

LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: South Kesteven District Council

Application number: S24/0360

Application Type: Full – Major Planning Application

Proposal: Installation of solar farm comprising ground mounted solar photovoltaic panels, including mounting systems, inverters, underground cabling, stock proof fencing, CCTV, internal access tracks, electrical substation and associated infrastructure for a temporary period of 40 years

Location: Land west of Church Lane, Welby, Lincolnshire

Response Date: 24 May 2024

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

General Information and Advice

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

Application number: S24/0360

Application Type: Full – Major Planning Application

Location: Land west of Church Lane, Welby, Lincolnshire

Highway and Lead Local Flood Authority Report

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

Recommendation: No objection subject to:

- **The installation of passing places**

Comments:

The proposal is for the installation of solar farm comprising ground mounted solar photovoltaic panels, including mounting systems, inverters, underground cabling, stock proof fencing, CCTV, internal access tracks, electrical substation and associated infrastructure for a temporary period of 40 years. The site is located to the East of Grantham.

It is proposed that the site will be accessed off the A52 and then Church Lane. Although the A52 is capable of taking the vehicle movements, Church Lane is narrow. Therefore, to prevent traffic backing up on the A52 when trying to turn into the site or vehicles over running Church Lane, the Highway Authority request that five passing places are installed along Church Lane

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application is proposing that the site continue to drain as it does naturally, due to the fact there is little increase in impermeable areas on the site. Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Planning Conditions:

In the event that permission is to be given, the following planning condition should be attached:

Highway Condition 21

No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of the installation of five passing places have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

Informatives

Highway Informative 02

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

Highway Informative 07

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

For further guidance please visit our website; www.lincolnshire.gov.uk/highways-planning/works-existing-highway

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

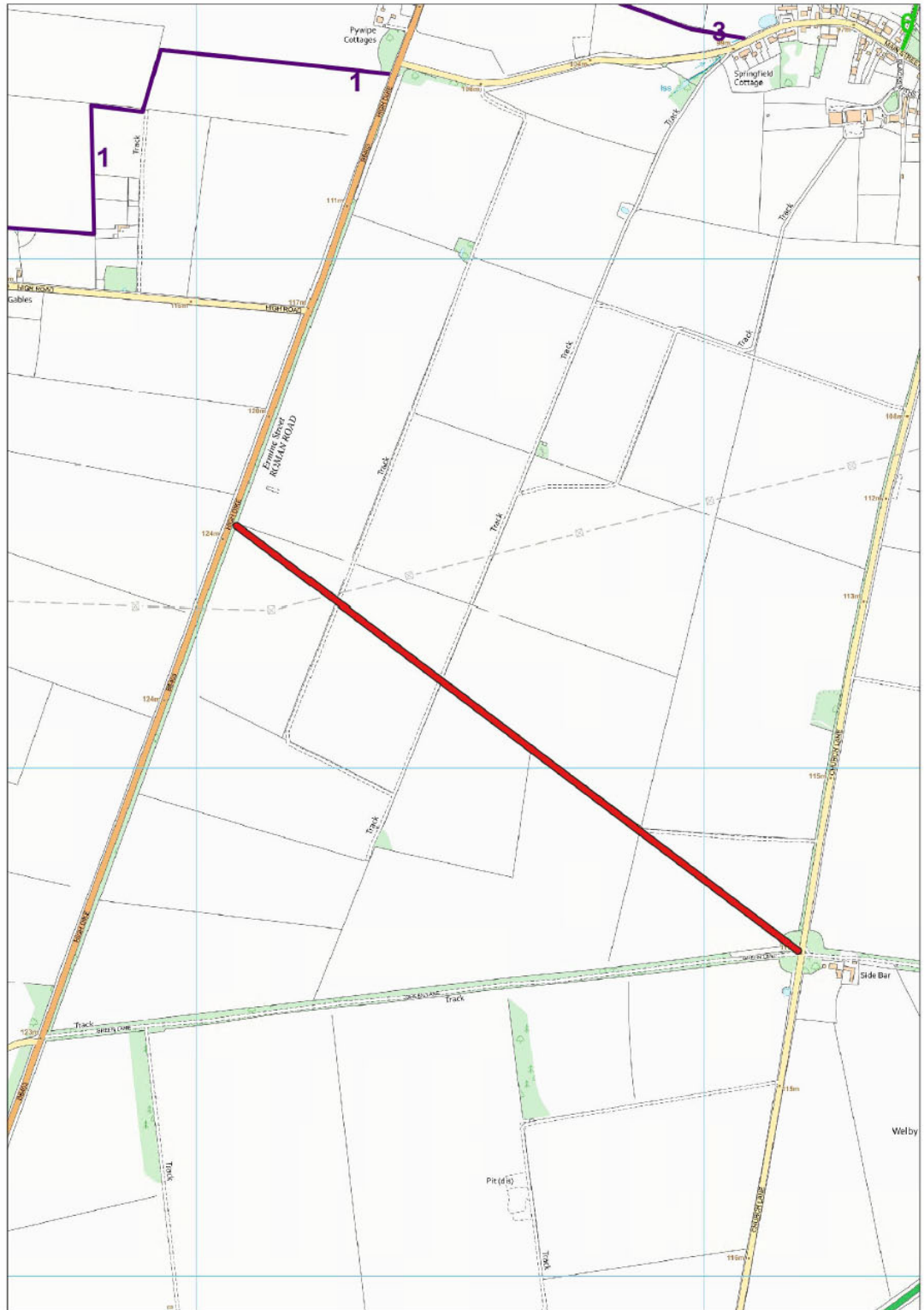
Officer's Name: Joseph Walden

Officer's Title: Senior Development Management Officer

Date: 24 May 2024

Public Rights of Way & Access Comments

The County Council's Public Rights of Way & Access Section makes the following **observation** on the scheme. The proposed development site is subject to an application seeking a definitive map modification order to add to the legal record of public rights of way, the Definitive Map and Statement, a restricted byway. A copy of the application and plan can be viewed at [Welby DMMO 743 - Register of DMMO applications – Lincolnshire County Council](#), but for informative purposes please find below a plan showing the approximate location of the claimed restricted byway as a red line.



Extracts of the 1777 Welby Enclosure Award submitted in support of the application records a 60-foot (18.29 metre) wide public road called the 'Londonthorpe Boston Road' on the same alignment as the route subject to the modification order application, i.e., the red line shown in the above plan.

For a route to be recorded as a public right of way it would require the making and confirmation of a definitive map modification (DMMO) under the evidence-driven statutory process governed by section 53 of the Wildlife and Countryside Act 1981. A DMMO could only be made to record the route as a public right of way in the Definitive Map and Statement if the evidence submitted in support of the application, together with any other evidence that might be discovered by or be made available to the County Council during the investigation, demonstrates that a public right of way exists. This is an evidence-led statutory process. Therefore, it will be the evidence which would ultimately determine the existence, location, and classification of public right of way. This means that we cannot rule out the making of a DMMO seeking to record a public right of way for a route of a different classification or in a location than that applied for.

The modification order application is one of a large number of applications and cases which need investigating. They are subject to a system setting out criteria by which applications or cases are prioritised, which determines how soon they may be investigated. Also, the evidence based statutory process used to investigate the existence of public rights of way can be complex, lengthy and subject to factors beyond our control. Therefore, it is not possible to speculate when the investigation of the case might commence or when an outcome might be known.

We advise that provision be made in the proposed scheme for the full 60-foot width public road recorded in the Enclosure Award, as this would mitigate any issues arising in the future should a DMMO be made and confirmed to record the route as a 60-foot-wide public right of way. We should draw your attention to the fact that planning permission would just grant the right to develop; it would not provide licence to obstruct a public right of way. Failure to take the full width of the awarded public road into account in the scheme could result in enforcement action being taken to make the route available for public use should it be proven to be a public right of way by way of the evidence-driven statutory process outlined above.

Please contact me should you have any queries about this matter.

Kind regards

Officer's Name: Andrew Pickwell

Officer's Title: Senior Definitive Map Officer – Public Rights of Way & Access

Date: 12 April 2024

Ref: S24/0360

10.05.2024

Land west of Church Lane, Welby, LINCS.

Dear Sir or Madam

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING CONSULTATION – NOTES FROM THE FIRE AND RESCUE AUTHORITY**

In order to be successful in firefighting, adequate access to buildings for fire appliances and immediate access to adequate supplies of water, must be provided. The access to, and proximity of, those water supplies directly affects the resources that Fire and Rescue Authorities need to provide in protecting and mitigating their communities from the effects of fire.

Please find below a list of Lincolnshire Fire and Rescue Authority requirements relating to access for fire appliances and firefighting water supplies.

ACCESS

1. Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following:
 - a. 15% of the perimeter.
 - b. Within 45m of every point of the footprint of the building

For all other buildings, provide vehicle access in accordance with Table 15.1 of Approved Document. These requirements may be satisfied with other equivalent standards relating to access for firefighting.

Lincolnshire Fire and Rescue requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 part B5.

2. If it is not possible to provide access to the proposed development in accordance with the guidance details within Part B5 of Approved Document B, as compensation, Lincolnshire Fire and Rescue may accept the provision, at the developer's expense, of an automatic sprinkler system, designed, fitted and maintained in accordance with the relevant sections of BS5306/BSEN12845:2004.

Should this option be considered, our Fire Safety advisers must be provided with detailed plans of the proposed sprinkler installation. Any scheme proposed should not be of a lesser standard than any provision as may be required by the Building Regulations.

WATER SUPPLIES

3. A building requires additional fire hydrants if both of the following apply.
 - a. It has a compartment with an area more than 280m².
 - b. It is being erected more than 100m from an existing fire hydrant.

If additional hydrants are required, these should be provided in accordance with the following:

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following:
 - i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

**All fire hydrants should conform to BS750-2012 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.*

Guidance on aspects of provision and siting of private fire hydrants is given in BS 9990. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant.

4. Where at the time, it is not possible to determine the number of fire hydrants required for firefighting purposes, the requirement should be determined at the water planning stage when site plans have been submitted by the water companies.
5. Where no piped water supply is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with the following recommendations
 - a. a charged static water tank of at least 45,000 litres capacity; or

- b. a spring, river, canal or pond capable of providing or storing at least 45,000 litres of water at all times of the year, to which access, space and a hard standing are available for a pumping appliance; or
- c. any other means of providing a water supply for firefighting operations considered appropriate by the fire and rescue authority.

ENVIRONMENTAL

- 6. Bulk storage of highly flammable/explosive/water reactive/toxic substances and any site whereas large scale recycling activities are proposed will need to be specifically consulted with Fire Authority to ensure that the full operational impact, should a fire occur, is assessed and that an adequate provision is recommended.
- 7. There are a number of methods available, through which the fire water runoff problem can be addressed, the most obvious being to use a fire suppression system to contain a fire, thus not requiring large volumes of water and containment measures, such as bund walls or drainage systems with lagoons, interceptors, reed beds or treatment plants. It is not for the fire service to stipulate which approach to take, simply to ensure that suitable measures are made a condition of planning approval through a firefighting water run-off strategy.

Battery Energy Storage System (BESS) Requirements

Lincolnshire Fire and Rescue (LFR) recognises the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry the Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.

We will work and engage with the developer as the project evolves, to ensure it complies with the statutory responsibilities that we enforce.

The developer should produce a risk reduction strategy (Regulation 38 of the Building Regulations) as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation is developed in collaboration with LFR.

The strategy should cover the construction, operational and decommissioning phases of the project.

During the construction phase the number of daily vehicle movements in the local area will significantly increase. The Service will want to view the transport strategy to minimise this impact and prevent an increase in the number of potential road traffic incidents. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.

LFR works within the guidance of the National Fire Chief's Council (NFCC) who have been working with several government departments to ensure that fire and rescue services are made aware of any new proposals. NFCC have created a guidance document (link below) that constitutes LFR's requirements for new BESS development proposals.

[NFCC Grid Scale BESS planning – Guidance for FRS \(nfcc.org.uk\)](https://www.nfcc.org.uk/guidance-for-frs)

Following the work of NFCC, the Department for Levelling Up, Housing and Communities (DLUHC) has revised its Planning Policy Guidance to include reference to BESS. The guidance is available here: [Renewable and low carbon energy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/renewable-and-low-carbon-energy)

LFR are aware that large scale BESS is a fairly new technology, and as such risks may or may not be captured in current guidance in pursuance of the Building Regulations (as amended) and the Regulatory Reform (Fire Safety) Order 2005. This will highlight challenges the FRS have when responding to Building Regulations consultations. For this reason, we strongly recommend applying the National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems.

Failure to comply with the above requirements at planning stage can seriously compromise firefighting operations resulting in unnecessary risk to life, loss of property and unnecessary damage to the environment.

Should you wish to discuss adequacy of access or water supplies to your proposed development, please contact the Community Fire Protection department on 01522 553868.

Yours faithfully

Nick Morris

Station Manager Prevention & Protection
Lincolnshire Fire and Rescue
Lincolnshire County Council
Fire & Police Headquarters Deepdale Lane Nettleham