

Your ref:
Our ref: 22/00789/EIASC
Please ask for: Lorna Gilbert
Telephone: (01553) 616 468
E-mail: lorna.gilbert@west-norfolk.gov.uk

Borough Council of
**King's Lynn &
West Norfolk**



Geoff Hall
Executive Director

Stuart Ashworth
Assistant Director Environment and Planning

Fraser Blackwood
Jones Lang LaSalle Ltd
7 Exchange Crescent
Conference Square
Edinburgh
EH3 8LL

03 October 2022

Dear Mr Blackwood,

**Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended (the EIA Regulations)
Request for Scoping Opinion: Proposed Development of a Solar Photovoltaic Farm with Associated Infrastructure, including potential Battery Storage on Land at Blunts Drove, Walton Highway, Norfolk**

I refer to your request for a Scoping Opinion in relation to the above development.

The site area is around 86 hectares and would utilise land currently used for agriculture. The proposal is for ground mounted solar panels with associated infrastructure including a substation, a battery energy storage system, perimeter fencing and CCTV cameras, an underground grid connection, and access. It is anticipated the site would generate up to 49.9MW.

As per Regulation 2 of the EIA Regulations, the development falls within Column 1(3)(a) of Schedule 2: 3 Energy Industry – (a) Industrial installations for the production of electricity steam and hot water (unless included in Schedule 1). The site area exceeds the threshold of 0.5 hectares (as set out in Column 2).

The LPA Screening Response letter highlighted which areas required further information with respect to the Environmental Statement. These centre around the cumulative impact of the proposal with other approved or proposed solar farms and the Medworth scheme; highways; and further information about protected species and biodiversity.

Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX
Tel: (01553) 616200
DX 57825 KING'S LYNN

Chief Executive – Lorraine Gore

- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

The LPA has undertaken consultation with a number of statutory and non-statutory consultees as listed below:

- Environment Agency
- Natural England
- Highways England
- Internal Drainage Board
- Norfolk County Council – Local Lead Flood Authority and Highways
- National Air Traffic Services
- Civil Aviation Authority
- Community Safety Neighbourhood Nuisance – no comments received.
- Conservation – no comments received.

All consultation responses are available to view on Public Access via the Council's website at <https://online.west-norfolk.gov.uk/online-applications/>
You will need to address relevant comments within the ES.

The results of the consultations are that, as well as the statutory requirements, the ES needs to cover:

Flood Risk/SuDs/Pollution

The flood risk is very basic and does not consider flooding from surface water or groundwater. It is noted that a Flood Risk Assessment and Drainage Impact Assessment will be undertaken, which is supported. A Drainage Strategy would also need to be submitted as part of a planning application. The Local Lead Flood Authority (LLFA) highlights the importance of considering surface water, groundwater, and flooding from ordinary watercourses in the best interest of development in the area. The LLFA advise that the benefits of a full EIA will only support the site development and far outweigh the loss of not doing so.

Any EIA/planning application should include an FRA/surface water strategy to address:

- All sources of flood risk, including from ordinary watercourses, surface water and groundwater to the development.
- How surface water drainage from the development will be managed on-site and show compliance with the written Ministerial Statement HCWS 161 by ensuring that Sustainable Drainage Systems (SuDS) are put in place.
- How any phasing of the development will affect the overall drainage strategy and what arrangements, temporary or otherwise, will need to be in place at each stage of the development in order to ensure the satisfactory performance of the overall surface water drainage system for the entirety of the development.

The supporting information would assess the potential for the development to increase the risk of flooding from the proposal or how surface water runoff through the addition of hard surfaces will be managed.

This would include appropriate information on:

- Appropriate assessment and mitigation of sources of surface water flooding on-site/originating from offsite that may affect the development, in addition to risk of groundwater flooding.
- SuDS proposals in accordance with appropriate guidance.
- At least one feasible proposal for the disposal of surface water drainage should be demonstrated and, in many cases, supported by the inclusion of appropriate information. It is important that the SuDS principles and hierarchies have been followed.
- The drainage strategy should contain a maintenance and management plan detailing the activities required and details of who will adopt and maintain any surface water drainage features for the lifetime of the development.

It is important that it is demonstrated compliance with the National Planning Policy Framework paragraphs 159-167 by ensuring that the proposal would not increase flood risk elsewhere and will incorporate SuDS. The applicant should also demonstrate how the proposal accords with national standards and relevant guidance. A Construction Environmental Management Plan (CEMP) will need to be provided.

It is recommended that the authors of the proposed FRA obtain Product 8 data from the Environment Agency to identify the known risk of flooding due to the failure of the tidal flood defences. Consideration should also be given as to whether the current modelling is fit for purpose for this site. If it is not, then it would be expected a bespoke breach model to be produced.

Pollution prevention

The site is surrounded by watercourses, therefore there may be potential for contamination from construction and/or operational phases if not managed. Only clean uncontaminated surface water should be discharged to any watercourse, soakaway, or surface water sewer.

The drainage impact assessment and flood risk assessment may need to consider the potential for mobilisation of any residual contamination from the agricultural use and potential impact on surrounding land and surface water.

Operational phase

During the operational phase there is a potential risk to groundwater from small leakages of chemicals from the solar panels. Regular inspection and maintenance of these structures is key to reducing the likelihood of this occurring.

Permanent structures containing oil should be provided with the appropriate level of secondary containment, which is regularly inspected, and any spillages or leaks dealt with as soon as possible.

Battery storage proposals have the potential to pollute in abnormal and emergency situations. There needs to be consideration of the impact on groundwater from the escape of firewater/foam and any metal leachate that it may contain. Where possible the applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. Proposals should avoid being situated near to rivers and sensitive drinking water sources.

Battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation.

The LLFA and Environment Agency's detailed consultation comments are available online through Public Access on the Council's website and should be addressed within the ES.

Traffic and Transport

A Transport Assessment (TA) will be submitted as part of this application. National Highways request that they are engaged at an early opportunity, preferably in advance of any application, to comment on the scope and approach used.

As part of the TA, it will be necessary to account of the interaction of the site with the Strategic Road Network (SRN), principally the A47 as well as identifying any measures that may need mitigation.

Where any mitigation proposed physically interacts with the SRN, National Highways would undertake a DMRB review and expect any scheme to be supported by:

- a. Appropriate designs and supporting junction modelling
- b. Safety Risk Assessment (GG104)
- c. Stage One Road Safety Audit (GG119)
- d. Walking Cycling and Horse-Riding Assessment Report (WCHAR – GG142)

A Construction Traffic Management Plan (CTMP) should be submitted as part of the planning application. The CTMP should include (but not limited to) agreement on travel routes during construction and operation to and from the A47 to the proposed development site and measures to minimise delivery of construction materials during peak periods. If it is not provided during the planning application, it is likely to be covered via a pre-commencement condition.

NCC Highways Authority comments to the pre-application request still apply. The Highways Authority wish to see sight of a Construction Management Plan and no longitudinal apparatus should run along the highway.

There appears to be a lane/track that projects into part of the site and therefore the impact on all roads and rights of way should be considered as part of the application.

Visual Impact and Landscape

The approach to the Landscape and Visual amenity seems acceptable in general.

It would be useful to include photomontages from key viewpoints.

The viewpoint locations are sufficiently spread out, however it would be beneficial to include an additional viewpoint along St Paul's Road South between points 4 and 6 as the site is noticeable from this stretch of road.

It is likely a hedge or landscape buffer would be required along the site boundaries to lessen the visual impact of the scheme within the wider area. The use of a 'ready hedge' and semi-mature trees would be supported. Such features would also help improve the site's biodiversity.

Cumulative Impact

In addition to the list of schemes you will consider regarding the cumulative impact of the project you should also note:

- Planning application 22/00704/FM proposes a solar farm comprising an array of ground mounted solar photovoltaic panels and containerised batteries and associated infrastructure. This was deferred at Planning Committee on the 3rd October 2022.
- Medworth Energy from Waste Combined Heat and Power Facility proposed at Wisbech, is a Nationally Significant Infrastructure Project which has been accepted by the Planning Inspectorate (PINS). This is currently being assessed by PINS.

Approved applications:

- 18/01936/FM - Installation of ground mounted solar PV array, underground cabling, fencing, gates and switchgear housing - Anglian Water Services Ltd, Hoggs Drove, Marham Approved 1.3.2019.
- 18/01479/FM - Installation of ground mounted solar PV array, underground cabling, fencing and switch gear housing – Water Treatment Works, School Lane, Stoke Ferry. Approved 31.10.2018.
- 15/01146/FM - Installation of solar farm including solar panels, plant, security fencing, landscaping and other associated equipment - Land S Saffron Nursery, Fring Road, Bircham Road, Snettisham. Approved 3.11.2015.
- 15/00866/FM - Proposed mixed use of land involving the installation of a solar farm together with continued agricultural use - Land North of Whittington Hill, Oxborough Lane, Whittington – Approved 9.10.2015.
- 13/00692/FM - Installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverters, transformers, switchgear, fence and pole-mounted security cameras - Land Adjacent A10 Ryston – Approved 13.8.2013.
- 10/01859/FM - Erection of photovoltaic solar array and associated infrastructure including transformer cabin and underground HV cabling - Porvair International Ltd, Estuary Road, King's Lynn – Approved 9.3.2011.

Additional comments:

Biodiversity and Ecology

Section 2.3 of the Scoping Report refers to statutory wildlife designations, however it is important that potential impacts to non-statutory designations are also fully identified and assessed as appropriate. For example, The White House County Wildlife Site and Honington House Farm are in the vicinity of the scheme site.

Section 3.1.8 states that a Preliminary Ecological Appraisal (PEA) has been carried out, with evidence water voles, badger, reptiles, and breeding birds found within the application site. It will therefore be necessary for appropriate follow up detailed protected species surveys to be carried out.

The scheme should adhere to the ecological mitigation hierarchy and avoid impacts in the first instance. Where impacts cannot be avoided, mitigation measures will need to be identified, and compensation provided.

An Ecological Impact Assessment (EclA) Report should be submitted with any future planning application. The EclA Report should consider impacts on species and habitats at all stages of the proposal from site preparation, construction, and operation, and, when doing so, consider connectivity with the wider environment.

The development will be expected to deliver measurable biodiversity gain which will become mandatory for all applications determined from autumn 2023.

Trees

The Scoping Report does not appear to mention avoiding impacts to the existing trees adjacent to the boundaries. The applicant needs to consider the extent of the root protection areas (RPAs) of all boundary trees to ensure that they will not be impacted by proposed equipment, hard surfacing, service trenches or buildings. If works are proposed within RPAs, then an Arboricultural Method Statement and Tree Protection Plan should be submitted as part of the planning application.

Heritage

Consideration should be given to heritage assets including Grade II Listed Building Trinity Hall. Given its distance around 2km from the site, this can be considered as part of a planning application.

Air Quality

We would welcome the transport movements being presented as 24-hr AADT that will help when assessing cumulative impacts.

Other than the proposal for MVV's EfW CHP plant we are not aware of other committed developments in the immediate area with the potential for significant daily movements over IAQM's indicative thresholds.

We would welcome a construction management plan being submitted with mitigation in accordance with guidance from IAQM.

Gas and Electricity

Cadent Gas, National Grid Electricity Transmission and UK Power Networks have assets within the vicinity of the site that could be affected by the proposal.

National Grid has provided comments in response to the consultation.

Archaeological Impacts

Although there is evidence of Roman occupation and salt production within the proposed development area, NCC does not consider that an Environmental Impact Assessment is required on historic environment grounds.

However, it is noted that on page 15 of the scoping report it is stated that, 'A standalone Archaeological and Heritage Assessment and Geophysical Survey will be submitted with any forthcoming applications.' This is supported and it is recommended that any forthcoming planning application should be accompanied by the results of a geophysical survey conducted to the county standards and approved by the NCC historic environment strategy and advice team, in line with paragraph 194 of NPPF 2021.

Noise/Human Health

The proposal needs to nearby residents living conditions, including villages of Walton Highway and Marshland St James along with the sporadic residential properties near to the site.

Given the construction phase is likely to generate noise to nearby properties it is likely site hours and delivery hours would need to be conditioned. Underground grid connection cables could also cause disruption to nearby neighbours. Additionally, consideration needs to be given to the positioning of any battery storage unit. Consideration needs to be given to noise, dust and lighting.

Health and Safety

It is likely a risk reduction strategy would be required regarding Fire Safety. Measures would need to ensure the risk of fire is minimised.

An emergency response plan is likely to be required as part of a planning application or possibly via a planning condition. This would include details of the hazards associated with lithium-ion batteries, isolation of electrical sources to enable firefighting activities, measures to extinguish or cool batteries involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged batteries, establishment of onsite training exercises.

The BESS facilities should be designed to provide adequate separation distances between containers. Consideration should be given to ventilation and fire detection systems and measures. It should include a safe access route for fire appliances to manoeuvre within the site.

Advise on fire risk should be sought from Norfolk Fire and Rescue Service.

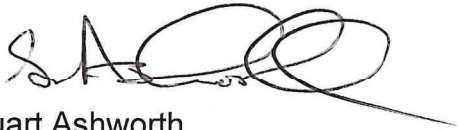
Decommissioning Stage

The Scoping Report states that 'the Proposal is not sought for a defined timeline so it is not possible to predict whether decommissioning will be required or when it may occur'. Regardless, it would be beneficial to have further details regarding the decommissioning stage as part of the application. All points highlighted by the Highways Authority and National Highways would need to be addressed.

Conclusion

The comments above would need to be addressed within the ES where stated or as part of the planning application. If you wish clarification on any aspects please contact the Case Officer Lorna Gilbert, as per the details at the top of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Ashworth', with a long horizontal flourish extending to the right.

Stuart Ashworth
Assistant Director – Environment & Planning