



PL.07 14/15
Planning Committee
17 September 2014

Subject: Report on the 8-turbine alternative windfarm under consideration at the Hemswell Windfarm Planning Appeal

Report by:

Head of Development and Neighbourhoods

Contact Officer:

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Purpose / Summary:

The Report considers the material planning considerations of the 8 turbine alternative windfarm being tabled by the appellant at the forthcoming Public Inquiry into the refusal of planning application 128940

RECOMMENDATION(S): To advise the Planning Inspector that West Lindsey District Council would, if considering an alternative planning application for eight turbines, have refused planning permission on the grounds of harm to the landscape character and setting of heritage assets, which is deemed to outweigh the benefits of the proposed development. For the following reasons:

- 1. The proposed development would, as a result of its scale, massing and juxtaposition, significantly intrude upon and dominate the setting of nearby heritage assets resulting in substantial harm to the detriment of their significance. These assets would include Norton Place, comprising a Grade I Listed Building of highest significance set within a locally designated Historic Park and Garden. This would be contrary to saved policies STRAT1 and NBE8 of the West Lindsey Local Plan First Review (June 2006), policies which are consistent with the National Planning Policy Framework aim to conserve and enhance the significance of the historic environment.**

2. The scale of the development , number of turbines and their siting would have an adverse visual impact on the setting and appearance of local landscape character in particular the Cliff Area of Great Landscape Value contrary to part i, iii, iv of policy NBE10, STRAT 1 and para 7 and part 12 of the NPPF.

IMPLICATIONS

Legal:

N/A

Financial :

If the Committee's findings introduce new reasons for refusal that are not directly related to the differences between the original and alternative schemes, there is a risk this could be found to constitute 'unreasonable behaviour' and leave the Authority open to an application for a costs award.

Staffing :

No additional staffing requirements arise.

Equality and Diversity including Human Rights :

All considered in report.

Risk Assessment :

If the Committee's findings introduce new reasons for refusal that are not directly related to the differences between the original and alternative schemes, there is a risk this could be found to constitute 'unreasonable behaviour' and leave the Authority open to an application for a costs award.

Climate Related Risks and Opportunities :

The development under consideration is a renewable energy development. Energy benefits are addressed in the report.

Title and Location of any Background Papers used in the preparation of this report:

30th October 2013 Extraordinary Planning Committee

Officers Report: <http://www.west-lindsey.gov.uk/your-council/decision-making-and-council-meetings/meetings-agendas-minutes-and-reports/committee->

[information-post-april-2011/planning-committee/planning-committee-reports/special-planning-committee-reports---30-october-2013/117999.article](http://www.west-lindsey.gov.uk/planning-committee-reports/special-planning-committee-reports---30-october-2013/117999.article)

Minutes: <http://www.west-lindsey.gov.uk/planning-committee-minutes/104464.article>

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

X

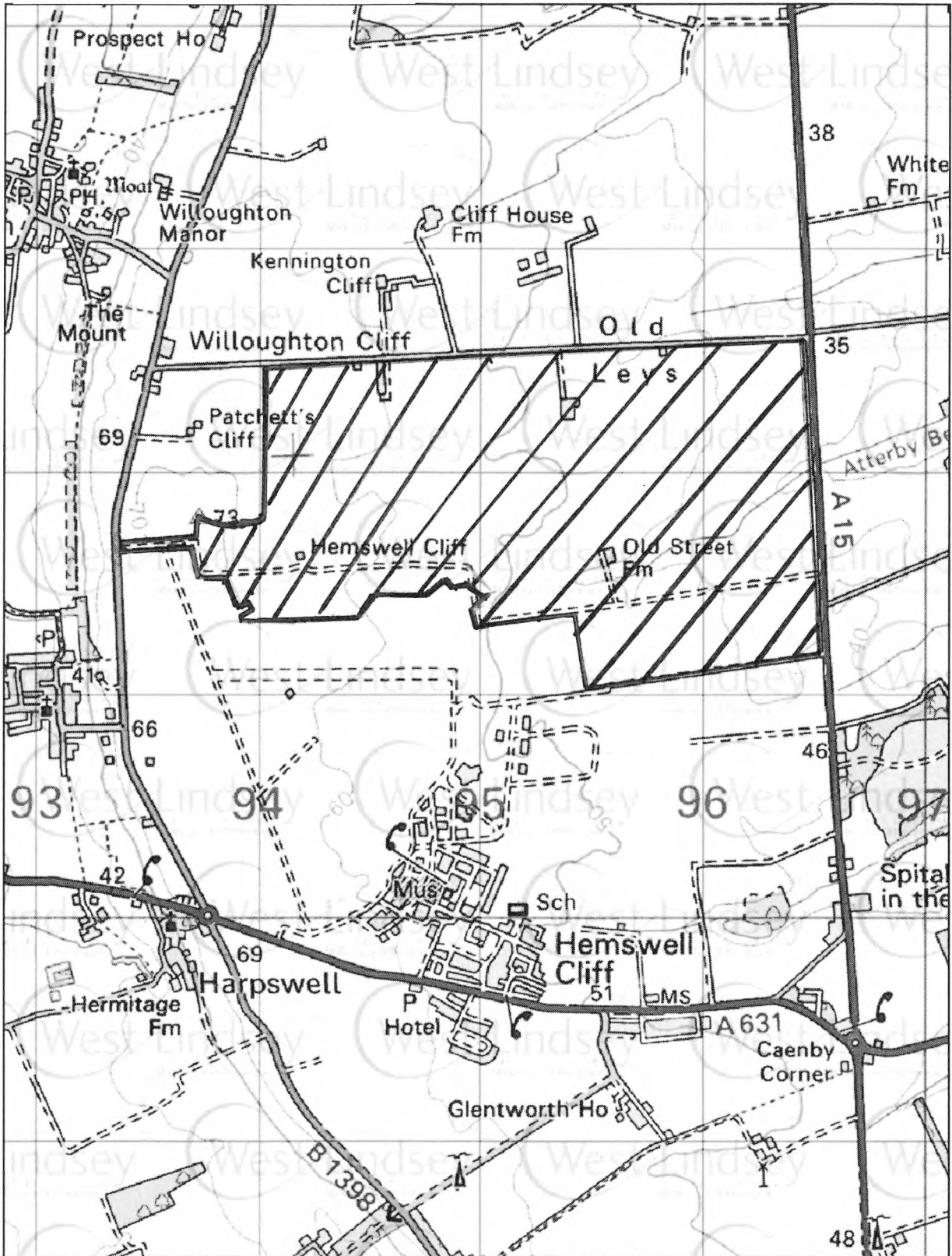
Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

X

No



Executive Summary

- 0.1 RWE Innogy Limited (the appellant) has appealed to the Secretary of State against the decision of West Lindsey District Council to refuse planning permission for application 128940. In summary it sought permission for a new 20-25MW windfarm comprising ten turbines up to 126.5m high (to blade tip), with ancillary infrastructure.
- 0.2 The Secretary of State has recovered the appeal for his own determination. Evidence will be heard at a Public Inquiry to be held in January 2015 to be presided over by an Appointed Inspector who will make recommendations to the Secretary of State.
- 0.3 As part of the appeal, the appellant has tabled an alternative scheme of eight turbines to be considered alongside the original scheme, at the Inquiry. The alternative scheme has deleted the two most easterly turbines (no.'s 4 and 5).
- 0.4 National policy (NPPF paragraph 98) states that “local planning authorities should approve [renewable energy] applications (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.”
- 0.5 The amended scheme would have an installed energy capacity of between 16 and 20MW. This could potentially generate up to 48,500MWh and would offset CO2 emissions. This can be attached significant weight although the amended scheme does result in a quite significant 20% reduction in capacity from the original 10 turbine scheme.
- 0.6 By relocating the temporary construction compound, it is concluded that the amended scheme does now address previous concerns with the impact upon important archaeological heritage assets.
- 0.7 It is concluded that the revised scheme does not address concerns in regard to the landscape and visual impacts of the development. The eight turbine scheme will still have a significant impact in this regard.
- 0.8 It is concluded that the amended scheme would still have a significant effect upon the setting of a number of designated and non-designated heritage assets, and would lead to substantial harm to the setting of the Grade I listed Norton Place, its landscaped grounds, and Grade II listed gates.
- 0.9 It is considered that this significant and demonstrable harm would continue to outweigh the (reduced) benefits of the proposed development. 1National Planning Practice Guidance¹ does advise “the need for renewable or low carbon energy does not automatically override environmental protections”.

¹ Paragraph: 007 Reference ID: 5-007-20140306, National Planning Practice Guidance – Renewable and Low Carbon Energy

1 Introduction and Background

- 1.1 On 30th October 2013 an extraordinary Special Planning Committee was convened to determine planning application 128940, submitted by RWE NPower Ltd.
- 1.2 The development description was for “the construction of ten turbine wind farm-maximum height of 126.5 metres to blade tip for each turbine-and ancillary development, including the erection of a permanent and temporary anemometer mast, substation and control building, temporary construction compound, construction of underground electrical cabling, new access tracks and the upgrade of existing access tracks and site access points from the A15 and Middle Street for a period of 25 years.”
- 1.3 The Planning Committee determined to refuse planning permission on three grounds which can be broadly summarised as (1) Harm to the setting of heritage assets; (2) Harm to heritage assets of significant archaeological interest; (3) Impact on the appearance and setting of local landscape character. The decision was issued by notice dated 1st November 2013.
- 1.4 In April 2014, the applicant, now RWE Innogy UK Ltd, lodged an appeal to the Secretary of State for Communities and Local Government. The Secretary of State has recovered the appeal for his own determination. A Public Inquiry, to be presided over by an appointed Planning Inspector acting on his behalf, will be held into the evidence and will commence on 27th January 2015.
- 1.5 As part of their appeal submission, the appellant has tabled an alternative scheme of eight turbines (“alternative scheme”) and asked that the Secretary of State consider this alongside the original scheme for ten turbines (“original scheme”), as part of the Appeal Process. A Further Environmental Information (FEI8) Statement was submitted with the Appeal to address the environmental implications arising from the alternative scheme.
- 1.6 It is the decision of the Secretary of State as to whether or not to accept an amended scheme as part of a Planning Appeal, having considered whether the suggested amendments might prejudice anyone involved with the appeal. The Planning Inspector has confirmed that he intends to consider the alternative scheme as part of the Appeal.
- 1.7 The purpose of this report therefore, is to assess the implications of the alternative scheme in order the Committee can determine its view and make its recommendations that can be reported to the Planning Inspector.
- 1.8 The scope of the Report, and Committee’s discussion, should focus only on the material differences between the refused scheme and tabled alternative.

2 Planning History

- 2.1 The following applications are relevant to the appeal:

- Application 127263 - *Planning Application for the erection of a temporary anemometry mast. Approved 05/08/2011 (temporary permission expired 15/08/2014).*
- Application 128940 – *Planning Application for the construction of ten turbine wind farm-maximum height of 126.5 metres to blade tip for each turbine-and ancillary development, including the erection of a permanent and temporary anemometer mast, substation and control building, temporary construction compound, construction of underground electrical cabling, new access tracks and the upgrade of existing access tracks and site access points from the A15 and Middle Street for a period of 25 years. Planning Permission refused 1st November 2013 on the following grounds:*
 1. *The proposed development would, as a result of its scale, massing and juxtaposition, significantly intrude upon and dominate the setting of nearby heritage assets resulting in substantial harm to the detriment of their significance. These assets would include Norton Place, comprising a Grade I Listed Building of highest significance set within a locally designated Historic Park and Garden. This would be contrary to saved policies STRAT1 and NBE8 of the West Lindsey Local Plan First Review (June 2006), policies which are consistent with the National Planning Policy Framework aim to conserve and enhance the significance of the historic environment.*
 2. *The proposed development would result in substantial harm to heritage assets of significant archaeological interest within the site. This would be contrary to saved policies STRAT1 of the West Lindsey Local Plan First Review (June 2006), which is consistent with the National Planning Policy Framework aim to conserve and enhance the significance of the historic environment.*
 3. *The scale of the development , number of turbines and their siting would have an adverse visual impact on the setting and appearance of local landscape character in particular the Cliff Are of Great Landscape Value contrary to part i, iii, iv of policy NBE10, STRAT 1 and para 7 and part 12 of the NPPF.*

2.2 This decision is now the subject of planning appeal (APP/N2535/A/14/2217829) which is due to be considered at a Public Inquiry commencing 27th January 2015. The Inquiry will be presided over by an appointed Planning Inspector, Paul Jackson B Arch (Hons) RIBA. Following closure of the Inquiry the Inspector will make his recommendations to the Secretary of State who will determine the appeal.

3.0 Appeal Procedure

- 3.1 The Secretary of State may deal with the appeal as if it had been made to him in the first instance².
- 3.2 The Planning Inspectorate's Procedural Guidance states³ that "if, exceptionally, the appellant wishes to amend a scheme at the appeal stage, [The Planning Inspectorate] will consider each request on its merits."
- 3.3 The Planning Inspectorate has confirmed that they will take into consideration the alternative scheme being tabled by the appellant as part of the appeal.

4.0 Site and Development Description

- 4.1 The site location is as previously considered on the original scheme. The fundamental change is the deletion of turbines four and five from that proposed by the original scheme. The appellant explains⁴ "the revision to the scheme is proposed in order to further minimise the potential for impacts upon archaeology and heritage assets in the vicinity of the turbines":

Turbine:	Easting	Northing
1	494645	391885
2	495230	391937
3	495706	391837
4	496220	391927
5	496265	391400
6	495865	391495
7	495495	391085
8	495260	391430
9	494830	391530
10	494350	391450

Table 4.1 Turbine Positions

- 4.2 Turbines 4 and 5 were the most easterly positioned turbines, in closest proximity to the A15 (Ermine Street). There is no proposed change to turbines 1-3, or 6-10. The turbines are subject to a micro-siting allowance of 30 metres.
- 4.3 The turbines would still measure 126.5m to blade tip (hub height approximately 80m) and generate between 2 to 2.5MW each, dependent upon the final model selected.
- 4.4 The temporary construction compound (75m x 50m approximately), required for the duration of the construction period, would now be relocated to the former position of turbine 5. This is approximately 600m to the east of its originally proposed location, which was between turbines 6 and 8 to the south of Old Street Farm.

² S79 of the Town & Country Planning Act 1990 (as amended)

³ Paragraph 3.1 - Procedural Guidance for Planning Appeals (England), The Planning Inspectorate

⁴ Paragraph 1.5, Further Environmental Information (FEI) for eight turbines, April 2014

- 4.5 Eight turbines would have an installed generating capacity of up to 20 Mega Watts (MW). The appellant now estimates this could produce up to 54,500 MWh of electricity per year (equivalent to the annual electricity consumption of 12,100 homes) although this is inconsistent with their original statement which predicted an installed 20MW capacity would generate up to 43,800MWh (electricity for 9,300 homes).
- 4.6 The 25MW ten turbine scheme had been predicted to generate up to 54,750MWh (equivalent to 11,600 homes).
- 4.7 Access would still be taken from the same points on the A15 to the east and B1398 to the west. Access tracks within the site would remain unchanged, bar the deletion of tracks serving turbines 4 and 5. The total length of new access track proposed is now 2658sqm (formerly 3390sqm).
- 4.8 The appellant anticipates the number of vehicle movements generated in the 12 month construction period would now be 21,430, down from 26,772 originally anticipated for the ten turbine scheme.

5.0 Consultation Responses

- 5.1 Prior to lodging their appeal with the Planning Inspectorate, the appellant has undertaken a 21 day period of public consultation, and deposited copies of their Further Environmental Information (FEI8) at the Council's Offices for public viewing. They placed a notice in the Lincolnshire Echo (8th May) and notified in writing all interested parties who had been notified or made comment on original planning application 128940.
- 5.2 Fifty-four letters were received. Of these, nine wrote in objection to the proposals, forty-five wrote in support of the amended scheme.

Comments in objection are summarised as:

- Modification does not address public concerns;
- Reduction in number has little relevance;
- Will still be visible from Norton Place and many miles around;
- Proposed amendment should be dismissed as a cynical and superficial gesture;
- Still have concerns with highway, aviation safety, ecology and ornithology.

Comments in support, all on a pro-forma letter, are summarised as:

- 8 turbines will still have a 20MW capacity, enough to meet demands of up to 12,100 homes per year;
- Will still offset the release of thousands of tonnes of CO2 per annum;
- Wind power is necessary as part of a renewable energy mix;
- Preferable to alternatives such as fracking.

- 5.3 In addition, a collective response has been submitted directly to the Council on behalf of the following Parish Councils (Bishop Norton & Atterby, Blyborough, Glenthams, Glentworth, Grayingham, Hemswell, Hemswell Cliff,

Normanby by Spital, Owmbly by Spital, Osgodby, Snitterby, Spital in the Street, Willoughton). Their comments, in summary, are as follows:

- Local Planning Authority has a statutory duty to have special regard to the desirability of preserving a listed building and its setting;
- Removing turbines 4 and 5 will only marginally reduce the impact on the setting of Norton Place and will have little effect in reducing the impact on *the Gate Lodges*. While Turbines 4 and 5 are the nearest to Norton Place they are also the lowest lying, which means that while the remaining turbines are further away they are also located on higher ground;
- The remaining turbines would still dominate the setting. The proposed development would, therefore, be contrary to para. 132 of the NPPF which states that substantial harm to a Grade 1 building should be “wholly exceptional”;
- The proposed 8 turbine development would have just as profound, detrimental and visual impact on the open and sweeping landscape character of the area as the 10 turbine scheme;
- The impact on the Cliff [AGLV] and the setting and appearance of the Till Vale, [which together with The Cliff forms the Lincolnshire Edge] would be just as detrimental as the original proposal. They would also have a negative impact upon the setting of, and views of and from, the Lincolnshire Wolds Area of Outstanding Natural Beauty.
- Negative impacts will be exacerbated by the exposed and elevated skyline location, and the dynamic and industrial nature of the development so it cannot reasonably be viewed as being in the interests of, or the protection and enhancement of the natural environment and accordingly the development is contrary to the environmental dimension of the Government’s objectives for achieving sustainability development contrary to government policy;
- The Environmental Impact Assessment for the 8 turbine scheme is flawed. A proper landscape impact assessment shows that the Lincolnshire Edge is highly sensitive to ANY development;
- The Parish Councils considers the proposed site to be totally unsuitable due to its close proximity (1-3km) to a large number of rural communities. The 8 turbine scheme makes little difference to this. The proposed turbines would still adversely affect the quality of life, visual amenity and wellbeing of *thousands* of local residents, their school and care homes and businesses.
- The 8 turbine development will still be likely to lead to a loss of amenity to residents and potential harm to vulnerable children and others contrary to paras 17, 69, 70, 110 and 123 of the NPPF and West Lindsey Local Plan policy STRAT1;

5.4 Villages of the Cliff Against Turbines (VOCAT) are a Rule 6 Main Party at the Inquiry and will present evidence to the Inspector. They have submitted a statement of comments directly to the Council which can be summarised as:

- Temporary compound would now be relocated to area previously subject to archaeological investigation (trenches 16 and 17);
- Consider insufficient investigation has been given to a “a minimal sequence of likely post-medieval date’ found in trench 16 and question appellant’s conclusions;

- Consider inadequate archaeological investigation has been given to the effect of surface water trenches alongside tracks, and required cabling;
- Less than 1% of overall site subject to investigation, yet a third of trenches found archaeological interest;
- When placed alongside evidence from earlier archaeological work in the area, there is little room for doubt that the bulk of the evidence clearly points to human occupation of the site over a very long period.

6.0 Planning Policy

- 6.1 The relevant planning policy framework against which the development needs to be considered is largely unaltered since the 30th October 2013 Extraordinary Committee Meeting, with the following exceptions.
- 6.2 The Planning Practice Guidance for Renewable and Low Carbon Energy (DCLG, July 2013) was cancelled in March 2014, following the launch of the Government's online suite of National Planning Practice Guidance (NPPG). The **NPPG** includes guidance on **Renewable and Low Carbon Energy**⁵ most recently updated on 10th April 2014. The NPPG guidance reflects that in the earlier July 2013 guidance. The online suite also includes guidance on the **Natural Environment**⁶ and **Conserving and Enhancing the Historic Environment**⁷.
- 6.3 The Draft Central Lincolnshire Core Strategy was withdrawn from public examination in January 2014. It will not be continued and is no longer a material consideration. It will be replaced by a new **Central Lincolnshire Local Plan**. The published Local Development Scheme anticipates the new Local Plan will be submitted for examination in 2016, with adoption towards the end of that year. The first draft of the Local Plan will be published for public consultation in autumn this year. The NPPF advises (paragraph 216) that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies – any relevant policies will be reported to the Inquiry.
- 6.4 The following remain relevant to the development proposed:
- **National Planning Policy Framework (NPPF)**
<http://planningguidance.planningportal.gov.uk/blog/policy/>
 - **Overarching National Policy Statement for Energy (EN-1) – DECC (July 2011).**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf
 - **National Policy Statement for Renewable Energy Infrastructure (EN-3) – DECC (July 2011).**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47856/1940-nps-renewable-energy-en3.pdf

⁵ <http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/>

⁶ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

⁷ <http://planningguidance.planningportal.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/>

6.5 Until the adoption of the Central Lincolnshire Local Plan, the statutory development plan in force remains the West Lindsey Local Plan First Review (June 2006). http://www2.west-lindsey.gov.uk/localplan/plan_index.htm

The following saved policies remain applicable:

- STRAT1: Development requiring Planning Permission;
- STRAT12: Development in Open Countryside;
- CORE10: Open Space and Landscaping within developments;
- NBE8: Historic Parks and Gardens;
- NBE10: Protection of Landscape Character in Development Proposals

6.6 Planning law requires planning decisions to be made in accordance with the provisions of the development plan, unless material considerations indicate otherwise. The NPPF, a material planning consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

7.0 Renewable Energy Benefits

7.1 The alternative scheme proposes eight turbines of 2 to 2.5MW installed generating capacity each. This gives the 8 turbine windfarm an overall installed capacity of between 16 and 20MW.

7.2 The original ten turbine scheme would have an overall installed capacity of between 20 and 25MW.

7.3 The appellant claims⁸ that the alternative scheme will generate between 48,600MWh (16MW farm) and 54,350MWh (20MW farm) per annum. This is inconsistent, and indeed greater, than their original assessment⁹ which predicts between 43,800MWh (20MW farm) and 54,750MWh (25MW farm) per annum for the ten turbine scheme.

7.4 Consequentially and for consistency, the calculation for energy production employed by Renewable UK's Wind Energy database¹⁰ has been applied. This predicts the eight turbine scheme (20MW) could produce up to 48,500MWh per annum; the ten turbine scheme could produce up to 60,600MWh per annum.

7.5 Based on annual electricity consumption per home of 4500KWh, the eight turbine scheme would generate enough electricity to potentially meet the needs of over 10,700 homes per annum. The ten turbine scheme would potentially generate enough electricity to meet the needs of over 13,400 homes per annum.

7.6 Overall, the loss of two turbines proposed by the alternative scheme will result in a 20% reduction in potential electricity generation from the original scheme,

⁸ Table 4.1, Further Environmental Information Report for Eight Turbine Scheme (April 2014)

⁹ Table 4.1, Environmental Statement (June 2012)

¹⁰ <http://www.renewableuk.com/en/renewable-energy/wind-energy/uk-wind-energy-database/figures-explained.cfm>

and therefore a reduction in the benefits that would arise from the development.

8.0 Heritage Assets

8.1 Turbines 4 and 5 are in closest proximity to Norton Place Gates. It is identified in paragraph 7.4 of the appellant's FEI, that, 'For all designated assets in the defined study areas, other than the group at Norton Place, the visual impact assessment is the same as the 10 turbine scheme.' This statement acknowledges that the 8 turbine scheme does not ameliorate the impact on the heritage assets in the defined study area which includes the Scheduled Ancient Monuments Temple Garth and Monks Garth, Willoughton, Blyborough Grange, grade II, the collection of listed buildings within Spital in the Street and Hemswell Conservation Area. It is concluded that these impacts upon setting will remain the same.

8.2 With regards to the assets at Norton Place this includes the house, Norton Place (grade I listed), the Gate Lodges (listed grade II) and the locally designated historic park and garden to Norton Place.

8.3 Impact on Norton Place and its park and garden –The accompanying visualisations¹¹ clearly indicates the array of turbines, with all 8 positioned along the backdrop to Norton Place from views to the south east as identified in the heritage response to the original application. The removal of 2 of the 10 turbines would only result in a modest reduction on the horizontal extent of the proposed scheme. Therefore, the comments regarding the highly adverse visual impact due to the turbines being a discordant intrusive addition to the landscape, the harm caused by the density and disposition (exacerbated by the movement of the turbine blades) which will intensify their visual dominance, the competing of the turbines with the Norton Place as the intended and current dominant built element in the landscape. The negative impact of this factor upon the ability of the current viewer in understanding the objectives of the original design are still relevant. The removal of turbines 4 and 5 is not considered to have any meaningful impact on the level of harm to the setting of Norton Place caused by the turbines, and as such this harm remains substantial.

8.4 Impact on Gates Lodges to Norton Place – Whilst turbine 4 and 5 were the two of the ten turbines closest to the designated heritage asset, their removal is not considered to lessen the harmful impact of a Wind Farm which has an acute spatial and visual relationship with the heritage asset on the other side of the A15. As such, the issues regarding the resultant visual dominance of 8 turbines in views towards the Gate Lodges, the loss of the intention of the original scheme which is valid still today whereby the Gate Lodges remain the key built feature along a substantial stretch of the A15, and the intensification of the visual dominance and intrusion by the movements of the turbine blades remains pertinent. The level of harm is still considered to be substantial.

¹¹ Figure 7.5c, Heritage Viewpoint 3 Photomontage, FEI8 Volume 2

8.5 It is relevant to note that the appellant's Further Environmental Information does not specifically address what mitigation they consider should arise through the removal of the two turbines.

8.6 In conclusion, the removal of two turbines is not considered to overcome the unacceptable high level of visual intrusion and visual dominance, and the principles on which the original objection was based remains valid. The proposed development of an 8 turbine Wind Farm at Hemswell Cliff would result in substantial harm to the setting of Norton Place, its park and garden and its Gate Lodges. The level of harm to the other heritage assets identified in this report remains unchanged from that considered with the original scheme.

9.0 Archaeology

9.1 The second reason for refusal of application 128940 relates to substantial harm arising to heritage assets of significant archaeological interest. On site investigative work, including trial trenching, took place during consideration of the application which was detailed within a subsequent Archaeological Evaluation Report.

9.2 The Archaeological Evaluation Report found some areas of the development site to be archaeologically sensitive, with significant archaeological remains.

9.3 Most particularly the area of the proposed construction compound has archaeological remains of a settlement from the late Iron Age to late Roman, with the focus on the 3rd and 4th centuries. A second area of settlement includes a probable ring ditch and two flanking linears dating to the late 1st and early 2nd centuries. A third focus included areas of burning and a possible limestone structure. The evaluation report concludes "The presence of a late Roman stone structure in Trench 10 combined with a relatively high occurrence of fine Roman tablewares usually found in association with towns and villae is of particular significance".

9.4 No mitigation strategy was put forward by the applicant to address the impact upon these heritage assets, and planning permission was refused on these grounds as a consequence.

9.5 Within the eight turbine alternative scheme, it is now proposed to relocate the proposed construction compound to the location of the removed turbine 5. Archaeological evaluation showed that the northern half of the turbine footprint was archaeologically negative and further south, evaluation revealed a minimum sequence of probable post-medieval dry-stone walling or boundary and plough scarring. Although interesting, this can be preserved by record.

9.6 An Archaeology Mitigation Plan¹² has also now been provided. In summary, it proposes preservation in situ of areas of high archaeological significance, chiefly the former compound location. This would be fenced off during construction.

¹² Appendix 7.3, Further Environmental Information Report (8 Turbine Scheme)

9.7 Preservation by record (through strip, map and record) is proposed for those areas identified as of less than significant archaeological remains – this would be in the areas for turbine 1, turbine 6, access track to turbine 2 and site access from the A15 Ermine Street.

9.8 Post excavation assessment and reporting is proposed.

9.9 The County Archaeology Team has reviewed the revised scheme and consider the relocation of the construction compound and detailed Archaeology Mitigation Plan are sufficient to overcome concerns in regard to the impact upon any archaeologically significant finds.

9.10 It is considered that, with the application of planning conditions to secure the archaeological mitigation scheme and post-excavation reporting, that the second reason of refusal for 128940 would now be addressed.

9.11 The Committee may wish to note that the appellant has proposed the relocation of the temporary construction compound on the original ten turbine scheme also. They now seek to locate it alongside the access track serving turbine 9, to the west of the originally proposed site. Again, this would look to overcome concerns with the effect upon below ground heritage assets. Officers are working with the appellant to secure suitable planning conditions to ensure adequate mitigation is provided, but it is anticipated that this would overcome the original reason for refusal.

10.0 Landscape and Visual Impact

10.1 The third reason for refusal of Application 128940 (10 turbine scheme) relates to the adverse visual impact on the setting and appearance of local landscape character in particular the Cliff Area of Great Landscape Value (AGLV) due to the scale of the development, number of turbines and their setting.

10.2 Having compared the original scheme with the alternative 8 turbine scheme it is concluded that with regards to the landscape and visual effects, there would be no material change between the two schemes. This conclusion seems to be in line with the Appellant's own view, who states in paragraph 1.5 of the FEI (8 turbine scheme) that the *'revision of the scheme is proposed in order to further minimise the potential impacts upon archaeology and heritage assets (emphasis added) in the vicinity of the turbines'*. Landscape / Visual impact mitigation is not cited as a reason for the change. While it is accepted that in some locations there would be a small difference in views, the reduced number of turbines would not change the overall significance of the assessed landscape and visual effects.

10.3 As a starting point, the analysis of Zone of Theoretical Visibility (ZTV) drawings for both schemes¹³ shows very little difference in the theoretical visibility between the two schemes. Both proposed schemes would be visible from the same area; however, the visibility of individual turbines may change in some views due to vegetative and built form screening. This would not

¹³ Figure 6.5 Rev May 2013 for the 2013 SEI and Figure 6.10 for the 2014 LVIA

affect the general visibility of the proposed schemes but may have impact on the perception of its scale, especially in views up to 1km from the site.

10.4 The third reason for refusal relates predominantly to the effect of the proposed Hemswell Wind Farm on the aesthetic and perceptual aspects of landscape character and on residential amenity due to change in views from the surrounding area. Impact of either of the schemes on the physical landscape would be minimal (not significant) and the removal of turbines 4 and 5 from the original scheme is not considered material in the context of the third reason for refusal.

10.5 Table 10.1 below shows a comparative analysis of views from 22 Viewpoints included in the 2013 SEI for the 10 Turbine Scheme and the 2014 LVIA for the 8 Turbine Scheme.

VP ref	Supplementary Environmental Information 2013 (10 Turbine Scheme)	2014 LVIA for 8 Turbine Scheme
1	Turbines 4 and 5 visible behind vegetation and built form	Small change due to removal of turbines 4 and 5. No change in the significance of the visual effect.
2	Turbines 4 and 5 not visible due to landform screening.	No change.
3	Turbines 4 and 5 not visible due to landform screening.	No change.
4	Turbines 4 and 5 not visible due to landform screening.	No change.
5	Turbines 4 and 5 clearly visible in the foreground.	Small change due to removal of turbines 4 and 5. Despite the clearly visible change there would be no change in the significance of effect. The 8 turbine scheme would continue to dominate the view.
6	Turbines 4 and 5 visible among other 8 turbines.	Very small change due to the same horizontal extent of the wind farm within the view. No change in the significance of the visual effect.
7	Turbines 4 and 5 screened by existing woodland in the foreground.	No change.
8	Turbines 4 and 5 visible to the left of the remaining turbines.	Very small change due to reduced horizontal extent of the wind farm within the view. No change in the significance of the visual effect.
9	Turbines 4 and 5 screened by existing vegetation.	No change.
10	Turbines 4 and 5 visible among other 8 turbines, partially screened by vegetation.	Very small change due to the same horizontal extent of the wind farm within the view. No change in the significance of the visual effect.

VP ref	Supplementary Environmental Information 2013 (10 Turbine Scheme)	2014 LVIA for 8 Turbine Scheme
11	Turbines 4 and 5 screened by existing vegetation.	No change.
12	Turbines 4 and 5 screened by existing vegetation.	No change.
13	Turbines 4 and 5 visible among other 8 turbines, partially screened by vegetation.	Very small change due to the same horizontal extent of the wind farm within the view. No change in the significance of the visual effect.
14	Turbines 4 and 5 visible among the remaining turbines.	Very small change due to slightly reduced horizontal extent (removal of turbine 4) of the wind farm within the view. No change in the significance of the visual effect.
15	Turbines 4 and 5 visible to the left of the remaining turbines.	Very small change due to reduced horizontal extent of the wind farm within the view. No change in the significance of the visual effect.
16	Turbines 4 and 5 visible among other 8 turbines, partially screened by vegetation.	Very small change due to the same horizontal extent of the wind farm within the view. No change in the significance of the visual effect.
17	Turbines 4 and 5 screened by existing vegetation.	No change.
18	Turbines 4 and 5 visible among other 8 turbines, partially screened by vegetation.	Very small change due to the same horizontal extent of the wind farm within the view. No change in the significance of the visual effect.
19	No visualisation available.	Very small change due to the same horizontal extent of the wind farm within the view. No change in the significance of the visual effect.
20	Turbines 4 and 5 visible among other 8 turbines, partially screened by vegetation.	Very small change due to the same horizontal extent of the wind farm within the view. No change in the significance of the visual effect.
21	Turbines 4 and 5 mostly screened by existing vegetation and farm buildings.	Very small change due to the same horizontal extent of the wind farm within the view. No change in the significance of the visual effect.
22	No visualisation available.	No change due to screening by existing vegetation.

Table 10.1 – Comparison of viewpoints

10.6 The analysis of views from 22 Viewpoints included in the application led to the following conclusions:

- In none of the views the removal of turbines 4 and 5 from the 10 turbine scheme would lead to the change in the assessed significance of visual effect.
- The majority of views of the proposed development would either not change at all as a result of the removal of turbines 4 and 5 from the original scheme, or the visual change would be very small. This is due to various screening factors, such as landform, vegetation, built form, that provided effective screening of turbines 4 and 5 in the original 10 turbine scheme.
- In a limited number of views the removal of turbines 4 and 5 would reduce the horizontal extent of the entire wind farm in comparison with the 10 turbine scheme, where turbines 4 and 5 appeared as peripheral to the remaining turbines, but this change would be very small and would not lead to the change in the significance of visual effect.
- Despite short distance from the scheme and the reduced horizontal extent of the revised scheme, proposed view from Viewpoint 1 would not significantly differ in comparison to the original scheme due to existing vegetative and built form screening of the turbines 4 and 5 in the 10 turbine scheme. The perception of scale of either of the schemes from Hemswell Cliff would be similar. The remaining 8 turbines would continue to harm visual amenity of receptors in Hemswell Cliff and the significance of visual effect assessed for the original 10 turbine scheme would not change due to the reduction in the number of turbines from 10 to 8.
- The greatest visual change would be experienced from Viewpoint 5 which is located in the immediate vicinity of the proposed wind farm on A15, at the entrance to North Place. At this viewpoint, the removal of turbines 4 and 5 would be clearly visible; however, the 8 turbine scheme would remain as a dominant feature within the view causing a significant change to its character. Therefore, despite this apparent change, the visual effect on receptors at this viewpoint would remain significant.

10.7 The 8 turbine scheme would still result in harm to the setting of the following landscape assets:

- The Area of Great Landscape Value (AGLV);
- The Cliff Landscape Character Area (LCA);
- The Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB);
- Public Rights of Way (PRoW) and residential properties in close proximity to the site.

10.8 Despite the appellant's identification of significant effects in the vicinity of the site, adverse effects within the 5km of the proposed development (in particular

AGLV and The Cliff LCA) and the wider area (AONB) have not been fully recognised and appreciated. The effects on landscape within 5km of the site have been dismissed by the appellant due to their 'local' and 'inevitable' nature.

10.9 Following the landscape consultant's (Influence Environmental Ltd) consideration of the scheme at the appeal stage, an additional viewpoint on the Viking Way long distance path within the AONB, AGLV and in front of the 'Ramblers Church' at Walesby was identified. The viewpoint is located south of Viewpoint 19 from the Appellant's ES, in a highly sensitive location, and illustrates the potential significant effect on users of the Viking Way between the settlements of Nettleton and Tealby, along the western edge of the AONB.

10.11 The 8 turbine scheme would continue to cause significant adverse landscape and visual effects due to a change in views experienced by local residents and users of the local PRow, who are the main groups of receptors perceiving the landscape within the AGLV and The Cliff LCA. The change in aesthetic and perceptual aspects of the local landscape, as experienced by these receptors, would be significant. This adverse effect falls within the third reason for refusal which refers to the 'appearance of local landscape character'.

10.12 In conclusion, despite minor changes in some views in comparison to the 10 turbine scheme, the alternative 8 turbine scheme would continue to cause significant visual effects on landscape character and visual amenity and that the removal of turbines 4 and 5 would not be a material consideration with regards to the third reason for refusal.

11.0 Other Issues

11.1 *Biodiversity, Ornithology and Geological Conservation* – The previous Environmental Statement (ES) accompanying the original scheme, identified the site was used by five species of bat. No other protected species were identified. All bats are European Protected Species. The reduction of two turbines would not introduce further or increase risk to protected species.

The appellant has undertaken further ornithology baseline studies. Whilst the studies do identify a number of high sensitivity species do fly over the site, the low numbers conclude within the collision-risk modelling that the effect on regional or national populations would not be significant. The appellant acknowledges the potential for disturbance / displacement occurrence. It is considered the reduction of two turbines would marginally reduce collision risk.

11.2 *Noise and Vibration* – The ten turbine scheme was previously found to meet the ETSU-R-97 noise standards, as recommended by Planning Practice Guidance. A planning condition was proposed to place day and night time noise limits in accordance with the standards. The Further Environmental Information report (FEI8) predicts that the removal of turbines 4 and 5 will reduce predicted noise levels at Norton Place cottages by 3dB (less than 1dB at other properties). A condition to secure noise limits would still be necessary.

11.3 *Shadow Flicker* - Shadow flicker is a phenomenon arising under certain conditions, in which the sun may pass behind the rotors – resulting in the shadow of the moving blades “flickering” on and off a property. Assessment of application 128940 found that this phenomenon could occur to Norton Place Cottages arising from turbine 5. Conditions were proposed to mitigate the effect. With the removal of turbine 5, the possibility of shadow flicker to residential properties would no longer be anticipated. The appellant nonetheless proposes a photocell to shut down the turbines should certain conditions occur.

11.4 *Traffic and Transport* – The removal of turbines 4 and 5 would necessitate less traffic during the construction phase. The FEI estimates the alternative development would generate 21,430 vehicle movements (i.e. 10,715 vehicles) over the 12 month construction period. This is a reduction from the 26,772 vehicle movements originally anticipated with the ten turbine scheme.

11.5 *Civil, military aviation and defence interests*- The reduction of two turbines would not be expected to introduce new or additional aviation / defence concerns. The FEI states that stakeholders’ objections have now all been resolved although at the time of writing (April 2014), contractual details remain to be resolved with Robin Hood Airport Doncaster Sheffield (RHADS).

11.6 *Telecommunications Infrastructure* – The reduction of two turbines would not be expected to have any significant effect upon the potential for the windfarm to disrupt television and telecommunication signals. This would need to be addressed with conditions to require post-construction surveys and mitigation as required, in accordance with best practice.

12.0 Conclusion

12.1 National policy (NPPF paragraph 98) states that “local planning authorities should approve [renewable energy] applications (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.”

12.2 The amended scheme would have an installed energy capacity of between 16 and 20MW. This could potentially generate up to 48,500MWh and would off-set CO2 emissions. This can be attached significant weight although the amended scheme does result in a quite significant 20% reduction in capacity from the original 10 turbine scheme.

12.3 It is concluded that the amended scheme does now address previous concerns with the impact upon important archaeological heritage assets.

12.4 National Planning Practice Guidance¹⁴ does advise “the need for renewable or low carbon energy does not automatically override environmental protections”.

12.5 It is concluded that the revised scheme does not address concerns in regard to the landscape and visual impacts of the development. The eight turbine scheme will still have a significant impact in this regard.

12.6 It is concluded that the amended scheme would still have a significant effect upon the setting of a number of designated and non-designated heritage assets, and would lead to substantial harm to the setting of the Grade I listed Norton Place, its landscaped grounds, and Grade II listed gates.

12.7 It is considered that this significant and demonstrable harm would continue to outweigh the (reduced) benefits of the proposed development.

13.0 Recommendation

13.1 West Lindsey District Council would, if considering an alternative planning application for eight turbines, have refused planning permission on the grounds of harm to the landscape character and setting of heritage assets, which is deemed to outweigh the benefits of the proposed development. For the following reasons:

1. The proposed development would, as a result of its scale, massing and juxtaposition, significantly intrude upon and dominate the setting of nearby heritage assets resulting in substantial harm to the detriment of their significance. These assets would include Norton Place, comprising a Grade I Listed Building of highest significance set within a locally designated Historic Park and Garden. This would be contrary to saved policies STRAT1 and NBE8 of the West Lindsey Local Plan First Review (June 2006), policies which are consistent with the National Planning Policy Framework aim to conserve and enhance the significance of the historic environment.
2. The scale of the development , number of turbines and their siting would have an adverse visual impact on the setting and appearance of local landscape character in particular the Cliff Area of Great Landscape Value contrary to part i, iii, iv of policy NBE10, STRAT 1 and para 7 and part 12 of the NPPF.

¹⁴ Paragraph: 007 Reference ID: 5-007-20140306, National Planning Practice Guidance – Renewable and Low Carbon Energy