Little Crow
Solar Park

Little Crow Solar Park, Scunthorpe

ENVIRONMENTAL STATEMENT

CHAPTER 5

LEGISLATION, CLIMATE CHANGE, ENERGY PLANNING POLICY AND GUIDANCE

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5. LEGISLATION, CLIMATE CHANGE, ENERGY PLANNING POLICY & GUIDANCE

5.1 INTRODUCTION

5.1.1 This chapter of the Environmental Statement provides an overview of the planning regulatory & policy framework which sets the basis for decision-taking for nationally significant energy infrastructure projects.

5.2 CLIMATE CHANGE OVERVIEW

5.2.1 The explicit need to introduce a step change in how the country deals with the climate change has been recognised by the Government who, on 1 May 2019, declared an environmental and climate change emergency following the finding of the Inter-governmental Panel on Climate Change that to avoid more than 1.5°C rise in global warming, global emissions would need to fall by around 45 per cent from 2010 levels by 2030, reaching net zero by around 2050. Through the declaration, Government recognises a need to move swiftly to capture economic opportunities and green jobs in the low carbon economy while managing risks for workers and communities currently reliant on carbon intensive sectors. As part of its contributions to international efforts, the UK also has domestic legislation and policies in place to reduce greenhouse gas emissions. The Climate Change Act 2008 established long-term statutory targets for the UK to achieve reductions in greenhouse gases by 2050 against a 1990 baseline.

5.2.2 The Act originally set a legally binding target of an 80% cut in greenhouse gas emissions by 2050. On 12 June 2019, as a direct response to the climate change emergency declaration, the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target because some emissions can remain if they are offset by removal from the atmosphere and/or by trading in carbon units. The Order became a Statutory Instruments on 27 June 2019.

5.2.3 In June 2020, the Committee on Climate Change published its Reducing UK Emissions report which provides an annual review of UK progress in reducing greenhouse gas emissions. This is the first annual report since the UK set a legally-binding 'net zero by 2050' target last summer, and was due to be released in the lead up to the UN climate conference in Glasgow (before this was postponed until 2021).

5.2.4 The report provides important new advice to Government on framing a recovery from Covid-19 that both accelerates the transition to Net Zero and strengthens our resilience to the impacts of climate change, whilst driving new economic activity. The report states that energy networks must be strengthened in order to support the electrification of transport and heating. The report highlights five investment priorities, one of which addresses the UKs energy networks. The paper identifies how: -

- Effective and decisive action is needed to secure our recovery from COVID-19 and also to accelerate the transition to Net Zero and strengthen our resilience to the changing climate.
- It is 12 months since Net Zero became law, requiring the UK to reduce net emissions of greenhouse gases to zero by 2050. Initial steps towards a net-zero policy package have been taken, but this was not the year of policy progress that the Committee

called for in 2019. Current policy is insufficient for even the existing targets and a net zero target would not be credible unless policy is ramped up significantly.

- Power sector plans are advancing in line with the large scale required for the net-zero target. The power sector has been a major success story in the past decade. Emissions have decreased around 62% over the period 2008 – 2018 reflecting real decarbonisation of energy produced in the UK. The carbon intensity of the grid fell from around 500 gCO_2/kWh in 2010 to 246 gCO_2/kWh in 2018.55 Electricity generated from renewables was 25 TWh in 2008 (7% of mix), and rose to 100 TWh in 2018 (34% of mix). This has resulted in a transition from fossil fuel-based power to renewables. For example, in Q3 2019, renewables provided more electricity than fossil fuels for the first time in the UK's history. This has wider importance when considering that electrification will increase demand for electricity over the coming decades.
- The goal to substantially expand supplies of low-carbon power must be accompanied by steps in the Energy White Paper to encourage a resilient and flexible energy system. The Energy White Paper was scheduled for publication in Spring 2020, but the Covid-19 outbreak has delayed this.
- Delivery of renewable energy generation must continue to progress with great urgency in order to meet the UKs next carbon budget. Consistently strong deployment of low-carbon generation is crucial to the Net Zero target.

5.2.5 The National Grid has also carried out extensive work on what needs to be done to reach UK's 2050 net zero target. It's Future Energy Scenarios, published in July 2020, identifies how reaching net zero carbon emissions by 2050 is achievable. However, it requires immediate action across all key technologies and policy areas and full engagement across society and consumers. The document explores four different pathways towards decarbonising the UK energy system and these are linked to variables from the level of decentralisation to the level of societal change. Importantly, National Grid identifies that a 'steady progression' approach will not enable the UK to meet its 2050 target. In reaching net zero emissions by 2050, National Grid believes that: -

- At least 40 GW of new capacity is connected to electricity system in the next 10 years alone.
- At least 3 GW of wind and 1.4 GW of solar need to be built every year from now until 2050.

5.2.6 At a local level, North Lincolnshire Carbon Management Strategy 2017 to 2022 sets out their strategy and action plan for reducing carbon emissions and associated energy costs and one of their key priorities is a low carbon economy.

5.2.7 BREXIT is also a material consideration for energy and climate change. Government has explored the relationship between BREXIT, energy and climate change through its Briefing Paper published on 9 November 2018[1]. The salient points are: -

- There is currently uncertainty about the Brexit impact on a number of issues including: the UK's departure from Euratom, the future of the EU internal energy market (IEM) and the status of the single electricity market (SEM) on the island of Ireland.
- The impact of Brexit on UK energy and climate change policy is subject to the outcome of the Brexit negotiations. The possible consequences vary based on whether the outcome is a full Brexit deal, a sector-specific deal, or in the case of no Brexit deal.
- Brexit has the potential to impact the UK's civil nuclear industry, including nuclear supply of electricity

[1] House of Commons Briefing Paper: Brexit Energy and Climate Change

5.2.8 The UK is currently a full member of the EU internal energy market (IEM). The IEM allows harmonised, tariff-free trading of gas and electricity across Europe (through interconnectors), leading to lower prices and greater security of supply. Britain has four electricity interconnectors with Europe and the island of Ireland providing 4GW of electricity interconnector capacity: 2GW to France (IFA); 1GW to the Netherlands (BritNed); 500MW to Northern Ireland (Moyle); and 500MW to the Republic of Ireland (East West).

5.2.9 The IEM facilitates harmonised, tariff-free trade across these interconnectors. The flow of electricity between interconnected markets is driven by cost differentials. When the price of electricity is lower in one market, energy will flow from that market to the higher priced market. The effect of this is to make the prices in each converge - they increase in the exporting market and decrease in the importing market.

5.2.10 As wholesale gas and electricity prices in the UK are generally higher than elsewhere in Europe, interconnection has caused a reduction in wholesale prices, and hence consumer prices in the UK.

5.2.11 Leaving the IEM has the potential to impact the trade of energy through interconnectors. The Briefing Paper identifies how one potential impact of leaving the IEM is an increase in the cost of energy imports and this in turn would be passed on to UK's householders and businesses. In terms of energy security, it notes how the interest of the UK should be to increase the flexibility and resilience of grid. The development proposal would contribute towards the objectives set out in the briefing note.

5.2.12 This section continues to highlight the legislative background and support for standalone renewable energy schemes as part of both local climate change mitigation and wider national targets on the use of renewables in the UK. These documents form key components of central and local Government's policy and commitments to renewable and low carbon energy and should be considered material to the determination of this scheme.

5.2.13 The background to the drive to increase the use of renewable sources of energy has its roots in the recognition that the burning of fossil fuels has an adverse effect on the climate of the world as a whole and that global measures are required to deal with it. The extensive use of fossil fuels that accompanied the industrialisation of the world's economy has released large volumes of CO_2 back into the atmosphere. The accumulation of greenhouse gases in the upper atmosphere reduces the planet's ability to reflect solar radiation back into space, resulting in a gradual increase in mean global air temperature.

5.3 THE PLANNING REGULATORY FRAMEWORK

5.3.1 The Planning Act 2008 introduced a new system for consulting on, examining and determining whether consent should be granted for NSIPs.

5.3.2 The main legislative and procedural requirements relating to NSIPs are set out within the following:

- The Planning Act 2008
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the 2009 EIA Regulations) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 EIA Regulations)

5.4 NATIONAL POLICY

5.4.1 National Policy Statements are the overarching policy documents for the Examining Authority to take into account when determining an application for nationally significant energy infrastructure and form the basis for determination of decisions. However, there is no NPS which specifically deals with ground mounted solar but there are aspects of NPSs, which are considered to be both important and relevant to the assessment of this application and as such are material consideration. In the case of renewable energy projects, the following National Policy Statements must be taken into account:

- EN-1: Overarching National Policy Statement for Energy
- EN-3: National Policy Statement for Renewable Energy Infrastructure

5.5 OVERARCHING NATIONAL POLICY STATEMENT FOR ENERGY (EN-1) DATED JULY 2011

5.5.1 The National Policy Statement for Energy (EN-1) sets out the national policy for energy infrastructure, which encompasses renewable energy schemes generating more than 50MW. EN-1 is part of a suite of national policy statements issued by the Secretary of State for Energy and Climate Change and ratified by Parliament. It has effect in combination with the relevant technology specific NPS, National Policy for Renewable Energy Infrastructure (EN-3), and together they provide the primary basis for consenting made by the Examining Authority.

5.5.2 EN-1 is divided into five parts:

5.5.3 Part 1 sets out the background to the policy document. Paragraph 1.71 identify how all energy NPSs have been subject to an Appraisal of Sustainability ("AoS"), as required by the Planning Act 2008. The key points from the AoS for EN-1, as set out at paragraph 1.7.2, are: -

- The energy NPSs should speed up the transition to a low carbon economy and thus help realise UK climate change commitments sooner that continuation under the current planning system.
- The energy NPSs are likely to contribute positively towards improving the vitality and competitiveness of the UK energy market by providing greater clarity for developers which should improve the UK's security of supply and, less directly, have a positive effects for the health and well-being in the medium to longer term through helping to secure affordable supplies of energy and minimizing fuel poverty, positive medium and long term effects are also likely for equalities;
- The development of new energy infrastructure, at the scale and speed required to meet the current and future need, is likely to have some negative effects on biodiversity, landscape/visual amenity and cultural heritage. However, the significance of these effects and the effectiveness of mitigation possibilities is uncertain at the strategic and non-locationally specific level at which EN-1 to EN-5 are pitched. Short-term construction impacts are also likely through an increased use of raw materials and resources and negative effects on the economy due to impacts on existing land and sea uses. In general, it should be possible to mitigate satisfactorily the most significant potential negative effects of new energy infrastructure consented in accordance with the energy NPSs, and they explain ways in which this can be done; however, the impacts on landscape/visual amenity in particular will sometimes be hard to mitigate.
- Paragraph 1.7.11 of EN-1 identifies how the principal area in which consenting new energy infrastructure in accordance with the energy NPSs is likely to lead to adverse effects which cannot always be satisfactorily mitigated.

5.5.4 Part 2 of EN-1 sets out the Government policy on energy and energy development infrastructure. It confirms the following

- Government is committed to meeting its legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels
- the need to implement a transition to a low carbon economy so as to reduce greenhouse gas emissions; and
- the importance of maintaining secure and reliable energy supplies as older fossil fuel generating plant closes as the UK moves towards a low carbon economy
- Government's wider objective for energy infrastructure includes contributing to sustainable development and ensuring that energy infrastructure is safe.

5.5.5 Paragraph 2.2.27 of the EN-1 goes on to state "Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of society and the economy".

5.5.6 Part 3 of EN-1 defines and sets out the need that exists for nationally significant energy infrastructure. With regards to decision making, paragraph 3.1.1. of EN1-1, states how *"the UK needs all the types of energy infrastructure covered in this NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions"*.

5.5.7 Paragraph 3.1.2 states "It is for industry to propose new energy infrastructure projects within the strategic framework set by Government. The Government does not consider it appropriate for planning policy to set targets for or limits on different technologies". It then goes on to identify how NSIP applications should therefore be assessed on the basis that the Government has already demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need is as described in the EN-1.

5.5.8 In terms of the planning balance, paragraph 3.1.4 of EN1 states "The [determining authority] should give substantial weight to the contribution which projects would make towards satisfying this need when considering applications for development consent under the Planning Act 2008".

5.5.9 Section 3.3 of the EN1 discusses the need for new nationally significant electricity infrastructure projects. The key reasons why Government believes there is an urgent need for new electricity NSIPs are identified as: -

- Meeting the energy security and carbon reduction objectives;
- Need to replace closing electricity generating capacity;
- The need for more electricity capacity to support an increased supply from renewables.
- Future increases in electricity demand; and
- The urgency of the need for new electricity capacity**.**

5.5.10 Paragraph 3.3.11 identifies how renewable sources, such as solar, are intermittent and as such will require back-up sources at times when the availability of intermittent renewable sources is low. Paragraph 3.3.12 goes on to identify how electrical storage technologies can be used to compensate for the intermittence.

5.5.11 Part 3.4 of EN-1 specifically discusses the role of renewable energy and states:

> The UK has committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 202040 and new projects need to continue to come forward urgently to ensure that we meet this target. Projections suggest that by 2020 about 30% or more of our electricity generation – both centralised and small-scale – could come from renewable sources, compared to 6.7% in 200942. The Committee on

Climate Change in Phase 1 of its advice to Government in September 2010 agreed that the UK 2020 target was appropriate, and should not be increased. Phase 2 was published in May 2011 and provided recommendations on the post 2020 ambition for renewables in the UK, and possible pathways to maximise their contribution to the 2050 carbon reduction targets.

Large scale deployment of renewables will help the UK to tackle climate change, reducing the UK's emissions of carbon dioxide by over 750 million tonnes by 2030. It will also deliver up to half a million jobs by 2020 in the renewables sector…

5.5.12 With regards to the urgency for renewables, paragraph 3.4.5 explains that in order to hit the 2020 target and to largely decarbonize the power sector by 2030, it is necessary to bring forward new renewable electricity generation projects as soon as possible. It goes on to state *"The need for new renewable electricity generation projects is therefore urgent"*.

5.5.13 Part 4 of EN-1 sets out certain strategic principles to be applied in respect of nationally significant energy infrastructure schemes

5.5.14 Paragraph 4.1.2 states how the determining authority should start with the presumption in favor of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant polices set out in the relevant NPSs clearly indicate that consent should be refused.

5.5.15 The presumption is also subject to the provisions of the Planning Act 2008.

5.5.16 Paragraph 4.1.4 of EN-1 states how in considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the determining authority should take into account: -

- Its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and
- Its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

5.5.17 Development consent obligations that are agreed with local authority are considered through paragraph 4.1.8 and this states that the determining authority may take these into account provided that they are relevant to planning, necessary to make the proposed development acceptable in planning terms, directly relates to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects.

5.5.18 Part 4.4 deal with alternatives. Paragraph 4.4.1 states "From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option".

5.5.19 That said paragraph 4.4.2 identified how applicants are obliged to include in their ES, as a matter of fact, information about the main alternatives they have studied and this should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects.

5.5.20 Paragraph 4.4.3 goes on to state that where there is a policy or legal requirement to consider alternatives the applicant should describe the alternatives considered in compliance with these requirements. Given the level and urgency of need for new energy infrastructure, the IPC should, subject to any relevant legal requirements (e.g. under the Habitats Directive)

which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives: -

- the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner;
- the determining authority should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security and climate change benefits) in the same timescale as the proposed development;
- where (as in the case of renewables) legislation imposes a specific quantitative target for particular technologies the determining authority should not reject an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals;
- alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the determining authority thinks they are both important and relevant to its decision;
- alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the determining authority's decision;
- alternative proposals which are vague or inchoate can be excluded on the grounds that they are not important and relevant to the IPC's decision; and
- it is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made to the determining authority in respect of it (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Therefore where an alternative is first put forward by a third party after an application has been made, the determining authority may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the determining authority should not necessarily expect the applicant to have assessed it.

5.5.21 On the issue of design for energy infrastructure, paragraph 4.5.1 of the EN-1 identifies how (inter alia) "Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area".

5.5.22 The relationship between design and function is explored through paragraph 4.5.3 and states "In the light of the above, and given the importance which the Planning Act 2008 places on good design and sustainability, the IPC needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable and adaptable (including taking account of natural hazards such as flooding) as they can be. In so doing, the IPC should satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area".

5.5.23 Paragraph 4.9.1 of the EN-1 recognises that "The connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend generation plant". It goes on to state how "In the market system, it is for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated". This is an important consideration when considering alternatives as the applicant has secured a point of connection within the confides of the development site.

5.5.24 Part 5 of the EN-1 sets out the generic impacts that may or may not be pertinent to specific projects, these are lists as: -

Table 5.1 EN-1 Generic Impacts.

Topic	Commentary
Land use	With regards to agricultural land classification, para 5.10.8 states how applicants should seek to minimize impacts on the best and most versatile agricultural land except where this would be inconsistent with other sustainability considerations. Paragraph 5.10.15 identifies how the determining authority should ensure that applicants provide justification when locating sites on best and most versatile agricultural land. With regards to mitigation, EN-1 states that there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site.
Landscape and Visual	Paragraph 5.9.8 sets out that for nationally significant energy infrastructure, projects need to be designed carefully, having regard to siting, operational and other relevant constraints the aim should be to minimize harm to the landscape, providing reasonable mitigation where possible and appropriate.
Biodiversity and geological conservation	As a general principle, development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives; where significant harm cannot be avoided, then appropriate compensation measures should be sought.
Historic Environment	Paragraph 5.8.8 states that as part of the ES the applicant should provide a description of the significance of the heritage assets assessed by the proposed development and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. Paragraph 5.8.12 goes on to state that in considering the impact of the proposed development on any heritage asset, the determining authority should take into account the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimize conflict

	between conservation of that significance and proposals for development.
Dust, odour, artificial lighting	Paragraph 5.6.3 of EN-1 recognises that for energy NSIP, some impacts on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum, and at a level that is acceptable.
Flood Risk	Applications for energy projects of 1 hectare of greater in flood zone 1 should be accompanied by a flood risk assessment. The surface water drainage arrangements for any project should be such that the volumes and peal flow rate of surface water leaving the site are no greater than the rate prior to the proposed project, unless specific off-site arrangements are made and results in the same net effect.
Air Quality and Emission	Paragraph 5.2.6 states "Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement". The ES should describe: any significant air emissions, their mitigation and any residual effects distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project; the predicted absolute emission levels of the proposed project, after mitigation methods have been applied; existing air quality levels and the relative change in air quality from existing levels; and any potential eutrophication impacts.
Socio Economic	Paragraph 5.12.3 states "Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES". The effects should consider: the creation of jobs and training opportunities; the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities; effects on tourism; the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development; and cumulative effects – if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region.

Traffic and Transport	With regards to decision taking, EN-1 recognises that a new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Planning Inspectorate should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the IPC should consider requirements to mitigate adverse impacts on transport networks arising from the development.
Water Quality	Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment as part of the ES or equivalent

5.6 NATIONAL POLICY STATEMENT FOR RENEWABLE ENERGY INFRASTRUCTURE (EN-3)

5.6.1 EN-3 contains policies specifically relating to specific renewable energy infrastructure and it is designed to be read in conjunction with EN-1. The document focuses on schemes relating to onshore wind, offshore wind and energy from biomass. Paragraph 1.8.2 states that the NPS does not cover any other types of renewable energy generation that were technically viable over 50MW onshore when the document was published in July 2011. The emergence of large-scale ground mounted solar projects therefore follows the publication of this document.

5.7 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.7.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

5.7.2 The Framework is clear that planning decisions must be made in accordance with Planning Law. Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the Local Plan, unless material considerations indicate otherwise. Paragraph 2 continues that: - ***"Planning policies and decisions must also reflect relevant international obligations and statutory requirements".***

5.7.3 Paragraph 8 of the Framework identifies how the planning system has three overarching objectives towards achieving sustainable development.

5.7.4 The NPPF stated how these objectives are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

5.7.5 Paragraph 8(a) 'an economic objective' has been strengthened and the NPPF now makes it clearer how "identifying and coordinating provision of infrastructure" is integral towards fulfilling the economic arm of achieving sustainable development.

5.7.6 The three overarching objectives are listed as:-

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.7.7 Paragraph 9 advises how these overarching objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework. Paragraph 10 states "So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development".

5.7.8 Paragraph 15 of the Framework sets out how the planning system should be genuinely plan-led. It goes on to state how succinct and up-to-date plans should provide a positive vision for the future of each and provide a framework for assessing the economic, social and environmental priorities. Paragraph 16 set out how plans should be prepared with the objective of contributing to the achievement of sustainable development. Paragraph 20 identifies how, in line with the presumption in favour of sustainable development, plans should make sufficient provision for the provision of infrastructure and energy.

5.7.9 The identification and delivery of energy schemes is therefore acknowledged by the Framework as one of the strategic policies that contributes towards achieving the presumption in favour of sustainable development.

5.7.10 Paragraph 80 confirms the Government's commitment to supporting sustainable economic growth and states (inter alia) "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future".

5.7.11 The application proposal specifically counters and addresses the sourcing of electricity from sustainable, renewable resources and weakness in the security of electricity supply.

5.7.12 Paragraph 83, supporting a prosperous rural economy, is also pertinent as the Development Plan identifies the site as being located in open countryside, it states how planning decisions should enable the sustainable growth of all types of businesses in the rural areas; and the development and diversification of agricultural and other land-based rural businesses.

5.7.13 Section 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 150 of the NPPF sets out the planning policy perspective with regards to increasing the use and supply of renewable and low carbon energy. Through the paragraph, Government requires the decision maker to:-

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

5.7.14 Section 15 of the NPPF relates to conservation and enhancement of the natural environment. Paragraph 170 highlights that new development should be prevented from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. It identifies how decisions should provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

5.7.15 The Framework has deleted its specific policy paragraph that dealt with land quality (former paragraph 112) and the issue of best and most versatile agricultural land is now dealt with by footnote 53 which states ***"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality".***

5.7.16 Annex 2 of the Framework provides a glossary of terms and defines 'best and most versatile agricultural land' as land in grades 1, 2 and 3a of the Agricultural Land Classification.

5.7.17 Overall, the Framework confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively - looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

5.8 NATIONAL PLANNING PRACTICE GUIDANCE SUITE

5.8.1 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The guidance documents cancelled by its launch included the July 2013 edition of the 'Planning Practice Guidance for Renewable Energy'. The suite provides planning guidance on various planning policy and development management topics. The key topics relevant to this application are:

- Climate Change; and
- Renewable and low carbon energy.

Practical Guidance on Climate Change

5.8.2 Government's Practical Guidance on Climate Change identifies how addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin in both plan-making and decision-taking. Paragraph 3 sets out examples of mitigating climate change by reducing emissions, these include (i) Providing renewable and low carbon energy technologies and (ii) providing opportunities for decentralised energy. The development proposal achieves both.

5.8.3 Paragraph 5 of the guidance identifies how impacts of climate change needs to be taken into account in a realistic way. It goes on to state that local planning authorities should consider identifying no or low cost responses to climate change that also deliver other benefits. In this instance the proposals is applicant led; and as such there is no financial costs associated with the delivery of this response to climate change for the local planning authority. Furthermore, as stated elsewhere in this statement, Paragraph 7 recognises that all land uses have their own challenges for reducing carbon emissions and different sectors have different options for mitigation. It states ***"measures for reducing emissions in agricultural related development include anaerobic digestion, improved slurry and manure storage and improvements to buildings"***

Renewable and Low Carbon Energy

5.8.4 This guidance reaffirms Government's commitment towards increasing the amount of renewable energy and low carbon technologies within the UK.

5.8.5 Paragraph 1 states: ***"Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable".***

5.9 DEVELOPMENT PLAN

North Lincolnshire Local Development Framework (LDF) – Core Strategy Development Plan Document (DPD)

5.9.1 The Core Strategy DPD was adopted by North Lincolnshire Council in June 2011 and it sets out the local policy framework to deliver sustainable growth within the administrative area up to plan period of 2026. The Development Plan Proposal Map locates the site in the open countryside and part of the site falling within an area of high landscape value.

5.9.2 One of the strategic objectives of the Core Strategy (objective no. 7) is to promote the use of renewable energy and support the reduction in the consumption of non-renewable resources such as fossil fuels. This application proposal achieves these requirements.

5.9.3 The relevant policies pertinent to the development proposal are set out below.

5.9.4 Policy CS1 of the Core Strategy sets out the broad framework around which the spatial development strategy for North Lincolnshire is based upon. The Policy promotes Scunthorpe as the focus for the majority of new development and growth including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire. The reasoned justification to the policy, at paragraph 5.57, states (inter alia) ***"In delivering the priorities of the spatial strategy, a consistent approach to the location of all development must be taken."***

5.9.5 Policy CS2 considers sustainable development and states: -

> In supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted. Development should be focused on:

1. Previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions.

2. Previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns, followed by other suitable infill opportunities then appropriate small scale greenfield extensions to meet identified local needs.

3. Small scale developments within the defined development limits of rural settlements to meet identified local needs.

Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as that related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

A 'sequential approach' will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure that the development is safe.

All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles:

• Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. It should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy.

• Be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network.

• Where large freight movements are involved the use of rail and water transport should be maximised.

• Contribute towards to the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities.

• Contribute to achieving sustainable economic development to support a competitive business and industrial sector.

• Ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives.

• Ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development, but where appropriate it is to be recognised that a phased approach may not be required on small scale development proposals.

• To be constructed and operated using a minimum amount of non-renewable resources including increasing the use of renewable energy in construction and operation.

• Take account of local environmental capacity and to improve air, water and soil quality and minimise the risk and hazards associated with flooding, and

• Be designed to a high standard, consistent with policy CS5, and use sustainable construction and design techniques.

All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Environmental impacts to or from development that cannot be avoided should be adequately mitigated for it to be acceptable.

5.9.6 The amplification to the policy states at paragraph 5.59 ***"Whilst policy CS1 sets out the principle elements that make up the overall spatial strategy, policy CS2 sets out how this will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and taking into account other sustainability criteria. This meets national and regional planning policy requirements to deliver development in the most appropriate places".***

5.9.7 Policy CS3 relates to development boundary limits and states:-

Development limits will be applied to the Scunthorpe urban area, the Market Towns and Rural Settlements. They will not be applied to rural settlements in the countryside. In applying development limits the following considerations will be taken into account:

• Existing development patterns - the development limit will be drawn around the main built up area of the settlement. Scattered, sporadic or dispersed development or buildings separated from the main body of the settlement by areas of undeveloped land, roads or industrial areas will not be included. Where possible, limits should follow clearly defined features or constraints such as roads.

• Capacity - the ability of the settlement to accommodate future development based on existing and proposed infrastructure, on its access to facilities and services and levels of public transport. This also includes the availability of previously developed land.

• Existing planning consents/development - land with planning consent for residential development or community facilities where development has been implemented.

• Character - the limit will be drawn to reflect the need to protect and enhance settlement character. This means protecting areas of open space or land with the characteristics of open countryside within and adjacent to settlements by not including them within development limits. Large rear gardens or paddocks stretching well out the villages built form will also be excluded.

Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as that related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry.

The extent of the development limits will be defined in the Housing & Employment Land Allocations Development Plan Documents and shown on the accompanying Proposals Map and settlement insets.

5.9.8 Policy CS5 sets out the design principles for all new development within the administrative area of North Lincolnshire and states:-

All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.

New development in North Lincolnshire should:

• Contribute towards creating a positive and strong identity for North Lincolnshire by enhancing and promoting the image of the area through the creation of high quality townscapes and streetscapes.

• Ensure it takes account of the existing built heritage from the earliest stages in the design process, in particular terms of scale, density, layout and access.

• Incorporate the principles of sustainable development throughout the whole design process. This will include site layout, minimising energy consumption, maximising use of on-site renewable forms of energy whilst mitigating against the impacts of climate change; for instance flood risk.

• Create safe and secure environments, which reduce the opportunities for crime and increase the sense of security for local residents through the use of Secured by Design guidance.

• Consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

• Create attractive, accessible and easily distinguished public and private spaces that complement the built form.

• Support sustainable living and ensure that a mix of uses, which complement one another are incorporated.

• Provide flexibility in that new and existing buildings and spaces are able to respond to future social, technological, environmental and economic needs.

• Be easily accessible to all users via recognisable routes, interchanges and landmarks that are suitably connected to public transport links, community facilities and services and individual communities and neighbourhoods in North Lincolnshire. Buildings and spaces should be accessible by all sections of the community and ensure that the principles of inclusive design are reflected.

• Incorporate appropriate landscaping and planting which enhances biodiversity or geological features whilst contributing to the creation of a network of linked greenspaces

across the area. Tree planting and landscaping schemes can also assist in minimising the impacts of carbon emissions upon the environment.

• Integrate car parking provision within the existing public realm and other pedestrian and cycle routes.

5.9.9 Policy CS6 relates to historic environment and states: -

The council will promote the effective management of North Lincolnshire's historic assets through:

• Safeguarding the nationally significant medieval landscapes of the Isle of Axholme (notably the open strip fields and turbaries) and supporting initiatives which seek to realise the potential of these areas as a tourist, educational and environmental resource.

• Preserving and enhancing the rich archaeological heritage of North Lincolnshire.

• Ensuring that development within Epworth (including schemes needed to exploit the economic potential of the Wesleys or manage visitors) safeguards and, where possible, improves the setting of buildings associated with its Methodist heritage.

• Ensuring that development within North Lincolnshire's Market Towns safeguards their distinctive character and landscape setting, especially Barton upon Humber, Crowle and Epworth.

The council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains.

All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

Development proposals should provide archaeological assessments where appropriate.

5.9.10 Policy CS17 relates to biodiversity and states:-

The Council will promote effective stewardship of North Lincolnshire's wildlife through:

1. Safeguarding national and international protected sites for nature conservation from inappropriate development.

2. Appropriate consideration being given to European and nationally important habitats and species.

3. Maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping stones between areas of natural green space.

4. Ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features.

5. Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.

6. Supporting wildlife enhancements that contribute to the habitat restoration targets set out in the North Lincolnshire's Nature Map and in national, regional and local biodiversity action plans.

7. Improving access to and education/interpretation of biodiversity sites for tourism and the local population, providing their ecological integrity is not harmed.

5.9.11 Policy CS18 relates to sustainable resources and climate change. The policy aims to foster development which reduces North Lincolnshire carbon footprint. The preamble of the policy states at paragraph 11.21 of the Core Strategy is pertinent to this application proposal and states ***"The key issue for the LDF is how it reconciles the need to reduce reliance on fossil fuels such as coal, oil and gas by generating energy from renewable resources with the need to protect and enhance our landscapes and minimise their impact on communities***". The proposal contributes to these requirements.

5.9.12 The policy actively promotes the delivery of renewable and low carbon energy in appropriate locations and states:-

The Council will actively promote development that utilises natural resources as efficiently and sustainably as possible. This will include:

1. Meeting high water efficiency standards and incorporating new technologies to recycle and conserve water resources.

2. Requiring the use of Sustainable Urban Drainage Systems (SuDS) where practicable.

3. Supporting the necessary improvement of flood defences and surface water infrastructure required against the actions of climate change and preventing development in high flood risk areas wherever practicable and possible.

4. Meeting required national reductions of predicted CO2 emissions by at least 34% in 2020 and 80% in 2050 by applying the following measures on development proposals. Requiring all industrial and commercial premises greater than 1000 square metres to provide 20% of their expected energy demand from on-site renewable energy until the code for such buildings is applied nationally. Where developers consider these Codes and targets cannot be met on the basis of viability they will be required to provide proof through open book discussions with the council at the planning application stage.

5. Ensuring building design reduces energy consumption by appropriate methods such as high standards of insulation, avoiding development in areas subject to significant effects from shadow, wind and frost, using natural lighting and ventilation, capturing the sun's heat, where appropriate.

6. Supporting development that minimises the consumption and extraction of minerals by making the greatest possible reuse or recycling of materials in new construction, and by making best use of existing buildings and infrastructure.

7. Supporting development that seeks to minimise waste and facilitates recycling and using waste for energy where appropriate.

8. Ensuring that development and land use in areas close to the Humber Estuary and rivers responds appropriately to the character of the area, in the interests of preserving and making best use of limited resources.

9. Supporting development that will help to reduce the need to travel for people using that development.

10. Ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water.

11. Supporting renewable sources of energy in appropriate locations, where possible, and ensuring that development maximises the use of combined heat and power, particularly at the South Humber Bank employment site and where energy demands for more than 2MW are required for development.

12. Supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO2 emissions.

13. Promote the use of a greenspace strategy and a green infrastructure plan, where applicable, which could help reduce the effects of climate change.

5.9.13 The reasoned justification to the policy sets out the types of renewable energy that are covered by the policy and whilst there is no reference made to large scale ground mounted solar parks, it is clear that the proposal would contribute to all the objectives set out in the Policy. This includes the provision of clean decentralised energy supply next to a settlement that is recorded to have the highest estimated levels of fine-particle air pollution in the UK, at 15 micrograms per cubic metre[2]. The adoption of the Core Strategy predates the emergence of large scale solar parks within the UK and as such there is no specific Core Strategy policy which deals with ground mounted solar arrays. The Council's SPD on solar parks confirms that use of agricultural land for ground mounted solar parks is acceptable provided it is demonstrated that there is a need for the development to be located on agricultural land.

5.9.14 Policy CS19 considers flood risk and states:-

The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.

2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.

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

Development within the Lincolnshire Lakes area will comply with the flood management principals set out in the Western Scunthorpe Urban Extension Exception Test Strategy. Any

[2] WHO Global Ambient Air Quality Database (update 2018)

further flood management proposals will have to be agreed by both the council and the Environment Agency during the process of the Lincolnshire Lakes Area Action Plan. Development proposals in flood risk areas which come forward in the remainder of North Lincolnshire shall be guided by the Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire. This will ensure that proposals include site specific flood risk assessments which take into account strategic flood management objectives and properly apply the Sequential and, where necessary, Exception Tests.

In addition, development will be required, wherever practicable, to incorporate Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. The Council will also seek to reduce the increase in flood risk due to climate change through measures to reduce carbon dioxide emissions.

5.9.15 The proposal occupies land entirely located within flood zone 1 and as such the development can be made acceptable with regards to flood risk and drainage matters.

5.9.16 Through Policy CS21 the Council will seek to safeguard mineral resources from other development that would prejudice future minerals extraction. The proposal would not result in the long term sterilisation of any minerals resource and it would be available for extraction, if required, following the 35 year generation period.