



# Tillbridge Solar

PEI Report Volume II Appendix 11-1: Human Health Legislation and Policy  
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# 1. Introduction

## Purpose of this appendix

- 1.1.1 This PEI Report appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant effects of the Scheme on human health.
- 1.1.2 Legislation, policy and guidance are considered at national, regional and local levels.
- 1.1.3 This PEI Report appendix does not assess the Scheme against legislation and policy instead the purpose of considering legislation and policy in the EIA is twofold:
- To identify legislation and policy that could influence the determination of important human health features (and therefore the significance of effects) and any requirements for mitigation; and
  - To identify legislation and policy that could influence the methodology of the EIA and signposting where this dealt with in the PEI Report. For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the human health assessment (the assessment) as presented in Chapter 11: Human Health of this PEI Report.

# 2. Legislation

## Infrastructure Planning (Environmental Impact Assessment) Regulations (2017)

- 2.1.1 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Ref. 11-1) replace the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. The regulations require EIA for infrastructure projects to consider potential impacts on health and wellbeing.

## The Health and Care Act (2022)

- 2.1.2 The Health and Care Act (Ref. 11-2) was passed in April 2022.
- 2.1.3 The Act sets out health reforms in England and formalises Integrated Care Systems (ICSs). There are 42 ICSs across England and each has been established with four strategic purposes:
- Improve population health and healthcare;
  - Tackling unequal outcomes and access;
  - Enhance productivity and value for money; and
  - Helping the NHS to support broader social and economic development.

## 3. National Planning Policy

### Overarching National Policy Statement for Energy (NPS) EN-1 (2011)

3.1.1 NPS EN-1 (Ref. 11-3) and specifically Section 4.13 acknowledges access to energy is clearly beneficial to society, however the production, distribution, and use of energy may have negative impacts on some people's health.

3.1.2 The policy requires the decision maker to consider potential effects of development proposals on human health, stating "*where the proposed project has an effect on human beings, the ES should assess these effects for each element of the project, identifying any adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate.*" Negative effects could include direct impacts on health including increased traffic, air or water pollution, dust, odour, hazardous waste and substance, noise, exposure to radiation, and increases in pests; and the indirect health impacts of access to key public services, transport or the use of open space for recreation and physical activity.

### Draft Overarching NPS for Energy (EN-1) (2023)

3.1.3 The Draft NPS EN-1 (Ref. 11-4) provides updated guidance for energy infrastructure projects in the UK, updating NPS EN-1 (2011).

3.1.4 The Draft NPS-EN-1 sets out that "*those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation which will constitute effective mitigation of them, so that it is unlikely that health concerns will either by themselves constitute a reason to refuse consent or require specific mitigation under the Planning Act 2008*". However "*not all potential sources of health impacts will be mitigated in this way and the Secretary of State will want to take account of health concerns when setting requirements relating to a range of impacts such as noise. Opportunities should also be taken to mitigate indirect impacts...*" (paragraph 4.3.7).

### Draft Overarching NPS for Renewable Energy EN-3

3.1.5 The Draft NPS EN-3 (Ref. 11-5) provides updated guidance for renewable energy infrastructure projects in the UK, updating NPS EN-3 (2011).

### Overarching NPS for Electricity Networks Infrastructure EN-5

3.1.6 NPS EN-5 (Ref. 11-6) Section 2.10 references Electric and Magnetic Fields (EMFs), which states that the applicant should consider the following factors:

- Height, position, insulation and protection (electrical or mechanical as appropriate) measures subject to ensuring compliance with the Electricity Safety, Quality and Continuity Regulations 2022; and
- Any new advice emerging from the Department of Health relating to Government policy for EMF exposure guidelines is adhered to.

3.1.7 Paragraph 2.10.15 states "*where it can be shown that the line will comply with the current public exposure guidelines and the policy on phasing, no further mitigation should be necessary*".

### Draft NPS for Electricity Networks Infrastructure EN-5

3.1.8 The Draft NPS EN-5 (Ref. 11-7) provides updated guidance for electricity networks infrastructure projects in the UK, updating NPS EN-5 (2011).

- 3.1.9 The Draft NPS EN-5 states that Electric and Magnetic Fields (EMFs) can arise from the generation, transmission, distribution and use of electricity, and can have both direct and indirect effects on human health. It states that *“All overhead power lines produce EMFs. These tend to be highest directly under a line, and decrease to the sides at increasing distance. Although putting cables underground eliminates the electric field, they still produce magnetic fields, which are highest directly above the cable. EMFs can have both direct and indirect effects on human health. The direct effects occur in terms of impacts on the central nervous system resulting in its normal functioning being affected. Indirect effects occur through electric charges building up on the surface of the body producing a micro shock on contact with a grounded object, or vice versa, which, depending on the field strength and other exposure factors, can range from barely perceptible to being an annoyance or even painful”* (paragraph 2.9.46-47).
- 3.1.10 Guidelines give an electric field reference of 5kV m<sup>-1</sup> for protecting against indirect effects for the general public, and keeping electric fields below this level would reduce the occurrence of adverse indirect effects for most individuals to acceptable levels.

#### **National Planning Policy Framework (NPPF) (2021)**

- 3.1.11 Section 8 of the NPPF (Ref. 11-8) ‘promoting healthy and safe communities’ sets out the need for planning policies to promote healthy, inclusive and safe places. This includes provision of social, recreational and cultural facilities which the community needs. The NPPF recognises the importance of high-quality open spaces and opportunities for sport for the health and wellbeing of communities. Furthermore, the NPPF states that planning policies should protect and enhance PRow and access, including provision of better facilities for users. Section 9 also expects planning policies to provide for walking and cycling facilities and encourage sustainable transport solutions.
- 3.1.12 Section 15 relates to the need for planning policies and decisions to contribute to and enhance the natural and local environment. It states that this should be done through *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*, and *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”* (paragraph 174).

## **4. National Guidance**

#### **National Planning Practice Guidance (NPPG)**

- 4.1.1 Accompanying the NPPF, the National Planning Practice Guidance (NPPG) (Ref. 11-9) provides guidance on planning and provides a web-based resource in support of the NPPF. The PPG offers guidance on health and wellbeing in planning and planning obligations, and covers:
- The role of health and wellbeing in planning; and
  - The links between health and wellbeing and planning.

- 4.1.2 The PPG suggests that local authority planners should consult with the Director of Public Health on mitigation measures for any planning applications that are likely to have an impact on the health and wellbeing of the local population or particular groups.
- 4.1.3 The PPG states that: *“strategic-policy-making authorities can work with public health leads and health organisations to understand and take account of the current and projected health status and needs of the local population, including the quality and quantity of, and accessibility to, healthcare and the effect any planned growth may have on this. Authorities will also need to assess the quality and quantity of, and accessibility to, green infrastructure, education, sports, recreation and places of worship including expected future changes, and any information about relevant barriers to improving health and well-being outcomes”* (See ‘Plan-Making’ Guidance, Paragraph 46).
- 4.1.4 The PPG for health and safe communities covers the role of positive planning on healthier communities and how the design and use of the built and natural environments, including green infrastructure, are major determinants of health and wellbeing. The guidance states that *“planning and health need to be considered together in two ways: in terms of creating environments that support and encourage healthy lifestyles, and in terms of identifying and securing the facilities needed for primary, secondary and tertiary care, and the wider health and care system”*.
- 4.1.5 The PPG for open space, sports and recreation facilities, PRoW and local green space provides additional guidance on those designation and how they should be taken into consideration in planning. The guidance mentions that planning should consider proposals that may affect existing open space as they provide health and recreational benefits to people living and working nearby. It is for local planning authorities to assess the need for open space and, when doing so, should have regard to the duty to cooperate where open space serves a wider area.
- 4.1.6 Additionally, the Defra Rights of Way circular (1/09) gives advice to local authorities on recording, managing and maintaining, protecting and changing public rights of way contains guidance on the consideration of rights of way in association with development. The Circular also covers the statutory procedures for diversion or extinguishment of a public right of way.

**Institute of Environmental Management and Assessment (IMEA) Guide to Effective Scoping of Human Health in Environmental Impact Assessment (EIA)**

- 4.1.7 The IEMA Guide to Effective Scoping of Human Health in Environmental Impact Assessment (Ref. 11-10) was published in November 2022.
- 4.1.8 The guide provides clarifying information on determining the relevant health issues that should be included in EIAs by those responsible for the commissioning, conducting or reviewing or EIAs.
- 4.1.9 The guide emphasises the need to take a holistic approach to health, considering physical, mental and social dimensions of health, as well as health inequalities.

### **IMEA Determining Significance for Human Health in EIA Guidance**

- 4.1.10 The IMEA guidance on Determining Significance For Human Health in Environmental Impact Assessment (Ref. 11-11) was published in November 2022.
- 4.1.11 The guide presents a framework that should be used by EIA practitioners to identify, describe and assess the direct and indirect significant effects of a proposed development on human health. It defines significance as informed expert judgement of the importance, desirability or acceptability of a change, which must be evidence-based and explained within context.
- 4.1.12 In particular, the guidance highlights the need to consider the significance of human health effects in relation to vulnerable groups.

### **NHS Healthy Urban Development Unit (HUDU) Rapid HIA Assessment Tool (2019)**

- 4.1.13 NHS England developed the HUDU Rapid Health Impact Assessment (HIA) Toolkit (Ref. 11-12) identifies eleven broad determinants of health that are likely to be influenced by specific development proposals and can be influenced through design and management measures. It provides an assessment checklist against which the likely impacts of new developments can be assessed.

### **Public Health England (PHE) Spatial Planning for Health: An evidence resource for planning and designing healthier places (2017)**

- 4.1.14 In 2017, PHE published 'Spatial Planning for Health: An evidence resource for designing healthier places' (Ref. 11-13).
- 4.1.15 The review provided public health planners and local communities with evidence informed principles for designing healthy places. The review addresses the relationship which exists between public health and the built environment. It identifies five aspects of the built and natural environment which can be influenced by local planning policy:
- Neighbourhood design;
  - Housing;
  - Healthier food;
  - Natural and sustainable environment; and
  - Transport.
- 4.1.16 For each aspect identified above, the review provides the evidence base underpinning why they are important determinants of public health. It also sets out principles which public health professionals and planners should follow to ensure healthier places.
- 4.1.17 The two aspects deemed most relevant to the Scheme are 'neighbourhood design' and 'natural and sustainable environment'. For 'neighbourhood design', the review states that "*Neighbourhoods are places where people live, work, and play and have a sense of belonging. The design of a neighbourhood can contribute to the health and well-being of the people living there. Several aspects of neighbourhood design (walkability and mixed land use) can also maximise opportunities for social engagement and active travel. Neighbourhood design can impact on our day-to-day decisions and therefore*



*have a significant role in shaping our health behaviours”* (PHE, Spatial Planning for Health 2017, pg. 11.

4.1.18 For the ‘natural and sustainable environment’, the review states “*there is a very significant and strong body of evidence linking contact and exposure to the natural environment with improved health and wellbeing. For the purpose of this review, the natural and sustainable environment is comprised of neighbourhood ecosystems and the resulting co-benefits between the environment and health. Protecting the natural environment is essential to sustaining human civilization”* (PHE, Spatial Planning for Health 2017, pg. 38.

#### **PHE Strategy 2020-2025**

4.1.19 The PHE Strategy 2020 to 2025 (Ref. 11-14) was published in 2020 and states PHE’s objectives over the five-year period. Note, in 2021 PHE was replaced by the UK Health Security Agency and Office for Health Improvement and Disparities.

4.1.20 Relevant priorities within the strategy include:

- Healthier diets, healthier weights: help make the healthy choice the easy choice to improve diets and rates of childhood obesity;
- Cleaner air: develop and share advice on how best to reduce air pollution levels and people’s exposure to polluted air; and
- Better mental health: promote good mental health and contribute to the prevention of mental illness.

#### **The Marmot Review: Fair Society, Healthy Lives (2010)**

4.1.21 The Marmot Review (Ref. 11-15) argued that serious avoidable health inequalities exist across England and shows these inequalities to be determined by a wide range of socio-economic factors.

4.1.22 The Review identifies policy objectives including the following of relevance to the Scheme:

- Create fair employment and good work for all;
- Ensure a healthy standard of living for all;
- Create and develop healthy and sustainable places and communities; and
- Strengthen the role and impact of ill health prevention.

#### **Health Equity in England 10 Years On (2020)**

4.1.23 Ten years following the original review, the follow up Marmot Review, Health Equity 10 Years On (Ref. 11-16) was published in February 2020.

4.1.24 The report highlighted the growth in health inequality over the preceding 10 years, especially for those living in more deprived districts and regions.

4.1.25 The report calls upon the Government to make health and wellbeing a central policy goal which will in turn create a better society, with better health and health equity.

#### **Build Back Fairer: The Covid-19 Marmot Review (2020)**

4.1.26 An update to the Marmot Review 10 Years on report, Build Back Fairer: The Covid-19 Marmot Review (Ref. 11-17) was published in December 2020 to

investigate how the pandemic has affected health inequalities in England. The Covid-19 pandemic exposed and amplified some of the inequalities highlighted in the Marmot Review 10 Years On report.

#### **NHS Long Term Plan (2019)**

- 4.1.27 The NHS Long Term Plan 2019 (Ref. 11-18) sets out a ten-year programme of phased improvements to the NHS. The plan outlines how the NHS will attempt to reduce health inequalities through wider preventative action in deprived areas and improved integrated community-based care systems. This includes funding support to programmes which help to reduce obesity and air pollution in vulnerable communities.

## **5. Local Planning Policy**

#### **Lincolnshire Joint Health and Wellbeing Strategy (2022)**

- 5.1.1 The role of the Lincolnshire's Health and Wellbeing Board (Ref. 11-19) is to bring together key stakeholders from the health and care system to work together to reduce inequalities and improve the health and wellbeing of the people of Lincolnshire.

- 5.1.2 The Health and Wellbeing Board has identified a number of aims which have emerged through a prioritisation and engagement process. These include the need for the Joint Health and Wellbeing Strategy to:

- Have a strong focus on prevention and early intervention;
- Ensure a focus on issues and needs which will require partnership and collective action across a range of organisations to deliver;
- Deliver transformational change through shifting the health and care system towards preventing rather than treating ill health and disability; and
- Focus on tackling inequalities and equitable provision of services that support and promote health and wellbeing.

#### **Central Lincolnshire Health Impact Assessments (HIAs) for Planning Applications: Guidance Note and Checklist (2017)**

- 5.1.3 The Central Lincolnshire HIA Guidance Note (Ref. 11-20) provides advice and guidance for undertaking HIA for development proposals within Central Lincolnshire, supporting the implementation of policy LP9 Health and Wellbeing in the Central Lincolnshire Local Plan.

#### **Nottinghamshire Joint Health and Wellbeing Strategy (2022)**

- 5.1.4 The Nottinghamshire Health and Wellbeing Board prepared this document (Ref. 11-21) which outlines aims to:

- Improve the health and wellbeing of the people of Nottinghamshire;
- Reduce health inequalities;
- Promote the integration of services;
- Produce a Joint Strategic Needs Assessment (JSNA), identifying current and future health needs; and

- Develop a Strategy which addresses the health needs identified in the JSNA.

### Central Lincolnshire Local Plan (2023)

- 5.1.5 The Central Lincolnshire Local Plan (Ref. 11-22) was adopted in April 2023 and is a revision of the previous Central Lincolnshire Plan that was adopted in 2017. Following approval by the Central Lincolnshire Joint Strategic Planning Committee at the end of February 2022, consultation on the plan ran between March and May 2022.
- 5.1.6 The Local Plan was revised to ensure it remains current and consistent with latest national guidelines and local circumstances.
- 5.1.7 The transition to net zero carbon is highlighted in Policy S14, which relates to renewable energy. It states that “*proposals for renewable energy schemes, including ancillary development, will be supported where the direct, indirect, individual and cumulative impacts on the following considerations are or will be made, acceptable*”. Impacts assessed should include those on the amenity of sensitive neighbouring uses (including local residents) by virtue of matters such as noise dust, odour, shadow flicker, air quality and traffic.
- 5.1.8 Walking and cycling infrastructure is referenced in Policy S48, and states that proposals should:
- Protect, maintain and improve existing infrastructure;
  - Provide high quality attractive routes that are safe, direct, legible and pleasant and are integrated into the wider network;
  - Ensure the provision of appropriate information, including signposting and way-finding to encourage the safe use of the network;
  - Encourage the use of supporting facilities, especially along principle cycle routes;
  - Make provision for secure cycle parking facilities in new developments and in areas with high visitor numbers across Central Lincolnshire; and
  - Consider the needs of all users through inclusive design.
- 5.1.9 Policy S50 relates to community facilities and highlights the importance of community facilities in achieving healthy, sustainable and inclusive places. As such, the policy sets out that, where possible, the loss of community facilities due to developments will not be supported.
- 5.1.10 Green and blue infrastructure in Central Lincolnshire will be safeguarded, as set out in Policy S59. Development proposals should ensure that existing new and new green and blue infrastructure is protected.
- 5.1.11 Policy S54 relates to Health and Wellbeing and states that “*the potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated*”.
- ### Adopted Bassetlaw Core Strategy (2011)
- 5.1.12 The Bassetlaw Core Strategy (Ref. 11-23) was adopted on 22 December 2011 and sets out a vision of change in Bassetlaw to 2028.

5.1.13 The Core Strategy makes reference to health in the following policies:

- Policy DM3: General Development in the Countryside: this states that the Council is mindful of the need to ensure the applications for a range of proposals, including rural economic development, in the countryside can be addressed;
- Policy DM9: Green Infrastructure; Biodiversity and Geodiversity; Landscape; Open Space & Sports Facilities: this states that development proposals will be expected to support the Council's strategic approach to the delivery, protection and enhancement of multi-functional Green Infrastructure, to be achieved through the establishment of a network of green corridors and assets at local, sub-regional and regional levels; and
- Policy DM10: Renewable and Low Carbon Energy: this states that the Council will be supportive of proposals that seek to utilise renewable and low carbon energy to minimise CO2 emissions.

#### **Draft Bassetlaw Local Plan (2022)**

5.1.14 The Draft Bassetlaw Local Plan (Ref. 11-24) is being produced to help guide development in Bassetlaw over the plan period from 2020 to 2037.

5.1.15 Policy ST39 refers to Green and Blue Infrastructure and states that "*the connectivity, quality, multifunctionality, biodiversity and amenity value of the green and blue infrastructure network will be enhanced, extended and managed*". This includes through protecting and enhancing ancient and mature woodland and hedgerows and linking walking and cycling routes, bridleways and public rights of way to and through the development.

5.1.16 Policy ST44 focuses on promoting healthy, active lifestyles. It highlights that proposals should work in partnership with the health authorities to maintain and, where practical, improve access to the full range of health services for residents.

5.1.17 Policy ST45 relates to the protection and enhancement of community facilities and states that proposals that result in the loss of community facilities will be resisted.

5.1.18 Policy ST47, Promoting Sport and Recreation, highlights the need for sport and recreational facilities and land in Bassetlaw to be protected.

5.1.19 Policy ST48, Protecting Amenity, reinforces the need to mitigate against impacts to amenity for all developments.

#### **Corringham Neighbourhood Plan (2022)**

5.1.20 The Corringham Neighbourhood Plan (Ref. 11-25) was formally adopted on the 24 January 2022.

5.1.21 Policy CNP14 identifies community facilities including the village hall, the Becketts Public House, Church of St Laurence and Corringham C of E Primary School. These community facilities will be protected and the loss of such facilities will not be supported except in specific circumstances.

5.1.22 Transport and active travel are discussed in Policy CNP16, which states that proposed developments that would generate additional traffic movement should be supported by specific mitigation to avoid vehicular/pedestrian

conflict and that development proposals should protect existing Public Rights of Way and where appropriate should incorporate them into their design and layouts.

- 5.1.23 Public Rights of Way are also relevant to Policy CNPCA4 relating to footpaths and connectivity, which states that the creation of circular footpaths and extensions and improvements to pedestrian and cycle connectivity in the countryside will be supported.

#### **Glentworth Neighbourhood Plan (2019)**

- 5.1.24 The Glentworth Neighbourhood Plan (Ref. 11-26) was formally adopted on the 4 November 2019.

- 5.1.25 Policy 2 of the Neighbourhood Plan states that development will not be supported on local green spaces, including the Village Hall Park and Play Area, Pocket Park, Grazing land to the East of Glentworth Hall and Paddocks on the corner of Kexby Road and Chapel Lane, except in very special circumstances.

- 5.1.26 Policy 4 relating to community facilities states that identified facilities including the village hall and St Michael's Church will not be supported except in very special circumstances.

- 5.1.27 Policy 5 refers to green infrastructure and highlights that development proposals will be supported where they manage or provide new public green spaces and green infrastructure assets.

#### **Hemswell and Harpswell Neighbourhood Plan (2022)**

- 5.1.28 The final Draft Hemswell and Harpswell Neighbourhood Plan (Ref. 11-27) was published on the 7 February 2022 and has now reached examination stage.

- 5.1.29 Policy 9 relates to community facilities, and states that proposals that detrimentally impact on or redevelop community facilities for non-community uses will be resisted.

- 5.1.30 Policy 10 states that, where appropriate, development proposals should contribute towards the protection, enhancement and provision of new public rights of way for the benefit of the community.

#### **Sturton by Stow Neighbourhood Plan (2022)**

- 5.1.31 The Sturton by Stow Neighbourhood Plan (Ref. 11-28) was formally adopted on the 4 July 2022.

- 5.1.32 Policy 8 relates to community facilities and states that the retention and development of local services and community facilities, including social, recreational, cultural and health services, should be facilitated and improved.

- 5.1.33 Policy 10 recognises green spaces that should be protected for their environmental value, community and health importance, and their historical and beautiful value.

- 5.1.34 Policy 15 relating to walking and cycling aims to promote additions to the stock of foot- and cycle paths, bridleways, unmade roads, and enhance the quality and safety of the existing ones.

### **Rampton and Woodbeck Neighbourhood Plan (2021)**

- 5.1.35 The Rampton and Woodbeck Neighbourhood Plan (Ref. 11-29) was formally adopted following the referendum held on the 6 May 2021.
- 5.1.36 Policy 7 sets out designated local green spaces and states that “*proposals for development within designated local green spaces will only be supported in very special circumstances*”.
- 5.1.37 Policy 9 relates to the protection of local amenities which will be safeguarded for community purposes throughout the plan period.

### **Treswell and Cottam Neighbourhood Plan (2019) and Draft Treswell and Cottam Neighbourhood Plan (2022)**

- 5.1.38 The Treswell and Cottam Neighbourhood Plan (Ref. 11-30) was adopted following the referendum held on the 21 February 2019.
- 5.1.39 In June 2020, the Neighbourhood Plan Group Commissioned a review of the existing Neighbourhood Plan against the adopted Local Plan and updated NPPF and PPG. The draft review version of the Treswell and Cottam Neighbourhood Plan was published online for consultation in 2022 (Ref. 11-31).
- 5.1.40 Policy 7 refers to protecting existing community facilities and states that proposals to redevelop or change the use of an existing community facility will only be permitted in exceptional circumstances.
- 5.1.41 Policy 8 sets out that developments will not be permitted on designated local green spaces.



## 6. References

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