

Minutes of a Meeting of the Planning Policy Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Thursday, 14th March, 2024 at 6.00 pm.

PRESENT

Councillor Tom Ashton (Chairman)
Councillor Terry Aldridge (Vice-Chairman)

Councillors Mark Dannatt, Roger Dawson, Daniel McNally and Daniel Simpson.

Councillors Neil Jones and David Hall attended the Meeting as Substitutes.

OFFICERS IN ATTENDANCE:

Andrew Booth	- Development Management Lead Officer
Simon Milson	- Planning Policy and Research Service Manager
Laura Allen	- Democratic Services Officer
Lynda Eastwood	- Democratic Services Officer

40. APOLOGIES FOR ABSENCE:

Apologies were received from Councillors Travis Hesketh, Paul Rickett and Sid Dennis.

It was noted that, in accordance with Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been given that Councillor Neil Jones had been appointed to the Committee in place of Councillor Alex Hall and Councillor David Hall had been appointed to the Committee in place of Councillor Graham Cullen for this Meeting only.

41. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the Meeting, Members were invited to declare any relevant interests. None were received.

42. MINUTES:

The Minutes of the Meeting held on 1st February 2024 were agreed as a correct record.

43. ACTIONS:

The actions were noted as complete or in hand.

Action No. 38 from the Meeting held on 1 February 2024.

The Planning Policy and Research Service Manager informed Members that instructions had been made to Legal Services Lincolnshire to secure legal advice as to the status of emerging evidence relating to settlement scoring and the settlement pattern and a response was expected in due course.

A Member queried if the legal advice expected had any weight on current applications. In response, the Planning Policy and Research Service Manager confirmed this was correct.

No further questions were received.

44. ENERGY INFRASTRUCTURE PROVISION:

The Chairman welcomed Simon Milson, Planning Policy and Research Service Manager and the Development Management Lead, Andrew Booth to provide Members with an update on Energy Infrastructure Provision.

The Planning Policy and Research Service Manager presented Members with a report on Energy Infrastructure Provision which highlighted the policy context and the potential for all wards to be affected, pages 27 to 40 of the Agenda refer.

The key considerations related to the current national and local planning policy context were highlighted as follows:

- Nationally Strategic Infrastructure Projects (NSIP)
- The National Planning Policy Framework (NPPF)
- The East Lindsey Local Plan (2018)
- Strategic Policy 27 – Renewable and Low Carbon Energy (SP27)
- Strategic Policy 28 – Infrastructure and S106 Obligations (SP28)

Members were invited to put their comments and questions forward.

- A Member requested clarification whether the Local Plan required any changes and met with current requirements. In response, the Planning Policy and Research Service Manager advised that it had been agreed at previous meetings to review all policies to varying degrees and the Local Plan was still currently aligned with what the NPPF was trying to achieve in relation to renewable energy.
- Referencing that the NPPF suggested that Local Planning Authorities could identify areas where they would prefer renewable energy to be located, a Member highlighted the issues with renewable energy projects continuing to consume extensive areas of land. It was

further queried if the Council needed to be more prepared to identify areas to constrain future developments.

In response, the Planning Policy and Research Service Manager advised that it was within the Council's remit to review and identify the suitability of areas for power generation through the review of the Local Plan. It was further advised that the Wolds as an Area of Outstanding National Beauty and the areas of flood risk were two constraints that existed in East Lindsey.

- A Member commented that it was important to emphasise that electricity cables were provided underground rather than overhead.
- A Member commented that the issue of flooding was a significant consideration and that a balance was needed between energy security and food security.
- Referencing examples of large-scale renewable energy projects in other areas of the country, the Chairman recognised that large areas of land were being taken out of food production through renewable energy land uses. The Chairman sought assurances on the impacts on the landscape and the protection which policy could provide for the proposals for powerlines installed along the east side of Lincolnshire. It was further queried if there was a view on the long-term potential for other uses of the land following the end of the project's lifespan and whether the land transitioned to brownfield status.

The Planning Policy and Research Service Manager advised that a ministerial statement had stated that the lowest quality of land was preferable for renewable energy in order to preserve the most important agricultural land and that as the majority of land in East Lindsey was higher graded this limited the selection of lower quality land. It was further advised that there were a number of provisions in policies that examined landscape and other impacts and that the NPPF and Local Plan were supportive of renewable energy providing that impacts were properly assessed and mitigated. In terms of solar energy, the Planning Policy and Research Service Manager confirmed that planning permission for solar farms were temporary permissions for 25 years as that was considered an appropriate period for its lifetime and an extension of time was permitted by Section 73 applications.

In relation to brownfield status, the Development Management Lead advised Members that the definition of previously developed land for Brownfield status did not apply to temporary permissions and that renewable energy projects were not usually considered as Brownfield.

- A Member commented that it was not fully understood why power cables were not able to be installed on flood land when they could be installed under the sea.
- A Member appreciated the confirmation that renewable energy projects were initiated under temporary planning permission and expressed an opinion that the Secretary of State largely sidestepped local policies.
- The Chairman advised Members that the Council were consultees for NSIP and that the Viking Link was a good example where the local planning authority was the decision maker, and the Secretary of State reserved the right to call in the application. The Chairman further queried how that application had been brought to the Council.

The Development Management Lead recollected that the Viking Link was an unusual and complex project which had come through a number of different authorities and had implications for both offshore and international water consents.

- A Member considered that flood risk areas were ideal for renewable energy use and queried the feasibility of solar farms in those areas. In response, the Planning Policy and Research Service Manager explained that there was not an essential need to locate them in high flood risk areas due to the sequential test and these areas faced challenges with high depth and high velocity water.
- A Member commented on the outlined proposals for the location of the powerlines and observed there was limitations to where substations were located.
- A Member queried what constituted a temporary structure. In response, the Development Management Lead advised that temporary structures were determined by the permission that had been granted and usually these had a limited lifespan, with the industry accepted standard considered as 25 years.
- In consideration of objections to National Grid Infrastructure, a Member queried if the Council needed to be concerned with underground and undersea power cables and if a case could be put forward should objections be unsuccessful. In response, the Planning Policy and Research Service Manager reminded Members of the remit of the Planning Policy Committee which was to advise on matters relating to the Council's Local Plan and to provide the Council's formal responses in the consideration of planning policy matters only, in line with the Constitution and the Committee's terms of reference. However, the Planning Policy and Research Service Manager advised that individual Members' comments could be collected and forwarded on.

- A Member sought further clarification on the Planning Policy Committee's jurisdiction in relation to the issues raised and queried the involvement of other boards and committees. The Chairman took the opportunity to reaffirm that the purpose of this evening's meeting was to establish the views and comments of Members in relation to the Local Plan Policies and ensure they were noted to be observed in future responses.
- A Member commented that a preference for underground cables should be conveyed as an alternative to undersea cables because of the implications. In response, the Chairman advised that underground cabling was the assumed preference and this was supported by the Planning Policy and Research Service Manager who referred to ELDC Strategic Policy 27 (SP27) – Renewable and Low Carbon Energy which stated that "The presumption will be for connecting cables to be placed underground, or use made of existing or replacement infrastructure (of the same size and scale) along existing routes to carry any additional base load cabling."
- The Chairman commented that he supported a thorough review of the Council's policy on infrastructure and voiced a concern that it may not be reasonable to insist that all cables were deployed undersea. In response, the Development Management Lead advised that offshore infrastructure was not within the remit of the Council and the opportunity to comment on those developments may be provided in the future.
- Members further considered the statements contained in policy SP27 and whether they were effective.
- A Member queried if the long-term goal was to alter and strengthen the Council's planning policy documents on renewable energy provisions. In response, the Planning Policy and Research Service Manager advised that the powerline application was in the very early stages and more clarity was expected in future rounds of consultation.
- In reference to installing energy infrastructure on flood plains, a Member queried how the Council strengthened the infrastructure argument when businesses had already been permitted to build on flood plains. In response, the Planning Policy and Research Service Manager advised that for any development it was dependent on the need for any particular development at any proposed location.
- Noting that NSIP was the deciding body, a Member queried how much weight was given to the visual impact and whether the argument needed strengthening.
- The Chairman further queried how much weight was given to the Area of Outstanding Natural Beauty. In response, the Planning Policy and Research Service Manager advised that the Planning

Inspectorate appointed by the Secretary of State was the deciding body which operated the same framework of National Policies to determine applications.

- A Member commented that previous wind farm applications had been unsuccessful due to visual impact and queried if there was a point where historic evidence would stop being valid. In response, the Planning Policy and Research Service Manager advised that the Council retained the Landscape Character Assessment which was used in historic applications dating back many years and that as the landscape had not changed significantly over time, it was still considered as a primary piece of evidence for assessing landscape impact.
- A Member queried the effects of appeal decisions. The Planning Policy and Research Service Manager advised that appeal decisions could be relevant and was dependent on a number of factors, with multiple appeal decisions carrying greater weight. The Development Management Lead further advised that appeal decisions could be material planning considerations but may become less relevant as time moved on.
- A Member sought clarification if the review process was being completed by the end of 2024. In response, the Planning Policy and Research Service Manager advised that Members needed to rely on the approved and adopted documents at the time of making any responses and no guaranteed timeline was available on when the updated Local Plan was being adopted. The Development Management Lead advised that the process was in the early stages and a formal application was not expected until mid-2027 which provided the opportunity for the Local Plan to be reviewed prior to that date.
- A Member emphasised the uniqueness of East Lindsey's landscape with a considerable amount of land and no precedent for overhead powerlines. It was queried whether there was an opportunity to create separate policies for specific issues such as renewable energy and if the concept of protected views similar to the protection in place for Lincoln Cathedral was an opportunity that could be examined and utilised to mitigate potential issues. The Planning Policy and Research Service Manager advised that the Landscape Character Assessment held great value for assessing future developments and developers were expected to submit their own landscape assessments supported by visualisations to provide viewpoints of the potential impacts. It was further advised that the Local Plan did not rule out development in any specific location and that in policy SP27 a wind energy map had been included as that type of energy had been more prevalent when the Local Plan had been approved. The Planning Policy and Research Service Manager concluded that a separate policy could be drawn up for specific energy provisions such as powerlines, however advised the

undertaking would take up more time and resources and would be better being brought through improved clarity in the existing policies.

- The Chairman considered the impact that the proposed powerlines would have on the view across the Wolds in a planning context and commented that he had not seen written documentation for Lincolnshire that referred to Wolds and the broader setting. In response, the Development Management Lead recalled a local public inquiry in relation to wind farms which had included a specific consideration for the view across the Wolds. It was further advised that this consideration although not the key issue, was based on local and national policies, the Landscape Character Assessment and the Wolds management plan which evidenced that the tools were in place for future considerations. The Planning Policy and Research Service Manager further advised that similar considerations and established planning principles applied to conservation areas.
- A Member reminded the Committee that the Council needed to be mindful that the views and landscape was the reason for attracting visitors and expressed concern that East Lindsey was not directly benefiting from proposals for overhead cables.

The Chairman supported that it was a valid observation and advised that it was a political consideration rather than a planning consideration and that the lifetime cost of overground cables compared to underground cables needed to be determined.

N.B. The Development Management Lead left the Meeting at 7.12pm.

- A Member spoke in support of clause 3 in policy SP27 to presume cables were installed underground. In response, the Planning Policy and Research Service Manager advised Members that the title of the policy as "Renewable and Low Carbon Energy" was usually associated with solar panels and wind turbines rather than overhead powerlines and an assessment was needed on whether any proposals were renewable and low carbon for that to be relevant.
- The Chairman considered if there was a need to strengthen policy SP23 on Landscape and extend the implications to all forms of major infrastructure. A Member further commented that the title of policy SP27 could be expanded upon to reduce flexibility on whether it applied to certain developments. In conclusion, the Planning Policy and Research Service Manager confirmed that policies SP27 and SP28 needed to be examined with considerations for rewording as part of the Local Plan Review.
- The Chairman queried if it was constitutionally possible for a response to the NSIP application and the pre-application

consultation to be ultimately supported by the Planning Committee. In response, the Planning Policy and Research Service Manager advised that to enable this the terms of reference for Planning Policy Committee would need to be examined and further advice would need to be sought on reviewing the Constitution.

- A Member wished to highlight that the proposed development had no impact on sustaining local communities which was against what the Council stated they would support in policy SP28. In response, the Planning Policy and Research Service Manager advised that whilst there might not be obvious and direct benefits, the project was seen as contributing to the Government drive for national energy and national benefit.
- A Member queried whether the Planning Committee was better placed to consider the proposals rather than the Planning Policy Committee. The Chairman confirmed that only one debate was necessary and that the Planning Committee was the primary regulatory Committee.
- The Chairman sought further clarification on the areas that the Planning Policy Committee were able to comment on. In response, the Planning Policy and Research Service Manager advised that the Council's Constitution stated that Planning Policy was "To consider and respond to consultations on matters affecting planning policy matters and interim policy statements received from the following bodies: Central Government, Lincolnshire County Council, other Statutory Agencies and other District Councils."
- A Member commented that the NSIP application was not currently a live application and supported that the Planning Policy Committee was better placed to consider the application when further information came forward.
- A Member further highlighted that the Planning Policy Committee was in a position to advise the Planning Committee on what could be taken into consideration.
- The Planning Policy and Research Service Manager referenced the Constitution and clarified that there was a clear separation between the Planning Policy Committee and Planning Committee and that legal advice needed to be sought should the Planning Policy Committee wish to respond to the application.
- Members further considered and debated the appropriate body within the Council to respond to the consultations and the applications.
- A Member requested that policy SP28 on Infrastructure and S106 Obligations stated that "Infrastructure will be supported provided

they are essential in the local interest” rather than only “national interest”.

- A Member commented on the alternate uses for the ground surrounding Solar Farms which proved impractical.
- A Member commented on the responses made to overhead powerline proposals in other areas of the Country and where it had been agreed for them to be installed underneath the sea.
- In relation to the Constitution, a Member commented that both the Planning and Planning Policy Committee needed to have input on any proposed amendments to the Council’s Constitution. In response, the Planning Policy and Research Service Manager advised that pages 37 and 38 of the Constitution could be examined to determine if the statements were fit for purpose.
- A Member stated that it was important for the Council to be kept informed of any infrastructure proposals.

The Chairman advised the Committee that no formal recommendation was to be made at today’s meeting and the following summary of points were noted:

- That the Committee supported that policies SP23, SP27, SP28 and associated policies were reviewed and be presented to the Planning Policy Committee for consideration.
- That more robust wording should be used in reference to a preference for underground cabling.
- That the Council would respond to all pre-application consultations and NSIP applications with Members being given the opportunity to comment and to endorse the Council’s response through the Planning Committee.
- That changes to the Constitution are considered to facilitate this and that all relevant matters were presented to the Planning Policy Committee before being presented to Council.

Upon being put to the vote, the motion was carried.

Vote: 7 In favour 0 Against 1 Abstention

Following which, it was

RESOLVED:

That the Energy Infrastructure Provision report be noted.

45. DATE OF NEXT MEETING:

The date of the next Meeting was confirmed as Thursday 25 April 2024 commencing at 6.00pm.

The meeting closed at 7.54 pm.