

## **Introduction**

It does not appear that there is a specific option at Deadline 6 to submit a closing statement in respect of the matters the Council consider have not been resolved to their satisfaction during the examination. However, it is common practice on other Development Consent Order examinations for interested parties to be able to submit a closing statement setting matters that they consider have not been resolved to their satisfaction during the examination.

For this particular examination the Council would firstly, wish to set out that from the commencement of the pre-application process nearly three years ago to the end of the examination the applicant has engaged with the Council in a very productive and responsive manner to enable almost all issues that the Council raised from pre-application to examination closing to be resolved in an acceptable way.

However, there remains a two issues that the Council has not managed to reach a satisfactory conclusion on which are set out below.

## **Landscape and Visual impact**

Lincolnshire County Council (LCC) maintain the position that by reason of its mass and scale, the overall development of this project has the potential to result in significant adverse effects on landscape character and visual amenity. These significant adverse effects would be limited to construction stage for the Landfall, Onshore ECC and 400kV cable corridor part of the works. However, there would likely be significant adverse landscape and visual effects at both the construction and operational phases of the development of the Onshore Sub Station (OnSS).

The development has the potential to transform the local landscape by altering its character by replacing an area of agricultural or rural land with an OnSS development, introducing a large development out of scale with the existing landscape affecting the current openness, tranquillity and agricultural character that are identified as defining characteristics of the area.

The scale, mass and height of the OnSS development would also lead to significant adverse effects on views from receptors, by altering from views within an agricultural or rural landscape to that of a landscape with large scale substation.

The Applicants LVIA identifies significant landscape and visual effects, aligned with LCC's position.

While LCC acknowledge the establishing planting as part of the mitigation proposals of the scheme will add a positive element to this landscape, the planting is to mitigate the identified adverse effects, not to enhance the baseline landscape or improve the current visual amenity of the area.

LCC has considered whether the secured mitigation balances out the change but concluded that the urbanising element of large-scale substation on rural agricultural land that is open in character is a definite and adverse change to the baseline. LCC accept that planting can be an effective way to screen and integrate development proposals and will reduce the identified adverse effects once established (up to 15 years). However, this planting needs to be carried out in a way that is sensitive to the existing landscape character, or meet any aims of a published character assessment to improve or introduce new planting to an area. The local area currently has an open character, and

planting to simply screen built elements could have detrimental impacts and screen currently open views with excessive established vegetation, adversely affecting the baseline.

The careful and well considered detailed design of both the appearance of the OnSS and associated mitigation planting, along with a robust review from interested parties that challenges and drives good design of these elements, is key to achieving the reduction in significant residual effects that have been assessed as likely to occur in the applicants LVIA.

### **Soils and Agriculture**

Turning to agricultural impacts the Council's position is that there is a conflict and tension with the Overarching National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy Infrastructure (EN-3), in relation to agricultural land impacts which needs to be factored into the planning balance.

It is noted that paragraph 2.10.29 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) confirms that land type is not a determining factor, and LCC fully accept that agricultural land impacts are one of a number of material planning considerations that the Examining Authority needs to consider and weigh in the overall planning balance. LCC also recognises that, onshore and offshore electricity generation methods that do not involve fossil fuel combustion are considered to be Critical National Priority (CNP) infrastructure by virtue of the 2024 NPSs.

Nevertheless, taken collectively those policies remain clear and consistent in reiterating that only where the proposed use of any agricultural land over and above despoiled and brownfield land has been shown to be necessary, poorer quality land should be preferred to higher quality land

The updated NPPF (December 2024) remains an 'important and relevant' matter for the purpose of determination under section 104 of the PA 2008. The NPPF should be given significant weight as national planning policy. The updated NPPF notably removed footnote 63 that supported policy at Section 15 *"Conserving and enhancing the natural environment"* with regard to the availability of land for food production. To understand the context of the removal of footnote 63, to the *"Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation"* (12/12/2024). The Government response to question 82 (the removal of footnote 63) states that the reason for proposing the removal of the text was because it was unclear whether it *"provided material benefit, especially as it gives no indication of how local authorities were to assess and weigh the availability of agricultural land when making planning decisions"*. As many representation echoed these concerns, the footnote has been removed.

The Government, however, go on to state that national policy remains clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The removal of the text in footnote 63 does not change this commitment. LCC position is that the removal of footnote 63 does not change the policy context for the determination of the Outer Dowsing Offshore wind project. The Government remains clear in that food security is important for our national security, and where the significant development of agricultural land is necessary, poorer quality land should be preferred to those of a higher quality.

The Council has worked positively with the applicant throughout the pre-application process. However, it remains the case that of the site around 60 hectares of BMV mostly Grade 1 would be permanently lost as a result of this application.. The loss of a total of 60 hectares of BMV is not an insignificant amount of land, the Council position is that any loss of BMV land for development of

this nature is too much.. The permanent loss of 60ha of BMV land would be considered a major (significant) effect in EIA terms.

Since the application documents were drafted, other NSIP projects have come forward in Lincolnshire to a stage where their impact on soils can and should be considered within the cumulative assessment for Outer Dowsing. The joint interrelationship report submitted and updated through the examination states that including Outer Dowsing the current projected cumulative loss of BMV soils across Lincolnshire is 2053.83ha from NSIP related projects. This is a significant figure and one that continues to increase as project after project comes forward with no threshold set by the Government or Secretary of State as what cumulative amount of BMV being lost becomes the tipping point and any further loss of BMV would be considered unacceptable.

Whilst the Applicant would no doubt state that they should not be “penalised” for soil and land use changes brought about by other projects, this is exactly what is required from a cumulative assessment – to ensure that the negative effect as a whole does not occur even if each project along the way may be individually acceptable.

Plainly the loss of over 2000ha of BMV soils in Lincolnshire is a large cumulative amount to any extent that the applicant has amended its assessment of the impact to minor adverse. LCC position is that this is not acceptable and it is in the gift of the Secretary of State who decides on these application to set a limit as to what loss is acceptable and what the tipping point from acceptability to unacceptability for Lincolnshire farmland is reached.

Otherwise the purpose of cumulative assessment will never be actioned as each project on its own may have an acceptable loss of BMV when considered in the planning balance whilst the cumulative figure continues to grow without ever being checked to identify when that tipping point into unacceptability is reached.

Whilst concern has been raised by some interested parties regarding the impact on soils along the cable route it is LCC view that provided the Soil Management Plan is properly implemented and enforced, land should be mostly restored to a satisfactory standard and the commitment made by the applicant through the Section 106 Agreement for an Agricultural Consultant to be available to monitor the restoration back to agricultural land should ensure this is achieved.

### **Closing Remarks**

In conclusion the Council has set out the matters it considers that have not been addressed to its satisfaction in relation to landscape and visual impact and soils and agriculture.

Taking this into consideration with the identified unacceptable impacts on the landscape character and loss of BMV land as a result of this project on its own and combined with the other Nationally Significant Infrastructure Projects across Lincolnshire, when all these unacceptable impacts are all considered in the planning balance of the need for the scheme the only acceptable decision for the Secretary of State is to refuse this application for a Development Consent Order.