

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-1282-21 **Applicant:** EDF Renewables

Proposal: Installation of underground cabling and associated electrical infrastructure to connect connected solar development (Ref: H18-1126-20) to the Walpole National Grid Substation.

Location: Land Southeast Walpole National Grid Substation Walpole Bank Sutton Bridge

Terminal Date: 15th April 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework 2021**

Class B of Part 15 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
KINGS LYNN INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY	0	0	1	1

BODIES				
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the installation of underground cabling and associated electrical infrastructure to connect connected solar development (Ref: H18-1126-20) to the Walpole National Grid Substation.

It is a cross boundary application with the Borough Council of Kings Lynn and West Norfolk. Solely underground cabling is intended to be installed in South Holland.

It was previously understood that planning permission would be required for the installation as the applicant was not thought to be a statutory undertaker. However, it has since been clarified that they are a statutory undertaker and the application can in fact be considered under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Site Description

The area of the application site within South Holland district predominantly covers the highway and verge extending from just south of Sutton Bridge Power Station, as far as the junction of Gunthorpe Road and King John Bank. A small parcel of agricultural land is included within the boundary. The cable route will not impact private residential properties.

History

H18-1126-20 - Full - Change of use from agricultural land to solar farm and construction and operation of a solar photovoltaic (PV) development with capacity of up to 49.9mw with associated infrastructure and landscaping (approved March 2021)

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Anglian Water - Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

Environment Agency - No objection subject to the following condition being included: The development shall be carried out in accordance with the approved flood risk assessment dated November 2021 and the following mitigation measures it details:

- Connection infrastructure shall be raised 1.3 metres above ground level.
- The proposed works shall not impact on any flood flow routes and there will be no loss of flood storage as a result of the works.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Kings Lynn Drainage Board - Recommends a ground investigation be undertaken to establish infiltration potential. Notes the presence of multiple Board Adopted watercourses at locations within or adjacent to the site boundary (including DRN040P0101, DRN039G0207, DRN039G0201 and DRN039G0103). As acknowledged under Section 5 of the Flood Risk Assessment (Arcus, Nov 2021), the cable routing will follow the route of the existing road network and associated verges, meaning the proposed works will come within 9 metres of an adopted watercourse along the

proposed stretch. Therefore, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). Also notes the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) within the site boundary at the Walpole National Grid Substation and that works are proposed to alter this watercourse with a proposed culvert at the approximate location 548798, 316400 as per Sections 3.3.1 and 5 of the Flood Risk Assessment (Arcus, Nov 2021). To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

LCC Historic Environment Officer - No archaeological input required.

SHDC Environmental Protection (noise and odour) - No objection.

Fenland District Council - No observations or comments.

Public (1 no. objection, summarised) -

- Same route will be dug twice for this and Gunthorpe Road solar farm creating more disruption

Planning Considerations

Class B(a) of Part 15 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for statutory undertakers to undertake development consisting of 'the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line'.

The installation of underground cabling is covered by this right and therefore planning permission is not required.

Conclusion

The installation of underground cabling in South Holland district is covered by Class B(a) of Part 15 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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.