



Mr Dan Elvin
Sirius Planning

Ask for: Mr Duncan Law
Telephone: 01933 23 1504
Email: duncan.law@northnorthants.gov.uk
Our Ref: NW/21/00609/SCQ
Your Ref:
Date: 09 August 2021

Dear Mr Dan Elvin

Application No. NW/21/00609/SCQ

Proposal: Request for EIA scoping opinion. Proposed London Road solar farm, Irchester Wellingborough

Location: Land To The South Of The Gipsy Lane (B570), Irchester, Wellingborough, Northamptonshire

Case Officer: Mr Duncan Law

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

I refer to your application received on 09 July 2021 and the regulations referred to above in accordance with schedule 15. Scoping opinions of the local planning authority—(1) of the above regulations, a person who is minded making an Environmental Impact Assessment (EIA) application may ask the relevant planning authority to state in writing their opinion as to the information to be provided in the environmental statement (a “scoping opinion”).

Application No. WP/20/00786/SCR - *Screening Opinion on the need for an Environmental Statement to accompany a planning application for the installation of a solar farm* concluded that the proposed development is “EIA Development” as it is likely to have a significant impact on the landscape and has the potential to impact on biodiversity and ecology. Schedule 15 states -

(2) A request under paragraph (1) shall include—

(a) in relation to an application for planning permission—

(i) a plan sufficient to identify the land;

(ii) a brief description of the nature and purpose of the development and of its possible effects on the environment; and

(iii) such other information or representations as the person making the request may wish to provide or make;

In accordance with the EIA Regulations, the site has been identified by means of location plan, site boundaries, and a summary of the proposal. In addition, the nature

and purpose of the development has been described.

(3) An authority receiving a request under paragraph (1) shall, if they consider that they have not been provided with sufficient information to adopt a scoping opinion, notify the person making the request of the points on which they require additional information.

No further information requested

(4) An authority shall not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted the person who made the request and the consultation bodies, but shall, subject to paragraph (5), within 5 weeks beginning with the date of receipt of that request or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and send a copy to the person who made the request.

All relevant bodies have been consulted and their replies have informed this response.

(5) Where a person has, at the same time as making a request for a screening opinion under regulation 5(1), asked the authority for an opinion under paragraph (1) above, and the authority have adopted a screening opinion to the effect that the development is EIA development, the authority shall, within 5 weeks beginning with the date on which that screening opinion was adopted or such longer period as may be agreed in writing with the person making the request, adopt a scoping opinion and send a copy to the person who made the request.

Application No. WP/20/00786/SCR - Screening Opinion on the need for an Environmental Statement to accompany a planning application for the installation of a solar farm concluded that the proposed development is "EIA Development".

(6) Before adopting a scoping opinion, the authority must take into account—

- (a) any information provided by the applicant about the proposed development;*
- (b) the specific characteristics of the particular development;*
- (c) the specific characteristics of development of the type concerned; and*
- (d) the environmental features likely to be significantly affected by the development.*

The Scoping Opinion request.

To determine the extent of issues to be considered in the assessment and reported in the Environmental Statement (ES), the applicant can ask the local planning authority for its opinion on what information needs to be included (which is called a 'scoping opinion'). The Planning practice guidance states that the Scoping opinion should be proportionate, tailored to the specific characteristics of the development and the main environmental features likely to be significantly affected. The ES will need to establish accurate baseline information and provide an analysis of impacts for the life cycle of the project from construction through operation (to de-commissioning if a finite life cycle is envisaged). This should include a comparison to the 'do nothing' option. The environmental baseline should be established through consultation by the applicant

with relevant statutory and non-statutory bodies

The Environmental Statement (ES).

The Scoping Opinion request identified the following topics to be included in the Environmental Statement:

- Introduction
- Proposed Planning Application
- Purpose of ES
- Content of ES
- Methodology and Consultation
- Scope of ES
- The Site
- Site and Environs
- Topography and Landscape
- Site Access
- Existing Uses
- The Development
- Introduction
- Background
- Project Description
- Summary of Relevant Planning Policy
- National Policy
- Local Policy
- Material Considerations
- Alternatives
- Alternative Options and Scenarios
- Landscape and Visual Impact
- Ecology/Biodiversity
- Cumulative Impacts
- Conclusions

The submitted scoping request considered the environmental topic areas that are 'unlikely to be materially affected and/or unlikely to give rise to significant environmental effects as a consequence of the proposed development' and are therefore have been scoped out of the ES. The environmental topic areas that are proposed to be scoped out are:

- Traffic and Transport
- Major Accidents and/or Disasters
- Soils, Geology, and Agricultural Land
- Public Health and Wellbeing
- Climate Change
- Socio Economic
- Historic Environment
- Air Quality
- Noise and Vibration
- Hydrology/Drainage and Flood Risk

Glint and Glare

Following consultation, the council however requests that the following topics are scoped into the ES as there is the potential for 'Likely significant impacts':

Soils, Geology, and Agricultural Land
Climate Change
Historic Environment
Air Quality

The ES will need to establish accurate baseline information and provide an analysis of impacts for the life cycle of the project from construction through operation (to de-commissioning if a finite life cycle is envisaged). This should include a comparison to the 'do nothing' option. The environmental baseline should be established through consultation by the applicant with relevant statutory and non-statutory bodies.

Assessment

Taking into account the consultation responses and the document submitted by the developer as part of the Scoping Request, the council has the following comments.

Consultation responses received from the Environment Agency, North Northants (NN) Assistant Archaeological Advisor, NN Environmental Protection (Noise and Air), NN Environmental Protection (Contaminated Land) and the Local Highway Authority have confirmed the above environmental topic areas that are 'unlikely to be materially affected and/or unlikely to give rise to significant environmental effects as a consequence of the proposed development' and are therefore scoped out of the ES.

Full copies of the responses received can be found on the councils' website:

https://www.wellingborough.gov.uk/info/200074/planning/836/view_current_and_past_planning_applications

Historic Environment

Paragraph 5.5.19 of the scoping opinion report makes no mention of the assessment of potential non-designated heritage assets, only referring to designated and scheduled sites. The assessment of potential non-designated heritage assets should be 'scoped in' to the assessment of the proposal's impact of the historic built environment. Viewpoint 5 indicates that there may be an impact upon the setting of historic farm buildings to the south of the site either side of the A509. The visibility of the site from this area to the south and west of the site is noted in paragraph 5.2.5 of the report.

The proposed assessment of historic landscape character through the proposed zone of theoretical visibility submitted is acceptable. Additional viewpoints from the south west may be necessary to fully assess the impact of the proposals from the south west of the site.

A joined-up approach to assessing the impact of the proposals upon the historic landscape character and the setting of any identified potential non-designated heritage asset will be important here.

The likelihood of archaeological remains is considered to be extremely low due to the fact that the site has been subject to quarrying, the potential effects on sub-surface archaeological remains may be scoped out of any subsequent EIA.

The Historic Environment should therefore be scoped in as part of the any subsequent EIA.

Ecology, Landscape and Biodiversity.

The Site is in agricultural use and is not in a “sensitive area” as defined by the Regulations. However, it is acknowledged that the Site is adjacent to the Upper Nene Valley Pits Site of Special Scientific Interest (SSSI), Special Conservation Area (SPA) and Ramsar. The potential impacts on ecology and biodiversity have been scoped into the EIA which is considered a suitably cautious approach. Natural England has provided advice on the scope of the ES for this development as below:

Biodiversity and Geology

Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website. EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in paragraphs 179 – 182 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition, paragraph .181 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is

- (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and
- (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is in close proximity to the following designated nature conservation sites:

Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI),
Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar Site

Further information on the SSSI and its special interest features can be found at www.magic.gov.uk

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within this site and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European site conservation objectives are available at:

<http://publications.naturalengland.org.uk/category/6490068894089216>

Natural England has identified that the proposed location of the development would be in close proximity to the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar Site. This is because some of the overwintering birds for which the Upper Nene Valley Gravel Pits SSSI/SPA/Ramsar Site have been designated are known to use farmland surrounding the site for feeding. The main species known to feed outside of the designated site are golden plover and lapwing and the application site may be suitable for these species. Winter bird surveys will be required to determine if this site is being used as supporting habitat to the above site.

Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity

interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES 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). Natural England does not hold comprehensive information regarding the locations of species protected by law but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and 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, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System. The area likely to be affected by the proposal 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 ES. In order to provide this information, there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on

the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

Any historical data for the site affected by the proposal (e.g. from previous surveys);
Additional surveys carried out as part of this proposal;
The habitats and species present;
The status of these habitats and species (e.g. whether priority species or habitat);
The direct and indirect effects of the development upon those habitats and species;
Full details of any mitigation or compensation that might be required.

The development should seek, if possible, to avoid adverse impact on sensitive areas for wildlife within the site, and, if possible, provide opportunities for overall wildlife gain. The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. Natural England recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

Designated Landscapes and Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. Natural England encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental

Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application. The assessment should refer to the relevant National Character Areas which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

It should be considered whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land and National Trails

The EIA should consider potential impacts on access land, public open land and rights of way in the vicinity of the development. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. Natural England also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 174 of the NPPF. Natural England also recommend that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 174 of the NPPF.

Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example, over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

Climate Change Adaptation

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 179), which should be demonstrated through the ES.

Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment. The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are

under consideration by the consenting authorities; and
e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Conclusion

In consideration of the submission details and consultation responses received, the proposed EIA approach should reflect the Scoping Opinion, the consultee comments received during that process, and take a suitably cautious/conservative approach to the nature of the proposals and its anticipated impacts.

The council agree that the 'Likely significant impacts' are anticipated to relate only to ecological, landscape and visual impacts and that the above advice from Natural England should inform the ES. The council also considers that impacts on the Historic Environment (excluding archaeology), Soils, Geology, and Agricultural Land, Climate Change and Air Quality should also be scoped into any forthcoming EIA application.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'D Law', is positioned above the typed name and title.

D Law
Senior Development Officer