

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H04-0732-23 **Applicant:** National Grid Viking Link Limited

Proposal: Details of landscaping & treatment of any environmentally sensitive areas (Conditions 25 & 26 of H04-0823-17)

Location: North Ing Drove Donington Spalding

Terminal Date: 27th October 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02 Development Management
03 Design of New Development
28 The Natural Environment
30 Pollution

National Guidance**National Planning Policy Framework 2023**

Section 15 - Conserving and enhancing the natural environment
Section 17 - Facilitating the sustainable use of minerals

Representations:

	Object	Support	No Obj.	Comments
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

The applicant is seeking to discharge conditions 25 & 26 attached to planning application H04-0823-17.

Site Description

The converter station site consists of a 30 hectare field, broadly rectangular in shape currently in arable use located approximately 1.8 km to the north-west of Donington. The existing access to the site is from a narrow road known as North Ing Drove. To the north of the site are the wind turbines off the Bicker Fen wind farm and overhead electricity lines. The proposed permanent access road would be routed through agricultural land from the A52 to North Ing Drove and follows field boundaries for the majority of its length. The proposed AC cable route is also routed through agricultural land to the north of the proposed converter station site and east of the Bicker Fen 400 kV Substation.

History

H04-0823-17 - Full - Works to facilitate the Viking Link electrical interconnector with an approximate capacity of 1400 megawatts (MW) extending from Revsing, Jutland, (Denmark) to Bicker Fen, Lincolnshire (UK) comprising: - Installation of two (2) subsea high voltage direct current (DC) cables between Mean Low Water Springs (MLWS) and landfall at Boygriff in East Lindsey; - Installation of two (2) onshore DC cables between the landfall at Boygriff and the converter station at North Ing Drove in South Holland; - Construction of associated Temporary Construction Compounds (TCC) and Temporary Works Areas (TWA) and temporary vehicle access arrangements required for DC and AC cable installation; - Erection of converter station buildings together with the formation of internal roads, permanent access road from the A52, erection of security fencing, formation of landscaping with associated temporary construction compounds; - Installation of up to six (6) onshore high voltage alternating current (AC) cables between the converter station at North Ing Drove and the existing Bicker Fen 400 kilovolt (400kV) Substation owned and operated by National Grid Electricity Transmission Plc (NGET); - Installation of link pillars along the AC cable route for inspection and maintenance purposes, these will be contained within fenced areas; - Installation of all associated drainage mitigation works; and - Installation of fibre-optic cable(s) with the high voltage AC and DC cables. Approved 08.10.18

H04-0752-20 - Condition Compliance - Details of detailed design (3, 4 & 28), construction environmental management plan (6, 10, 11, 12 & 13), traffic management plan (8 & 16), artificial lighting (15), drainage management (19, 20, 21 & 29), landscaping proposals (25, 26, & 27), written scheme of investigation (32) and point of contact for complaints (18) - all conditions relating to H04-0823-17. Approved 03-11-20

Consultation Responses

Environmental Protection Officer

No Comments

Environment Agency

Use of waste on-site - authorisation or permit required We note that it does not appear the developer intends to use any waste in the construction of the land raising/bunds. However, please see the following guidance if this changes in the future: If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

LCC Highways

No objection: The landscaping Conditions, 25 and 26, were not requested by the highway authority and so the Authority does not wish to object to the approval of this Application.

Boston Borough Council

I write to confirm that my Council has no objections or observations to make on the proposal.

North Kesteven DC

No comments

Jim Bonnor (Historic Places)

No observations

Natural England

No comments received

Planning Considerations

The applicant has submitted the following documents in support of discharging conditions 25 & 26 of planning application H04-0823-17.

Condition Discharge

Conditions 25 & 26 were originally discharged in November 2020 (ref H04-0752-20) prior to the commencement of development. Due to changes in the scheme design, TEP is seeking to approve the amended landscaping scheme.

These changes are showing in the following documents:

- Statement of Landscape Design (Siemens P-015873_EL_WT910.U001#VL15&CLD010_02)
- Landscape Management & Maintenance Plan (Siemens P-015873_EL_WT910.U003#VL15&CLD010_02)
- P-015873_EL_WT910_U005_VL15_CLD010_04 Access Road - Landscape Mitigation Masterplan
- P-015873_EL_WT910_U007_VL15_CLD010_04 Access Road - Landscape Mitigation Planting Proposals - Detail Sheet A
- P-015873_EL_WT910_U006_VL15_CLD010_04 Access Road - Landscape Mitigation Planting Proposals - Masterplan

The plans which show some changes, including bund locations planting schedules and locations in general terms still accord with the approach outlined in the landscape and ecology chapters and appendices of the Environmental Statement. Information on aftercare and maintenance are also demonstrated in the above plans and supporting information.

The Environment Agency have made comment, mainly in relation to soils (raising bunds) and have provided an informative response. They state that "If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc' in order for the material not to be considered as waste meeting these criteria will mean waste permitting requirements do not apply."

If the applicant cannot meet that criteria, it is likely a permit is required. An informative will be attached to these decisions outlining the requirements of obtaining such a permit.

Natural England have not made comment, no objections have been received from any other consultee, including neighbouring authorities.

It is therefore considered that the updated information to discharge conditions 25 and 26 is considered acceptable. The proposed changes would not give rise to any unacceptable landscape or character concerns and the proposed scheme is commensurate with the landscape and ecology information presented as part of planning application H04-0823-17.

Conclusion

The updated scheme correlates with the approach outlined in the landscape and ecology chapters and appendices of the Environmental Statement which accompanied planning application H04-0823-17. The details outlined above in this report therefore are considered acceptable and

conditions 25 & 26 are discharged.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.