

North Lincolnshire Council

**PLANNING ACT 2008 (AS AMENDED)
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

Planning Inspectorate's Reference: EN010148

**Subject: Application for an Order Granting Development Consent for the
Tween Bridge Solar Farm**

Applicant: RWE Renewables UK Solar and Storage Limited

**Site: Land East of Thorne; South of Tween Bridge Moors; West of Crowle;
North and Northwest of Sandtoft & Sandtoft industrial estate; north of Hatfield
Moors; and Northeast of Hatfield.**

LOCAL IMPACT REPORT

May 2026

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1.0 INTRODUCTION

- 1.1 This report has been prepared by Paul Skelton Planning on behalf North Lincolnshire Council in accordance with the advice and requirements set out in the Planning Act 2008 and Advice Note One: Local Impact Reports (Version 2) issued by the Infrastructure Planning Commission in April 2012.
- 1.2 The Advice Note states that when the Commission decides to accept an application it will ask the relevant local authorities to prepare a Local Impact Report (LIR). Its preparation should be prioritised and indicate where the local authority considers the development would have a positive, negative or neutral effect on the area. The Report may include any topics that they consider to be relevant to the impact of the development on their area as a means by which their existing body of knowledge and evidence on local issues can be fully and robustly reported to the Commission.
- 1.3 As the unitary Local Planning Authority for North Lincolnshire, North Lincolnshire Council (NLC) is the host local authority for part of the proposed development.
- 1.4 In producing this LIR NLC has not sought the views of local parish councils and local interest groups because the parish councils and other local groups have the opportunity, through the consultation process, to make their observations direct to the Planning Inspectorate.
- 1.5 Set out below is the LIR of North Lincolnshire Council. It identifies the most relevant local development plan policies and the main issues that concern this Council.

2.0 DESCRIPTION OF THE AREA

- 2.1 It is considered that the Application documents appropriately set out the context for the site. NLC does not wish to add significantly to the description of the site that has been set out in the application documents except to describe the general features and characteristics of the site and area. Part of

the site is located within the Isle of Axholme Area of Special Historic Landscape interest, which is important for its significant areas of medieval open strip fields and turbaries which are considered to be of national importance.

- 2.2 The application site is located partly within North Lincolnshire with the remaining part within the administrative area of City of Doncaster Council. The parts of the application site that relates to North Lincolnshire can be identified as follows, with reference to the Land Parcel Plan at Figure 1.2 of the Environmental Statement (ES):

Parcel A – a very small portion at the eastern end of this land parcel.

Parcel B – the whole of this land parcel.

Parcel C – A significant portion of this land parcel.

Parcel E - The majority of this land parcel, with the exception of a small portion to the west of the administrative boundary.

The whole of **Parcel D** and those areas outside NLCs boundary noted above fall with the City of Doncaster Council administrative area.

- 2.3 The area of Parcel A within NLCs area comprises a strip of agricultural land orientated north-south. It is located north of the railway line that follows the north bank of the Stainforth and Keadby Canal and extends to the boundary of the Humberhead Peatlands National Nature Reserve (NNR).
- 2.4 Parcel B comprises largely of agricultural land and lies to the west of the market town of Crowle and extends north from the railway line following the Stainforth and Keadby Canal to the south-western boundary of the Humberhead Peatlands NNR. The entirety of Marsh Lane, an unmade road, is shown within parcel B, as are small areas around its junction with Commonside, Windsor Road and Cross Street. Two further unconnected areas are edged red within the Town of Crowle, at the junction of Windsor Road and Godnow Road, and an area including the junctions of Wharf Road with Godnow Road, Wharf Road and Fieldside.

- 2.5 A link between Parcels B and C is shown which would include the laying of cables and any other works associated with the development.
- 2.6 The parts of Parcel C within NLCs area comprises largely agricultural land north of the A18 (High Levels Bank), linking at its northern extent with Area A across the Stainforth and Keadby Canal.
- 2.7 The parts of Area E within NLCs area comprise two main sub-parcels between the M18 to the south and the A18 to the north. The eastern boundary abuts Hirst Priory Park golf course. The site excludes a large area between the two sub-parcels around Dirtness Groves, Plains House Farm and Poultry Farm and an area north of the M18 including and west of Woodcarr Farm. An area is included on the eastern side of the River Torne, west of the A161 which is proposed to house *'works to create, enhance and maintain green infrastructure and habitat management'*.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There are historic planning permissions relating to parts of the application site however due to the scale and nature of the proposals these are not considered to be of relevance to the proposed development.
- 3.2 Following submission of an EIA scoping request, PINS (on behalf of the Secretary of State) adopted a scoping opinion (SO) dated 13 March 2023.
- 3.3 Section 2.1 of the SO deals with the project description and at ID2.1.1 says-

'The Inspectorate understands that at this point in the evolution of the Proposed Development, a final description of the development is not yet confirmed, and the red line boundary is likely to be refined. However, the Applicant should be aware that the description of the Proposed Development provided in the ES must be sufficiently certain to meet the requirements of the EIA Regulations. The description of the Proposed Development in the ES should make reference to the

design, size and locations of each element, including maximum heights, design parameters and limits of deviation.'

3.4 ID2.1.4 states-

'The ES should describe the likely routing for the underground cabling, widths and depths of the cable trenches and the works required, including any dewatering of excavations.'

3.5 ID2.1.6 states-

'Paragraph 2.17 of the Scoping Report references the potential need for separate applications in relation to the proposed National Grid substation. The description of the Proposed Development in the ES and the assessment of likely significant effects should include all design characteristics and parameters applicable to the entire development. The ES should explain the anticipated routes for consenting the elements of the Proposed Development that do not form part of the DCO application'.

3.6 As part of the SO, PINS concluded that the proposed development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. A transboundary rescreening opinion, which arrived at the same conclusion, was provided to take into account changes made to the proposed development since the SO was provided. This transboundary screening opinion is dated 24 November 2024 (although it is suspected this should be '2025').

4.0 ENVIRONMENTAL STATEMENT

The Project

4.1 The development proposed is set out throughout the application, most specifically in Schedule 1 of the draft DCO. It is clear that the works applied for do not include the necessary off-site NGET 400kV substation and grid

connections necessary to connect the development to the National Grid. NLC would refer the ExA and the Secretary of State to the references in section 3 of this Report regarding the Scoping Opinion provided by PINS on behalf of the Secretary of State in this respect.

- 4.2 The scheme (rather than 'project') which the ES has assessed is set out at ES Chapter 2 ('Scheme Description'). It is clear that the 'scheme' and the 'project' for EIA purposes are one and the same.
- 4.3 The ES Chapter 17 (paragraph 17.3.25) says '*The proposed new NGET 400kV substation and 400kV export connection cable is not an existing and/or approved project*'.
- 4.4 NLC would refer the ExA to the Court of Appeal's judgment in [*R (Ashchurch Rural Parish Council) v Tewkesbury Borough Council [2023] EWCA 101*], the so called 'bridge to nowhere' case. That case was almost the opposite of what is being proposed here in that the enabling infrastructure was applied for before the wider development. Here it is the main part of the project which has been applied for whilst the enabling infrastructure is not included in the project.
- 4.5 Nevertheless, it appears to NLC that the principles are the same. The off-site NGET substation and grid connections are clearly part of this project which are functionally interdependent and an integral part of the wider project. In Paragraph 104 of the Ashchurch judgment the Court of Appeal concluded-

'In conclusion on Ground 3, I am satisfied that [the Council] did not take a legally correct approach to the decision whether an EIA assessment was required. They never asked themselves the right questions. If and insofar as they justified treating the bridge as a stand-alone "project" by reference to (a) the difficulty of assessing the environmental impacts of the wider project (b) the fact that the Masterplan has no formal planning status or (c) the fact that EIA

assessments will be carried out in future as and when Phase 1, or other aspects of it, become the subject of planning applications, they fell into error’.

4.6 It appears to NLC that there is a risk that treating the solar farm and the off-site substations and grid connections as a different project, as is the case here, in the same way. There is therefore a risk that, by treating the solar farm as a standalone project and excluding functionally interdependent and integral parts from the project and therefore the ES, that the Applicant may be guilty of ‘salami-slicing’. This is of course a matter which the Secretary of State will need to be satisfied.

4.7 In this context, at the Issue Specific Hearing on 15th April 2026 the Applicant relied on the ‘Rochdale Envelope’. However, as set out in Nationally Significant Infrastructure Projects Advice Note Nine: Rochdale Envelope, which explains-

‘The ‘Rochdale Envelope’ approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty’.

4.8 The Rochdale Envelope approach is therefore concerned with providing flexibility where the final details of a project have not been confirmed. It does not allow for functionally interdependent and integral parts of a wider development to be excluded from the definition of a project and therefore not properly assessed under the 2017 Regulations.

4.9 The Applicant also refers to the judgment in *Associated Petroleum Terminals (Immingham) Ltd v Harbour Master for the River Humber [2025] EWHC 1992* which they say means that the SoS can rely on the efficacy of other regimes. But in that case, it was the design of a vessel which would use the Port subject of the DCO which had not been completed. The ES had assessed

other vessels, and it was concluded by the ExA that the ES was legally sufficient. This case is different because in NLCs view the whole project has not been assessed – there has been no attempt to consider a worst-case scenario, or any scenarios, in respect of the substation and grid connections. It is not therefore considered that the Associated Petroleum case direct relevance to the present case.

- 4.10 The recent judgment of the Inner House to the Court of Session in [*Raeshaw Farms Ltd v Scottish Ministers* [2026] CSIH 10] is also relevant. The judgment was different in the sense that the location of the grid connections (to a wind farm in that case) were known, however it does have some relevance in the references made to other cases. At paragraph 53 of the Judgment it states-

‘The practical and commercial difficulties that flow from the details of a grid connection being unavailable early in the planning stages of a windfarm development were also raised as an issue in the Irish cases of Ó Grianna v An Bord Pleanála [2014] IEHC 632 and Sweetman v An Bord Pleanála [2023] IEHC 89. Peart J in Ó Grianna considered (at paragraph 32) that the lack of formulated proposals for the design and route of the connection of a windfarm to the grid did not justify treating phase 1 of a scheme as a stand-alone project, rather it was suggestive of permission being sought prematurely’.

- 4.11 It may be a moot point given what has transpired since, but is also noted, as referred to in the ExAs written questions and requests for information [ExQ1], that the sequential test for flooding was carried out on the basis of a search area with a specific ‘Site Selection Start Point’ see question. It appears to NLC that the ES could have considered a range of options based on this location to assess the likely impacts of the whole project. It is a matter for the Secretary of State whether this approach is adequate in context of the 2017 Regulations.

Benefits

4.12 The Ashchurch and Raeshaw Farms cases are also relevant in so far as they both deal with the assessment of benefits in cases where the whole project has not been included as part of an ES. This is of course inextricably linked to the assessment of the project, discussed above.

4.13 In the Ashchurch case, the Court of Appeal ruled that, because the potential harms of (at least part of) the wider development had not been assessed by the ES (because it had been judged that ‘the project’ was the bridge and nothing else)-

‘...the decision maker could not rationally treat the benefits of the development facilitated by the bridge as material without also treating the harms of the development as material.’

4.14 In Raeshaw Farms, the Court referred to Ashchurch and concluded at Paragraph 56 as follows-

‘Although the grid connection had not been included in the planning application, the reporter had placed considerable weight on the wider benefits that would result from the operation of the windfarm once connected to the grid. He also had regard to renewable energy and climate change benefits, which could arise only once the grid connection was in place. Specific reference was made to the predicted generating capacity of the development once operational. In Ashchurch the road bridge that was part of a wider residential development had been the subject of an EIA that did not include the wider development. The Court of Appeal considered that this was irrational, Andrews LJ stating (at paragraph 64) that whilst “it was open to the decision-maker to treat the prospective benefits of the wider development as material factors... it was irrational to do so without taking account of any adverse impact that the envisaged development

might have, to the extent that it was possible to do so... The two go hand in hand; you cannot have one without the other.”

4.15 The judgment continues-

‘[57] We consider that there is force in the submission that the approach in this case was similarly irrational. The respondents’ answer to the point was that the reporter was entitled to assess the proposed development on its own merits and on the assumption that a grid connection would be provided at a later date. That does not, with respect, address the irrationality of addressing only the merits and not the demerits of the anticipated completed development. We have already addressed the need to evaluate the proposal in a way that is not necessarily limited to the specific terms of the planning application. In any event, the reporter’s consideration of the proposed development as a whole, at least in relation to socio-economic and climate change benefits, is illustrative of the potential difficulty in treating the two phases as entirely separate for the purpose of assessing the environmental impacts’.

- 4.16 NLC considers that there is a clear analogy between the above cases and the present application where the Applicant does not assess the potential harms arising from functionally interdependent and integral parts of the development but seeks to rely on the benefits which could only accrue from those unassessed parts of the project.

Conclusions on Environmental Statement

- 4.17 Overall NLC is not convinced that the Applicant’s definition of the project is legally sound. It is accepted that an assessment of NGET substation and grid connections may not be possible to the same level as the parts of the project that are (more) certain. However, NLC considers that those elements should have been included in the definition of the project and an assessment should

be carried out. This is of course a matter for the Secretary of State as the decision-maker.

5.0 POLICY FRAMEWORK

National Planning Policy and Guidance

5.1. In accordance with Section 104 of the Planning Act 2008, in determining applications for development consent decision makers must have regard to:

- (a) any national policy statement which has effect in relation to development of the description to which the application relates;
- (aa) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;
- (b) any local impact report submitted to the Secretary of State before the deadline specified in a notice under section 60(2);
- (c) any matters prescribed in relation to development of the description to which the application relates; and
- (d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

5.2 Paragraph 4.1.12 of the 2024 version of the Overarching National Policy Statement (NPS) for Energy (NPS EN-1) clarifies that along with NPSs:

“Other matters that the Secretary of State may consider both important and relevant to its decision-making may include Development Plan Documents or other documents in the Local Development Framework.”

Paragraph 4.1.15 goes on to confirm that:

“In the event of a conflict between these documents and an NPS, the NPS prevails for the purposes of Secretary of State decision making given the national significance of the infrastructure.”

5.3 Section 104 states that an application for energy infrastructure must be decided in accordance with the relevant NPSs except where in doing so it would cause one or more of the following:

- lead to the UK being in breach of its international obligations;
- be in breach of any statutory duty that applies to the Secretary of State;
- be unlawful;
- result in adverse impacts from the development outweighing the benefits; or
- be contrary to regulations about how decisions are to be taken.

5.4 Paragraph 4.5 of NPS-EN1(2024) states that in considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits
- its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy

National Policy Statements

- 5.5 An updated (2025) version of the National Policy Statements (NPSs) for energy came into force on 6 January 2026. However, the transitional arrangements outlined in paragraphs 1.6.2 and 1.6.3 of the 2025 NPS EN-1 make it clear that, for any application accepted for examination before the final publication of the approved 2025 amendments, the 2024 suite of NPSs should have effect in accordance with the terms of those NPSs.
- 5.6 As explained in paragraph 1.6.3 of the 2025 NPS EN-1, the 2025 NPSs are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the Secretary of State to determine within the framework of the Planning Act 2008 and with regard to the specific circumstances of each case.
- 5.7 Accordingly, the Council considers that the 2024 NPSs for energy are the relevant policies for the determination of this Application, however, where relevant, regard will be had to the 2025 versions.

Overarching National Policy Statement for energy (EN-1) (2024)

- 5.8 The Overarching National Policy Statement for Energy (NPS EN-1(2024)) - sets out the Government's policy for the delivery of major energy infrastructure. It is accompanied by five technology-specific NPS's for the energy sector, of which the NPS for Renewable Energy Infrastructure (NPS EN-3) and the NPS for Electricity Networks Infrastructure (NPS EN-5) are relevant to the proposed development.
- 5.9 NPS EN-1 sets out the Government's policy for delivery of major energy infrastructure projects and Part 3 explains '*why the government sees a need for significant amounts of new large-scale energy infrastructure to meet its energy objectives and why the government considers that the need for such infrastructure is urgent*' (paragraph 3.1.1).

- 5.10 Paragraph 3.1.2 recognises that the delivery of the required infrastructure to meet the government’s energy objectives without some significant residual adverse impacts. These impacts (or ‘effects’) *‘will be minimised by the application of policy set out in Parts 4 and 5 of this NPS. See also Part 2 of each technology specific NPS’*.
- 5.11 Paragraph 3.2.8 of NPS-EN1 confirms that the Secretary of State (SoS) should assess all applications on the on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent. Paragraph 3.2.9 explains that substantial weight should be given to this need when considering applications for development consent under the 2008 Act.
- 5.12 Section 3 talks about the need for new nationally significant electricity infrastructure to ensure there is sufficient electricity to always meet demand in the context of electricity meeting a significant proportion of the country’s overall energy needs. Reliance on electricity will increase with the transition to clean power to meet net zero targets.
- 5.13 Paragraph 3.3.4 of NPS EN-1(2024) sets out the need for generating plants, electricity storage, interconnectors and electricity networks, which all have a role to play to meet energy objectives. *‘Additional generating plants, electricity storage, interconnectors and electricity networks all have a role, but none of them will enable us to meet these objectives in isolation’*.
- 5.14 Paragraph 3.3.20 sets out that solar is one of the lowest cost ways of generating electricity, and that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.
- 5.15 Paragraph 3.3.25 explains that Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.

5.16 Paragraph 3.3.62 of NPS EN-1(2024) advises that Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. Paragraph 4.2.5 defines 'low carbon infrastructure' and this definition includes *'for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion'*. The definition also includes grid infrastructure including power lines including network reinforcement and upgrade works, and associated infrastructure such as substations.

5.17 Section 4.7 of NPS EN-1(2024) sets out the criteria for good design that should be applied to all energy infrastructure.

National Policy Statement for renewable energy infrastructure (2024)

5.18 National Policy Statement for renewable energy infrastructure (NPS EN-3) is concerned with impacts and other matters specific to renewable energy infrastructure, including generating stations that generate more than 50MW of electricity from solar photovoltaic installations in England .

5.19 Part 2.3 of NPS EN-3(2024) is concerned with factors influencing site selection and design providing guidance on, amongst other things, national designations and other locational criteria.

5.20 Part 2.4 of NPS EN-3(2024) deals with climate change adaption and resilience and paragraph 2.4.11 requires applicants for solar photovoltaic (PV) installations proposed in low lying exposed sites to assess, in particular, how plant will be resilient to flood risk and the impact of higher temperatures.

5.21 Section 2.10 provides guidance on the full range of planning and technical considerations when assessing solar PV generation.

National Policy Statement for electricity networks infrastructure (2024)

- 5.22 The National Policy Statement for electricity networks infrastructure (NPS EN-5) sets out that the electricity network infrastructure to support the government's Clean Power 2030 Mission is as important as the generation infrastructure. To support new electricity generating development, the network must be effectively planned to ensure that the appropriate investment and right kind of technology is brought online as soon as possible, in the right places.
- 5.23 NPS EN-5(2-24) outlines that, when evaluating the impacts of electricity networks infrastructure in particular, all of the generic impacts detailed in EN-1 are likely to be in play. NPS EN-5(2024) includes additional policy on the following-
- Factors influencing site selection and design;
 - Biodiversity and geological conservation;
 - Landscape and visual;
 - Noise and vibration;
 - Electric and Magnetic Fields; and
 - Sulphur Hexafluoride.

National Planning Policy Framework/Planning Practice Guidance

- 5.24 The National Planning Policy Framework (NPPF) and its accompanying Planning Practice Guidance (PPG) sets out the Government's planning policies for England and how these are to be applied. Paragraph 5 of the NPPF makes it clear that the document does not contain specific policies for NSIPs which are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant NPSs, as well as other matters that are relevant (which may include the NPPF).
- 5.25 Paragraph 7 of the NPPF recognises the purpose of the planning system as contributing to the achievement of sustainable development including, *inter alia*, supporting infrastructure in a sustainable manner. Paragraph 8 identifies

the three dimensions of sustainable development: economic, social and environmental objectives, which are said to be interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

5.26 The following chapters of the NPPF are considered to be relevant-

- Achieving sustainable development
- Decision making
- Building a strong, competitive economy
- Promoting healthy and safe communities;
- Promoting sustainable transport;
- Making Effective Use of Land;
- Achieving well-designed places;
- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment; and
- Conserving and enhancing the historic environment.

6.0 THE DEVELOPMENT PLAN

6.1 The current Development Plan for North Lincolnshire comprises the saved policies of the North Lincolnshire Local Plan (NLLP) (2003); the North Lincolnshire Core Strategy (NLCS) (2011); and the North Lincolnshire Housing and Employment Land Allocations Development Plan Document (HELADPD) (2016). There are no Neighbourhood Plans in force in the North Lincolnshire area relevant to the determination of this application. It is considered that these Development Plan documents are “important and relevant” considerations as defined in the Planning Act 2008.

6.2 The Development Plan policies relevant to the consideration of this application are set out below.

North Lincolnshire Local Plan (NLLP) (2003)

6.3 The Relevant Local Plan policies for this application are-

- RD2 – Development in the Open Countryside;
- RD7 – Agriculture, Forestry and Farm Diversification;
- T1 – Location of Development;
- T2 – Access to Development;
- T6 – Pedestrian Routes and Footpaths;
- T14 – The North Lincolnshire Strategic Road Network (NLSRN);
- T15 – Highway Improvements and New Highway Construction;
- T18 – Traffic Management
- T19 – Car Parking Provision & Standards;
- R5 – Recreational Paths Network;
- LC1 – Special Protection Areas, Special Areas of Conservation and Ramsar Sites;
- LC2 – Sites of Special Scientific Interest and National Nature Reserves;
- LC3 – Local Nature Reserves;
- LC4 – Development Affecting Sites of Local Nature Conservation Importance;
- LC5 – Species Protection;
- LC6 – Habitat Creation;
- LC7 – Landscape Protection;
- LC12 – Protection of Trees, Woodland and Hedgerows;
- LC14 – Area of Special Historic Landscape Interest

- LC15 – Landscape Enhancement;
- IG2 – Environmental Enhancement and Habitat Restoration;
- HE5 – Development Affecting Listed Buildings
- HE9 – Archaeological Evaluation;
- DS1 – General Requirements;
- DS3 – Planning Out Crime;
- DS7 – Contaminated Land;
- DS11 – Polluting Activities;
- DS12 – Light Pollution;
- DS13 – Groundwater Protection and Land Drainage;
- DS14 – Foul Sewage and Surface Water Drainage;
- DS16 – Flood Risk;
- DS17 – Overhead Power Lines and High Powered Electrical Installations; and
- DS21 – Renewable Energy.

North Lincolnshire Core Strategy (NLCS) (2011)

6.4 The relevant Core Strategy policies for this application are-

- CS1 – Spatial Strategy for North Lincolnshire;
- CS2 – Delivering More Sustainable Development;
- CS3 – Development Limits;
- CS5 – Delivering Quality Design in North Lincolnshire;
- CS6 – Historic Environment;
- CS11 – Provision and Distribution of Employment Land;

- CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape;
- CS17 – Biodiversity;
- CS18 – Sustainable Resource Use and Climate Change;
- CS19 – Flood Risk;
- CS20 – Sustainable Waste Management;
- CS25 – Promoting Sustainable Transport;
- CS26 – Strategic Transport Infrastructure Proposals; and
- CS27 – Planning Obligations

North Lincolnshire Housing and Employment Land Allocations Development Plan Document (HELADPD)

6.5 No part of the site is allocated for development in the HELADPD.

6.6 The relevant HELADPD policies relevant to this application are-

- PS1 – Presumption in favour of sustainable development;

Emerging North Lincolnshire Local Plan

6.7 North Lincolnshire Council is currently in the process of preparing a new Local Plan to 2038. Once formally agreed this document will replace the current North Lincolnshire Local Plan (2003), North Lincolnshire Core Strategy (2011) and Housing and Employment Land Allocations DPD (2016).

6.8 Initial consultation on the Plan took place between May and July 2025 and the Regulation 18 consultation is expected to take place in Spring 2026. Formal submission of the emerging Plan for examination is expected in Winter 2026/7.

Other Material Policy Documents and Guidance

6.9 In addition to the Development Plan policies listed above, there are a number of supplementary planning documents and guidance documents which have relevance to the proposed development as set out below:

- North Lincolnshire Planning for Renewable Energy Development Supplementary Planning Document (2011).
- Sustainable Drainage Systems (SuDS) and Flood Risk Guidance (2017).
- Landscape Character Assessment & Guidelines (1999).
- The Isle of Axholme Historic Landscape Characterisation Project (1997).
- The Lincolnshire Historic Landscape Characterisation Project, 2011

6.10 The Council's Planning for Renewable Energy Development Supplementary Planning Document (SPD) (2011) supports renewable energy and views this as being a key part of the transformation of North Lincolnshire's economy. This document sets out a number of policy considerations specific to proposals for renewable energy development including Biodiversity; Landscape; Visual Effects; Heritage Assets; Soil and Hydrology; Flood Risk; Community Impact; Cumulative Effects; Highways & Rights of Way; and Local Grid Connections & Ancillary Equipment.

7.0 DEVELOPMENT PLAN POLICY OVERVIEW

Development in the countryside

7.1 The local Development Plan does not make specific allocation of land for new energy generation development.

7.2 The whole site lies in the open countryside and the vast majority of it is greenfield land. Policies CS1-CS3 of the Core Strategy and policies RD2 and RD7 apply. Local Plan Policy RD2 sets out that development in such areas is strictly controlled and will only be granted for development which is, inter alia-

- i) essential to the efficient operation of agriculture or forestry;
- ii) employment related development appropriate to the open countryside;
- iii) affordable housing to meet a proven local need;
- iv) essential for the provision of outdoor sport, countryside recreation, or local community facilities;
- v) for the re-use and adaptation of existing rural buildings;
- vi) for diversification of an established agricultural business;
- vii) for the replacement, alteration or extension of an existing dwelling;
- viii) essential for the provision of an appropriate level of roadside services or the provision of utility services.

7.3 Such development is subject to the following provisos-

- a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this Local Plan;
- c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and
- d) the development would not be detrimental to residential amenity or highway safety; and
- e) account is taken of whether the site is capable of being served by public transport; and
- f) the development is sited to make the best use of existing and new landscaping.

7.4 Local Plan Policy RD7 supports the principle of farm diversification in the following circumstances-

- i) the proposal does not conflict with the operational requirements of the agricultural or forestry enterprise;

- ii) there is no adverse impact on high quality agricultural land;
- iii) the proposal should, wherever possible, re-use existing farm buildings, or if new building is necessary, should be sited in, or adjacent to, an existing group of buildings and be of a design, scale and construction appropriate to its surroundings; and
- iv) the likely level of traffic generated by the proposal is acceptable taking account of the suitability of existing access and approach roads; and
- v) any parking associated with the proposal would not be visually intrusive.

7.5 The overall strategy as set out in the Core Strategy seeks sustainable development in particular. All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Where development unavoidably has an environmental impact, there should be adequate mitigation.

7.6 Whilst a brownfield site would be preferred due to the extent of the Order Limits and scale and nature of the proposed development, this would not be possible. By their very nature solar farms of the scale proposed will almost exclusively require an open countryside location.

7.7 The Development plan does allow for farm diversification, and solar farms can fall within this exception, albeit that the proposals would almost inevitably conflict with the operational requirements of the farms within the Order Limits and there would be adverse impacts on best and most versatile agricultural land. There is also a question as to whether the scheme would be of a design, scale and construction appropriate to its surroundings. A strict reading of policies RD2 and RD7 would indicate that the principle of development is not supported, however it is recognised that the development could not be accommodated within defined development boundaries, and this position must be read in the context of the wider decision-making framework including Paragraph 3.3.62 of NPS EN-1.

Renewable Energy

- 7.8 Policy DS21 of the NLLP is supportive of new renewable energy development in principle subject to any detrimental effects on features and interests of acknowledged importance, including local character and amenity, is outweighed by environmental benefits. This policy is over 20 years old, written prior to publication of National Policy Statements and the reference to environmental benefits must again be considered in the context of Paragraph 3.3.62 of NPS EN-1. Policy DS21 also requires proposals to include details of associated developments and their likely impact upon the environment.
- 7.9 Policy CS18 of the NLCS is a wide-ranging policy that seeks to actively promote development that utilises natural resources as efficiently and sustainably as possible. It sets out a number of measures to achieve this aim including supporting renewable sources of energy in appropriate locations, where possible.

Summary

- 7.10 Overall it is considered that the proposed development is capable of being provided for within the overall strategy of the Development Plan. There is support for renewable energy in principle, albeit the different parts of the Development Plan were prepared/adopted at points in time and as such do not reflect current national policies and the critical national priority (CNP) for the provision of nationally significant low carbon infrastructure as set out in NPS EN-1.
- 7.11 There is potential for policy conflict in relation to the possible impacts in respect of the landscape and visual impacts, traffic and transport and public rights of way, biodiversity and ecology, cultural heritage, noise and vibration, air quality, contamination land, hydrology and flood risk and socio-economic issues. These matters are addressed in detail below and should be fully considered and weighed in the planning balance when a decision is made.

8.0 PRE-APPLICATION CONSULTATION

8.1 North Lincolnshire Council has previously expressed the opinion that it has no objection to the degree of community consultation undertaken and that this consultation has been undertaken as required by Sections 42, 47 & 48 of the Planning Act 2008 (as amended).

9.0 LANDSCAPE AND VISUAL IMPACTS

9.1 NLC considers that the relevant development plan policies against which to assess the proposed development's effect upon landscape and visual impact are saved policies RD2, RD7, LC7, LC14 and DS1 of the North Lincolnshire Local Plan 2003 ('the Local Plan') and Spatial Objective 10 (Creating A Quality Environment) and policies CS5 and CS16 of the North Lincolnshire Core Strategy 2010 ('the Core Strategy').

9.2 Saved Local Plan Policy RD2 seeks to exercise strict control over development in the countryside, aiming to balance the needs and benefits of economic activity with maintaining and/or enhancing the quality of the countryside. It promotes the positive benefits of rural diversification by ensuring that the long-term social and economic vitality of rural areas, and an efficient and flexible agriculture industry is maintained. In supporting rural diversification, saved Policy RD7 seeks, inter alia, to ensure new development is of a design, scale and construction appropriate to its surroundings. Policy LC7 seeks to protect the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted. Saved Policy LC14 is specific to the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI) and provides that development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. A high standard of design is required and schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the area. Saved Policy DS1 requires high standards of

design to reflect or enhance the character, appearance and setting of the immediate area and where possible, retain and/or enhance the existing landform.

9.3 Spatial Objective 10 of the Core Strategy and Policy CS5 seek high quality design that respects and enhances the distinctive landscapes and townscapes and contributes to creating a sense of place. Policy C16 sets out that NLC will protect, enhance and support a diverse and multi-functional network of landscape, greenspace and waterscape by-

1. Identifying in supporting documents within or evidencing the Local Development Framework, a network of strategically and locally important landscape, greenspace and waterscape areas. Development on or adjacent to these areas will not be permitted where it would result in unacceptable conflict with the function(s) or characteristic of that area.
2. Requiring development proposals to improve the quality and quantity of accessible landscape, greenspace and waterscape, where appropriate.
3. Requiring development proposals to address local deficiencies in accessible landscape, waterscape and greenspace where appropriate.
4. Requiring the protection of trees, hedgerows and historic landscape to be specified where appropriate

9.4 NLC has assessed the submitted information concerning the assessment of the landscape and visual impacts and the potential cumulative impact of this proposed development. The Council has commissioned Tetra Tech to assist in the consideration of these issues, and the key local issues have been divided into Landscape issues, Visual and Residential Amenity issues and Design issues which are considered in detail below

Landscape Issues

9.5 The North Lincolnshire Landscape Character Assessment authored by JBA forms part of the evidence base to the emerging North Lincolnshire Local Plan. This document has not been referred to in the LVIA and should have been considered. This character assessment provides a more recent review of landscape character than the North Lincolnshire Landscape Character Assessment and Guidelines (1999), which the LVIA provides assessment against. The Order Limits fall within the Trent Levels Landscape Character Area which is described as an area with ‘expansive views’, ‘large, open arable field structure defined by well maintained drainage ditches’, and it is recognised that the Isle of Axholme Historic Landscape Character Area falls within this LCA. The LCA is further sub divided into Landscape Character Types (LCTs), with three LCTs covering the Order Limits, namely Flat Open Remote Farmland LCT (Land Parcel B) and Flat Drained Treed Farmland LCT and Flat Wooded Farmland (Land Parcel E). Whilst the key characteristics of the LCTs is similar to that of the 1999 landscape character assessment, the landscape guidelines have been updated.

9.6 With regards to Landscape Guidelines relating to the Flat Open Remote Farmland, the Character Assessment states-

‘Areas of moorland allotments, early enclosed land and turbaries should be conserved and protected from insensitive development.’ It also states “New hedgerow planting should look to reinstate historic field boundaries, in particular zone boundaries, in areas where hedgerow removal is still in evidence. Farmland surrounding the north west of Crowle shows the distinct pattern of the moorland allotment medieval strip farming system; this important landscape feature should be conserved and reinstated where possible adding diversity to the surrounding large open field structure.’

9.7 The Flat Drained Treed Farmland LCT is described as a-

'Level and expansive arable landscape, largely the product of recent enclosure which is generally open albeit with longer range views contained through landform and tree cover' [with] 'field boundaries generally indistinct or defined by ditches, occasionally more visibly defined by unmanaged gapped hedgerows, field boundary trees and raised berms associated with drainage dikes.'

9.8 In terms of hedgerow planting, the Landscape Guidelines state that-

'...hedgerow planting is not a dominant structural element of this landscape, however where present should be protected and strengthened. It is important that remaining boundary hedges are conserved, especially HLC [historic landscape character] zone boundary hedges in order to reflect the difference between the character of the medieval open fields, Early Enclosed Land and Recently Enclosed Land.'" In relation to new woodland planting the landscape guidelines advise "Restricting tree planting to areas of existing cover and to areas adjacent to settlements'.

9.9 With regards to the Flat Wooded Farmland LCT, within the Landscape Guidelines reference is made to the Isle of Axholme Area of Special Historic Landscape Interest for appropriate guidelines, including to *'Enhance the existing structure of farmland through the replacement of lost hedgerow planting and the management and reinforcement of existing tree and hedgerow cover'.*

9.10 The Landscape Character Assessment by the Isle of Axholme and Hatfield Chase Landscape Partnership (2014, Fiona Fyfe Associates, with Countryside and Steven Warnock) covers the area of the site within Doncaster and North Lincolnshire. This landscape character assessment has not been referred to in the LVIA and should have been covered. The landscape character areas that should have been addressed within NLC area are-

1. Thorne and Crowle Moors,
2. Hatfield Moors,
3. Hatfield Chase Levels, and
8. Thorne and Moorends.

The development proposals within North Lincolnshire lie within character area 3. Character areas 1, 2 and 8 lie within the study area.

- 9.11 The Hatfield Chase Levels landscape character area (3) is described in the Character Assessment as follows-

‘Although the general impression of the landscape is one of openness, much of it is also well-treed, due to the presence of the surrounding wooded Moors, and the influence of the wooded turbaries, shelter belts, quarry site planting and motorway planting within the LCA. The Isle of Axholme forms the eastern horizon, and its associated water towers, windmills and church towers form distinctive landmarks’.

Its key characteristics include

‘An important historic landscape, being a former royal hunting forest transformed through drainage by Dutch engineer Cornelius Vermuyden in the 1620s...A strongly geometric landscape, dominated by big skies and with a marked sense of space...Ridge-top features on the Isle of Axholme and the wind turbines at Tween Moors provide a sense of orientation’.

- 9.12 The LVIA addresses the Peat Moorlands Landscape character type and the Thorne and Hatfield Peat Moorlands (G2) character area that lie within the study area as identified in the Doncaster Character Assessment (2007). The sensitivity of this area is assessed as ‘high’. Consideration should have been given to a sensitivity of ‘very high’ considering the nature of the proposals and

the more detailed description of the landscape character areas (areas 1 and 3 from the 2014 Character Assessment). The LVIA also doesn't provide consideration to a very high sensitivity in relation to the character types within NLC based on the information provided within the Isle of Axholme and Hatfield Chase character assessment (2014).

- 9.13 The LVIA refers to the portion of the landscape character area covered by the development and the limited visibility of the scheme (para 6.5.52) for the sole reasoning to result in a 'not significant' effect at year 1. As stated in GLVIA (para 5.48) there are a number of issues that should be covered when assessing magnitude of effect – *'size or scale, the geographical extent of the area influenced and duration and reversibility'*. This should be explained in further detail.
- 9.14 A further consideration includes *'the degree to which aesthetic or perceptual aspects of the landscape are altered either by removal of existing components or the landscape or the addition of new one'*. By year 15, the magnitude of change is assessed as reducing to 'low' due to the addition of mitigation proposals. It is difficult to understand how such changes in a landscape character (which is described as having *'a sense of wilderness and remoteness'*, *'an important historic landscape'* and *'big skies'*), in both the short and long term, can result in a low magnitude of change (moderate to minor effect – not significant) on the landscape character.
- 9.15 Overall, it is NLCs view the consideration of landscape character has been underplayed. Landscape Institute Technical Guidance Note 02/21 "Assessing landscape value outside national designations" has not been referenced. This guidance note is designed to provide information and guidance when making judgements about the value of a landscape outside national landscape designations. Considering the unique characteristics of the landscape character of the site, this should have been addressed to determine whether the landscape is considered to be a valued landscape (NPF 187). Where areas are identified as valued landscapes, this should be taken into consideration in determining the sensitivity of the landscape in the LVIA.

9.16 In addition, one of the landscape detractors within the LVIA is identified as the presence of the major road network in terms of tranquillity and remoteness (paragraph 6.4.25). It is acknowledged that some of the site parcels are located directly adjacent to major roads, however, others are more distant and are less influenced by the visual and audible presence of the strategic transport network, for example the Flat Open Remote Farmland landscape character type. This is even referenced in the National Character Area description (NCA39), which covers the Flat Open Remote Farmland landscape, which states-

'Despite settlements, motorways and main roads, there is still a sense of remoteness to be experienced on the Levels'.

The road network should not be used as a reason for influencing the sensitivity of all the character areas in the NLC area.

9.17 With regards to the findings of the Landscape Assessment, there appears to some contradictory conclusions. The assessment of operational effects states that there would be no significant effects at year 1 and year 15 upon local landscape character areas, rather effects would be significant upon the character of the site itself. Table 6-6 also reports no significant effects upon landscape character areas, however, paragraph 6.8.10 states that there would be significant effects upon several named landscape character areas as a result of the operation of the proposed development. Clarification is required on this basis to remove contradictory conclusions and confirm if significant effects on the landscape do occur in relation to local character areas.

9.18 The focus of the LVIA centres on the presence of the PV panels with little or no recognition of the presence of the additional infrastructure. In the North Lincolnshire area there are two 100MW BESS, two 132KV substations proposed and one 400kv substation (of the 7no. 132 KV substations, 4 no. BESS and one 400kv substation in total across the whole proposal). These

contain large structures with some elements up to 15m in height within them. They are likely to be perceived within the wider area so should be acknowledged appropriately within the LVIA. The 400kv substation in particular does not seem to be referenced and is omitted from the Landscape and Visual Mitigation Strategy (Figure 6.4) and photomontage in relation to viewpoint 26 (Appendix 6.4).

- 9.19 The basis of the year 15 and decommissioning phase of the landscape assessment is that the embedded mitigation would have established to screen the development resulting in 'not-significant effects' (LVIA paragraph 6.5.52), However, there is no acknowledgment of the long-term change in underlying landscape character due to the presence of the landscape mitigation, which is largely different to the existing landscape characteristics. At decommissioning, it is understood that the site would be returned to its original conditions (ES Chapter 2, paragraph 2.12.4). There is no acknowledgement how the proposed landscape mitigation would have matured in the 40-year time period, and how it would have altered the landscape character. Paragraph 6.5.153 of the LVIA does state that no hedgerows would be removed at decommissioning. The removal of the panels and other infrastructure 40 years later is likely to be a significant change to the landscape character. This should be addressed in further detail in the decommissioning assessment.
- 9.20 Overall, in light of the above, NLC considers that the landscape character assessment is inadequate and requires further consideration in relation to the landscape areas addressed, and the likely impacts and effects of the development on the landscape character. It is the Council's opinion that the effects of the development on LCAs 1 and 3 as defined in the 2014 Character Assessment (see paragraph 9.10 above), should they have been assessed as character areas, are likely to be significant. The effects on Thorne and Hatfield Peat Moorlands (G2) character area is also likely to be significant should all the relevant criteria have been considered.

Visual and Residential Amenity Issues

- 9.21 The LVIA does not address each visual receptor considered to define their value and susceptibility to result in a sensitivity rating. It relies on the description provided in the LVIA methodology (Appendix 6.1 section 1.4) which only briefly touches on value and susceptibility of visual receptors. Value and susceptibility should be clearly defined for visual receptors as described in GLVIA3.
- 9.22 The LVIA provides judgements on sensitivity and magnitude of change although some of the justification given for the judgement arrived at for sensitivity and magnitude is brief in the visual assessment (Appendix 6.5). Examples include viewpoints 32 and 33 in North Lincolnshire.
- 9.23 For some of the receptors, there is a brief rationale provided for how the sensitivity and magnitude have been combined to arrive at the final effects. The assessment of effects in relation to residential visual amenity is also brief, sometimes limited to one sentence. There is also a lot of repetition of the same phrases used in the assessment of effects, this occurs within the viewpoint assessment at Appendix 6.5 and the RVAA at Appendix 6.2.
- 9.24 Judgements have been made for some visual receptors with regards to the year 15 and decommissioning phase assessment, and effects upon residential visual amenity, whereby the LVIA assumes that the embedded mitigation has established to screen views of the development, thus overall effects are no longer significant. There is no acknowledgement of the change from a view with a wide and open aspect to one screened by a 3m high hedgerow. A shortened, screened view is still likely to result in an adverse, and potentially significant, change. An example is RVAA receptor 44 'New Plains House and Plains House Farm' where it is felt there is an over reliance on mitigation planting resulting in the reduction of an effect. Inconsistencies with the assessment at some locations has also been noted.
- 9.25 RVAA receptor 44 has been assessed in the RVAA with a moderate significant effect at year 1 and a moderate (not significant) effect at year 15.

This is explained as primarily due to the mitigation planting obscuring some of the view of the panels but the RVAA notes that it would however *would 'likely be clearly noticeable in select directions'*.

9.26 The methodology for the production of the photomontages has not been included in the LVIA methodology. For a scheme of this nature NLC would expect to see the photomontage methodology provided within the documents.

9.27 Due the matters raised above, NLC considers that the assessment of effects for the visual receptors requires further clarification in a number of areas. The assessment is considered inaccurate in its assessment of hedgerow screening removing significant effects for visual receptors currently experiencing wide open views.

Landscape Design Issues

9.28 The primary landscape mitigation measure proposed throughout the scheme is the planting of hedgerows and woodland copses/shelterbelts to visually screen the development. The LVIA sets out that the hedgerows would be planted to restore the landscape, as set out in the 'relevant published landscape character assessment guidelines'. However, it is not clear which landscape character guidance is being referred to. The baseline character of the receiving landscape is open, with little vegetation, and this is acknowledged in published character assessments. There is also reference made to restoring historic hedgerows, but it is unclear as to where these are located. The Applicant's landscape strategy requires further explanation to understand how it has been developed, the reasons behind the various proposals and how it fits into the existing green infrastructure.

9.29 In the Issue Specific Hearing on the 15th April 2026, the Applicant's Flood Risk advisor mentioned that hedgerows would be maintained at a height of 3.6m. The LVIA states they will be maintained at a height of 3m (LVIA ref para 6.6.4). This requires clarification as if a height of 3.6m is maintained, this may alter the assessment in the LVIA. The retention of hedgerows at either height should be explained in a specific landscape strategy to support the reasoning.

- 9.30 In the Issue Specific Hearing (15th April 2026) the applicants Flood Risk advisor mentioned the various ditches that are proposed as part of the flood strategy. These are not depicted on the Landscape and Visual Mitigation Strategy (ES Figure 6.4.6.4). If additional ditches are proposed, these should be designed in conjunction with the landscape proposals and shown on ES Figure 6.4.
- 9.31 Hedgerows are proposed along the line of a number of the existing ditches as shown on ES Figure 6.4 (e.g. along the unnamed minor road sandwiched between Woodcarr Drain/Hatfield Waste Drain and the A18 along the northern boundary of parcel E). Hedgerows adjacent to ditches do incur additional maintenance issues due to restricted access and it should be identified how this will be addressed and if this has been considered within the design proposal.
- 9.32 The graphics used on the Landscape and Visual Mitigation Strategy (Plan 6.4.6.4) are difficult to read to allow for a clear understanding of the landscape development proposals over the whole site. Although detail is provided for the canal corridor, no supporting detail is provided for the wider site and this, accompanied with difficult to read graphics, particularly in relation to hedgerow placement, results in little clear understanding of the wider landscape strategy presented.
- 9.33 Neutral grassland is proposed as ecological habitat within the site. There is no detail provided on how agricultural farmland, likely heavy in nitrates and phosphates, will support a neutral grassland habitat. It is therefore questioned whether the all the ecological benefits identified as part of the proposal can actually be achieved. This requires further detail to substantiate that the benefits proposed are achievable.
- 9.34 There are some hedgerows within the site boundary that appear not to have been surveyed (Arboricultural Impact Assessment ES Appendix 6.6). As the arboricultural survey informs the landscape and visual mitigation, it is

considered important to have all existing and retained vegetation adequately surveyed and conveyed on the application plans. Examples can be found at what 3 words location: ///satin.pirates.stands where a stand of trees is clearly visible on recent aerial mapping but not surveyed or shown in the AIA (ES Appendix 6.6, sheet 13, p19), and ///basically.sneezed.tricky where a series of hedgerow lines are clearly visible but not picked up in the AIA (sheet 33 p73).

- 9.35 The landscape mitigation strategy includes extensive hedgerow planting, woodland and copse planting, and grassland areas for wintering birds and skylark habitat. However, at decommissioning, it is stated that the landscape would be returned to pre-construction conditions (E.S. Chapter 2, page 20). Clarification should be provided as to how the farmland would sit alongside the biodiversity improvement measures associated with the development in perpetuity e.g. an outline landscape restoration plan, to inform likely long term (post decommissioning) landscape management is required. The Outline Decommissioning Environmental Management Plan (Document 7.3) doesn't provide information beyond the land being handed back to the relevant landowners, with consultation with stakeholders and landowners held regarding the management of mitigation beyond the lifespan of the scheme.
- 9.36 NLC considers that further detail should be provided on the landscape design rationale to gain an understanding of the landscape proposals, their rationale, achievability, design evolution and how they will assimilate into the landscape character.

Conclusions on Landscape and Visual Impacts

- 9.37 The Council concludes that the proposed development would have a negative impact on landscape character and visual amenity within the local area contrary to the policies set out above. Further details are required to demonstrate the conclusions made in the LVIA are substantiated, i.e. that the landscape design proposals are achievable and consider a wider green infrastructure strategy; and the value of the landscape has been sufficiently considered when carrying out the assessment.

10.0 TRAFFIC AND TRANSPORT AND PUBLIC RIGHTS OF WAY

- 10.1 NLC considers that the relevant development plan policies against which to assess the proposed development's effect upon the local highway network are saved Local Plan policies RD2, T1 and T2, and Core Strategy Policy CS25.
- 10.2 Policy RD2 requires that new development in the open countryside is not detrimental to highway safety. Local Plan Policy T1 requires developments that generate a significant volume of traffic movements to be located in urban areas or where there is good access to transport networks, including by foot, cycle and public transport. Policy T2 requires all new developments to be served by a satisfactory access. Development should be readily accessible by a choice of transport modes, and be served adequately by public transport and the existing highway network.
- 10.3 Core Strategy Policy CS25 promotes sustainable transport through spatial planning and design and sets out a range of transport demand and network management tools to ensure there is a choice of transport modes and a reduction in the need to travel.
- 10.4 NLC as the Local Highways Authority has assessed the submitted information concerning the assessment of potential traffic and transport effects of the proposed development. This is set out in ES Chapter 12 [APP-058], its Appendix 12.1 which includes the Transport Statement (TS) [APP-111 and the Outline Construction Traffic Management Plan (Rev 1)(OCTMP) [app-182].
- 10.5 Paragraph 12.35 of the ES sets out that the Study Area was confirmed through the EIA Scoping process and comprises 'the roads which were anticipated to form the routes for construction traffic to the Scheme'. These (19) 'links' are then set out in paragraph 12.35. Of these links, only Link 19 has been subject of further assessment, as the ES explains that it is the only one which 'has a high sensitivity' and 'a 27.8 percent impact in HGV traffic'.

- 10.6 The ES explains at paragraph 12.7.3 that Access to the site during the construction and operational phases is ‘anticipated’ to be provided from Moor Edges Road; High Bridge Road; the A18 Tudworth Road; Marsh Road; an unnamed access road which links the A161 and High Levels Bank; High Levels Bank; Sandtoft Road and Low Levels Bank.

Baseline Conditions

- 10.7 The existing baseline year has been identified as 2023 (see para 12.3.40). It is stated that this does not allow for any background traffic growth on the highway network between the time of the base surveys and the start of construction. NLC questions whether this is appropriate, particularly given that the start date for construction is fluid given the uncertainty around grid connections. In this context, it appears to NLC that an allowance for additional traffic growth may be appropriate. Whilst it is accepted that it is unlikely that certain rural routes would see any material increases in traffic, an assumption of no traffic growth on routes such as the A18 and A161 is questionable.
- 10.8 The ES provides (section 12.4) a description of the roads within the strategic and local transport networks ‘closest to the site’ which will be used during construction. It is explained that the Order Limits are currently accessed via a number of agricultural access points which are shown on Figure 12.1., which also indicates the Public Rights of Way (PRoWs) within or abutting the Order Limits. Three of these PRoWs are within the NLC area (CROW18, CROW21 and BELT21). The Stainforth and Keadby canal path, also passes very close to the Order Limits. A user survey was carried out in May 2024 for those footpaths anticipated to have greatest usage, including the Canal Path, and the results are provided at paragraph 12.4.34.
- 10.9 Personal Injury Collision data for the five-year period May 2020-May 2025 has been analysed for the NLC area which is considered appropriate for a project of this scale and nature. The data indicates that no collisions took place within the NLC area.

10.10 Traffic Count surveys were undertaken in June 2023, the results of which are provided at Table 12-12 as agreed by NLC.

Construction phase impacts

10.11 Given the nature of the proposed development, NLC considers that the main impacts of the proposed development would be during the construction phase. As set out above, an Outline Construction Phase Traffic Management Plan (OCTMP) has been submitted and Requirement 16 in the DCO is proposed to secure the submission of the final CTMP.

10.12 As set out at paragraph 2.2 above, Five separate Land Parcels have been identified, of which Parcel B is fully within North Lincolnshire, along with the majority of Parcel E and a small section of Parcels C and A. Proposed access points have been provided however as set out at paragraph 12.7.3, these are 'anticipated' points of access. Of those points of access within NLCs area, the Council makes the following observations-

Access N - Figure 3.5 shows HGVs entering the opposite lane to enter the site.

Access O - Although the swept path shows the movement can be achieved, the bridge looks very tight.

Access Q - This shows a reduced visibility splay to the south, but unclear why this is the case as it looks like there should be good visibility. Details on measures to mitigate against the reduced visibility splay need to be provided.

Access X – There is very reduced visibility to the south, but it is unclear whether there are any proposals to mitigate against this.

10.13 In respect of the above comments, whilst visibility splays can be amended if vehicle speeds are lower, speed surveys should be provided to demonstrate this, rather than reliance on observations. Any mitigation measures should be included in both the ES and OCTMP.

- 10.14 The proposed routes to Land Parcels B & C would appear to be acceptable in principle, however, NLC would query the routing to Accesses R & Q. It appears to NLC that it would make more sense for vehicles to these points to access High Levels Bank directly from the A18, rather than the A161, as this would be a more appropriate route (ES paragraph 12.5.9 refers). Consideration should also be given for a one-way route to Access Point R, as this would reduce the risk of construction vehicles passing each other with limited space with which to pass. Paragraph 4.7.4 of the OCTMP refers to temporary traffic management measures at each individual access point to assist drivers entering/exiting, but it is unclear what these measures would be. If it is proposed that banksmen/traffic marshals are used, NLC would not expect them to control general traffic on the adopted highway.
- 10.15 NLC considers that it is difficult to fully understand the impact of construction traffic on the local highway network. The construction periods for each land parcel have been provided, including the length of the peak construction period, along with the predicted two-way Annual Average Daily Traffic (AADT) movements per day, including HGV movements. It is assumed that these are average movements across the construction period and it would be useful to have further information on this to fully understand the impact - including a monthly profile for vehicle movements (including HGVs) across the whole construction period and also the vehicle movements per access point. It is also unclear on how the anticipated HGV movements for each land parcel have been derived.
- 10.16 The ES (paragraph 12.5.16) assumes that 4.94 workers per acre would be on site at any one time, but there is no justification for how this has been calculated. It is predicted (ES paragraph 12.5.17) that 75% of workers would travel by minibus, with the remainder travelling by car which is assumed to be 41 cars per day. Again there is no justification for this assumption or how the use of staff minibuses would be encouraged/enforced.

- 10.17 The ES (paragraph 12.5.45) refers to a road sweeper being employed if required, but there is no mention of this with the CTMP, which needs to be addressed. NLC would also not want to see any loose material on the access tracks within 10 metres of the adopted highway, to minimise the risk of it being dragged out onto the adopted highway.
- 10.18 It is noted that a pre/post construction carriageway condition survey would be undertaken in accordance with NLC officers and remedial works agreed. Any suggestions for temporary traffic management measures should be discussed and agreed with NLC prior to implementation.

Operational phase impacts

- 10.19 It is noted that the construction accesses referred to above are intended to be retained for use during the operational phase. NLC considers that there would be no likely significant effects during the operational phase of the project as operational vehicle movements would be minimal as set out at paragraphs 12.5.47-12.5.50 of the ES.

Decommissioning Phase Impacts

- 10.20 The ES deals with this issue shortly as it is stated that the activities involved in decommissioning the scheme are not yet known. An assumption is made that scheme is expected to be decommissioned in 2072 (although the first grid connection date is now stated to be between 2031-2035 ([AS-026] refers) rather than 2029 as set out in the ES). Despite this, the ES sets out that a similar number of vehicles are likely to be required for the decommissioning of the Scheme as the construction, although there is no justification for this.
- 10.21 The ES therefore arrives at a similar conclusion to that for the operational phase, in that the affects are therefore assessed as likely to be Not Significant, with the exception of Link 19 (Marsh Road) where there could be direct, short term, temporary Significant effects on Road safety and Driver

Delay. The SoS will need to be satisfied that there is sufficient information within the ES in respect.

Public Rights of Way

- 10.22 The NPPF and Development Plan seek to promote safe walking and cycling routes in line with the NPPF aim, set out at Chapter 8, to achieve healthy, inclusive and safe places which (a) promote social interaction, (b) are safe and accessible, and (c) enable and support healthy lifestyles (paragraph 96). Paragraph 105 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users”.
- 10.23 There are three public rights of way within or abutting the North Lincolnshire portion of the proposed Tween Bridges solar farm: Byway Open to All Traffic 21, Crowle (BOAT21); Public Bridleway 18, Crowle (BW18); and Public Footpath 21, Belton (FP21). However, the length of BW18 affected is that which coincides with Marsh Lane, also nowadays ostensibly a carriageway open to all traffic, and therefore no longer a bridleway in practical terms; and FP21 runs along the opposite bank of the River Torne from the proposed solar farm, making it unaffected other than visually. It is specifically BOAT21, then, that the Highways Asset Team are interested in with respect to public rights of way and the proposed development either side of it.
- 10.24 BOAT21 runs south-west from Dole Road to Medge Hall, a distance of around 2,200m, and about 1,700m of this total is either within or adjoining the development site. Part of this length is also known as either Yorkshire Moors Bottom Road or Moor Bottom Road (the first 1,200m from Dole Road); the remainder as Crook o’ Moor Road (despite the applicant’s Document 2.4 ‘Street Works, Access and Public Rights of Way Plan’, Sheet 4 of 12, showing Crook o’ Moor Road as extending north-east farther than it actually does). Legally, a byway open to all traffic is a way the public may use with all modes of transport, but which has the character of one that is used by them mainly on foot and horseback.

- 10.25 The Yorkshire Moors Bottom Road or Moor Bottom Road part of BOAT21 was added to the Isle of Axholme definitive map and statement in 2003, and in 2009 its width was revised from 7.5m to 20.11m. Whereas the Crook o' Moor Road part of BOAT21 was added to the West Riding of Yorkshire definitive map and statement subject to a modification of its width to one of 12.19m.
- 10.26 These widths are legally binding. It is an offence under section 137 of the Highways Act 1980 wilfully to obstruct the highway, and under section 130 of the 1980 Act, NLC is under a duty to assert and protect the public's use and enjoyment of the highway, and to prevent as far as possible a highway's obstruction or stopping up. Moreover, in the eyes of the law, all obstructions of highways are temporary in nature. It is paramount therefore that the physical boundary fences abutting BOAT21 do not encroach upon the highway, unless the width is first formally reduced in extent.
- 10.27 NLC is concerned that the applicant might not appreciate BOAT21's status and significance. This is because ES paragraph 12.4.29 categorises Crook o' Moor Road under "smaller informal lanes and farm tracks"; and in the draft Development Consent Order, Revision Two, at Part 2, under Column 2 'Public rights of way to be temporarily closed or restricted', CROW-21 and CROW-18 are both denoted as footpaths, when they are in fact a byway open to all traffic and bridleway respectively (i.e. BOAT21 and BW18).
- 10.28 In terms of any such temporary closures or restrictions of BOAT21, NLC questions how long a period 'temporary' is envisaged to be, whether it will be one continuous period only, or multiple ones, and if a 'restriction' rather than a 'closure', the nature of that restriction, and the legal basis for any such closures or restrictions.
- 10.29 As a highway maintainable at the public expense, it should be noted that the surface of BOAT21 is vested in the highway authority, such that it must not be damaged, altered or otherwise interfered with without NLC's express prior

approval. Otherwise, an offence could be committed, such as under sections 131, 131A, 137 and 149 of the 1980 Act, or as a nuisance under common law.

Conclusion on Traffic and Transport and Public Rights of Way Matters

- 10.30 Overall NLC agrees with the conclusions of the ES that the main impacts of the proposed development in respect of traffic and transport matters would be during the construction phase. There are some concerns with the adequacy of information including in the Applicant's assessment in respect of the baseline assumptions for traffic growth, particularly in relation to the decommissioning phase, particularly given the uncertainty about the timings for the project. There are also some observations in respect of the suitability of the proposed accesses particularly during the construction phase and in respect of the draft DCO, and in NLCs view clarification is required on some of the information presented in the Applicant's Assessment.
- 10.31 Further clarification is required in respect of the assessment of PRoWs in and around the Order Limits and whether the draft DCO properly takes the status of the PRoWs into account.

11.0 BIODIVERSITY AND ECOLOGY

- 11.1. NLC considers that the relevant development plan policies against which to assess the proposed development's effect upon biodiversity and ecology are policies LC4, LC5 and DS1 of the Local Plan and Policy CS17 of the Core Strategy.
- 11.2 Local Plan Policy LC4 seeks to avoid harm to local Nature Reserves, Sites of Importance for Nature Conservation and Regionally Important Geological Sites unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic nature conservation value of the site or feature. Any harm should be kept to a minimum and conditions/obligations may be necessary to protect and enhance conservation value.

11.3 Local Plan Policy LC5 sets out that Planning permission will not be granted for development or land use changes which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended). Where development is permitted that may have an effect on those species, conditions or planning obligations may be required to

- i) facilitate the survival of individual members of the species; and
- ii) reduce disturbance to a minimum; and
- iii) provide adequate alternative habitats.

11.4 Policy DS1 requires developments to have no adverse effect on features of acknowledged importance, including species of nature conservation importance. Core Strategy Policy CS17 seeks to retain, protect and enhance features of biological interest and secure biodiversity gains from developments.

11.5 The Council has assessed the submitted information concerning the assessment of potential ecological effects of the proposed development. This is set out in the following documents-

- ES Chapter 7 [APP-044]
- Appendix 7.1, the Baseline Habitats and Desk Study Report [APP-072].
- Appendix 7.2, Breeding Bird Survey Report [APP-073]
- Appendix 7.3, Non-Breeding Bird Survey Report (Year 1 and Year 2) [APP-074]
- Appendix 7.4, Nightjar Survey Results [APP-075]
- Appendix 7.7, Great Crested Newt Presence/ Absence Survey Report [APP-078]
- Appendix 7.8, Natural England Request For Discretionary Advice Note – 2023 [APP-079]

- Appendix 7.9 Natural England Discretionary Advice Note - December 2024 APP-084
 - Appendix 7.10, Non-Breeding Bird Mitigation Strategy [APP-080]
 - Appendix 7.11, Invertebrate Scoping Report [APP-081]
 - Appendix 7.12, Biodiversity Net Gain [APP-082]
 - Appendix 7.13 Bat Survey Results Spring and Summer 2025 [APP-083]
- 11.6 NLC considers that Tables 3.1 and 3.2 of APP-072 provides a reasonable summary of the Statutory Designated Sites and Priority Habitats partially or wholly within, or within relevant distances of, the Order Limits. Overall, APP-072 is considered to represent a reasonable assessment of the baseline for habitats within and near the Order Limits.

Habitat Regulations

- 11.7 The submitted Report to Inform Habitat Regulation Assessment has identified multiple likely significant effects (LSE) on the Thorne and Hatfield Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), as well as the Humber Estuary SPA and Ramsar site. This effect may occur due to the project alone but also acting in combination with one or more projects proposed around the Humber Estuary, or Thorne & Hatfield Moors.
- 11.8 The impact pathways screened in (Appendix 1) have been deemed appropriate for the site location and development scope within the shadow HRA. However, Natural England have provided a comprehensive response highlighting concerns and requesting further information. We concur with Natural England's response.
- 11.9 Mitigation measures and habitat enhancements have been proposed to support qualifying features that the identified likely significant effects will impact, in order to ensure no adverse effect on the integrity of Thorne and Hatfield Moors SPA and SAC and Humber Estuary SPA and Ramsar site. These mitigation measures will need to be secured by DCO requirements. It is

however noted that, at this point in time, the DCO requirements do not reference the ecological construction management plan (eCMP).

Protected and priority species

11.10 NLC has considered this application in accordance with Natural England's standing advice for protected species. Having considered Chapter 7 of the ES [APP-072] and its appendices, it is considered that the survey methods used and the survey effort deployed are appropriate for the site in question.

11.11. The survey methods used and the survey effort deployed as explained in the Biodiversity and Nature Conservation chapter of the Environmental Statement are considered to be appropriate for the site in question. The following species or groups are all believed to be absent or largely unaffected by the development:

- Great crested newt
- Roosting and foraging bats
- White-clawed crayfish
- Aquatic invertebrates

11.12 Updated surveys (2025) have recorded evidence of water vole throughout the Order Limits, as well as evidence of otter presence in the Order Limits as then identified, although repeat surveys within the amended Order Limits did not identify otter presence. Water voles and otters are known to be present within the wider landscape and otters may utilise the land within the Order Limits after the survey period. As outlined in the report, measures have been taken to minimise impacts with the following approach to be undertaken:

“The Scheme layout has been developed to avoid impacts on habitats potentially used by water vole, with 5–9m buffers to be retained around watercourses and ditches and access tracks designed to use existing crossing points, ensuring that no works occur within watercourses and that connectivity is maintained across

the Order Limits and wider landscape. Where works are required within 5m of a ditch, a pre-construction water vole survey will be undertaken by a suitably qualified ecologist in accordance with the Outline eCMP [Document Reference 7.5], and if signs of water vole are confirmed, works will only proceed under appropriate mitigation and, where necessary, a Mitigation Licence issued by NE.”

- 11.13 Additionally, enhancements of the ditch network (strengthening buffers, improving bank grassland foraging value etc) are proposed, which NLC supports.
- 11.14 Whilst there is no further mention of mink presence during the water vole surveys, the presence of water voles across the site would suggest mink control may nevertheless be valuable even as an ongoing precautionary measure.
- 11.15 The 2024 surveys identified twelve badger setts and two potential setts. Updated surveys in 2025 recorded one sett (now outside of the order limits), although these surveys were largely undertaken where previous surveys were not conducted since the site boundaries have shifted during the consultation process. Updated surveys should be undertaken prior to the commencement of development to ensure a 30m buffer can be maintained around any identified setts.
- 11.16 Impacts on reptiles, nesting birds, otters, badgers and other terrestrial mammals should be controlled through the proposed Ecological Construction Environmental Management Plan (eCMP).
- 11.17 Further bat surveys carried out in 2025 have indicated roosting and foraging bats would be largely unaffected by the development. Enhancement of the canal corridors and watercourse habitats would provide improved foraging areas.

- 11.18 Schedule 1 species are being considered through the Habitats Regulations Assessment process (see above) and thus within the eCMP.
- 11.19 Providing transitional mosaic habitats, particularly wet grassland, between the SSSIs and the development would support foraging and commuting for SSSI species including breeding birds, wintering and passage birds, mammals and invertebrates. A recent meeting between NLC and the Applicant's ecology consultants identified that the mitigation areas are largely clay soils so would be suitable for wet grassland. It is understood that further detail is to be provided to demonstrate what will be implemented where in terms of the site plans and the BNG metric.
- 11.20 Additionally, whilst the provision of up to 2-metre-wide grassland margins to support breeding birds such as skylark is encouraged, NLC suggests that a wider margin would be appropriate for greater functionality for species and allow a greater area of unshaded grassland. The proposed mitigation areas are to benefit non-breeding birds and breeding birds, which would suggest there would be conflicts in terms of habitat creation and management. Since over 200 skylark territories were identified within the order limits, and with local populations also impacted by other development projects on arable land, in NLCs view further measures are needed within the Order limits to support breeding skylark populations, independent of non-breeding bird habitat.

Biodiversity enhancement

- 11.21 The outline eCMP and outline Landscape and Ecological Management Plan (LEMP) provided for assessment indicate mitigation will occur during the construction phase as well as initial habitat interventions and subsequent long-term management of habitats. The LEMP defined the objectives for nature conservation management as follows:
- Objective 1: To provide open areas of permanent pasture specifically managed for the benefit of ground-nesting bird species and non-breeding bird species over winter and on passage;

- Objective 2: To provide permanent areas or arable land managed for the benefit of ground-nesting bird species such as nesting and foraging skylark, and non-breeding bird species over winter and on passage, specifically pink-footed geese;
- Objective 3: To provide strengthened green corridors along field boundary features, specifically for the benefit of nightjar;
- Objective 4: To enhance quality of existing woodland habitat;
- Objective 5: To enhance quality of ditch network;
- Objective 6: To monitor the efficiency of nature conservation management through regular assessment of habitat establishment; and
- Objective 7: To enhance the value of the land within the Draft Order Limits for roosting bats and nesting birds through the installation and continued care of bat and bird boxes on retained trees.

11.22 These objectives are broadly welcomed. Furthermore, the provision of diverse, tussocky grassland, scrapes, arable field margins and species-diverse meadow grassland are acceptable, although delivering species-rich grassland beneath the solar arrays may be unlikely. Further soil analysis should be provided to identify what habitats are deliverable and what conditions are achievable (also see paragraph 11.21 below).

Biodiversity Net Gain

11.23 The submitted Biodiversity Net Gain documents set out that a net gain can be provided for area habitats, hedgerows and watercourses on-site. Gains are said to be of 79.82%, 178.57% and 10.84% respectively, although it is anticipated that these figures will change. Whilst this would provide for appropriate net gains in excess of the statutory requirement, NLC has the following observations on the currently submitted information.

11.24 It is NLCs position that there are some issues to be resolved, including the strategic significance choice assigned to the habitats recorded. All habitats

have had the strategic significance of '*Location ecologically desirable but not in local strategy*' assigned, however, NLC consider that this approach is not suitable for many of the habitats. For example, habitats such as cropland, horticulture and allotments, and ornamental lake or pond should not be assigned this strategic significance.

11.25 Table 8 of The Statutory Biodiversity Metric User Guide (updated July 2024) sets out the appropriate biodiversity metric strategic significance categories and score to be applied in the metric where a Local Nature Recovery Strategy (LNRS) has not yet been published. Habitat measures in documents should not be used to justify elevated strategic significance unless they are mapped or spatially specific. The draft Greater Lincolnshire Local Nature Recovery Strategy (LNRS) should now be used to ascribe strategic significance in biodiversity metrics. There are LNRS actions within the red line boundary proposed that may be relevant for sections of the BNG interventions. These will need to be differentiated from similar interventions outside of the LNRS action areas.

11.26 Additionally, clarification between the grassland under the panels, between the panels and the areas elsewhere would be beneficial to clearly delineate any variances in target conditions and management. Furthermore, no evidence of soil analysis has been provided, which would be beneficial to identify the most appropriate and deliverable grassland type, especially considering the extent of the Order Limits. It is understood that soil surveys have been undertaken, with ongoing talks between the Applicant's ecology and landscape consultants to ensure the soil conditions and nutrient levels are appropriate to deliver the necessary uplift.

11.27 Trading rules have not been fully met, with a net loss of medium distinctiveness area habitats (in this case bramble scrub and mixed scrub) and too few gains at higher distinctiveness categories to offset the losses.

11.28 To adequately monitor the extensive area of the Tween Bridge Solar Park within North Lincolnshire's boundaries, monitoring fees would be required.

NLC have calculated a monitoring fee requirement of a minimum £49,524 for this project, to cover the 30-year monitoring period, contingent on the project as currently proposed and with implementation in a single phase. Given the nature and anticipated lifetime of the proposed development the Secretary of State may consider that a 40-year maintenance and monitoring period may be more appropriate in this case, in which case the monitoring fee would need to be amended.

11.29 Whilst the condition assessments are useful for future monitoring visits, ideally additional indicators for success would be provided to ensure the habitat interventions are progressing as intended, especially considering the large area this site covers. Potentially invertebrate surveying and monitoring could be used as a further measure of the site.

11.30 Furthermore, establishing a steering group of the project stakeholders to discuss the monitoring of the Tween Bridge project site and potential amendments or remedial actions needed would be valuable

12.0 CULTURAL HERITAGE

12.1 NLC considers that the relevant development plan policies against which to assess the proposed development's effect upon designated and non-designated heritage assets are Policies LC14, HE5, HE8, HE9 and DS1 of the Local Plan and Core Strategy Policy CS6.

12.2 Local Plan Policy LC14 sets out that, within the designated Isle of Axholme Area of Special Historic Landscape Interest (ASHLI), development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. Schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the ASHLI.

- 12.3 Local Plan Policy HE5 sets out that The Council will seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. The primary consideration in assessing proposals will be the need to preserve or enhance the fabric and character of the building. The Council will encourage the retention and restoration of the historic setting of listed buildings. Proposals which damage the setting of a listed building will be resisted.
- 12.4 Local Plan Policy HE8 states that development proposals which would result in an adverse effect on Scheduled Ancient Monuments and other nationally important monuments, or their settings, will not be permitted.
- 12.5 Policy HE9 of the Local Plan provides that, where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them. Development affecting sites of known archaeological importance will require mitigation of any damage. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.
- 12.6 Local Plan Policy DS1 essentially repeats the above policies , stating that there should not be an adverse effect on features of acknowledged importance, on or surrounding, the site, including Scheduled Ancient Monuments, archaeological remains and listed buildings.
- 12.7 The Council has assessed the submitted information set out in ES Chapter 8 [APP-045] and its appendices which include at Appendix 8.1, the Applicant's Heritage Baseline Assessment, Geophysical Survey Reports (Appendix 8.2) [APP-086 – APP92], a Geoarchaeological Assessment (Appendix 8.3) [APP-093], A Trial Trenching Report (Appendix 8.4) [APP-094], a Test Pitting

Report (Appendix 8.5 [APP-095] and an Outline Archaeological Mitigation Strategy (Appendix 8.6) [APP-096].

Archaeological assessment

12.8 The available Historic Environment data indicates that the construction of the proposed development has high potential to impact directly on the known and potential archaeological and palaeoenvironmental resource within the Order Limits. This resource ranges from the following-

- Pre-peat land surfaces and associated activities that may date from the Mesolithic, Neolithic and Bronze Age periods preserved beneath peat deposits that formed between the Mesolithic and Iron Age periods;
- Artefacts and ecofacts preserved within the peat deposits and overlying sediments;
- Bronze Age, Iron Age and Roman occupation;
- Post-medieval drainage features and remains associated with the process of warping to improve agricultural fertility of the land in the late 18th and 19th centuries.

12.9 The significance of the identified and potential unrecorded archaeology is currently unknown but maybe of high significance.

12.10 The HER advised on the EIA Scoping Report in February 2023 and made recommendations in line with the relevant national and local planning policies (Core Strategy CS6 and Local Plan HE8 and HE9). It was recommended that a staged programme of archaeological field evaluation would be necessary in order to prepare a robust assessment of the heritage significance of the site and inform any appropriate mitigation for inclusion in the Environmental Statement. Archaeological mitigation measures may include avoiding or minimising impacts that necessitate design and layout changes, and/or excavation and recording where remains would be lost in whole or part, to be

carried out either in advance of, or during construction. As such, NLC considers that it is important that this information is available in the Environmental Statement to inform the DCO application and the subsequent timely discharge of any Requirements should consent be granted.

12.11 The following archaeological field evaluation stages were advised:

- Systematic fieldwalking and metal detection for surface collection of archaeological artefacts, to identify the range and distribution of all materials and plot potential archaeological features;
- Geophysical survey of the proposed site to identify and plot anomalies of potential archaeological origin using magnetometry, resistivity or other appropriate techniques;
- Borehole survey and/or the excavation of test pits to where gaps are indicated in the preliminary deposit model and are necessary to inform subsequent stages of evaluation or mitigation; samples should be retrieved for palaeo-environmental assessment and scientific dating of the deposit sequence as appropriate;
- Excavation of sample trial trenches to determine the nature, extent, state of preservation and importance of any archaeological remains within the proposed development area informed by the results of preceding stages of research and survey

12.12 Of these advisory steps, geophysical survey has been undertaken across much of the DCO application site and three discrete areas of archaeological trenching were undertaken within North Lincolnshire which were not agreed with NLCs Historic Environment Officer. No systematic fieldwalking, metal detecting, borehole survey or test pitting has been undertaken by the Applicant. The need to complete all the above stages of the evaluation completed iteratively during EIA was reiterated in all subsequent consultation responses.

- 12.13 The Applicant notified the HER in March 2024 that 123ha of the DCO application area would be ploughed – and therefore suitable for fieldwalking and declined to undertake these works during 2024 on the basis of the distribution of these areas in relation to known archaeology. It is not known if a similar exercise to identify suitable land for fieldwalking was undertaken after EIA Scoping in February 2023 or again subsequently which may have allowed sufficient time and opportunity for the first HER recommended iterative step of field evaluation to be undertaken. Opportunities for alternative archaeological investigations to identify more ephemeral activity of archaeological interest, such as flint scatters, or to otherwise identify areas of potential archaeological interest through the excavation of test pits were not brought forward within the North Lincolnshire area.
- 12.14 Magnetometry was undertaken across much of the Order Limits and has been successful in identifying a number of anomalies of possible archaeological interest. Some of these anomalies have not been the subject to any further evaluation beyond their identification through magnetometry. NLC consider that some of these identified anomalies have not been adequately assessed in order to determine their potential significance. Despite requests from spatial data from the applicant's geophysical survey to better provide accurate advice for further evaluation, the Applicant declined to engage in data sharing advance of the DCO application. It is assumed, that should this application progress, further gap-filling survey work will be undertaken across areas of the DCO application site to provide the requested 100% coverage. Alternative methods of survey should also be considered given the results of subsequent trench evaluation did not show successful identification in detecting archaeological features, potentially due to the geology of the DCO application site.
- 12.15 The submitted geoarchaeological desk-based assessment [APP-093] accurately collates and examines the known geomorphological and palaeoenvironmental conditions of the previous order limits, however this assessment has not been supplemented with the results of any fieldwork. Requests by the HER for sondages to be excavated within the ends of the

limited scheme of archaeological trenching were undertaken by the applicant although due to on-site conditions these sondages could only be measured and photographed. Accordingly, methodologies for the examination of geoarchaeology may need to be revised if this application is to proceed. Once more, it is anticipated that an updated geoarchaeological assessment to align with the current DCO application boundary will be forthcoming.

12.16 The Applicant has undertaken a limited scheme of archaeological trenching targeting three areas of identified archaeological potential. Notwithstanding the lack of previous iterative works to inform trenching as recommended by the HER as well as procedural mis-steps surrounding notification of works to be undertaken, the fieldwork that was undertaken was completed to a satisfactory standard.

12.17 NLC considers that the potential for further unidentified archaeological features to be present within the Order Limits due to a lack of archaeological field evaluation, as well as the exact nature of the potential archaeological features detected by the geophysical survey and through remote sensing, is unclear and as a result their significance is uncertain. Further field evaluation, as outlined above, is required in NLCs view, so as to confirm the results of the proceeding works and identify/investigate these features to determine their extent, depth, character, date and level of preservation in order to properly assess their significance.

12.18 It is NLCs view that the applicant should commission further stages of evaluation recommended in the HER's pre-application advice and/or recommended during subsequent consultation where appropriate as soon as possible to confirm the results of the preceding assessment stages and determine the nature, extent, state of preservation and importance of any archaeological remains within the application area. The results would inform the assessment of significance and the impact of the proposals, as well as what mitigation measures may be appropriate, to be set out in an Outline Archaeological Mitigation Scheme (OAMS).

12.19 The remaining stages of evaluation should comprise the following:

- Implementation of a systematic fieldwalking strategy if appropriate or alternative evaluation techniques to identify potential archaeological remains or concentrations of archaeological activity not readily identified through other means;
- Additionally geophysical survey in a gap-filling exercise to match the revised DCO boundaries to identify further unidentified subsurface cut features;
- Completion of geoarchaeological desk-based assessment, taking into account the results of sondages completed as part of trenching and revised DCO boundaries; and
- Excavation of sample trial trenching and geoarchaeological test pitting/stepped trenching to determine the nature, extent, state of preservation and importance of any archaeological remains, such as those associated with the identified geophysical survey anomalies, cropmarks and warping channels mapped in this area, the underlying peat deposits and the pre-peat land surfaces. A specification for this work should be agreed with the HER prior to commencement of fieldwork.

12.20 It is NLCs firm view therefore that the completion of the field evaluation prior to the determination of the DCO is necessary to ensure the identification of any previously unknown remains, and to date and characterise all the heritage assets, the results to update the assessment of heritage significance in the ES and inform the preparation of an appropriate archaeological mitigation strategy, in line with the NPS, NPPF and Local Plan policies. Furthermore, the HER advises that the DCO should not be determined until this information is available and the Examining Authority and NLC has the opportunity to assess the results and the scope and content of any necessary mitigation measures to avoid or off-set harmful impacts.

Outline Archaeological Mitigation Strategy

- 12.21 The HER advises that there is currently insufficient information available in the applicant's Environmental Assessment to assess the appropriateness of mitigation measures. Until further results from the completed archaeological evaluation (see above) are available to allow the archaeological significance to be properly understood and the true extent of the impacts of the proposed development on the known and potential archaeological resource can be more accurately assessed, NLC cannot agree any mitigation measures that may be required.
- 12.22 Accordingly, the impact areas and mitigation measures described in Section 8.7 of Chapter 8 of the ES ('Mitigation') [APP-045], can only be considered preliminary and would need to be updated, including the need to be redesigned and expanded. The Applicant has submitted an Outline Archaeological Mitigation Strategy (Document ref: 6.3.8.6) [APP-096] that appears to conflate the undertaking of further archaeological evaluation with mitigation works, when the latter cannot be known until the former is completed and properly reported on.
- 12.23 NLCs view is that individual Written Schemes of Investigation (WSIs) for the outstanding evaluation stages should be prepared for the works to be commissioned as soon as possible. A separate WSI for appropriate mitigation should only be produced once the previously outlined evaluation works are completed, and prior to the determination of the DCO. A detailed WSI for mitigation only would ensure that all parties are aware of the archaeological implications of the development, both to inform the detailed design of the development and for the archaeological mitigation work to be timetabled to avoid any unnecessary delay to the construction programme.

Area of Special Historic Landscape Interest

- 12.24 Portions of the Tween Bridge Order Limits extend into the ASHLI. It has been noted from submitted documents that the Belton Grange parcel, to the west of

Hirst Priory, contains panels whereas the area to the south of Hirst Priory has been marked as an area of mitigation, enhancement and/or retained agricultural land. The Belton Grange Parcel is contained within an area of Recently Enclosed Land (REL) whilst the southern parcel is within an area of Early Enclosed Land (EEL). It is also noted that areas of the Order Limits also extend further to west and southwest of Hirst Priory towards the motorway in proximity to the LC14 boundary.

12.25 The Applicant's baseline assessment is light touch and largely mitigatory in stating that the motorway divorces the area from its the rest of the policy area. Whilst the introduction of panels into the REL does not amount to a significant amount of harm to the REL character area, there does not appear to be proper consideration of impacts to the setting of other character areas including core Ancient Open Strip Field (AOSF) area at Belton Field. Development proposals would be visible, per the submitted ZTV, from the various PRoWs which criss-cross the high ground of the AOSF.

12.26 Overall, and in the strictest terms the introduction of solar panels and associated development into views from one of the core AOSF areas - particularly where those panels are also located in the policy area, could be considered contrary to Policy LC14. However, given the distance between Belton Field and the DCO application site NLC considers that this would not result in anything greater than a low level of harm to the ASHLI.

Listed Buildings

12.27 The Environmental Statement has identified a grade II* listed building within 1km of the application site and 11 grade II buildings within 1km of the application site. Whilst it is stated that there is no impact on their settings there is no evidence provided to confirm this.

12.28 At an earlier stage NLC had raised the need to assess the impact of the proposals on the setting of Dirtness Pumping Station, a grade II listed building.

12.29 The Applicant's Heritage Baseline Assessment (HBA) [APP-085] agrees there is a functional relationship between the fields to the south and the site (page 76 refers). It also refers to the blocking up of openings on the south elevation overlooking these fields, however these were likely intentionally blind openings as seen elsewhere on the building as part of the overall design intent. This is likely to have arisen from the focal point of views needing to be along the waterway to the west and not the fields. The conclusion of the HBA is that harm arises at the lower end of '*less than substantial*'. NLCs view however is the harm is not low, but closer to moderate. This is because, whilst the station served a likely large number of fields, it is those closest to the station that provide a more direct understanding of the relationship between the building and the land, therefore making it more sensitive to change that would affect the ability to understand the listed building's significance.

12.30 The north-west corner of the land immediately south of the Pumping Station does not appear to have panels planned, giving some mitigation by no panels forming a part of views from the road to the building in that location. NLC considers that extending this mitigation, the panels proposed in E7 could be amended to include a gap at the west similar to E5, and this would help maintain more of the legibility of the agricultural setting to the Pumping Station. The Applicants have indicated a willingness to consider this point and discussions are ongoing in this respect.

12.31 The settings of the other Grade II listed buildings identified in the HBA, Dirtness Cottage and The Rectory at Althorpe, are not considered to be harmed by the proposed development.

12.32 Subject to the outcome of the discussions referred to above, NLC considers that the proposals would be likely to lead to less than substantial harm to the setting of Dirtness Pumping Station and that harm could be outweighed by the public benefits of the scheme.

Conclusions on Cultural Heritage

12.33 Overall, NLC considers that there are significant shortcomings in the assessment of the archaeological potential of the set which should be resolved before Development Consent is granted. There is some level of harm to the ASHLI (a non-designated heritage asset of national importance) and the Grade II Listed Dirtiness Pumping Station, however, subject to an amendment to the layout of panels near to the Pumping Station, it is considered that these harms would be clearly outweighed by the public benefits, in the event that the SoS is satisfied about the deliverability of the scheme having regard to the uncertainty around the grid connections.

13.0 NOISE AND VIBRATION

13.1 NLC considers that the relevant development plan policies against which to assess the proposed development's noise and vibration effects are policies RD2, DS1 and DS11 of the North Lincolnshire Local Plan.

13.2 Local Plan policies RD2 and DS1 seek to prevent development in the open countryside that would be detrimental to residential amenity and ensure that that new developments do not result in unacceptable loss of amenity to neighbouring land uses, respectively.

13.3 Local Plan Policy DS11 is concerned with Polluting Activities and sets out that development will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

13.4 NLC has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of noise. This is set out in ES Chapter 13 [APP-050] and the following appendices and figures-

- Appendix 13.1 – Baseline Noise Survey Reports [APP-114]
- Figure 13.1 - Identified Noise Sensitive Receptors [APP-165]
- Figure 13.2 – Noise Monitoring Locations [APP-166]
- Figure 13.3 – Daytime Operational Noise Levels [APP-167]
- Figure 13.4 – Night-time Operational Noise Levels [APP-168]

Methodology

- 13.5 The noise and vibration assessments presented in ES Chapter 13 cover the construction, operational and decommissioning phases of the Scheme and contribute to additional information provided in Chapter 17 ‘Cumulative Impacts’.
- 13.6 The Order Limits are in a semi-rural area, to the east of Thorne and north-east of Junction 5 of the M18 motorway. Construction and decommissioning noise and vibration impacts have been considered in line with BS 5228 and other relevant guidance including the impact of construction traffic on local roads.
- 13.7 Operational noise levels from the Scheme have been predicted to the nearest noise sensitive receptor (NSR) locations in accordance with appropriate guidance. The impact of the predicted noise levels have been assessed against limits derived from a baseline noise survey, with the significance of the effects derived in accordance with appropriate standards and guidance.
- 13.8 The Scheme would typically operate only during daylight hours. This may include the early morning period, it would not be at full operational duty and would not include the most sensitive time of the night when people are trying to get to sleep. Therefore, the Scheme has been assessed against daytime noise limits. However, the Battery Energy Storage System (BESS) areas, and associated substations, could operate at any time and are assessed against night-time limits set to prevent sleep disturbance. Consultation was

undertaken with the appropriate Local Authorities to agree noise monitoring locations.

- 13.9 The Environmental Statement assumes that construction of the Scheme is built over up to, a 54-month-period (2028 - 2032). Following a 40 year fully operational Scheme, it is proposed that the Scheme will be decommissioned. This decommissioning will take approximately 24 months and is intend to be completed in a phased approach.

Construction & Decommissioning Noise Impacts

- 13.10 Noise from construction would be controlled through British Standard (BS) 5228:2009+A1 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'.
- 13.11 Construction working hours are detailed in the Outline CEMP. Limited works would be undertaken outside of these hours though some activities may need to be undertaken outside of agreed daytime hours. In this event permission will be sought through the DCO by setting out the construction hours and any exceptional mechanisms.
- 13.12 Construction noise thresholds are higher than operational noise thresholds, it is recognised that construction works are temporary and involve some unavoidable noise. The contractor will be expected to use best practicable means to reduce noise and adhere to the measures detailed in the Outline CEMP. Furthermore, whilst the Operational Construction Environment Management Plan (OCEMP) includes construction working hours, NLC practice is to limit working hours as follows-

- 08:00 to 18:00 Monday to Friday
- 08:00 to 13:00 Saturday
- No times on a Sunday

Construction Noise Predictions – Solar Panel Frame Construction

- 13.13 The preferred approach to install the solar PV modules support frames is by being pushed into the ground by mobile machinery similar to a tractor or JCB. However, it may be necessary, depending on ground conditions, to install the supports by impact driving. The calculations provided in Table 13-13 within ES Chapter 13 [APP-50] assume only one piling rig is used at each location. If multiple rigs are to be used, the noise levels would increase, depending on the relative proximity to the receptor.
- 13.14 The calculations demonstrate that, for most receptors, the separation distance would allow for impact driven piles to be used. Where the solar PV modules are in closer proximity pushed piling should be used. If ground conditions necessitate impact piling be used within the 175m buffer area, the ES recommends that further calculations be undertaken to more accurately quantify the potential noise impact and derive suitable noise mitigation measures (paragraph 13.5.17 refers). NLC agrees with the approach taken.

Construction Vibration

- 13.15 Given the separation distances between the Order Limits and the nearest receptors, groundborne vibration impacts are considered unlikely to be significant. While the distance between the receptors and the Order Limits is, in some instances around 15m, the distance to the actual construction activities is greater.
- 13.16 Some levels of groundborne vibration may be generated, however, the measures detailed in the Outline CEMP [APP-176], would attenuate the levels of vibration to imperceptible levels at the receptors, resulting in no significant impacts. Given this, no further assessment of groundborne construction vibration has been undertaken. NLC agrees with the approach taken.

Construction Traffic

13.17 Increased traffic movements during the construction phase may result in increased noise and vibration, with the delivery of construction material, solar panels and other components etc. The calculations undertaken demonstrate that, across all links, the relative change in road traffic noise during the construction phase is less than 1dB and is thus considered acceptable.

Construction Compounds

13.18 Up to 31 main construction compounds are expected to be utilised (ES paragraph 13.5.21). The main ones are proposed to be at least 300m from the NSRs. The ES indicates that the compounds would be largely powered by solar or battery units with only a small, standby generator for emergency power. The compounds are not considered a significant source of noise and would be removed once the construction phase is completed. Noise impacts arising from the construction compounds has not been considered in any further detail in this assessment. NLC agrees with the approach taken.

Operational Noise

13.19 The calculations of operational noise levels have used a range of noise source data for plant and equipment associated with solar power generation and battery energy storage. The calculations have been made using a 3D digital noise modelling software.

13.20 The standard method for the assessment of commercial and industrial noise affecting noise sensitive residential receptors is British Standard BS 4142: 2014. The ES says (Paragraph 13.3.41) that the methodology typically derives the significance of the noise impact from the difference between the plant noise under consideration and the background sound level as represented by the LA90 parameter, determined in the absence of the plant noise.

13.21 Table 13-7 of the ES appears to consider 'No Adverse Effect Level' at a Rating level less than or equal to noise limit +5dB. However, according to BS4142:2014 a difference of around +5dB is likely to be an indication of an 'Adverse Impact', depending on the context.

13.22 On this basis, NLC therefore recommends that the rating level should be either less than or equal to the measured background noise level at the NSR's to ensure a low impact.

Modelling Scenarios

13.23 To carry out the assessment, two scenarios have been modelled as follows:

- Daylight Hours with Solar Farm Operations
- Night-time Sensitive Hours with Batteries Operation

The daylight operation therefore represents the worst-case with all sources operating at 100% duty (full power). The night-time scenario considers sources associated with the BESS compounds.

Daytime Operational Noise Assessment – Residential Receptors

13.24 The results presented in the ES (table 13-20) indicate that the noise generated by the Scheme would fall below the typical background sound levels at all of the assessment locations during the daytime period. The ES states that this is an indication that the proposed development would have a low noise impact in accordance with BS4142 , this effect level would result in a 'Negligible' impact significance. NLC agrees with these conclusions.

Night-time Operational Noise Assessment – residential receptors

13.25 The results presented in the ES (table 13-22) indicate that the noise generated by the battery storage facilities is below the night-time background sound level at all receptor locations. The ES concludes that this effect level would result in a 'Negligible' impact significance. NLC agrees with these conclusions.

Operational Vibration

13.26 Given the nature of the proposals, the ES states (paragraph 13.3.43) that the plant and equipment used are unlikely to generate any significant levels of groundborne vibration and, given the distances between the sources and receptors, is unlikely to result in any adverse vibration effects. Therefore, no further assessment of operational groundborne vibration has been undertaken. NLC agrees with this approach.

Decommissioning Phase

13.27 The ES (paragraph 13.5.68) states that noise and vibration effects during the decommissioning phase are expected to be similar, if not lower than those in the construction phase, and therefore not significant. Embedded mitigation measures similar to those proposed for the construction phase are recommended for the decommissioning phase, subject to the detailed design. These would be secured through the Outline Decommissioning Environmental Management Plan [APP-178].

13.28 Whilst the conclusions of the ES are noted in this respect, NLC note that the effects of decommissioning are not clear. Consequently there is no robust assessment of the effects and the Decommissioning Environmental Management Plan does not present any specific mitigation measures to address any effects which may arise.

Conclusions on Noise and Vibration matters

13.29 Overall NLC agrees with the approach taken in the ES to the assessment of noise and vibration. Nevertheless, there are some concerns as set out above in respect of construction working hours, the rating level used in the assessment of operational noise and the adequacy of assessment of the decommissioning phase and the potential effects on receptors.

14.0 AIR QUALITY

- 14.1 NLC considers that the relevant development plan policies against which to assess the proposed development's effects on air quality are policies RD2, DS1 and DS11 of the North Lincolnshire Local Plan.
- 14.2 Local Plan policies RD2 and DS1 seek to prevent development in the open countryside that would be detrimental to residential amenity and ensure that that new developments do not result in unacceptable loss of amenity to neighbouring land uses, respectively.
- 14.3 Local Plan Policy DS11 is concerned with Polluting Activities and sets out that development will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including fumes, gases, dust, steam and smell, do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas.
- 14.4 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of air quality. This is set out in ES Chapter 5 (APP-051) and its appendices [APP-115 – APP-119].
- 14.5 This section of the LIR is concerned with effects on human health only. In this context, the proposed development has the potential to impact on local air quality in the following ways:
- Emissions from plant and equipment during the construction and operational phases.
 - Emissions from road traffic during the construction and operational phases.
 - Dust emissions during the construction phase.

Plant and Equipment – Construction

- 14.6 The ES (paragraph 14.5.9) explains that the exact location and numbers of Non Road Mobile Machinery (NRMM) to be used onsite during the construction phase is unknown, however advises that the distance between any areas of operation and sensitive receptors will be maximised, as far as possible. Further, all vehicles and plant will be switched off when not in use; this is specified as part of the Outline CEMP. Paragraph 14.5.10 then concludes that there is no risk of significant effects at existing human health receptors as a result of on-site machinery emissions. NLC agrees with this conclusion.

Road Transport – Construction

- 14.7 Paragraph 14.5.2 of the ES explains that the construction phase would generate a maximum Annual Average Daily Traffic (AADT) flow of 89 two-way movements on any road, of which 42 will be HDV movements. Paragraph 14.5.3 continues by saying that this total trip generation (42 HDVs and 48 LDVs) is below the screening criteria of 100 HDVs and 500 LDVs set out in the EPUK/IAQM Guidance. No assessment has therefore been undertaken and NLC agrees with this approach.

Road Transport – Operation

- 14.8 ES paragraph 14.5.38 sets out that during operation, activities onsite would amount to the servicing and maintenance of plant and equipment. This would result in approximately one visit per month, which is significantly below the EPUK/IAQM screening criteria. Based on the predicted traffic generation, paragraph 14.5.39 of the ES, states that the impacts from operational traffic on local air quality would be negligible and, therefore, it is reasonable to conclude that the overall effect will be 'not significant'. NLC agrees with this conclusion.

Dust emissions – Construction

- 14.9 Paragraph 14.5.15 of the ES states that most of the (approximately 1,831 hectares) land within the Order Limits covers would be subject to at least some form of earthworks during the project. This would include the excavation of trenches for cabling, directional drilling and ground preparation for the substations and BESS compounds. Dust would arise mainly from vehicles travelling over unpaved ground and from the handling of dusty materials.
- 14.10 A detailed assessment of dust impacts during the construction phase has been undertaken in accordance with IAQM Guidance. The dust emission magnitude for earthworks, construction and trackout is deemed to be large (see ES table 14-12) and the overall impact of dust soiling as high (see ES table 14-13).
- 14.11 IAQM guidance describes measures that should be employed, to reduce the impacts, along with guidance on monitoring during construction. These measures are described in ES Appendix 14.5 ‘Construction Mitigation’ [APP-119] and the ‘Outline Construction Environmental Management Plan’ (OCEMP) [APP-176].
- 14.12 NLC notes that the OCEMP refers to the requirement to “Avoid bonfires or burning of waste material.” As it is an offence to burn controlled waste without a relevant waste exemption under the Environmental Protection Act 1990, NLC consider that it would be more appropriate to employ a ‘no burning of waste policy’ on the application site. Furthermore, as set out at paragraph 13.12 above, whilst the Operational Construction Environment Management Plan (OCEMP) includes construction working hours, NLC practice is to limit working hours as follows, so as to ensure there is appropriate respite for nearby residents from the effects of the development-
- 08:00 to 18:00 Monday to Friday
 - 08:00 to 13:00 Saturday
 - No times on a Sunday

Conclusions on Air Quality

14.13 Overall NLC agrees with the approach taken in the ES to the assessment of air quality, and the conclusions reached, subject to the above suggested amendments to the OCEMP.

15.0 LAND CONTAMINATION

15.1 NLC considers that the relevant development plan policies against which to assess the proposed development's effects on air quality are policies DS1 and DS7 of the North Lincolnshire Local Plan.

15.2 Local Plan Policy DS1 requires that no pollution of water, air or land should result from development which poses a danger or creates detrimental environmental conditions.

15.3 Policy DS7 sets out that applicants will be required to demonstrate that the level of contamination on a site can be overcome by remedial measures or improvements. Permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

15.4 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of contaminated land. This is set out in ES Chapter 9 [APP-046] and its appendices as follows-

- Appendix 9.1- Phase 1 Ground Conditions Desk Study reports for Land Parcels A to E [APP-097 – APP106]
- Appendix 9.2- Phase 1 Ground Condition Desk Study, Volume 3: Tween Bridge Wind Farm Factual Site Investigation Report, Donaldson Associates 2009 & Headland Archaeology Report 2015 [APP-107]

15.5 The current site use is predominantly large-scale agricultural fields with isolated farmsteads. The ES states that the site has been historically drained, with a network of north-south drainage ditches supporting the agricultural use. The ES identified the baseline geology and the potential sources of contamination in the area.

15.6 The likely significant effects are said to arise during the construction phase and are set out in ES table 6-19 (Significance of effects during construction) as follows-

- Groundwater quality - Changes to pollutant pathways; Short term changes to local groundwater flow regime for new crossing points.
- Surface water quality - Disturbance of contamination or run-off to water courses.
- Surface water quality - Mobilisation of clay/silt fines due to machinery traffic during wet weather.
- Surface water quality - Disturbance of contamination, run-off to water courses, potential use of polluting materials and plant .
- Construction Workers - Unexploded Ordnance (former airfield / bomb store).

15.7 Briefly, the ES confirms that these risks would be controlled by the contractor pursuant to their obligations under the Construction (Design and Management) Regulations 2015 (CDM 2015) obligations, and secured by implementation of the Construction Environmental Management Plan (CEMP). The CEMP would be informed by further assessments where necessary and would be secured as a requirement of the DCO ([AS-002] draft requirement 14).

15.8 Paragraph 9.5.9 of the ES confirms that-

‘During the construction phase, risks to human health for ground workers, site visitors and neighbours by exposure to any contaminants present will be controlled by the contractor as part of their obligations under the Construction (Design & Management) Regulations 2015 (CDM) by use of Personal Protective Equipment, dust suppression, vehicle sheeting and wheel washing as necessary, prevention of entry to confined spaces without monitoring or equipment etc’.

15.9 No likely significant effects have been identified during the operational phase of the proposed development and decommissioning effects are said to be similar, or of lesser magnitude, to those during construction. Management measures for the decommissioning phase would be secured via a Decommissioning Environmental Management Plan which would be secured as a requirement of the DCO ([AS-002] - draft requirement 19).

15.10 NLC is broadly satisfied with the Applicant’s approach as set out in the ES and appendices, on the basis that the required controls would be secured by requirements 14 and 19 of the DCO.

16.0 HYDROLOGY AND FLOOD RISK

16.1 NLC considers that the relevant development plan policies against which to assess the proposed development’s effects on air quality are policies DS11, DS14, DS15 and DS16 of the North Lincolnshire Local Plan and Core Strategy Policy CS19.

16.2 Local Plan Policy DS11 states that development will only be permitted where it can be demonstrated that levels of potentially polluting emissions do not pose a threat to current and future surface or underground water resources or result in adverse environmental conditions likely to affect nearby developments and adjacent areas.

16.3 Policy DS14 requires satisfactory provision to be made for the disposal of foul and surface water from new development, whilst Policy DS15 does not allow

for development which would adversely affect the quality and quantity of water resources.

16.4 Local Plan Policy DS16 deals with Flood Risk and sets out that Development will not be permitted within floodplains where it would:

- increase the number of people or buildings at risk; or
- impede the flow of floodwater; or
- impede access for the future maintenance of watercourses; or
- reduce the storage capacity of the floodplain; or
- increase the risk of flooding elsewhere; or
- undermine the integrity of existing flood defences unless adequate protection or mitigation measures are undertaken.

16.5 Core Strategy Policy CS19 will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere taking into account a risk based sequential approach. Development should be located, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flooding. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.

3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere by integrating water management methods into development.

- 16.6 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of flood risk and drainage. This is set out in ES Chapter 10 [APP-047] and its appendices which include (1) a Flood Risk Assessment [APP-108 – APP-109] and (2) a Water Framework Directive Assessment [APP-110].
- 16.7 Having reviewed the above information, NLC has a number of concerns/observations about the proposals in respect of flood risk, as follows.

Isle of Axholme Critical Flood Level

- 16.8 The application site falls within the Isle of Axholme Compartment (3F2) as identified in the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA). In this area, NLC would expect development to be raised above the critical flood level (CFL) of 4.1m AOD plus 300mm freeboard (i.e., 4.4.AOD). The proposals do not seek to elevate infrastructure, including BESSs and substations, above the CFL and therefore the Applicant has not demonstrated that the development would be safe for its lifetime in accordance with PPG guidance.
- 16.9 As set out in the EAs relevant representation, there is a risk that in the event of a breakdown in the pumping network, the drain network in the IoA would begin to flood, putting the development at risk. Whether this risk is acceptable in the context of the development proposed in this case is a matter for the decision-maker.

Sequential/Exception Test

- 16.10 In the Examining Authority's (ExAs) written questions and requests for information [ExQ1] issued on 24 April 2026, the ExA has raised a pertinent

question (Q7.1.A) in respect of the starting point for the area of search for the Sequential Test. NLC would similarly question the rationale for the area of search, particularly in light of the flood risk implications as the Order limits sit primarily in areas at highest risk of flooding. There are a number of further questions in ExQ1 regarding the sequential/exceptions tests which echo NLCs queries in respect of the sequential/exception tests and the Council will consider its position on this matter further following the Applicant's responses to these questions.

Extent of and Development Proposed in Flood Zone 3b

- 16.11 The extent of all flood zones should be reviewed following the changes to the EAs flood maps in 2025. The extent of flood zone 3b in particular needs to be reassessed in light of the EAs comments in its 'relevant representation' dated 24 December 2025 that 'the modelled 1 in 30 River Trent extent can be excluded from the definition of Flood Zone 3b and it should be defined based on the River Torne 1 in 30 extent only' [RR-009].
- 16.12 NLC do not consider that the Application documents clearly show the extent of development within Flood Zone 3b and it is understood that the Applicant is preparing plans to show this. This is important because NLC considers that the Applicant must be able to demonstrate the extent of works including the provision of infrastructure (e.g., BESSs/substations), as well as earthworks including the raising of access tracks which could affect overland flows and land drainage as a whole.
- 16.13 NLC does not consider that the Applicant has demonstrated clear operational reasons as to why elements of the development need to be located within Flood Zone 3b, having regard to paragraph 5.8.41 of NPS EN-1. Notwithstanding the unresolved questions around the sequential/exceptions tests (see above), whilst it is acknowledged that the wider site is constrained by flood risk, the Applicant has not robustly demonstrated through the design or layout that the most vulnerable or highest risk infrastructure, such as BESS facilities and substations, cannot be reasonably located within areas of lower

flood risk within the Order Limits. As such, the justification for siting development within the functional floodplain is not evidenced. The fact that PPG guidance allows for essential infrastructure within Flood Zone 3b subject to the exception test, does not obviate the need for exploring sequentially more preferable parts of the site at lower risk of flooding to accommodate such development.

16.14 In addition, the proposals do not provide sufficient confidence that there would be no net loss of floodplain storage or that flows will remain unimpeded. Whilst some elements of the scheme are described as permeable or elevated, infrastructure such as BESS compounds, substations and associated hardstanding would introduce areas of displacement and potential obstruction. This is particularly relevant within Flood Zone 3b, where land is required to store and convey floodwater during more frequent events, and any loss can have significant and wider reaching impacts.

16.15 There are also concerns regarding the residual risk associated with locating higher risk infrastructure within Flood Zone 3b. These areas are expected to flood relatively frequently over the lifetime of the development, and the combination of floodwater interaction with BESS infrastructure presents a credible pathway for pollution. In the event of damage, failure or fire, there is potential for contaminants to enter the wider water environment, which could result in a significant pollution incident. Given that alternative areas within the site appear to be available outside of Flood Zone 3b, the current layout does not represent a risk-based or policy-aligned approach.

Ordinary Watercourse Easements

16.16 North Lincolnshire Council require a nine metre easement for all watercourses. This is in accordance with the relevant representation from the Isle of Axholme and Nottinghamshire Internal Drainage Board (IDB) which confirms that Byelaw No.10 states that-

'No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within nine metres of the landward toe of the bank where there is an embankment or wall or within nine metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within nine metres of the enclosing structure'.

It is understood that ongoing discussions are taking place between the Applicant and the IDB in this respect.

Other matters

16.17 In respect of surface water drainage details, NLC considers that all drainage designs must be site specific, with hydraulic modelling to reflect changes in impermeable areas and ensure greenfield runoff rates are achieved. NLC supports the use of above-ground attenuation features such as swales and basins, which not only assist in managing runoff but also offer biodiversity benefits and align with SuDS best practice. This should be incorporated into the scheme wherever possible.

16.18 Fencing that crosses watercourses must be maintained to avoid debris build-up, which can obstruct flow. A maintenance plan should be established to ensure regular inspections.

Overall Conclusions on Hydrology and Flood Risk

16.19 Overall, NLC has a number of outstanding concerns about the adequacy of information submitted, both in terms of the sequential/exception tests and the technical requirements to ensure that flood risk is mitigated in an appropriate way, as explained above.

17.0 SOCIO-ECONOMIC EFFECTS

- 17.1 The energy sector has been identified as a key growth sector across the Humber and the Greater Lincolnshire regions. This sector is identified in the North Lincolnshire Economic Growth Plan as a growth sector within the area.
- 17.2 The Council has assessed the submitted information concerning the assessment of potential effects of the proposed development in respect of socio economics. This is set out in ES Chapter 11 [APP-048].
- 17.3 NLC is satisfied that the approach to the assessment of socio-economic impacts presented in ES Chapter 11 is robust. The methodology used to determine the impact of the project is clear and helpful, indicating levels that can be easily measured. The data and statistics are relevant and appropriate.
- 17.4 NLC agrees with the conclusions of the ES that there are no likely significant adverse socio-economic effects arising from the proposals.
- 17.5 Based on the delivery previous of large-scale projects in the area NLC agrees that it is realistic that there would be significant short-term beneficial effects on employment created during the construction and decommissioning phases of the proposed development. These would be temporary jobs, and it is likely that a proportion of these jobs would be drawn from outside of the local area.
- 17.6 NLC considers that jobs generated by the development would also be likely to give rise to beneficial effects on the local tourism sector through a proportion of bedspaces being filled throughout the year by workers. Consequently, this would be likely to result in additional spend within the area through leisure use and local shops/services as well as the potential for additional work given to local supply chain companies. Economic benefits would also arise through business rates payable during the operational phase.
- 17.7 The proposed development has the potential to support further growth of the construction and energy sectors in North Lincolnshire. In addition to the value

added GVA, it would provide an opportunity to address highlighted skills shortages in this key sector (highlighted in local and regional Industrial Strategies), therefore positively influencing the ability to attract and retain skilled workers over the lifetime of the proposed development. The skills and experience gained and developed for businesses and workers, has the potential to lead to opportunities with any future local developments. This would be further supported by Requirement 18 of the Draft DCO [AS-002], which would secure the submission and implementation of an Outline Supply Chain, Employment and Skills Plan (OSCESP), a copy of which is included at [APP-184]. It is agreed that this provides an appropriate mechanism to promote employment, skills and training opportunities during construction and employment opportunities during operation for local residents.

- 17.7 Overall, NLC considered that the proposed development **is capable of** giving rise to beneficial effects in terms of employment, economic contribution, accommodation demand effects on the local tourism sector, and business rates in all relevant phases of development, as relevant. No significant adverse effects are identified. It is stressed however that these benefits can only have meaningful effect if the Secretary of State is satisfied that these benefits can be lawfully taken into account, having regard to the case law referred to in Section 4 of this Report.

18.0 DRAFT DEVELOPMENT CONSENT ORDER

- 18.1 There are potentially a number of matters contained in the assessment of the proposals in this LIR which may affect the drafting of the final Development Consent Order. At this stage, North Lincolnshire Council wishes to make the following comments contained within the Applicant's draft Development Consent Order.

Article 11 – This is unclear and appears to indicate that the Applicants are seeking the power to undertake the stipulated works without having to seek approval/consent from NLC. If this is the case, then NLC would have concerns as it would have no control over the works, including the

specification, timing, traffic management requirements and reinstatement, in case of any failures.

Article 12 – Again, this is unclear, however NLC understand that the Applicants intention is that they would not need any approvals from NLC to work withing the Streets identified in Schedule 4. As mentioned above, we have concerns about this approach.

Article 13 – NLC considers that a longer period than 28 days is required, unless it can be specified as 28 working days from the date of application.

Article 15 – NLC considers that, whilst there are some locations, where this will have minimal impact, there are other areas where access to properties and through traffic would be affected. The type and extent of the works is currently unclear, but it is assumed that this would be submitted to NLC for consent as per 15 (8). Again, a longer period that 28 days is required, unless it can be specified as 28 working days from the date of application.

Article 16 (2) - See previous comments regarding the adequacy of the 28-day period.

Article 19 – NLC would require any Traffic Regulation Measures (such as speed limits, signage, temporary signals) to be approved by NLC as Local Highways Authority. It is unclear from Article 19(8), whether NLC would have full power to agree these. Again, see previous comments regarding the adequacy of the 28-day period.

19.0 CONCLUSION

- 19.1 National guidance on Local Impact Reports recommends that a view is given by the local planning authority of the relative importance of different social, environmental or economic issues and impacts of the scheme on them.
- 19.2 NLC considers that the broad principle of development is considered, on balance, to be acceptable having regard to the provisions of the Development Plan when read in the context of more recent guidance and the government's view that the provision of nationally significant low carbon infrastructure is a critical national priority.
- 19.3 The preceding sections of this Report assess the effects of the proposals and in particular identify where NLC consider there to be shortcomings in the assessment of effects and/or whether there would be negative effects of the proposals which need to be weighed against the benefits (see below).
- 19.4 Section 9 identifies a number of shortcomings with the Applicant's assessment of the landscape and visual effects of the proposals, and concludes that there would be a negative impact on landscape character and visual amenity within the local area contrary to NPPF and Development Plan policies.
- 19.5 Similarly, Section 10 above identifies shortcomings with the baseline information provided in respect of traffic and transport and the PRoW network. In NLCs view, these shortcomings need to be addressed both in terms of assessing the impact of the proposed development and the drafting of the DCO itself.
- 19.6 It is a similar position with respect to biodiversity and ecology (Section 11). There are some detailed queries in respect of the ability to meet all the proposed biodiversity enhancements which needs clarification, as do some of the inputs and conclusions in respect of BNG. It is noted that the draft DCO

Requirements do not refer to the ecological construction management plan, which is a matter which needs to be resolved.

- 19.7 NLC considers that there are significant shortcomings in the assessment of the archaeological potential of the site which should be resolved before Development Consent is granted. The Council considers that the proposal would give rise to less than substantial harm to the grade II listed Dirtness pumping station which can be addressed through mitigation. Any residual harm would need to be clearly outweighed by the public benefits of the scheme having regard to s66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Similarly, harm to the Isle of Axholme ASHLI would need to be outweighed by the benefits of the development.
- 19.8 Sections 13 and 14 of this Report highlight some outstanding issues in respect of noise and vibration and air quality impacts and the details set out in the draft DCO.
- 19.9 As explained in section 16 of this report NLC has a number of outstanding concerns about the adequacy of information submitted, both in terms of the sequential/exception tests and the technical requirements to ensure that flood risk is mitigated in an appropriate way
- 19.10 In light of the above, NLC considers that there are a number of significant issues which need to be addressed before Development Consent can be granted. All the conclusions set out in this report, including those on the renewable energy (section 7) and socio-economic (section 18) benefits, should be considered in the context of NLC's reservations about the way the ES has been carried out, with particular regard to the adequacy of the definition of the project. It is of course a matter of planning judgement for the Secretary of State to determine whether the ES has been carried out correctly and thus, whether the benefits of the scheme can be relied upon in the overall planning balance.