

## Scoping Opinion

Opinion Requested by:

Name and address of agent (if any)

Charlie Clay, Victre Power,  
via email:  
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### Part I - Particulars of request

Our Reference Number:	PE-00049-22
Received Valid Date:	04.02.2022
Proposal:	Request for EIA scoping opinion in respect of proposed wind turbine and solar development
Location:	Land north and south of Main Road and east of Dawsmere Road, Gedney Drove End

### Part II - Particulars of Decision

I write further to your emails received 15th December 2021 and 4th February 2022 in which you requested a formal scoping opinion with regard to the proposed development of:

- 4no. wind turbines (maximum hub height of 105m, tip height of 108m, with max generating capacity of 6.6MW/e per turbine); and
- A 16.6MW (approx.) PV array,  
on land north and south of Main Road and east of Dawsmere Road, Gedney Drove End.

The Environmental Statement must contain the information specified in Part II of Schedule 4 (information for inclusion in Environmental Statements) of the Regs, together with such information in Part 1 of Schedule 4 as is reasonably required to assess the effects of the proposed development.

This response takes account of the advice received from the Councils statutory consultees, as well as various other non-statutory consultees.

Firstly, it is agreed that the proposal constitutes EIA development by virtue of the number of wind turbines proposed and the anticipated hub height.

Regulation 18(3) sets out the minimum requirements for an environmental statement-

- A description of the proposed development comprising information on the site, design, size and other relevant features of the development;
- A description of the likely significant effects of the proposed development on the environment;
- A description of any features of the proposed development, or any measures envisaged in order to avoid, prevent or reduce, or if possible, offset likely significant adverse effects on the environment;
- A description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;

- (e) A non-technical summary of the information referred to in sub-paragraphs (a) to (d); and
- (f) Any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

Schedule 4 then sets out the information for inclusion within Environmental Statements. Reference should also be made to the Planning Practice Guidance which states the following:

"Whilst every Environmental Statement should provide a full factual description of the development, the emphasis should be on the "main" or "significant" environmental effects to which a development is likely to give rise. The Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects. Where, for example, only one environmental factor is likely to be significantly affected, the assessment should focus on that issue only. Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered."

The email of 4th February 2022 sets out a number of topics considered for inclusion within the Environmental Statement. The council would wish to make the following observations on these:

### **Acoustics and Shadow Flicker**

The Environmental Statement should consider the likely noise and shadow flicker impacts of the proposed development. Measures that the developer intends to take to overcome these issues shall also be considered.

### **Aviation**

The potential impact on aviation and radar should be considered in the Environmental Statement. These impacts should be assessed so as to determine if any mitigation measures would be adequate to reduce the risks identified below to an acceptable level.

The Ministry of Defence have raised 'concerns' in their response and identified the following possible impacts:

### **Air Traffic Control (ATC) Radar**

- The turbines will be 34.7km from, detectable by, and will cause unacceptable interference to the ATC radar used by RAF Coningsby.
- The turbines will be 47.2km from, detectable by, and will cause unacceptable interference to the ATC radar used by RAF Cranwell.
- The turbines will be 56.5km from, detectable by, and will cause unacceptable interference to the ATC radar used by RAF Lakenheath.
- The turbines will be 36.2km from, detectable by, and will cause unacceptable interference to the ATC radar used by RAF Marham.
- The turbines will be 56.6km from, detectable by, and will cause unacceptable interference to the ATC radar used by RAF Waddington.
- The turbines will be 49.8km from, detectable by, and will cause unacceptable interference to the ATC radar used by RAF Wittering.

Please note: The above conclusion is based on a technical assessment, rather than an operational assessment which would only be conducted when a planning application is received. The operational assessment may reach a different conclusion. The MOD have advised that as it is an air traffic rather than air defence issue, there are mitigation options available.

### **Low Flying**

The proposed development will occupy Low Flying Area 5 (LFA 5) within which military fixed wing aircraft are permitted to fly down to 250 feet (76.2 metres) above terrain features. The development proposed will cause a potential obstruction hazard to these military low flying training activities. To address this impact, it would be necessary for the development to be fitted with MOD accredited lighting in accordance with the requirements of the Civil Aviation Authority, Air Navigation Order 2016.

## Physical Safeguarding

The turbines and Solar PV Development will occupy the Birdstrike safeguarding zone around RAF Holbeach Range. This is a zone 12.87km/8miles in diameter around certain military aerodromes designed to regulate developments that could introduce or support populations of large and/or, flocking birds hazardous to aircraft. The potential development site falls within this birdstrike safeguarding zone and as such, we would have concerns as the solar panels themselves can potentially offer shelter for ground nesting birds, which could pose a hazard increasing the potential for birdstrike risk to aircraft within the proximity to the Range.

## Community

The Council is of the opinion that this can be scoped out of the Environmental Statement and adequately dealt with in the Planning Statement.

## Ecology

Please read the below in conjunction with the following section on Ornithology.

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the Environmental Statement.

The development site is within or may impact on the following European/internationally designated nature conservation site(s):

- Greater Wash Special Protection Area (SPA)
- The Wash and North Norfolk Coast Special Area of Conservation (SAC)
- The Wash Ramsar
- The Wash Special Protection Area (SPA)

The development site is within or may impact on the following Site of Special Scientific Interest:

- The Wash SSSI

The Environmental Statement should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area. The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the Environmental Statement. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

The Environmental Statement should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks.

## Ornithology

The RSPB have commented that The Wash SPA is internationally important for wintering and breeding birds, and the area around the proposed application site is highly likely to support foraging habitat for such species. Many of the bird species potentially using the area (for example pink-footed geese and other wintering wildfowl and waders and raptors) are likely to have a high risk of collision and/or a high risk of disturbance during the construction, operation and decommissioning of the turbines. As a result, the RSPB has serious concerns about the siting of wind turbines in an area supporting such internationally and nationally important numbers of birds.

Although the siting of the solar panels is of lesser concern, rigorous surveys should be conducted to ascertain the level of use by SPA features of the application site year-round to fully understand the possible impacts.

The RSPB would expect information on the following areas to be presented in the Environmental Statement:

1. The definition of a suitable study area.
2. An assessment of statutorily protected nature conservation sites in the wider vicinity of the proposal.
3. A survey of breeding birds on the site\*.
4. A survey of wintering or passage birds using the site\*.
5. A conservation evaluation assessment.
6. An assessment of ornithological effects:
  - direct habitat loss,
  - collision risks,
  - indirect habitat loss.
7. Proposed mitigation of impacts.
8. A proposal for post-construction monitoring.

#### \*Survey results

Data should be presented in sufficient detail to support any conclusions presented in the impact assessment. This should include the number of flocks and individual flock sizes for important species such as pink-footed geese and other SPA features. We recommend that at the end of the current survey period, the opportunity is taken to discuss the survey results with the RSPB and Natural England, to determine whether any further targeted surveys would be required, prior to the impact assessment being carried out and any application submitted to the Local Authority.

It is their opinion that the construction of wind turbines near Gedney Drove End may have a likely significant effect upon some of the designated features of The Wash SPA. Therefore, the potential impacts of the development upon the conservation interest of the SPA are likely to require an AA under the Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations”). An AA should identify and consider all potential direct and indirect impacts to the interest features of the designated sites listed above, either alone or in combination.

### **Climate Change**

Potential impacts on the proposed development of increased extreme weather events (such as flooding) due to climate change should be considered, although would partly be picked up through the Flood Risk Assessment (discussed further below) and its consideration of climate change scenario mapping.

### **Cultural Heritage**

The Council agree that archaeology may be scoped out of the Environmental Statement given the history of this area of land and reclamation not being until the 1660s.

However, there is the potential for impacts on heritage assets above ground, in particular the setting of the Gedney Dawsmere Conservation Area with its three Grade II Listed buildings, and further Grade II Listed buildings at Norfolk House and Wiles Farmhouse, both of which are close to the site. Therefore the impact of these designated heritage assets should be considered through the Environmental Statement.

Historic England have advised that, in line with the National Planning Policy Framework (NPPF), they would expect the Statement to contain a thorough assessment of the likely effects of the proposed development. This should identify and describe the significance of any heritage assets affected, including the contribution made by their setting, with a level of detail proportionate to the assets’ importance and sufficient to understand the impact of the proposal on their significance. All heritage assets should be assessed using appropriate expertise and the assessment should be undertaken in line with relevant standards, guidance and advice, including Historic

England Advice Note 12: Statements of Heritage Significance and Good Practice Advice in Planning Note 3: The Setting of Heritage Assets Historic Environment (Second Edition). Due to the scale of the proposed turbines (105m hub height, 180m tip with others within 5% tip height) they may be visible and have an impact on the settings of historic environment assets at quite a distance from the proposed site. Thus, it is important that the assessment is designed to ensure that all impacts are fully understood and we would expect it to clearly demonstrate that the study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed.

### **Hydrology/Geohydrology**

The application site lies within Environment Agency Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that a Flood Risk Assessment (FRA) must be submitted when development is proposed in such locations. Within the FRA all aspects of flood risk should be assessed, flood risk assets should be identified, and appropriate mitigation measures considered. This should be appended to the Environmental Statement.

A drainage strategy should also be included within the Environmental Statement, which demonstrates that the proposed development would have no adverse impact on existing watercourses.

### **Landscape and Visual Impact**

Whilst not located within a designated landscape, the Council would draw your attention to the existence of the Fens National Character Area and the Strategic Landscape Capacity Study for South Holland District Council.

A landscape and visual impact assessment should be carried out for the proposed development and surrounding area. Although the Council acknowledges that there are already wind turbines close by, clearly the introduction of further turbines and solar PV array would have an additional impact on the landscape.

Natural England recommends use of the methodology set out in Guidelines for Landscape and Visual Impact Assessment 2013 ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. The assessment should include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

### **Telecoms**

Impact on telecommunications should be assessed in the Environmental Statement. It should describe the existing environment with respect to telecommunications (incl. television) and the potential impacts to their operations as a result of construction and operation of the proposed development. Where required, the associated impact significance should be provided, and appropriate mitigation options be presented.

### **Traffic and Transport**

Given that any future application would need to be supported by a Transport Assessment considering the impact of construction traffic on the highway network, and that vehicle movements would largely be limited to that construction period, the Council is of the opinion that traffic and transport can be scoped out of the Environmental Statement.

### **Agricultural Land Take and Land Contamination**

Whilst not expressly mentioned in the submission, agricultural land take should be considered in the Environmental Statement. The site comprises of Grade 1 agricultural land and is therefore classed as Best and Most Versatile (BMV) agricultural land.

Impacts from the development on soils and BMV agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement:

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available.

The Environmental Statement should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan. The Statement should also set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise offsite impacts.

Given the agricultural status of the site and likelihood of use of chemical fertilisers etc, a preliminary risk assessment (desk study) shall be carried out as a minimum in order to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site.

### **Informatives**

Environmental Impact Assessment (EIA) refers to the whole process by which environmental information is collected, published and taken into account in reaching a decision on a relevant planning application.

Applications for planning permission for which EIA is required are referred to in the Regulations as 'EIA applications'. Regulation 3 prohibits the granting of planning permission for EIA development unless the EIA procedures have been followed.

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Date: 11/03/2022

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