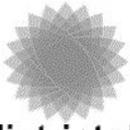


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**Viking Link: UK Onshore Scheme  
Planning Appeal  
Core Document Reference 10.4  
North Kesteven District Council Planning  
Officers Report**



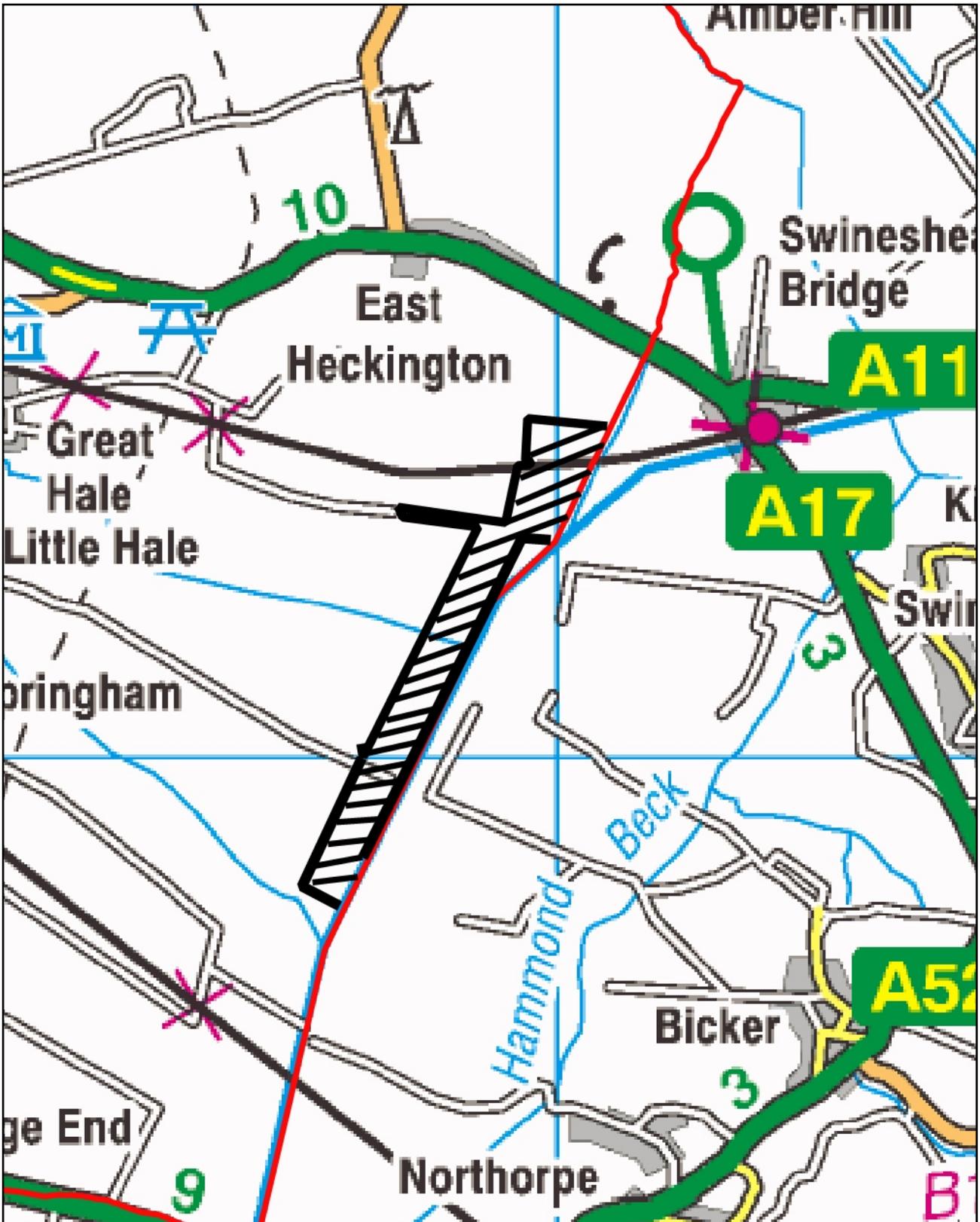


districtnk  
100 flourishing communities  
North Kesteven District Council

17/1200/FUL  
Viking Link



Scale 1:50000



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Ordnance Survey 100017926.

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| <b>Committee:</b>                             | <b>Planning Committee - Lafford</b>   |
| <b>Meeting Date:</b>                          | <b>15 May 2018</b>  |
| <b>Proposal details</b>                       |   |
| <b>Planning Online link:</b>                  | <a href="http://planningonline.n-kesteven.gov.uk/online-applications">http://planningonline.n-kesteven.gov.uk/online-applications</a><br>(enter the planning application number in the search box)  |
| <b>Application No and Type:</b>               | <b>17/1200/FUL Full Application</b>   |
| <b>Reason for consideration at Committee:</b> | <b>Officer referral in relation to the wider national significance of the project</b>   |
| <b>Terminal Date:</b>                         | <b>15 June 2018</b>   |
| <b>Proposal:</b>                              | <p><b>Works to facilitate the Viking Link electrical interconnector with an approximate capacity of 1400 megawatts (MW) extending from Revsing, Jutland, (Denmark) to Bicker Fen, Lincolnshire (UK) comprising:</b></p> <ul style="list-style-type: none"> <li>- Installation of two (2) subsea high voltage direct current (DC) cables between Mean Low Water Springs (MLWS) and landfall at Boygrift in East Lindsey;</li> <li>- Installation of two (2) onshore DC cables between the landfall at Boygrift and the converter station at North Ing Drove in South Holland;</li> <li>- Construction of associated Temporary Construction Compounds (TCC) and Temporary Works Areas (TWA) and temporary vehicle access arrangements required for DC and AC cable installation;</li> <li>- Erection of converter station buildings together with the formation of internal roads, permanent access road from the A52, erection of security fencing, formation of landscaping with associated temporary construction compounds;</li> <li>- Installation of up to six (6) onshore high voltage alternating current (AC) cables between the converter station at North Ing Drove and the existing Bicker Fen 400 kilovolt (400kV) Substation owned and operated by National Grid Electricity Transmission Plc (NGET);</li> <li>- Installation of link pillars along the AC cable route for inspection and maintenance purposes, these will be contained within fenced areas;</li> <li>- Installation of two substation bays at Bicker Fen Substation to allow Viking Link to be connected to the National Grid electricity transmission system;</li> <li>- Installation of all associated drainage mitigation works; and</li> <li>- Installation of fibre-optic cable(s) with the high voltage AC and DC cables</li> </ul> <p><b>(A bay consists of switching equipment including circuit breakers, disconnector and measuring equipment. NGET will be providing Viking Link the space available to connect to Bicker Fen).</b></p> |

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| <b>Location:</b>         | <b>Installation of High Voltage Direct Current (DC) Cables for The Viking Link Interconnector Project between proposed landfall at Boygrift in East Lindsey to a proposed converter station at North Ing Drove in South Holland</b> |
| <b>Ward Member(s):</b>   | <b>Councillor S D Ogden<br/>Councillor Mrs Sally Tarry</b>  |
| <b>Applicant details</b> |   |
| <b>Applicant:</b>        | <b>Ms Liz Wells<br/>National Grid Viking Link Limited</b>   |
| <b>A. Key Issues</b>     |   |

1. Principle of development
2. Highways Matters
3. Landscape and visual amenity
4. Residential amenity
5. Ecology
6. Drainage
7. Soils and agricultural land quality
8. Heritage assets
9. Cumulative impacts

## **B. Background**

- 1.1 The Viking Link is a proposed 1400MW high voltage electricity link (interconnector) between the British and Danish electricity transmission networks. The project will enable Great Britain and Denmark to trade energy as a commodity within the European Energy Market. The stated benefits include strengthening the two economies, energy supply security and reduction in wholesale electricity prices.
- 1.2 The project comprises approximately 762km of Direct Current (DC) onshore and submarine electricity transmission cables between new converter stations, which in turn will be connected to the high voltage electricity transmission networks at existing substations at Revsing, Jutland in Denmark and Bicker Fen, Lincolnshire in Great Britain.
- 1.3 The GB onshore scheme makes landfall at Boygrift in East Lindsey District from where two underground high voltage DC cables (for the transmission of electricity) and up to three fibre optic cables (two for performance monitoring of the DC cables and one for communication from the UK to Denmark) will run a distance of approximately 67km to the proposed converter station at North Ing Drove, in South Holland District. Up to six AC cables will then connect to the existing Bicker Fen substation located in Boston Borough.

- 1.4 Four concurrent applications have therefore been submitted to the relevant Local Planning Authorities within whose administrative areas the proposed cabling works, substations and associated works will take place. The North Kesteven District element comprises the installation of the two onshore DC cables and up to three fibre optic cables which will be sited underground. The total distance of the NK section is 4.8km which equates to approximately 7% of the total DC cable route (the smallest proportion) through Lincolnshire. The route of these falls within a defined limit of deviation (LoD) which establishes the maximum corridor in which they will be installed, whilst providing some flexibility to make minor localised routing adjustments should they be required, for example due to unforeseen ground conditions. The route abuts the Eastern boundary of the District adjacent to Heckington Fen before crossing into the District south of the A17, north of the Great Hale Eau (drain). It then runs parallel to the South Forty Foot Drain crossing a number of land drains and Little Hale Drove before turning sharply East to cross the South Forty Foot Drain into South Holland District at the eastern end of Helpringham Fen. The LoD is typically 100m wide and the temporary working area for installation within this around 30m.
- 1.5 The trench itself will be around 1.5m wide and 1.5m deep into which the cables will be installed by a combination of open cut and trenchless techniques. The submitted schedule of crossings for watercourses, services and tracks/roads in the North Kesteven section show all but one being traversed by trenchless techniques which involve the boring of a duct below the obstacle through which the cable would be pulled. The cable will be installed in sections between 800m and 1500m long, joined together at joint bays, which are buried concrete pads.
- 1.6 Access to the North Kesteven section of the works will be via the A17, Carterplot Road and Great Hale Drove which are all adopted highway, before utilising an existing private farm track to a temporary working area which will be used for the storage of plant and equipment during the construction phase. A temporary haul road will then be constructed within the limits of deviation to enable construction of the remainder of the route with a second temporary working area close to the eastern end of Little Hale Drove. The small section to the north of the Great Hale Eau within North Kesteven would be accessed from the A17 within Boston Borough, where there will also be a temporary construction compound. There will therefore be no access for construction traffic from the B1394 which runs through the villages of Heckington, Great Hale, Little Hale, Helpringham and Swaton.
- 1.7 As detailed above, the UK onshore element crosses 4 local authority boundaries and consequently applications have been submitted to each authority relating to their specific element. However it is appropriate to set the context of this within the overall consenting process.
- 1.8 The European Commission has developed guidelines to assist in the development of energy networks across Europe, known as the TEN-E (Trans-European Networks for Energy) Regulations. These set out guidelines for streamlining the permitting process for major energy projects that contribute to European energy networks. Such projects, which deliver benefits for the connected Member States, further support market integration and competition, enhance energy supply security and contribute to reduction in CO<sub>2</sub> emissions are referred to as Projects of Common Interest (PCI). Viking Link has been confirmed as a PCI under the TEN-E Regulation.
- 1.9 Under the TEN-E Regulation, Member States are required to designate a National Competent Authority (NCA) who is responsible for coordinating the permitting process for PCIs. For the Viking Link, the UK role has been delegated by the Secretary of State for Energy and Climate Change to the Marine Management Organisation (MMO). The role of

the MMO is to coordinate the decision making process with the four LPA's and the other relevant jurisdictions in order to reach a 'Comprehensive Decision'. This comprises all the consents and permits necessary for a developer to be granted authorisation for the construction of a PCI.

1.10 In addition to the 4 planning permissions in the UK, the primary consents also required are:

- Planning permission for the Denmark onshore scheme
- Offshore installation permit from the relevant Danish authorities for the installation of the submarine cables
- Permit from the relevant German authorities for the installation of submarine cables
- Permit from the relevant Dutch authorities for the installation of submarine cables
- Marine licence from the MMO for the installation of submarine cables in UK territorial waters

1.11 South Holland District Council considered their application, including the converter station, on 7<sup>th</sup> February and Boston Borough Council on 3<sup>rd</sup> April, with both Planning Committees resolving to grant planning permission, subject to officers being able, under delegated powers, to revisit condition wording in conjunction with the other three local authorities once their applications had been considered and a holding objection from the Environment Agency withdrawn. This would enable consistency across all four planning permissions. At the time of writing the East Lindsey application was scheduled for considered at their Planning Committee meeting of 3<sup>rd</sup> May. The recommendation was to grant subject to the same caveats at the other two local planning authorities.

1.12 Members should note that all four planning applications are currently subject to a direction by the Secretary of State for Housing, Communities and Local Government, under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 not to grant planning permission without authorisation. This does not preclude the District Planning Authority from considering and resolving to grant permission, but not to issue the decision. Should the District Planning Authority wish to refuse permission then they can do so. The purpose for this direction is to enable the Secretary of State to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to him for determination.

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| <b>Constraints:</b> | Countryside<br>Flood Risk Zone 2<br>Flood Risk Zone 3<br>Local Wildlife Site<br>National High Pressure Gas Pipeline |
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## C. Planning Policies

### Central Lincolnshire Local Plan Policies

- LP01 - Presumption in Favour of Sustainable Development
- LP02 - Spatial Strategy & Settlement Hierarchy
- LP05 - Delivering Prosperity & Jobs
- LP12 - Infrastructure to Support Growth
- LP13 - Accessibility & Transport

- LP14 - Managing Water Resources & Flood Risk
- LP17 - Landscape, Townscape & Views
- LP18 - Climate Change & Low Carbon Living
- LP21 - Biodiversity & Geodiversity
- LP25 - The Historic Environment
- LP26 - Design & Amenity
- LP55 - Development in the Countryside

## National Planning Guidance

- National Planning Policy Framework
- Overarching National Policy Statement for Energy (EN-1)
- National Planning Policy Statement or Electricity Networks Infrastructure (EN-5)

### D. Planning History

None

### E. Summary of Local Representations

Full details of all representations can be viewed here: <http://planningonline.n-kesteven.gov.uk/online-applications> (enter the planning application number in the search box).

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| <p>Matthew Mountain<br/>White House Farm<br/>Great Hale Drove</p>   | <p>Objects (3 representations received):</p> <ul style="list-style-type: none"> <li>• Choice of western route corridor which crosses his land</li> <li>• Impact upon protected species</li> <li>• Impact on land drainage</li> <li>• Condition of Great Hale Drove</li> </ul>   |
| <p>Ms Vicky Portwain<br/>2 Eastbourne Terrace<br/>London</p>  | <p>Comments made on behalf of Tritton Knoll Offshore Windfarm Ltd relating to the crossing of their connection to the Bicker Fen substation by the proposed Viking Link cable.</p> <p>(Note these works relate to the application under consideration by Boston Borough Council).</p>   |
| <p>Daniel Jobe<br/>Brown &amp; Co<br/>Spalding Office<br/>Holland House<br/>16 High Street<br/>Spalding</p> | <p>Writes on behalf of his clients to express significant concerns particularly in relation to the reinstatement and long-term preservation of agricultural soils in our region.</p> <p>Lincolnshire and the Fens in particular boasts some of the top quality agricultural land in the country. It is therefore of paramount importance that prior to approval, comprehensive reinstatement and drainage protocols are carefully considered. Does not feel that the bland coverall approach proposed is sufficient where site specific, detailed proposals are required.</p> <p>Any planning permission should be made conditional that the developers must have a landowner specific soil management and drainage reinstatement plan in place, which has been agreed with the interested party, prior to the commencement of works.</p> |

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| <p>W Barker<br/>Pygott &amp; Crone<br/>19 Southgate<br/>Sleaford</p> | <p>Represent a handful of farming clients who will be affected by the proposal.</p> <p>Set out that if permission is granted then a condition should be imposed to require the applicant to properly reinstate the soil disturbed by the scheme. The submitted management plan does not yet adequately address the many and individual, bespoke under-drainage schemes and land drainage issues which will be created.</p> <p>The cable route will sever and affect many known (mapped) as well as some historic (unmapped) land drains and the obligation must be on National Grid to not only improve the field drainage within all fields affected with new/replacement modern land drainage systems with a porous backfill above the pipes, but also to ensure that the fields are capable of being further and better under drained in the future.</p>  |
| <p>Richard Start<br/>Longstaff<br/>5 New Road<br/>Spalding</p>       | <p>Write to express their and their clients significant concerns over the following:</p> <p>Minimising land take – a farm by farm record of nutrient and mineral records should be scientifically undertaken, recorded and a method statement employed so these levels are at least the same. This should be agreed with the landowners and those who have an interest in the land.</p> <p>Land drainage – wish to see an indemnity put in place by the applicant to directly deal with future drainage issues as a consequence of the shallow depth of the burying of the cable, to the satisfaction of an independent drainage specialist.</p> <p>Wildlife and ecology – the chosen western route passes through a 2km radius area in Great Hale Fen that has over 18km of designated Local Wildlife Status (LWS) sites in its circumference. The discounted route to the East did not have any. Any approval should be subject to conditions in relation to environmental mitigation and enhancement, working hours and limiting as much open trench work as possible in sensitive areas.</p> <p>Traffic and transport access – full consideration should be given to management of large machinery and HGV's in busy periods of the farming calendar, and also upgrading of the roads.</p> |

## F. Summary of Consultee Representations

|                                      |                              |
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| <p>Great Hale Parish<br/>Council</p> | <p>No comments received.</p> |
| <p>South Kyme Parish<br/>Council</p> | <p>No comments received.</p> |

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| Heckington Parish Council                               | No comments received.   |
| Little Hale Parish Council                              | The Parish Council are appreciative of the proposals to mitigate the visual intrusion of the proposed buildings at Bicker and the efforts to mitigate the disruption during construction. Councillors were also keen to hear more about the Community Fund discussed during the consultation events. (In response to this it should be noted that as the proposal relates to the transmission rather than generation of energy, no community fund is proposed by the applicant. The implementation of such a fund would also be outside of the consideration of the planning application in any case).  |
| Helpringham Parish Council                              | Supports the project.   |
| Swaton Parish Council                                   | No comments to make.  |
| East Lindsey District Council                           | No comments received.   |
| Boston Borough Council                                  | No objections or observations.  |
| South Holland District Council                          | No comments received.   |
| Lincolnshire County Council - Highways and SuDS Support | No objections subject to imposition of a condition requiring the undertaking of a highway condition survey (from the A17 to the application site) prior to the commencement of works and re-instatement of the highway back to a standard to the satisfaction of the LPA following the completion of development.   |
| Environment Agency                                      | No further objections – request conditions relating to contamination and a foul water drainage strategy in relation to welfare facilities on the construction compounds.  |
| Black Sluice Internal Drainage Board                    | <p>No objection however advises that a Memorandum of Understanding has been agreed with the applicant that all cables will be installed to a minimum depth of 2m beneath the hard bed level of all ordinary watercourses plus a further 0.5m cable clearance from live services, unless, in the case of non-Internal Drainage Board maintained water courses only, agreement is reached with the relevant IDB, not to be unreasonably withheld, to reduce the installation depth to a minimum of 1m beneath the hard bed level plus a 0.5m cable clearance. This will allow the Board and landowners to make improvements now, or at any other time in the future to any watercourse which may be required to ensure future flood defence standards.</p> <p>The IDB have also provided technical comments regarding rainfall runoff, disposal of foul or dirty water, access to watercourses, filling in or culverting of watercourses and site levels.</p> |

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| Anglian Water               | No objections - request any permission be subject to a condition relating to a foul water drainage strategy in relation to the welfare facilities to be sited within the construction compounds.   |
| Natural England             | <p><u>No objection. In relation to protected species they refer to their standing advice in relation to assessment of impacts upon protected species within the NK section of the route.</u></p> <p>With reference to soils and land quality, Natural England note that the proposed cable route is approximately 67.2km in length. A desk based assessment of agricultural land quality undertaken by the applicants suggests that within the working width and temporary construction areas, a total of 310ha of agricultural land is likely to be impacted, of which the applicants estimate 93.1% is likely to be the best and most versatile (BMV) quality (i.e. Grades 1, 2 and 3a in the Defra Agricultural Land Classification system). Natural England consider that this is probably an overestimate but nevertheless does point to a significant use of BMV agricultural land. It would have been useful for the applicants to have provided a breakdown on the predicted grading of the route within each local authority area to provide further context at the local level and to assess the magnitude of impacts.</p> <p>Natural England note that the construction is planned to be temporary and has the potential to return land to its original quality. They therefore advise that high standards of reinstatement and aftercare will be required to achieve this given the high quality of agricultural land which is affected.</p>   |
| Lincolnshire Wildlife Trust | <p>No objection – the submitted comments relate to the whole route and therefore are cross Authority boundary. However specifically in relation to the works within NKDC they advise that they have read the Ecology report produced for Mr Mountain. Whilst a number of protected and notable species were identified, these can be dealt with through standard mitigation as per that detailed within the main report of the Environmental Statement or are unlikely to be affected by the scheme as they were recorded outwith the red line boundary. Where drains have been identified as being of Local Wildlife Site (LWS) quality, these should be noted and crossed using trenchless techniques. Several notable aquatic plant species were recorded in drains on the survey site, including fine-leaved water-dropwort <i>Oenanthe aquatica</i> and brookweed <i>Samolus valerandi</i>. Whilst these potential records did not coincide with ditches that are proposed to be crossed by the scheme, the potential exists for these species to be present within the wider ditch network. They recommend that these ditches are crossed using trenchless techniques to avoid potential disturbance of these scarce species, or that translocation of any specimens occurs should they be found within watercourses to be crossed by open cut methods.</p> <p>LWT support measures to reduce disturbance to soils and welcome the recognition within the Soil Handling and Storage Protocol document that ecologically important soils should be stored separately to ensure the seedbank is retained and not mixed with agricultural soils. This measure should also be applied to any soils</p> |

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|  | <p>from local designated sites which may require to be crossed for land drainage purposes.</p> <p>Support the statement within the draft Construction Environment Management Plan (CEMP) which states that 'reinstatement of habitats should ensure that functionality and connectivity within the wider landscaping is maintained'. LWT advise that this principle should be applied to the whole scheme and reinstatement should be carried out at the earliest possible time on a rolling programme to reduce the length of time habitats are disturbed for.</p> <p>Strongly support the Soil Handling and Storage Protocol document which states that the reinstatement of the soil profile will be determined on a site by site basis. The inversion of soil profiles for road verges and watercourse banks or other sites which will receive a species rich/ wildflower seed mix will encourage wildflowers to thrive and discourage the growth of vigorous weed species.</p> <p>Finally, LWT suggest there could be further biodiversity enhancements. For example mink control should be considered in conjunction with water vole mitigation.</p>   |
| <p>District Council<br/>Consultant Ecologist</p> | <p>Consider that the assigned zone of influence is appropriate to the potential impacts, that the survey scope and assessment of impacts was thorough and provides the evidence base needed to support determination of the planning application. Whilst survey restrictions have limited the collection of some data, the Ecologist does not consider that the findings in the reports submitted by Mr Mountain contradict or conflict with the findings or assumptions set out in the ES by the applicant.</p> <p>The working methods has been designed to minimise impacts on sensitive habitats, and operations will be timed to minimise impacts to protected and notable species. Pre-commencement surveys will be undertaken well in advance of any works and will inform the final mitigation proposals and enable Natural England Licences to be secured where required. Reasonable Avoidance Measures Method Statements will be incorporated into the finalised CEMP to minimise the risk of negative impacts to species and comply with a precautionary approach. The appointment of an Ecological Clerk of Works will ensure that the methods and timings of work as set out in the CEMP will be instigated on the ground.</p> <p>If planning permission is granted then conditions should include:</p> <ul style="list-style-type: none"> <li>- The requirement for pre-commencement surveys to supplement and update the existing baseline and include detailed botanical surveys and water vole assessments at the locations for culverted crossing points of wet drains.</li> <li>- That the finalised CEMP be submitted and approved by the LPA prior to commencement of works.</li> <li>- That the applicant implements or contributes to a programme of mink control in consultation with the Lincolnshire Wildlife Trust.</li> </ul> |

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| Landscape – District Council Agricultural Consultant   | No objections – if the applicant is going to implement a pre-entry programme of drainage works to both anticipate problems and allay the fears of landowners/ farmers, this should be welcomed. At this stage this should not be a reason to prevent the scheme from progressing.   |
| Tree Officer   | No objections – the impact on the green infrastructure within NKDC is likely to be minimal.   |
| Conservation Officer                                   | No objection  |
| Heritage Trust of Lincolnshire (Planning Archeologist) | No objection – Ideally further pre-determination field evaluation should be undertaken to assess the presence, nature and depth of archaeological deposits and therefore a full range of mitigation strategies to be considered. However, the Trust advise that a pre-commencement condition can instead be used to address this issue and which should comprise a written scheme of archaeological mitigation detailing sites or areas to be investigated, the techniques to be employed, the sequence of investigations, decision making and timetabling at each stage, and how this will be managed.   |
| Network Rail   | No objection  |
| Office of Rail Regulation                              | No comments received  |
| Marine Management Organisation                         | No comments received  |
| Environmental Services                                 | <p>No objections.</p> <p>Content with the approach taken in relation to noise and vibration assessments contained within the Environmental Statement. Understands that a Construction Environmental Management Plan, incorporating noise and vibration management/ mitigation measures will be submitted in writing to the LPA's and this can be addressed by way of a condition.</p> <p>(Also understands that the developer intends submitted application for prior consent for work on construction sites under Section 61 of the Control of Pollution Act 1974).</p>  |
| National Farmers Union – East Midlands Region          | <p>Identify that over 100 farmers will be affected by the cable route. The overall land take will be relatively small so the amount of land taken out of production will not be great. The main issue for Lincolnshire famers will be the effects of the cable route on land drainage and installations like link boxes which will create permanent in-field obstructions for farmers to avoid.</p> <p>One of the reasons for Lincolnshire farming being so productive is the great system of underground field drainage within the county, especially the Fen soils. The cable route will cut through will field drainage systems on farm and many farmers believe that it is difficult, if not impossible to repair fields drains cut by the cable laying work. Therefore what is needed is for a wholesale new</p> |

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|                     | <p>drainage system in fields badly affected by the cable route.</p> <p>Also comment that the joint bays need to be situated where they do not cause a lasting problem or obstruction for farmers, so they need to be well underground with a ground clearance cover of 1.5m or more or situated in field boundaries. Otherwise there will be the risk of damage to the cable and farm machinery.</p> <p>Farmers who farm near the Bicker substation have commented that the proposals for the cladding of the building are now for a warehouse style outer skin. They much prefer one of the original alternatives of a barn-style cladding which they feel is more in keeping with the positioning of the installation in the farmed landscape.</p> |
| Lincolnshire Police | No objections.   |

## G. Human Rights Implications

The application has been considered with due regard to planning legislation and the Human Rights Act 1998.

## H. Assessment

### 1. PRINCIPLE OF DEVELOPMENT

#### National Policy Statements:

#### Overarching National Policy Statement for Energy (EN-1) – July 2011

- 1.1 The NPS is stated as likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990, although this will be on a case by case basis.
- 1.2 Energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale. The energy NPSs consider the large scale infrastructure that play a vital role in ensuring there are secure energy supplies. The NPS also confirms the commitment to meeting our legally binding target to cut greenhouse gas emissions by at least 80% compared to 1990 levels.
- 1.3 The Statement adds that there are a number of other technologies which can be used to compensate for the intermittency of renewable generation, such as energy storage, interconnection and demand-side response, without building additional generation capacity. Although the Government believes these technologies will play important roles in a low carbon electricity system, the development and deployment of these technologies at the necessary scale has yet to be achieved.

- 1.4 The NPS notes that the GB electricity system is largely isolated from other systems, with only a 2GW link with France, 1.4GW interconnector with the Netherlands and 450MW link with Northern Ireland in place. Further links to Ireland (500MW), Norway and Belgium (both around 1GW) could increase capacity to around 10GW by 2020 but these cannot be assumed to come forward.

National Policy Statement for Electricity Networks Infrastructure (EN05) – July 2011

- 1.5 The NPS highlights that the new electricity generating infrastructure that the UK needs to move to a low carbon economy while maintaining security of supply, will be heavily dependent on the availability of a fit for purpose and robust electricity network. That network needs to be able to support a more complex system of supply and demand than currently and cope with generation occurring in more diverse locations.

National Planning Policy Framework – March 2012

- 1.6 The NPPF sets out three dimensions to sustainable development, social, economic and environmental. With regards to the economic strand, the planning system has a role in contributing to building a strong, responsive and competitive economy through a number of means, including the provision of infrastructure. The environmental role includes mitigating and adapting to climate change including moving to a low carbon economy. This is reflected within the 12 core planning principles.

Central Lincolnshire Local Plan 2017

- 1.7 Policy LP1 'A presumption in favour of sustainable development' advises that when considering development proposals, 'the Central Lincolnshire districts of West Lindsey, Lincoln City and North Kesteven will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'. The policy further notes that the districts 'will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Central Lincolnshire' and that 'planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise'.
- 1.8 The application site lies within the countryside (tier 8) as identified within the Spatial Strategy laid out in Policy LP2. The Policy states that unless allowed by either policy in any of the tiers 1-7 or any other policy in the plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:
- That which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;
  - Renewable energy generation;
  - Proposals falling under Policy LP55; and
  - To minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.
- 1.9 Policy LP55 sets out the considerations for development in the countryside. Part E relates to non-residential development which will be supported provided that:
- The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;
  - The location of the enterprise is suitable in terms of accessibility;

- The location of the enterprise would not result in conflict with neighbouring uses; and
- The development is of a size and scale commensurate with the proposed use and with the rural character of the location.

Part G seeks to protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy.

- 1.10 Policy LP12 states that all development should be supported by, and have good access to, all necessary infrastructure.
- 1.11 Policy LP18 relates to climate change and low carbon living and advises that proposals will be considered more favourably if the scheme would make a positive and significant contribution towards (in preferential order) reducing demand, resource efficiency, energy production or carbon off-setting.

### Conclusions on principle of development

- 1.12 The Viking Link is a project of national and to some degree international importance enabling electrical energy sharing between the UK and Denmark. The benefits of providing greater energy security with potentially lower wholesale prices and facilitation of economic growth accord with both local and national planning policies. Britain's electricity market currently has 4GW of interconnector capacity with the Ofgem website identifying a further 7.7GW potentially coming on stream up to 2019 via links to France, Belgium, Norway, Ireland and the considered scheme to Denmark which accounts for 1.4GW. To put this into context the maximum generating capacity of the Heckington Fen windfarm was 0.05GW (or 50MW) and largest approved solar farms in the District at Branston and Scopwick were just under 0.05GW (or 49.9MW). The substantial contribution to energy supply should therefore carry significant weight in the consideration of the application.
- 1.13 The proportion of the UK onshore scheme which falls within the North Kesteven Local Authority boundary is relatively small comprising 4.8km (or 7%) of the total 67km of the cable route. The majority of the scheme including the proposed converter station and existing substation providing grid connection, therefore lie outside of the NK administrative area. The NPPF states that local planning authorities should work with other local authorities and providers to take account of the need for strategic infrastructure including nationally significant infrastructure within their areas. Given the significant benefits of the scheme which meet both national and local planning policy objectives, it is considered that the scheme is acceptable in principle and consideration should focus on any associated impacts.

## **2 Highway Matters**

- 2.1 By virtue of the technology involved, once operational, the cable will be monitored remotely. Consequently the main highway associated impacts would be during the construction phase. Access to the North Kesteven section of the works will be via the A17, Carterplot Road and Great Hale Drove which are all adopted highway, before utilising an existing private farm track to a temporary working area which will be used for the storage of plant and equipment during the construction phase. A temporary haul road will then be constructed within the limits of deviation to enable construction of the remainder of the route with a second temporary working area close to the eastern end of Little Hale Drove. The small section to the north of the Great Hale Eau within North Kesteven would be accessed from the A17 within Boston Borough, where there will also be a temporary construction compound. There will therefore be no access for

construction traffic from the B1394 which runs through the villages of Heckington, Great Hale, Little Hale, Helpringham and Swaton.

- 2.2 The route from the A17 via Carterplot Road and Great Hale Drove passes approximately 9 dwellings although some of these are set back from the highway. It also serves the surrounding agricultural land and farms, including White House Farm which has planning permission for a food processing operation. Carterplot Road also provides an alternative shorter route to the B1394 when approaching from the East along the A17 rather than continuing to the Heckington village turning. These rural lanes are generally single track with limited formal passing opportunities and well worn. Great Hale Drove crosses a level crossing with automated barrier. The total distance from the A17 to the first temporary construction area is just under three miles.
- 2.3 Construction traffic generation is estimated to be at peak (based on two way movements) 10 cars/LGV's and 35 HGV's. Typically a 1km length of cable will take approximately 4 to 9 months to lay, including re-instatement.
- 2.4 The development proposes to address impacts via a Construction Traffic Management Plan (CTMP) and accompanying Construction Environmental Management Plan (CEMP). The CTMP will restrict associated vehicles to using the Carterplot Road, Great Hale Fen route as well as the provision of passing bays every 200m where there is good visibility and 100m in poor visibility in agreement with the Highways Authority. It would also include construction traffic hours and delivery times, measures to protect the public highway (including wheel washing facilities), measuring for monitoring and addressing of any issues. The Highways Authority have confirmed this is acceptable and have also requested a condition to secure the surveying of the condition of the route prior to the commencement of work and then reinstatement back to a standard to their agreement prior to completion.

These proposed measures will therefore ensure that construction traffic does not use the B1394 which passes through a number of villages, or the fen roads running East from these villages towards the South Forty Foot Drain and the cable route. The chosen route which comes directly from the A17 via Carterplot Road and Great Hale Fen, is by its nature narrow and passes a small number of residential properties. However the proposed mitigation measures including passing bays, highway re-instatement and hours of delivery are appropriate in terms of the safety and convenience of highway users and residential amenity, and can be secured by condition. Such impacts would also be relatively short term, limited to the construction phase. As such the application accords with Policies LP13 and the relevant section of LP26 of the CLLP – specifically parts (r) and (s) under 'amenity considerations, which call for the avoidance of undue harm relating to noise, vibration, dust and odour.

### **3 Landscape and Visual Amenity**

- 3.1 The North Kesteven section of the route does not lie within any designated landscape area unlike the East Lindsey section which passes through The Lincolnshire Wolds AONB. The route is located within the Fenland landscape character area as defined in the NKDC Landscape Character Appraisal and where the appraisal notes that the Fenland landscape character sub-area runs along the whole of the eastern part of the District and is characterised by its low lying and very flat landscape with very large fields divided from one another by drainage channels. The appraisal also notes that the landscape is intensively farmed and managed and is almost entirely a man-made with few natural landscape features.

- 3.2 The route chosen is relatively remote in terms of residential properties, the closest to the red line working site boundary being around 400m distant, which it should be noted defines the maximum limit of deviation; with the actual works likely to be further away. Existing public access to the cable works area is also limited. The route crosses under the A17 (within Boston Borough) but the only section of public highway it crosses within North Kesteven is the eastern end of Little Hale Drove which provides access to the western bank of the South Forty Foot Drain and is therefore used for recreational purposes (dog walking etc) and to access the bank and surrounding land. There is a section of public footpath along the Western (NKDC side) side of the bank as well as on the Eastern (Boston and SHDC) side. There is also a public footpath running along the South bank of the Helpringham Eau, around 200m from the red line boundary. Where views are in theory available they are often screened by bankside vegetation or in the context of the existing Bicker Fen windfarm.
- 3.3 As the cables will be laid underground, there will be little or no long term visual impact as a consequence of the proposal other than the marker posts required to identify its position for safety reasons. There are two temporary working areas (TWA) within the District at the end of Great Hale and Little Hale Fen and as such these will take longer for restoration to fully take effect. The more significant visual impacts will be during the construction phase with regards to operational machinery and storage within the TWA's. However given the relatively short term nature of these works and limited sensitive receptors, it is not considered that the proposal would have a significant visual impact in the context of North Kesteven. The proposal therefore accords with Policies LP17 and LP26 (first part) of the CLLP.

#### **4 Residential Amenity**

- 4.1 The route of the cable is relatively remote in relation to residential properties within North Kesteven, the closest being around 400m from the red line boundary. However the submission acknowledges the potential for some noise and vibration impacts particularly along sections of the route (outside of NKDC) where the relationship is much closer. The supporting documentation also notes that detailed construction methods will not be known until such time as a contractor has been appointed and proposes to address such matters via Construction Environment Management Plan.
- 4.2 Whilst the full potential for noise and vibration will await the appointment of a contractor, it is recognised that on schemes of this magnitude the approach to mitigating issues via a Construction Environment Management Plan is necessary. As noted above, and given the degree of separation to residential properties within the District, the Council's Environmental Health Officers raise no objections. The Construction Environment Management Plan would be based upon best practicable means for the reduction of noise including the timing of activities, to avoid, where necessary, sensitive periods such as evenings and nights. In conjunction with the CTMP outlined above, this will also control the route of construction traffic away from the villages and also the timing of construction traffic movements although it should be noted that this is a working agricultural area where associated vehicle movements particularly during harvest time, are not unusual during all hours of the day.
- 4.3 Based on the above, it is not considered that the proposal would significantly adversely impact upon residential amenity, with any such impacts limited to the construction phase. The application therefore accords with the relevant section of Policy LP26 of the CLLP.

## 5 Ecology

- 5.1 The submitted ecological report identifies that no internationally or nationally designated sites are located within 10km or 2km respectively of the route. There are seven non-designated sites present within 1km of the North Kesteven section of the route, of which the Great Hale Eau LWS, Old Forty Foot Drain to South Forty Foot Drain LWS and South Forty Foot Drain would be crossed. The habitat is dominated by intensive arable farmland dissected by drains of varying sizes which are extensively managed. There are limited trees and where hedgerows exist, though well-established they tend to be species poor. The watercourses which the route crosses vary from significant wet drains (including the Great Hale Eau and South Forty Foot) to individual field ditches which can be wet or dry.
- 5.2 Due to access not being granted by landowners in some circumstances, on the ground surveys have not been possible for all of the NK section and consequently these have been based on the worst case scenario following review of aerial imagery of such areas. These conclude that records for common frog, smooth newt and great crested newt have been returned from within 1km of the site with a small population of the latter in one ditch. Similarly there are good numbers of water vole records within 1km although they were recorded from only one watercourse during surveys. There are also three records for otter within 1km but no evidence was identified on the affected watercourses during the surveys. Badger evidence including sets within the area was also noted, as well as the use of the South Forty Foot Drain and various small ditches for foraging by bats, with the former also by wintering wildfowl (birds). The area also supports a range of farmland birds and brown hare. Proposed mitigation includes reasonable avoidance measures for reptiles, pre-construction surveys, phased vegetation strimming and setting exclusion zones where necessary. To address any residual impacts the submission proposes acoustic screens during the construction phase to reduce disturbance to wintering birds using the South Forty Foot Drain and in relation to leverets.
- 5.3 Against this an objection on ecological grounds has been received from one of the affected landowners. The objection is raised over a route to the west rather than east of the South Forty Foot Drain being chosen in light of over 19km's of local wildlife sites being registered within 2km. This objection has been accompanied by an Environmental Assessment Survey for Water Voles in Great Hale Fen dated 2006 and an Ecology and Protected Species Survey of land at Great Hale and Little Hale, dated November 2016. These identify the presence of a low to medium water vole population but there was also some evidence of mink. The area, particularly along the drains, was also likely to be used for bat foraging or commuting, with mature trees in the area potentially providing roost facilities. Evidence of 3 badger sets and a globally threatened plant species (fine leaved water dropwort) as well as important habitats and plant species in a local context were also noted.
- 5.4 The LPA has therefore sought independent ecological advice on the submission. This confirms that the surveys forming the baseline data for the application, were undertaken by suitably qualified personnel in the correct season and using methodologies in line with current industry guidelines. The assessments also acknowledge potential limitations due to access issues and health and safety.
- 5.5 The seven drains that are designated as Local Wildlife Sites which fall within 1km of the site, are so entirely based on botanical interest with the exception of the South Forty Foot Drain which is also designated for invertebrate interest. The land immediately adjacent to the LWS drains is intensively cultivated and of low ecological value. Impacts on LWS drains are therefore unlikely to occur outside of the red line boundary. The three LWS drains which would be crossed would be by trenchless techniques and therefore impacts will

be limited to the removal of bankside and aquatic habitat to facilitate the temporary installation of culverts or bridges for movement of traffic, and to a lesser degree, a risk of temporary hydrological changes. The report notes that culverted drain crossings are commonplace within the landscape and most of the existing drains, including the LWS ones have culverted crossings for field accesses etc. These do not appear to have long term detrimental impacts and the consultant agrees with the proposed mitigation measures, noting also that such impacts will be temporary and not significant.

- 5.6 The consultant recognises that not all drains could be surveyed by the applicant but that the objector's commissioned survey identifies notable plant species in both the LWS and other drains. The consultant therefore considers it prudent to undertake pre-commencement surveys with appropriate mitigation measures to ensure the botanical interest is maintained. These can be secured by condition.
- 5.7 The consultant advises that proportionate mitigation in relation to great crested newts is proposed and that the proposed pre-commencement survey works in relation to water voles, birds, badgers, reptiles, otters, brown hare, European eel and spined loach, in order to formalise mitigation measures, is appropriate. These will be implemented through the Construction Ecological Management Plan (CEMP) which will be overseen by an Ecological Clerk of Works. The submitted outline CEMP sets out a thorough and workable approach and indicates where this will be supplemented by additional information in the final document. This is considered appropriate given that elements of the route could not be surveyed before.
- 5.8 With regards to water voles, where identified within the drains with new crossing points, displacement methods are proposed to deter/clear the voles from the impacted areas. The overall data submitted indicates that the occupancy level within the drains within NKDC is likely to be low to medium and fluctuate on a yearly basis. The consultant therefore advises that such an approach is an appropriate mitigation and fully compliant with current guidance. However a condition of the Licence to be issued by Natural England to permit displacement, is that there should be a demonstrable conservation gain for water voles. It is recognised that providing enhanced or additional habitat in an already extensive length of good habitat is likely to be of limited benefit in real terms, and a more significant benefit could be achieved by bolstering ongoing efforts to control mink in this part of the county, both by local landowners and partners of the Greater Lincolnshire Nature Partnership. This accords with the advice provided by Lincolnshire Wildlife Trust.
- 5.9 The consultant ecologist concludes that the assigned zone of influence is appropriate to the potential impacts, that the survey scope and assessment of impacts was thorough and provides the evidence base needed to support determination of the planning application. Whilst survey restrictions have limited the collection of some data, the Ecologist does not consider that the findings in the reports submitted by the objector contradict or conflict with the findings or assumptions set out in the ES by the applicant. The working methods has been designed to minimise impacts on sensitive habitats, and operations will be timed to minimise impacts to protected and notable species. Pre-commencement surveys will be undertaken well in advance of any works and will inform the final mitigation proposals and enable Natural England Licences to be secured where required. Reasonable Avoidance Measures Method Statements will be incorporated into the finalised CEMP to minimise the risk of negative impacts to species and comply with a precautionary approach. The appointment of an Ecological Clerk of Works will ensure that the methods and timings of work as set out in the CEMP will be instigated on the ground.

5.10 The Consultant Ecologist advises that if planning permission is granted then conditions should include:

- The requirement for pre-commencement surveys to supplement and update the existing baseline and include detailed botanical surveys and water vole assessments at the locations for culverted crossing points of wet drains.
- That the finalised CEMP be submitted and approved by the LPA prior to commencement of works.
- That the applicant implements or contributes to a programme of mink control in consultation with the Lincolnshire Wildlife Trust

5.11 Subject to the imposition of these, it is not considered that the proposal would have a significant adverse impact upon ecology and that some enhancement can be secured in terms of contribution to the existing mink control programme, which in turn will be to the benefit of water voles. It is therefore considered that the application accords with Policy LP21 of the CLLP.

## **6 Drainage/ Flood risk**

6.1 Within North Kesteven, the proposed route would cross an EA main river (South Forty Foot Drain) as well as total of 12 other drains (ranging from the Labour In Vain Drain and Great Hale Eau to smaller agricultural drains) listed within the crossing schedule. All but one of these would be crossed using trenchless techniques, the remaining being open cut.

6.2 The EA issued a holding objection across all four applications in October 2017 on the basis that there was insufficient information to give them confidence that the project would not increase the risk of flooding to third parties during the lifetime of the development. In particular as the cables would be laid underneath existing flood defences, both at the landfall and main rivers, the EA considered that this has the potential to prejudice future flood defence works (such as to deal with climate change) by increasing capital and maintenance costs for the EA, due to the presence of the cable. In turn this could lead to increases in the risk and frequency of flooding at such locations if the EA were prevented from improving and maintaining defences.

6.3 The need to obtain such agreements is normally distinct from the planning process but can nevertheless run in parallel. The NPPF reminds decision makers not to duplicate provisions set out in legislation elsewhere, which in this case could include the procuring of works affecting watercourses. However, policy LP14 'Managing water resources and flood risk' of the CLLP advises that development proposals should demonstrate that 'the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place'. Since October 2017 the applicant and the EA have been in discussions regarding an agreement to indemnify the latter from potential increased costs associated with the cabling works and this indemnity agreement has now been signed and the objection from the EA removed subject to conditions relating to contamination and a foul water drainage strategy in relation to the construction compounds.

6.4 Black Sluice IDB have confirmed that a Memorandum of Understanding has been agreed with the applicant that all the cables will be installed to a minimum depth of 2m beneath the hard bed level of all ordinary watercourses plus a further 0.5m cable clearance from live services, unless, in the case of non-IDB maintained water courses only, agreement is reached with the relevant IDB, not to be unreasonably withheld, to reduce the installation to a minimum of 1m beneath the hard bed level plus 0.5m cable clearance. This will allow

the IDB and landowners to make improvements now, or at any time in the future to any watercourse, which may be required to ensure future flood defence standards.

- 6.5 Based on the above and the EA's formal withdrawal of objection on the basis of the progressed indemnity agreement, it is not considered that the proposed works would adversely impact upon existing watercourses or increase the risk of flooding, in accordance with the requirements of Policy LP14 of the CLLP. It should be noted that where the route crosses IDB or EA watercourses then separate consents will also be required with these parties, distinct from any planning permissions granted.
- 6.6 Whilst the whole of the route through North Kesteven runs through land identified as being within Flood Zone 3 within the EA Flood Maps, this applies to land either side of the South Forty Foot Drain and (in accordance with the principles of the flood risk sequential test) there is no scope for moving the cable outside of the Zone other than diverting it significantly to the west where it would be in much closer proximity to the existing residential properties/villages with associated impacts.

## **7 Soils and agricultural land quality**

- 7.1 In their submission the applicant accepts that the underground cabling works and temporary working areas within the North Kesteven section of their route would all be located on located on the best and most versatile (BMV) agricultural land. Part G of Policy LP55 of the CLLP states that proposals should protect BMV so as to protect opportunities for food production and the continuance of the agricultural economy. The policy notes that with the exception of allocated sites, development affecting BMV land will only be permitted if:
- a. There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and
  - b. The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and
  - c. Where feasible, once any development which is permitted has ceased its useful life the land will be restored to its former use, and will be of at least equal quality to that which existed prior to the development taken place (this requirement will be secured by planning condition where appropriate).

This echoes the guidance set out within the NPPF at paragraph 109.

- 7.2 There would be a temporary loss of BMV land during the construction phase, following which all agricultural land would be returned to its former state. To minimise damage to, and loss of, soil resources and to ensure that agricultural land is restored to the same quality (agricultural land classification grade) as prior to construction and to a level where Agri-Environment Scheme (AES) eligibility is reinstated, good practice soil storage, handling and reinstatement methods (embedded mitigation measures) are proposed to be used as standard for all construction operations. These measures are set out within the outline Soil Handling and Storage Protocol (SHSP). The SHSP is based upon guidance including Defra's Construction Code of Practice and MAFF's Good Practice Guide for Handling Soils. Such measures include avoiding soil compaction, establishment of vegetative cover through seeding bare soil surfaces once construction is complete to aid recovery and minimise erosion, separate handling of topsoil and subsoils as well as techniques to avoid the potential transfer of disease or pathogens.

- 7.3 In response to the objections raised by and on behalf of local landowners set out in the representations section above, the applicants have reiterated these principles and procedures as well as a commitment to work with each affected landowner to ensure the reinstatement of their land complies within this protocol. They add that they have a commitment in the Heads of Terms (which provide the basis for voluntary agreement between the applicant and landowners, including the permanent and temporary rights being acquired and obligations on both parties), to reinstate the working areas to the landowner's reasonable satisfaction. These include the applicant producing and supplying a record of the condition of the land, to all landowners, prior to the commencement of works on their land. The applicants also propose to compensate landowners for losses which are a direct result of the proposed works. For example, they anticipate that the nature of the project is such that there would be a temporary, short-term reduction in the productivity of the land in the years immediately post construction, for which they would compensate accordingly. These agreements are distinct from the planning process.
- 7.4 The District Planning Authority has sought independent advice on this matter from its agricultural consultant, Sam Franklin of Landscape. Landscape advise that from the information submitted there appears to be a willingness from the applicant to meet the concerns of landowners and their representatives. The whole of the NKDC route is along high grade agricultural land of Grades 1 and 2 (although as noted above, Natural England consider the grades identified by the applicant are optimistic). The main soil types rely on pumped drainage and are very sensitive to drainage damage. They are essentially reclaimed marsh soils and damage easily. Landscape concur with the view that a farm by farm approach would be appropriate, even to the point of considering putting in remedial measures before works on the cable excavation commence as they have happened elsewhere.
- 7.5 The agricultural consultant adds that normally for extensive schemes, support bodies such as the NFU, CLA (Country Land and Business Association) and CAAV (Central Association of Agricultural Valuers) have advisory roles often agreeing measures directly with the cable provider. The applicants have various compulsory purchase powers but normally seek to negotiate rather than rely on those powers. Landscape have experience of some cable projects where the work has been done badly, cables have had to be re-laid or a lot of remedial work undertaken and therefore it is appropriate for parties to be cautious. The additional statement from the applicant notes that:
- “Land drainage is of great importance for both landowners and NGVL. This is something NGVL take very seriously, which is why it has engaged the services of Land Drainage Consultancy Ltd (LDC) on this project. LDC are preparing conceptual pre and post construction drainage plans to help facilitate landowner engagement and discussion.”*
- 7.6 The agricultural consultant considers this may allay some fears but suspects that landowners/ farmers may remain wary. However in general if the applicant is going to implement a pre-entry programme of drainage works to both anticipate and allay fears, this should be welcomed. At this stage Landscape do not consider this should be a reason to prevent the scheme from progressing. There is therefore no basis to sustain an objection on the loss of BMV agricultural land, particularly given that such loss is temporary (during the duration of the works) and ultimately reversible (through soil restoration practices).

## 8 Heritage Assets

8.1 The works within North Kesteven would not adversely impact upon any listed buildings or their setting. With regards to archaeology, assessment has been based on a combination of known records and aerial imagery. In places this has been accompanied by walkover and geophysical surveys. However access for this was not forthcoming for around 47% of the total route including the NK section. The submitted assessment identifies the following:

- Impacts upon the field boundaries and sinuous roddon (dried raised bed of a watercourse) to the south-west of Eau End Farm could be mitigated prior to the construction phase. A primary phase of mitigation could take the form of trial trenching to establish the extent and density of human activity. Should significant archaeological remains be discovered, a secondary phase of mitigation could occur in the form of either open area excavation, strip, map and sample or archaeological watching brief subject to agreement.
- Impact upon a demolished unnamed farmstead at Little Hale of post medieval period, which could be mitigated the construction phase through a watching brief.
- Impacts to roddons of unknown date. These could be mitigated by firstly trial trenching to establish their extent and density, and should significant remains be discovered either excavation, strip, map and sample or archaeological watching brief, subject to agreement.

8.2 In their consultee response, the Archaeologist has advised of their preference for pre-determination investigations including further information which can include geophysical survey and trial trenching. The results would enable the detail of areas of where excavation or other measures may be required to be put in place. This is an iterative process of reporting and decision-making based on the results of each stage and can make applying a condition difficult. Whilst this could be achieved through a detailed sequence of decision making for each stage, the concern is there may be significant timetabling constraints for detailed responses and resourcing of subsequent stages of work. Moreover there are issues of access over and under private land that cannot be compelled by the applicant. Significantly the Archaeologist adds that the mitigation strategy, as proposed by the applicant, sets out a reasonable programme of monitoring during construction, and makes provision that where, if unexpected archaeological remains are identified, there is a process of halting construction, undertaking consultation, and determining appropriate mitigation before construction work begins again.

8.3 The applicant is aware of, and accepts, these potential constraints should unexpected archaeological deposits be discovered. It should be noted that the limits of deviation (LoD) which is around 100m wide will also allow some degree of freedom to microsite in order to take into account of any potential archaeological finds or deposits. The applicant recognises that they have been unable to survey significant parts of the route on the ground due to access restrictions and have adopted a proportionate approach to safeguarding archaeology.

8.4 The Archaeologist has advised that any permission should be subject to a condition based on a written scheme of archaeological mitigation detailing sites or areas to be investigated, the techniques to be employed, the sequence of investigations, decision making, timetabling at each stage and the management of this, prior to the commencement of works. Given the scale and nature of the scheme which will continue to evolve as contractors are appointed, the site access restrictions for surveying, that the length of works in North Kesteven is proportionately very small and that this could reasonably be controlled by the imposition of conditions, it is considered that this would

represent an appropriate mechanism in accordance with Policy LP25 of the CLLP and the guidance within section 11 of the NPPF.

## **9 Cumulative Impact with other development**

- 9.1 At the time of writing this report the Council has written to the Department for Business Energy and Industrial Strategy requesting confirmation whether the consent for the Heckington Fen wind farm (22 turbines) has in fact lapsed, but await their response. It is understood that discussions are continuing between the proposed developer and BEIS on a variation submitted before the consent expired seeking to extend the lifetime of the consent under s.36 of the Electricity Act 1989. The wind farm site comprises immediately to the west of the proposed cable route, where it runs adjacent to, but outside of the District boundary to the north of the A17. The Tritton Knoll electrical system which connects the Tritton Knoll offshore windfarm makes landfall around 1.5km to the south of where the Viking Link at Boygriff before following a route to the South of the Viking Link also to the Bicker Fen substation. The Tritton Knoll underground cable runs to the east of the South Forty Foot Drain.
- 9.2 As the works within NK are all underground there would be no long term cumulative visual impact with either of these developments. There could be some short term visual impacts should either or both of these schemes be implemented during the construction phase of the Viking Link. However given the short term nature of the Viking Link works and the end-state of underground cables and recovered farmland above, it is not considered that any cumulative impact would be significant or lasting. If the various proposals were implemented concurrently the main impact in the construction phase would be a proportionate increase in associated vehicle movements along the main arterial routes such as the A17 but this would not impact directly upon the Carterplot Road/Great Hale Drove route.

## **I. Conclusion**

- 1.1 This application relates to the installation of two DC cables and up to three fibre optic cables underground, along a 4.8km corridor adjacent to the eastern boundary of the District. These works form part of a much larger (approximately 762km) of onshore and submarine cable works connecting the high voltage electricity transmission networks at existing substations at Revsing, Jutland in Denmark and Bicker, Lincolnshire in Great Britain. These constitute the Viking Link, a proposed 1400MW high voltage electricity link (interconnector) between the two country's networks which will enable energy to be traded as a commodity.
- 1.2 The scale of the scheme is significant, potentially facilitating the transfer of energy to power over a million homes, in addition to providing energy supply security and reduction in wholesale electricity prices. The project has also been identified as a Project of Common Interest under the TEN-E (Trans-European Networks for Energy) Regulations by virtue of the benefits it offers for Member States. These benefits carry significant material weight in decision making.
- 1.3 The submitted Environmental Statement which accompanies the application appropriately identifies and assesses the likely significant environmental effects which would result from the construction and operation of the Interconnector. Through significant submission assessment and careful siting/routing, and where necessary appropriate necessary mitigation, it is considered that the number of potentially significant environmental impacts have been either reduced or satisfactorily resolved.

Such impacts would be largely limited to the construction phase but the proposed route of the cable and method of construction (including construction traffic routing and the use of trenchless techniques for the crossing of the majority of watercourses) as well as the relatively short section of works involved within the District greatly limit the magnitude of impacts. Once completed, the impacts would be very limited: the cable would be underground and hidden from view with the works to recover and restore the farmland perceptible for a period beyond the construction phase. That said, the route of the cable is through a relatively sparsely populated area of the District such there would be a very limited public perception of short term change.

- 1.4 Therefore having regard for the clear International (TEN-E Regulations), National (National Policy Statements and National Planning Policy Framework) and Local (Central Lincolnshire Local Plan) support for the proposed development, as well as compliance with these, it is recommended that the proposal be supported.

## J. RECOMMENDATION

### PERMISSION

**Subject to a referral to the Planning Casework Unit, that the application be approved subject to the conditions listed below, subject to allowing the Development Manager delegated authority to review condition wording, in conjunction with the other 3 District Planning Authorities (East Lindsey District Council, South Holland District Council and Boston Borough Council).**

#### Conditions:

- 1 The development must be begun not later than the expiration of five (5) years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to the commencement of any phase of the development a Construction Ecological Management Plan shall be submitted to and approved in writing by the district planning authority. The Construction Ecological Management Plan shall define the relevant habitats and species to be protected, and how protection will be achieved over the different phases of the development. It shall include the following:
- i. Risk assessment of all potentially damaging pre-commencement, site clearance and construction activities;
  - ii. Identification of biodiversity protection zones;
  - iii. Measures to avoid or reduce impacts during construction, to include protective fencing to BS:5837 and other exclusion barriers and warning signs;
  - iv. Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds and bats; sensitive works to avoid harm to biodiversity features, including nesting birds and bats;
  - v. Requirements for update surveys at key points or phases of this development;
  - vi. The times during construction when specialist ecologists need to be present on site to oversee works; and
  - vii. Responsible persons and lines of communication.

The development should be carried out in accordance with the approved details.

Reason: In the interests of the conservation of protected species and associated habitats to accord with Policy LP21 of the Central Lincolnshire Local Plan (Adopted 2017).

- 3 The submitted construction ecological management plan (condition 2) shall be informed and accompanied by up-dated pre-commencement surveys to supplement and update the existing baseline and shall include detailed botanical surveys and water vole assessments at the locations for culverted points of wet drains.

Reason: In the interests of the conservation of protected species and associated habitats to accord with Policy LP21 of the Central Lincolnshire Local Plan (Adopted 2017).

- 4 The development hereby approved shall not be commenced until such time as a scheme for a programme of mink control has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the deliverance of demonstrable gain for water voles to accord with Policy LP21 of the Central Lincolnshire Local Plan (Adopted 2017).

- 5 Any land which is used temporarily for construction of the onshore works including the laying or backfilling of the underground cable, and not ultimately incorporated in permanent works or approved landscaping must be reinstated within 6 months of completion of the relevant stage of the onshore works in accordance with details to be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development hereby approved. Such details shall include the restoration of areas affected by construction works, soil handling and details of the grass seed mix where areas are to be restored to grassland. The works shall be carried out fully in accordance with the approved details.

Reason: In the interests of the protection of the agricultural land to accord with Policy LP55 of the Central Lincolnshire Local Plan (Adopted 2017).

- 6 Except for Permitted Preliminary Works the commencement of the underground cable installation shall not take place until there has been submitted to, approved in writing by, and deposited with the District Planning Authority a Construction Traffic Management Plan and Access Route has been submitted to, approved in writing by and deposited with, the District Planning Authority. The Construction Traffic Management Plan shall include proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure that no other local roads are used by construction traffic. The underground cable installation shall be completed in accordance with the approved Plan unless otherwise agreed in writing by the District Planning Authority.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development in the interests of the safety and convenience of other road users and residential amenity, to accord with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (Adopted 2017).

- 7 A point of contact will be provided by the applicant to local residents and Local business for any queries or complaints relating to noise generated by the construction and/or operation of the Development. If a local resident or local business complains direct to the applicant or the applicant has been notified in writing by the Council of any complaint about noise generated by the construction and/or operation of the Development the applicant shall carry out investigations to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant, copied to the Council, shall be made as soon as reasonably practicable following the investigation and/or remedial work. The applicant shall keep all such reports in an appropriate file and such file shall be made available to the Council on request.

Reason: To ensure that any complaints on the grounds of noise are properly dealt with so as to reduce the impact of the Development on local residents, to accord with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (Adopted 2017).

- 8 Prior to the commencement of any part of the permitted development that shall be accessed from the highway network to the west of the South Forty Foot Drain, a pre-construction condition survey of the adopted highway network between the A17 at East Heckington and the Application Site shall be undertaken in the company of an officer of the Local Highway Authority. The survey shall identify and record, by use of a combination of a written report, still and moving photographic images, any localised highway improvement works that may be required to facilitate access prior to commencement of construction and the condition of all parts of the route prior to the commencement of construction. The Applicants shall, after the completion of the permitted development, reinstate to the satisfaction of the Local Planning Authority, any damage that may be identified, by reference to the pre-construction condition survey, as being attributable to the construction of the permitted development and shall undertake, within an agreed timescale, the repair of any damage that may be caused to the highway network by construction traffic or delivery vehicles during the construction period.

Reason: In the interests of the safety and convenience of other road users to accord with Policy LP13 of the Central Lincolnshire Local Plan (Adopted 2017)

- 9 All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228: 2009 +A J :2014 : Code of practice for noise and vibration control on construction and open sites - Part I - Noise, Part 2 - Vibration.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development in the interests of residential development to accord with Policy LP26 of the Central Lincolnshire Local Plan (Adopted 2017)

- 10 No construction work associated with the Development shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 0700 - 1900  
Saturday 0700 - 1700

Unless such work -

- (a) is associated with an emergency ; or
- (b) is carried out with the prior written approval of the Council; or
- (c) does not cause existing ambient background noise levels to be exceeded.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development in the interests of residential amenity to accord with Policy LP26 of the Central Lincolnshire Local Plan (Adopted 2017).

- 11 No heavy commercial vehicles associated with the construction of the Development shall enter or leave the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 0700 - 1900

Saturday 0800 - 1600

Unless such movement:

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development and to reduce the number of traffic movements for the safety of other road users and pedestrians to accord with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (Adopted 2017).

- 12 In any instance where a time limitation referred to in Conditions 10 and 11 is not adhered to, the Company shall as soon as practicable notify the Council and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed .

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the Development and to reduce the number of traffic movements for the safety of other road users and pedestrians to accord with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (Adopted 2017).

- 13 Except for Permitted Preliminary Works the commencement of works relating to the underground cable shall not take place until there has been submitted to, approved in writing by, and deposited with the District Planning Authority a Construction Environmental Management Plan. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work including from piling and associated traffic movements, from both inside and outside of the Site boundary, will be controlled and mitigated. The construction of the specified phase of the development shall be completed in accordance with the approved Plan unless otherwise agreed in writing by the District Planning Authority.

Reason: To ensure reasonable and proper control to be exercised over the methods of construction of the development, in the interests of residential amenity, to accord with Policy LP26 of the Central Lincolnshire Local Plan (Adopted 2017).

- 14 No development or site clearance/preparation shall take place unless and until the applicant, or their agents or successors in title, has secured the implementation of an agreed written specification that sets out a programme of work to mitigate the impact of construction to known archaeological remains. The specification shall be submitted to and approved in writing by the district planning authority. The programme of work shall be carried out strictly in accordance with the approved specification.

Reason: To ensure that archaeological remains are preserved in situ or investigated and recorded as appropriate and to ensure that the information is made available, in accordance with policy LP25 of the Central Lincolnshire Local Plan (Adopted 2017).

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority following consultation with the Environment Agency. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of pollution to controlled waters, to accord with Policy LP16 of the Central Lincolnshire Local Plan (Adopted 2017).

- 16 Except for the Permitted Preliminary Works, the commencement of each phase of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency, a scheme showing the method and working of drainage facilities, including foul water drainage on the Site associated with the specified phase of the Development. Such facilities shall be put in place in accordance with the approved scheme.

The specified phase of the Development shall be completed in accordance with the approved scheme unless otherwise agreed in writing by the Council.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built, to accord with Policy LP14 of the Central Lincolnshire Local Plan (Adopted 2017).

- 17 The scheme referred to in Condition (17) shall include:
- (i) measures to ensure that no leachate or any contaminated surface water from the Site associated with the specified phase of the Development shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
  - (ii) provision to ensure that all existing drainage systems continue to operate and that riparian owners upstream and downstream of the Site associated with the specified phase of the Development are not adversely affected;
  - (iii) provision for trapped gullies in car parks, hardstandings and roadways;
  - (iv) measures to ensure that all foul sewage drains to an approved foul sewerage and/or sewage disposal system;
  - (v) provisions to distinguish between temporary and permanent parts of the works; and
  - (vi) provision to ensure that there is no discharge of water from the Site associated with the specified phase of the Development until such a time as the permanent surface water drainage system is operational with provisions to contain any run-off from the Site associated with the specified phase of the Development.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built, to accord with Policy LP14 of the Central Lincolnshire Local Plan (Adopted 2017).

- 18 Any surface water contaminated by hydrocarbons which are used during the construction of the Development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built, to accord with Policy LP14 of the Central Lincolnshire Local Plan (Adopted 2017).

19 All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built, to accord with Policy LP14 of the Central Lincolnshire Local Plan (Adopted 2017).

20 Any storage facility to which Conditions (19) or (20) refer shall be completed in accordance with the requirements of those Conditions before being brought into use.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built, to accord with Policy LP14 of the Central Lincolnshire Local Plan (Adopted 2017).

21 Except for the Permitted Preliminary Works contaminated material arising from the construction of the Development shall be treated on the Site in accordance with a scheme to be submitted to, approved in writing by, and deposited with, the Council, in consultation with the Environment Agency, or shall be disposed of to licensed disposal facilities.

Reason: To ensure proper drainage of the Site and that proper containment facilities are built, to accord with Policy LP14 of the Central Lincolnshire Local Plan (Adopted 2017).

22 Within 6 months of the Development ceasing to be used for the purposes of electricity transmission the Company shall submit to the District Planning Authority, for approval in writing, a scheme for removal of the underground cables and associated infrastructure, the restoration of the Site and a timetable for such works, unless otherwise agreed in writing by the District Planning Authority shall thereafter implement the approved scheme.

Reason: To ensure the Site is not allowed to become derelict after the cessation of electricity transmission, to accord with Policy LP14 of the Central Lincolnshire Local Plan (Adopted 2017).

23 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans, listed below on this decision notice.

Reason: To ensure that the development takes place in accordance with the approved details.

| K. Document Information  |                               |
|--|-------------------------------|
| APPENDIX NO.   | TITLE                         |
| N/A  |                               |
| BACKGROUND PAPERS  |                               |
| Title  | Location of Background Papers |
| <ul style="list-style-type: none"> <li>Previous Reports / Minutes</li> </ul> | <u>N/A</u>                    |

|   |   |
|---|---|
| <ul style="list-style-type: none"><li>• Planning Application background</li></ul> | <a href="http://planningonline.n-kesteven.gov.uk/online-applications">http://planningonline.n-kesteven.gov.uk/online-applications</a> |
| <b>Report Author:</b>   | Alan Oliver   |
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