regularly with each of the energy developments year on year over 20 years or so, as they all required extensions to the sub-station which took months to complete. This would continue to happen for subsequent schemes which were in the pipeline.
- He believed that the cumulative impact of these schemes over the years should be referred to in the Impact Report.
- Three service roads had been built for various schemes over the years to avoid Bicker Village but the pinch point at Cowbridge Road had never been addressed.
- A resident of Cowbridge Road had informed Councillor Brookes that the Heckington Fen project had given him a written undertaking not to use Cowbridge Road for any of their construction traffic.
- Councillor Brookes was also concerned about a statement in Para 7.7.9 which stated that “should it be necessary to route vehicles via Bicker the applicant considered the impact will be negligible”. This must not happen, this was what the service roads had been built to avoid.

Members of the Committee were invited to ask any questions of the applicant, and the following was noted:

- It was clarified that the solar panels had a 30 year warranty and so were expected to last the life of the project.

Members considered the report and the following comments were made during the discussion:

- Comments in relation to traffic had been noted. The applicant had carried out a traffic assessment. Issues around routing were something which could be further raised during the examination.
- It was queried whether the 10% biodiversity net gain target was enforceable as the application would potentially be dealt with before April 2024 when the legal requirement came into force as part of the Environment Act.
- As detailed in the report there was significant best and most versatile land within the application site, and it was suggested that if this was an application due to be determined by the Council, it was likely that it would be reduced on those grounds.
- It was commented that the claim by the applicant in paragraph 7.8.10 of Appendix A to the report was disputed as the long-term harm of developments of this size to the soil quality could not be known at this point.
- It was felt that this development would affect the use of the land.
- The view of the applicant that there was little opposition to this development were disputed, as local councillors were aware of opposition to this development.
- There was a need for consideration of what would not be produced as well as what would be produced if developments such as this went ahead.

In response to the comments, the Applications Manager advised that in relation to the biodiversity net gain and sheep management, these were issues which would form part of the discussion taken forward at the Examination. In terms of the biodiversity net gain, there was a requirement for wording to be agreed within the DCO regarding this, and if the DCO were to be granted there would be a legal obligation for the applicant to meet this requirement, and any breach of this would be an enforceable matter. Similarly, in terms of the sheep management, the applicants' commitment to offer grazing would need to be guaranteed.

On a motion by Councillor T J N Smith, and seconded by Councillor P A Skinner, it was:

RESOLVED (8 in favour, 1 against, 1 abstention)

- (a) That the Local Impact Report at Appendix A to the report be submitted to the Examining Authority.
- (b) That a formal Written Representation be submitted to the Examining Authority which confirms the Council's overall view/position on the project at this stage. This statement being as follows:

Although the Heckington Fen Solar Park offers benefits in terms of producing clean renewable energy that would help support the UK's transition towards Net Zero; deliver significant biodiversity net gains and offer community benefits through the provision of a new permissive recreational route and a community orchard, these positives are not outweighed by the significant and negative impacts the development would have in particular on the landscape character and appearance of the area and on best and most versatile agricultural land. Nearly 50% of the total area of the main Energy Park comprises of best and most versatile agricultural land and the development would take this land out of productive arable use for the life of the development (i.e. 40 years). The loss of this high-grade land is not only of significant concern to the Council in respect of this specific project and location but is also of significant concern given the cumulative and in-combination effects of such loss when taking into account other NSIP scale solar developments that are also currently being promoted across Lincolnshire that are similarly seeking to use high-grade agricultural land. Given the strategic importance of the County as a food producer for the nation, and development on BMV land should start from a position of refusal with the emphasis for Applicants to prove otherwise. The Council's view is that the impacts of this proposal are of such significance that the Development Consent Order should be refused.

The meeting closed at 12.14 pm