



**PLANNING AND REGULATION COMMITTEE
3 JULY 2023**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors Mrs C L E Vernon (Vice-Chairman), P Ashleigh-Morris, T R Ashton, I D Carrington, A M Hall, M Hasan, N H Pepper, R P H Reid, N Sear, P A Skinner and T J N Smith

Officers in attendance:-

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

8 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor Mrs M J Overton MBE.

9 DECLARATIONS OF MEMBERS' INTERESTS

Councillor I G Fleetwood requested that it be noted that in relation to agenda item 5.1 he was also a member of West Lindsey District Council and was Leader of the Opposition. However, he confirmed he had not discussed this with anyone.

Councillor T J N Smith requested that it be noted in relation to agenda item 5.1 that he was also a member of West Lindsey District Council, and a member of the Planning Committee. He also confirmed that he had not discussed the application with anyone. He also stated that he had not discussed this application with his employer, as registered on his DPI form.

10 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 5 JUNE 2023

RESOLVED

That the minutes of the Planning and Regulation Committee held on 5 June 2023 be agreed and signed by the Chairman as a correct record.

11 TRAFFIC ITEMS

12 SKEGNESS, ROMAN BANK/BRANCASTER DRIVE - PROPOSED WAITING RESTRICTIONS

A report was received which invited the Committee to consider an objection to proposed waiting restrictions on Roman Bank at its junction with Brancaster Drive in Skegness.

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

It was noted that one resident had objected as the proposed restrictions extended across their property frontage and driveway. The issues raised were considered and the scheme had been revised via a minor modification so the extent of the restrictions were reduced as shown in Appendix C to the report.

On a motion proposed by Councillor T R Ashton, and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous)

That the minor modification as indicated in Appendix C of the report be approved and the objection to the revised scheme be overruled so that the Order, as advertised, may be introduced.

13 STURTON BY STOW, A1500 TILLBRIDGE LANE - PROPOSED EXTENSION TO 30MPH SPEED LIMIT

A report was received which invited the Committee to consider a request for an extension to the existing 30mph speed limit on the A1500, to the west of the village centre of Sturton by Stow. Investigations had indicated that this location may be considered a ‘Borderline Case’, as defined in the Council’s speed limit policy.

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

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

RESOLVED

That the 30mph speed limit extension as proposed be approved so that the necessary consultation process to bring it into effect may be pursued.

14 WOODHALL SPA, B1191 WITHAM RD - PROPOSED EXTENSION TO 30MPH SPEED LIMIT

A report was received which invited the Committee to consider an extension of the 30mph limit on the B1191 through Woodhall Spa to replace the existing 40mph limit. Investigations had indicated that this site may be considered a ‘Borderline Case’, as defined within the Council’s Speed Limit Policy.

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

Members discussed the proposal, and it was commented that there had been a substantial amount of building work along that road, it was also highlighted that there were long term plans for a number of housing developments along this road which would increase pressure on the Mill Lane junction. The 30mph limit would be very important for ensuring the safety of existing and future residents.

On a motion proposed by Councillor I G Fleetwood, seconded by Councillor T R Ashton it was:

RESOLVED (unanimous)

That the 30mph speed limit extension as proposed be approved so that the necessary consultation process to bring it into effect may be pursued.

15 COUNTY MATTER APPLICATIONS

16 APPLICATION BY GATE BURTON SOLAR LTD FOR A DEVELOPMENT CONSENT ORDER TO INSTALL SOLAR PV PANELS TO GENERATE 530MW, ON SITE BATTERY STORAGE WITH 500MW/H CAPACITY AND ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS PROVISION AND AN UNDERGROUND 7.5KM 400KV ELECTRICAL CONNECTION TO THE NATIONAL GRID SUBSTATION AT COTTAM POWER STATION AT GATE BURTON ENERGY PARK.

Consideration was given to a report which outlined an application by Gate Burton Solar for a Development Consent Order for install solar PV panels to generate 530MW, on site battery storage with 500MW/h capacity and associated infrastructure including access provision and an underground 7.5km 400kV electrical connections to the National Grid Substation at Cottam Power Station.

The Head of Planning advised that councillors had received presentations over the past 12 months from a number of developers who were bringing forward applications under the Nationally Significant Infrastructure Projects (NSIP) regime prior to the projects being formally submitted to the Planning Inspectorate.

The Head of Planning also advised that the Executive Councillor for Economic Development, Environment and Planning had requested that the Committee should be made aware that an objection had been made to the Mallard Pass Solar Project, and due to the timescales set by the Planning Inspectorate it had not been possible to bring a report to the Planning and Regulation Committee to gather formal comments on the project and the Local Impact Report.

The Committee was reminded that the Council was not the decision maker on this application, and its role was to submit a Local Impact Assessment. The report presented to this meeting also set out the background in terms of the process.

Mr James Hartley-Bond spoke on behalf of the applicant and made the following points:

- Thanks were extended to the officers for their effort, diligence and professionalism when working with us throughout the preparation of the DCO application for the Gate Burton Energy Park and for the presentation of a broadly fair Local Impact Report.
- It was pleasing that there are a number of areas where the positive impacts were recognised, notably the significant amount of clean, renewable energy created which would power over 150,000 homes per annum and reducing CO2 emissions by 8.5 million tonnes.
- This also delivered one of the lowest cost forms of electricity generation thereby making a contribution to everyone's bills.
- The project as proposed would also deliver an estimated biodiversity net gain of 70% for area based habitats, 37% hedgerows and 14% for river habitats.
- It was also noted that there were opportunities for employment and additional spend in the area, particularly during the construction phase.
- There were a number of areas where only neutral impacts or no issues were identified, which included highways, flooding, fire and rescue, minerals, cultural heritage. The Gate Burton project team had worked hard to reduce impacts and have removed solar panels to provide buffers around historic assets, water courses, properties and to reduce ecological landscape and visual impacts.
- As commented in the report, there was a continued dialogue with the council to explore a reduction in the vegetation removal around accesses where it was hoped that an agreement could be reached.
- It was encouraging that the Local Impact Report only identified a limited number of areas of concern.
- Regarding the use of agricultural land, whilst it represents a long term use, it would be reversible, and taking land out of intensive farming had benefits for the soil. Contrary to the Local Impact Report, only 12% (rather than 20%) of the land for the energy park was BMV land, which was a low percentage for a project of this scale, and notably much lower than the recently granted Longfield DCO.
- Whilst reference had been made to land within the cable route corridor, works here would be relatively short term in nature and would be fully reinstated post construction without affecting the land grading.
- With regard to cumulative impacts, it was understood that there were a lot of large projects being proposed in Lincolnshire, and it was agreed that there was a limit to what was acceptable in the County and in one area. However, currently only one solar project over 50MW has been consented in Lincolnshire, which was Little Crow near Scunthorpe. Cumulative impacts were important and would be central to the examination but the Committee members were urged to consider the project in front of them which was Gate Burton Energy Park.

- Finally, the encouragement to provide a package of community benefits was noted, and whilst not a material planning consideration, all of our projects came with a community benefit and we remain committed to working with the local organisations and communities to explore how this may be held and administered. There was also a Community Liaison Team already in place which would deal with this specific point.

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

- There were concerns from the Local Member with regard to the feel and change of the countryside for generations and restricting free movement across the field and impacts on wildlife, and it was requested whether clarification could be provided on how the public rights of way would be maintained through the area. In relation to wildlife, the Committee was advised that there were a number of features within the solar park which were designed to allow smaller species to pass through the development, and underneath the fences. For larger species, it was highlighted that it was not one fence line that enclosed the entire site, and there would likely be groups of smaller fields that were enclosed. It was noted that one aspect the consultants had worked hard on was ensuring there was the ability to migrate through the site and maintaining corridors for ecology. In terms of public rights of way and continued access through the site, it had been discovered that there were very few public rights of way in this area. There was only one dedicated public footpath through the site had been identified. It was noted that this was particularly unusual, but there would be no change to the right of way and it was planned that it would remain open throughout the construction and operation of the site.
- This development would be fairly visible from the Lincoln edge and it was queried what mitigations would be put in place to minimise glare from the sun. The Committee was advised that the applicant had been developing solar projects in the UK for approximately 12 years and within that time there had been a significant shift largely around the anti-reflective coatings for the panels. The applicant offered to send some images to officers of two solar parks built around eight years apart to demonstrate the difference in the panels.
- Clarification was sought in relation to the applicant's assessment of the proportion of best and most valuable land which was different from that of the Council. The applicant stated that the assessment carried out by their consultant indicated that 12% of the proposed site was best and most valuable land and it was expected that this assessment would be scrutinised during the examination process.
- It was appreciated that there were a lot of projects in development at the moment, but this was due to the availability of grid connections. Whilst the energy generated would go into the National Grid rather than specifically being directed back into Lincolnshire, it would create a benefit in providing low cost energy and therefore would help to reduce everybody's bills. Members were reminded that this was the lowest cost form of electricity that could be generated.
- It was confirmed that the solar panels would be at least 900mm high to allow grazing beneath them.

- It was also confirmed that part of the plan included a de-commissioning plan. It was also highlighted that from a construction point of view, this was one of the least invasive and required the least amount of concrete foundations.
- It was queried what proportion of the biodiversity net gain would be delivered on site. The applicant advised that all of the biodiversity net gain would be within the site.
- Clarification was sought regarding the claims that this project would lead to increased recycling. It was noted that in terms of the community benefits package, the waste and recycling element was something which had been suggested by officers.

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

- It was noted that there were a number of applications in development for projects in Lincolnshire, and there were concerns regarding the lack of policy and national framework on how they should be approached. It was commented that there was a need for assurance from the Secretary of State that each project would be considered on its own merit.
- Concerns were raised regarding the quality of life for sheep grazing under the panels.
- It was also important that the cumulative effect of these projects on the area of West Lindsey was taken into account.
- There would be a number of questions which would need to be looked at through the examination of the project. It was commented that this seemed to be market led at the moment and there did not seem to be much of a plan on how they were delivered on the ground. There were currently 12 solar projects in Lincolnshire at various stages of the DCO process. The examining authority would need to take the cumulative effect of these projects into account, as they were all coming forward at a similar time.
- Concerns were raised regarding the impact that 12 NSIP's could have on food supply, particularly in light of the war in Ukraine, as Lincolnshire was also known as the nation's bread basket. It was suggested that if these developments were built on agricultural land, it would affect farmer's ability to grow food.
- Clarification was sought on the difference between 3A and 3B agricultural land.
- It was planned that the site would run for 60 years, and concerns were raised that the average life of a solar panel was 20 years and therefore old panels would need to be disposed of and replaced.
- In terms of cumulative effects, it was also noted that a high percentage of land was also being used to grow energy crops, and this was another way Lincolnshire was contributing to the national picture.
- It was noted that Edward Leigh, MP for Gainsborough had been very proactive in terms of engaging with local community groups on this issue.

On a motion by Councillor T R Ashton, seconded by Councillor P A Skinner, it was:

RESOLVED (11 in favour, 1 against)

- A. That the Local Impact Report, as attached as Appendix A to the report be submitted to the Examining Authority.

- B. That the County Council informs the Examining Authority in its written response that whilst the project would produce clean renewable energy that would support the nations transition to a low carbon future and deliver significant biodiversity net gain benefits through the creation of mitigation and enhancements as well as other more limited positive impacts (as identified within the Local Impact Report, these positive impacts are not outweighed by the negative, some significant, impacts that arise given the overall size and scale of the development both on its own and in combination with the three other solar projects proposed in this geographical area. This is due to the long term and negative impacts that this proposal would have on the landscape character and appearance of the area through the replacement of large areas of agricultural land with solar development together with the cumulative impact from the other three solar projects in this area.

The cumulative change to the landscape will be considerable, and the combination of two or more sites has the potential to change the local landscape character at a scale that would be “of more than local significance” or would be “in breach of recognised acceptability, legislation, policy or standards”. The cumulative impact of the four adjacent NSIP solar sites has the potential to effect the landscape at a regional scale through predominantly a change in land use: from arable to solar, creating an “energy landscape” as opposed to the rural/agricultural one at present. This also has the potential to change the character from an agricultural landscape to that of an “energy” landscape when travelling through the area, and the sequential impacts of multiple large scale solar sites, of which some are spread over extensive, fragmented redline boundaries, exacerbating the perception of being surrounded by solar development. In addition, the loss of arable agricultural land of which at least 20% within the main development site and up to 50% of the required land for the cable route is classed as Best and Most Versatile agricultural land would have a cumulative or defined negative impact that will result in the loss of agricultural production in the development area generally and/or the permanent loss of production from mostly medium quality agricultural land.

That if the Secretary of State grants the Development Consent Order a comprehensive and appropriate package of Community benefits is secured and delivered to compensate for the identified negative impacts that the proposed development would cause to the communities affected by this project.

The meeting closed at 11.44 am

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