PL.09 13/14
Special Planning Committee
Date 30 October 2013

Subject: Windfarm – Land at Hemswell Cliff

Report by:	Director of Regeneration and Planning
Contact Officer:	Russell Clarkson Senior Development Management Officer 01427 676641 Russell.clarkson@west-lindsey.gov.uk
Purpose / Summary:	Planning application for construction of windfarm on land at Hemswell Cliff.

RECOMMENDATION(S): That planning permission be refused on the following grounds:

a) **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.**

b) **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.**

IMPLICATIONS

Legal: addressed in the report

Financial : the planning application is recommended for refusal which provides the applicant with the right to lodge an appeal. Precise details of the appeal are not known but there would be financial implications of preparing evidence and representing the council as part of the appeals process. These are not material planning considerations that can be taken into account when determining the planning application.

Staffing : the planning application is recommended for refusal which provides the applicant with the right to lodge an appeal. Officers would need to prepare evidence for and attend the appeal. Exact staffing levels and officer time required would not be known until details of the appeal were known.

Equality and Diversity including Human Rights :addressed in the report

Risk Assessment : n/a

Climate Related Risks and Opportunities : addressed in the report

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

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**	

Summary:

Planning Application No: 128940

PROPOSAL: Planning application for 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.

LOCATION: Land at Hemswell Cliff Hemswell Lincolnshire
WARD: Hemswell
WARD MEMBER: Councillor P Howitt-Cowan
APPLICANT NAME: RWE Npower Renewables Ltd

TARGET DECISION DATE: 23/02/2013
DEVELOPMENT TYPE: Large Major - Other
CASE OFFICER: Russell Clarkson

RECOMMENDED DECISION: Refuse planning permission

The Proposed Development

1.1 The application seeks planning permission to erect a 20 to 25 mega-watt (MW) wind farm comprising ten turbines and ancillary infrastructure.

1.2 Whilst the final make and model of turbine has not been determined, they would be typical three blade designs on a horizontal axis set on a solid tubular steel tower. The turbines are anticipated to have a generating capacity of 2 to 2.5MW each, a hub height of approximately 80 metres (m), approximate rotor diameter of 93m, and maximum blade tip height of 126.5m. They would be finished in a pale semi-matt grey or as otherwise agreed with the Planning Authority.

1.3 The turbines would operate in wind speeds of between 4 and 25 metres per second (m/s) – approximately 9 to 56 miles per hour. It is anticipated rotational speeds would range from 7.8 to 15 revolutions per minute (rpm).

1.4 The turbines would be located at the following coordinates, subject to a maximum micro-siting tolerance of 30m:

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

1.5 Each turbine would be located on an approximate 15m^2 concrete raft foundation sunk to approximately 3m. Each would have a hardstanding crane pad adjacent, to measure approximately 40m by 20m, which would be retained for the duration of the windfarm's operation.

1.6 Each turbine's electrical transformer would be housed either within the turbine tower itself, or a 4.5m wide x 2.5m long x 3m high cabin at the foot of the turbine. Five turbines (no.'s 2, 4, 5, 7 and 10) would have infra-red aviation lighting.

1.7 A permanent anemometer mast would be located to the south-west of turbine 10. This would be a steel lattice tower up to 80m in height. It would be set on an 8m x 8m concrete foundation base, with a 375m^2 crane pad adjoining.

1.8 A 20m long by 7.5m wide single storey control building would be located to the north-west of turbine 10. This would house a substation, switchgear, meters, the site office, and store rooms. A 7.5m x 5m external compound area would be located adjacent to the control building.

1.9 Approximately 5km of cabling would be located in 1.5m deep trenches. The plans anticipate the development would connect to the local electricity distribution network to the south of the site. Cabling would be likely to connect the on-site substation to the AWS Eco Plastics recycling facility substation to the south of the site. Each turbine would be served by a new 5m wide unpaved (stone surface) access track.

1.10 At the location of an existing agricultural access, a new vehicular access would be formed from the A15 (Ermine Road) running along the site's eastern boundary. The Environmental Statement indicates this would be used for access by all Heavy Goods Vehicles (including abnormal loads) during the construction phase. Northbound HGVs and abnormal loads would exit from this point. A new access bell mouth with demountable bollards would be formed to allow for the sweep path of the abnormal loads during construction / decommissioning. A 4.5m by 215m visibility splay would be achieved.

1.11 Vehicular access would be formed at an existing farm access on the B1398 (Middle Street) on the western site boundary. This would be used by Light Goods Vehicles (LGV) and cars to access and exit the

site. Southbound HGVs would also exit from this point. A visibility splay of 4.5m by 160m would be achieved to the north of the junction, with a 215m splay to the south.

1.12 The lifespan of the development is given as twenty-five years, with the development to be decommissioned and removed at that time.

2 Site description

2.1 The site area, drawn closely around the areas of proposed development, would measure 37.5ha, and extends across agricultural fields situated between the A15 (Ermine Street) and B1398 (Middle Street). The land is predominantly arable (Agricultural Land Classification Grades 2 and 3), although some areas have been cultivated for game cover. Site topography gently slopes down from west to east, from approximately 73m Above Ordnance Datum (AOD) to 34m AOD.

2.2 To the west is the village of Hemswell, approximately 1.1km from the nearest turbine (10). The majority of the village is within a Conservation Area.

To the north-west is the village of Willoughton, approximately 1.6km from the nearest turbine (1). Willoughton contains two scheduled ancient monuments -
Temple Garth, the site of a medieval preceptory and settlement remains, and Monks Garth, a moated site.

The villages of Atterby and Bishop Norton are approximately 2.2km to the east of the nearest turbine (4).

To the south is Hemswell Cliff, a former RAF camp, now a residential area and business park. The Hemswell Cliff Primary school is approximately 1.1km to the south of the nearest turbine (7).

The Grade I Listed Norton House is located approximately 1km to the east of turbine 5.

The hamlet of Spital in the Street is located 1.2km south of turbine 5.

3 Town and Country Planning (Environmental Impact Assessment) Regulations 2011:

3.1 The application is ‘EIA Development’ under the 2011 Regulations and an Environmental Statement (ES) has been submitted with the application.

3.2 Following a formal further information request, the applicant has also submitted a Supplementary Environmental Information Statement (SEI).

4 **Relevant history:**

4.1 127263 - Planning Application for the erection of a temporary anemometry mast. Approved 05/08/2011 (temporary permission expiring 05/08/2014).

5 **Representations:**

Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

5.1 **Chairman/Ward member:** No comments received.

5.2 **Edward Leigh MP:** Opposes the development. Considers it would be very foolish and unwise to allow this application to be approved. Unsightly turbines mar the beautiful scenery of our countryside, consume massive subsidies of public money. Complete reliance on government subsidy belies wind turbines complete lack of long-term sustainability. Applicants have been dismissive of legitimate concerns relayed to them by villagers and other locals.

5.3 **Councillor L Strange (County Councillor):** Formally objects. Development is huge and out of character in this valuable agricultural landscape. Will stand out on Cliff top, ruining views, including from Wolds AONB. Adverse affect upon quality of life for 10 surrounding villages. Loss of tourism. Danger on A15 from driver distraction. A negative effect on school children at Hemswell Cliff. Danger to rare birds. Lack of public consultation. Defence of the realm – will compromise military aviation. Should not be situated within 2km of any residence. Questions what steps will be taken to ensure decommissioning.

5.4 **Parish Councils**

Bishop Norton and Atterby Parish Council: Randomly selected site – no district wide appraisal of suitable sites. Totally unsuitable due to close proximity of rural communities and destructive impact on landscape and visual aspect of the Cliff, and the Lincolnshire Wolds, an Area of Outstanding Natural Beauty. Concerns with site selection, scale, photomontages, unsatisfactory Landscape and Visual Impact Assessment, impact on communities, road safety, noise and disturbance, archaeology, ecology, ornithology and aviation. Concerns development is steam-rolling over localism and against new planning guidance intended to give greater weight to views of local communities. Concerns with applicant consulting on Community Funds. Revised evidence in SEI does not address concerns. Applicant has deliberately avoided producing a visual representation looking towards the turbines from Norton End Lane.

Blyborough Parish Council: Concerns with site selection, visual impact, road safety, radar/radio/wifi/tv interference, noise and disturbance, archaeology, ecology, ornithology. Concerns development is steam-rolling over localism and against new planning guidance intended to give greater weight to views of local communities. Contrary to Local Plan policies STRAT12, NBE10.

Blyton Parish Council: Object and support neighbouring parishes – urge Secretary of State Ministerial Statement is taken into account.

Caenby Parish Council: Object to development. Detrimental to landscape, road safety concerns, cause health issues. Application made from greed not need.

Corringham Parish Council: Deep concern regarding the amount of wind turbine applications within the area. Ask that WLDC limit the amount of applications and those acceptable turbines are located closer to the buildings for which they supply electricity.

Glentham Parish Council: Concerns with site selection, landscape and visual impact, archaeology and cultural impact, road safety, noise, ecology, ornithology, infrastructure, telecommunications aviation and radar.

Glentworth Parish Council: Object on grounds of visual disturbance, impact on conservation villages, contrary to LCC guidelines, highways safety, noise and disturbance, wildlife. Photomontages give woefully inadequate picture. Concerns with MET Office Radar. Effect on television reception. Legal duty to give regard to preserving or enhancing Glentworth Conservation Area.

Grayingham Parish Council: Concerns over landscape, visual amenity, scale, highway safety, noise disturbance and community impact, nature and wildlife. Concerns development is steam-rolling over localism and against new planning guidance intended to give greater weight to views of local communities. Development is contrary to local plan policies STRAT1, STRAT12, NBE10.

Hemswell Parish Council: fails to meet key requirements of NPPF. Concerns with landscape character assessment, conservation villages, contrary to Local plan policies STRAT1 STRAT12 and NBE10. Contrary to emerging Core Strategy policies on landscape and heritage protection. Council has a legal duty to preserve or enhance conservation areas.

Hemswell Cliff Parish Council: Object on grounds of visual disturbance, contrary to LCC distance guidelines, highways safety, noise and disturbance, wildlife. Photomontages give woefully inadequate picture. Concerns with MET Office Radar. Effect on

television reception. Contrary to Local plan policy NBE10 and will harm Area of Great Landscape Value (AGLV).

Owmby by Spital: Concerns with site selection, landscape and visual impact; archaeology and cultural heritage; road safety; noise; ecology; ornithology; infrastructure, telecommunications, aviation and radar.

Osgodby Parish Council: Concerns with site selection, landscape and visual impact; archaeology and cultural heritage; road safety; noise; ecology; ornithology; infrastructure, telecommunications, aviation and radar.

Snitterby Parish Council: Strongly object. Totally unsuitable due to close proximity of rural communities and destructive impact on landscape and visual aspect of the Cliff, and the Lincolnshire Wolds, an Area of Outstanding Natural Beauty. Views of the Wolds are very important to Snitterby and other Cliff villages. Concerns with site selection, scale, photomontages, unsatisfactory Landscape and Visual Impact Assessment, impact on communities, road safety, noise and disturbance, archaeology and aviation. Concerns development is steam-rolling over localism and against new planning guidance intended to give greater weight to views of local communities.

Springthorpe Parish Council: object to any development of wind turbines anywhere in the region. Will dominate Lincoln Cathedral, and skyline of Lincolnshire, Humberside, Notts and parts of Yorkshire. Risk of traffic accidents.

Waddingham Parish Council: concerns regarding A15 driver distraction. Object on grounds of highway and safety concerns and detrimental effect on Lincolnshire countryside.

Willoughton Parish Council: Object on grounds of landscape character and visual amenity, residential amenity, archaeology, ecology, traffic, aircraft safeguarding, shadow flicker, ice drop, effect on local business. Note Government ministerial Statement to give greater power to local communities.

5.5 **Neighbouring Authorities**

Bassetlaw District Council: Has no observations.

City of Lincoln Council: Has no objections.

East Lindsey District Council: has no objections.

Newark and Sherwood District Council: Do not consider there will be a significant adverse impact on District in terms of visual/landscape and heritage considerations. Considered there will be no adverse impacts on noise, shadow flicker or other environmental effects.

North East Lincolnshire Council: has no objections and in principle supports wind energy as encouraged by national planning guidance.

North Kesteven District Council: raise no objections.

North Lincolnshire Council: Have no comments to make.

5.6 **Other Consultees**

i **Central Lincolnshire Joint Planning Unit:** National policy advises local authorities to encourage and support the delivery of renewable and low carbon energy generation in meeting national targets. Regional plan sets criteria for considering renewable energy development. Low Carbon Energy Opportunities and Heat Mapping for Local Planning Area across the East Midlands Study (March 2011), indicates onshore wind forms the greatest technical resource potential for all of the local authorities in Lincolnshire (excluding Lincoln). Local plan policy SUS11 not saved by Government Direction. Draft Policy CL3 of Core Strategy sets a local target of 60% of electricity to come from renewable sources by 2026.

ii **LCC Highways:** require 4.5m x 215m visibility splay onto B1938. Gradient of access roads should be no steeper than 1 in 40 metres for a distance of 20 metres, no steeper than 1:20 for a further 30metres, thereafter no steeper than 1:15. Condition survey of public highway is required both prior to and following construction.

iii **LCC Public Rights of Way Officer:** have no comments or observations as there are no proven rights of way across or in immediate vicinity of the site.

iv **Environment Agency:** Recommend conditions on land contamination, foul drainage, and surface water.

v **English Heritage:** Urge Authority to have special regard to setting of GII* listed Church of St Andrew and scheduled monuments of Monks Garth and Temple Garth in Willoughton, and to the setting of GI listed Norton House and its GII listed Gate Lodges, Gateway and Gates with the associated designed landscape including the GII* listed Bridge over lakes and GII listed Coach House. The appearance of turbines in the landscape contexts of these features can harm significance by intrusion into their experience of their historic landscape relationships and context. Suggest particular attention is paid to turbines 1 and 10 with regard to Willoughton assets, and turbine 5 with respect to Norton Place. Note additional information with regard to the former layout of a principal approach to Norton House from the south. This approach appears to survive in the modern landscape before taking a now lost branch to cross the listed bridge over the lake. The information from early map sources clearly indicates to us that the montage view looking north towards the house (with turbines) behind is a key designed historic view from the start of this formal approach

through the park to the house. As such the dominant presence of the turbines in this view represent not an incidental visibility but a direct intrusion into a constructed view supporting the significance of the designated heritage assets. It would therefore be entirely reasonable in our view for your authority to consider this substantial harm to the significance of the highly graded listed house and bridge and the wider undesignated designed landscape.

vi **Conservation Officer:** potential for a significant impact to their setting are the following:

- Norton Place, listed grade I: The proposed turbines will be a discordant intrusive addition to the well preserved designed landscape including the intended and existing panoramic vista viewpoints, causing substantial harm to its setting. It will result in a density and disposition which will cause an unacceptable visual dominance, causing substantial harm. The movement of the turbine blades will intensify this; and provide a distraction making it difficult to understand the original objectives of the house and landscape design. Norton Place is the dominant built element within the wider natural and designed landscape - this will no longer be the case and the adjacent turbines will introduce unacceptable visual dominance causing substantial harm. Norton Place was designed to be dominant element within its planned landscape and in wider views; this was a key concept underpinning the original and current setting of heritage asset. The intrusion of turbines as large scale manmade structures will therefore cause substantial harm.
- Gate Lodges at Norton Place, listed grade II: The intended and existing pre eminence of the gateway in the wider landscape as the dominant built element would be effectively destroyed when competing with ten 126.5 metre tall turbines constructed just over 700 metres. Unacceptable visual dominance will cause substantial harm to the character and appearance of the heritage asset and to its setting. When exiting the designed landscape of Norton Place through the gateway the view will immediately encounter the windfarm in views to the north whereas currently the view enjoys a 180 degree open panorama. It is considered that the visual dominance and intrusion of the windfarm into the historic landscape will cause substantial harm to the setting of Norton Place Gates and Lodge and to Norton Place itself.
- Temple Garth, Willoughton, site of medieval preceptory and settlement remains, Scheduled Ancient Monument (SM22612): Taking into account distance, topography and intervening built features it is considered that there will be a visual impact of the turbines however this is not considered to be substantially harmful.
- Monks Garth, Willoughton, moated site, Scheduled Ancient Monument (SM22618): Taking into account distance, topography and intervening built features it is considered that there will be a visual impact of the turbines however this is not considered to be substantially harmful.
- Listed Buildings in Spital in the Street: The turbines introduce an unacceptable visual dominance however, given the position of the agricultural sheds in views towards the turbines it is considered that

although there is harm to the setting of the Spital Almshouses, Spital Almshouses Barn, Cromwell House and the Church of St Edmund as a group and individually it is not substantial harm.

- Blyborough Grange, listed grade II: due to the position of the Blyborough Grange in a slight hollow and the rise of the land away from the site it is considered that these views will be limited, particularly in conjunction with the existing soft landscaping, and therefore the harm to its setting is low level.
- Hemswell Conservation Area: A considerable contribution to its character and quality, and therefore the setting of the Hemswell Conservation Area, is the notable absence of development along the skyline. This factor serves to emphasis the setting of Hemswell as it nestles against the cliff as the only substantial development in this undeveloped setting. Viewpoint photomontage 13 shows that 3no. turbines will be highly visible on the skyline and will be a discordant and visually dominant element in the established character of the landscape. It is therefore considered that they will cause harm to the setting of the Hemswell Conservation Area.

vii **Archaeology:** The site is an area of archaeological sensitivity as is identified within the EIA. Further archaeological evaluation including a geophysical survey and trial trenching has been undertaken on this proposed development site. This has identified that some areas of the proposed development are archaeologically sensitive with significant archaeological remains. 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. Whilst provisional discussions with the archaeological consultant have discussed potential mitigation requirements, no formal mitigation strategy has been received as part of the EIA to make any comments on. It is usual process that an EIA should have a proposed mitigation strategy put forward within the application. Due to the lack of information on the proposed archaeological mitigation strategy I am unable to make any comments as to the suitability of any proposed mitigation works.

viii **Lincolnshire Gardens Trust:** Lincolnshire has very few registered parks and gardens because so many have been destroyed. This wind farm development would seriously impact on one of the county's finest surviving examples of eighteenth century holistic, naturalistic and practical country park designs at Norton Place. Thomas White (1739-1811) provided the Norton plan (1772 extant) for the setting of the John Carr house (EH Grade I) built for John Harrison MP. The design is still readily understood and remains extremely effective, and any later planting is mostly in sympathy with the original plan. Norton is a local historic landscape of significance and the early views were recorded by Howlett (1805) and Jean Claude Nattes (1794). Although the proposed 10 turbine wind farm would seem to be relatively screened by the

wooded belt of trees, in time this belt may deteriorate. Whirling blades would considerably hinder the ambiance of the approach to the Georgian historic asset. Moreover, they would seriously affect peaceful, designed views to the park and house, which has been an attractive intentional feature for passers by on the A 631 main road for over two hundred years. A "forest" of towering turbines would be a considerable hindrance to the harmony of the one of the best local historic landscapes. Such a twenty-first century intrusion along Ermine Street would be seen for miles around, and quite possibly impinge on the ambiance and character of other historic settings such as Glentworth, Harpswell and Fillingham Castle.

ix **Environmental Health:** Level of potential contamination could be dealt with by planning condition. Anticipated noise can be conditioned.

x **Civil Aviation Authority:** Need, if approved, to advise the Defence Geographic System of details. Owing to the height, there is no CAA requirement for the turbines to be lit, but would support another aviation stakeholders request for lighting if made.

xi **National Air Traffic Services (NATS):** Originally objected to the proposals as there is insufficient terrain shielding from the Primary Radar Service at Claxby. However, are prepared to lift objection subject to the imposition of a suspensive planning condition to agree a mitigation scheme.

xii **Ministry of Defence:** Turbines will be in line of sight of, and will cause unacceptable interference to the ATC Radars at Coningsby, Cranwell and Waddington. Have concerns with desensitisation of radar in the vicinity of the turbines and creation of "false" aircraft returns. Controllers use the radar to separate and sequence both military and civilian aircraft. Remove objections subject to a suitable planning condition to secure an Air Traffic Control Radar Mitigation Scheme. MOD has undertaken a Technological Demonstration with findings expected at the end of 2013. Request all turbines be fitted with 25 candela omni directional red lighting or infrared lighting (recommended condition supplied).

xiii **Meteorological Office (c/o Defence Infrastructure Organisation):** Concerns with the potential impact of interference on weather radar at Ingham. However, in light of further consideration, is prepared to lift its objection. Remain concerned about cumulative impact and will continue to assess windfarms on their individual merit.

xiv **Robin Hood Airport Doncaster Sheffield (RHADS):** There will be line of sight for both primary radars at RHADS and Hibaldstow. As such, rotation of the blades would be detected by the airport's primary radar causing clutter. Will cause distraction for a Controller, especially as the turbines lie in an area of high traffic density and are located underneath the ROGAG departure flight path. In discussion with the applicant to agree appropriate mitigation but uphold objections in the meantime.

xv **Humberside Airport (c/o East Midlands Airport):** Does not conflict with safeguarding criteria. Require condition to give 1 months notice of commencement.

xvi **Trent Valley Gliding Club:** Have withdrawn their initial objections. Following further discussion, now form the opinion that the current proposal, of itself, will not present insuperable difficulties or create a significant danger for pilots operating from the Kirton-in-Lindsey airfield. Are concerned that the cumulative impact of further such proposals may significantly affect operations and pilot safety, and are now preparing a safeguarding map to lodge with WLDC.

xvii **British Gliding Association:** Have withdrawn their initial objections made in support of Trent Valley Gliding Club (TVGC). TVGC has held meetings with the applicant and BGA and has now formed the opinion that the current proposal, of itself, will not present insuperable difficulties or create a significant danger for pilots operating from Kirton-in-Lindsey airfield. TVGC and the BGA remain concerned with cumulative affect of any future proposals, and support the club in its intention to prepare an Aerodrome Safeguarding Plan to be agreed with the Council.

xviii **Natural England:** Does not object to the proposed development. On basis of information available, advise the development would be unlikely to affect a European Protected Species. Satisfied there will be no adverse impact upon Noctule or other bat species recorded on site. Development unlikely to affect dormice. Would strongly welcome post-construction monitoring. Authority should follow Natural England Standing Advice for protected and BAP species. No objections to Ornithology findings. Advise a scheme of ornithological habitat and mitigation is provided. Welcome Ecological Management Plan (EMP) submitted – in particular, support habitat improvement to field boundary habitat. EMP should be secured by planning condition / S106 obligation. Proposal is not within or within setting of any nationally designated landscape. Proposals should complement and where possible enhance local distinctiveness.

xix **Royal Society for the Protection of Birds (RSPB):** RSPB is supportive of renewable energy projects providing adverse impacts upon wildlife are avoided by appropriate siting and design. Ornithological survey records both Marsh and Montagu's Harriers. Harriers are considered to have a high collision risk. Require post-construction monitoring. Satisfied there is likely to be minimal impact on Marsh harrier. Satisfied presence of Montagu's harrier is the occasional flyover. Buzzards are a constant presence. Whilst not listed or of current conservation concern, would like to see collision risk modelling. Require more information on disturbance and displacement. Project area supports an impressive number of farmland birds. Could experience displacement and strongly recommend a condition for biodiversity enhancement. Recommend condition no

construction within main breeding season of April to September. Strongly recommend details of an Ecological Enhancement, Management and Monitoring Plan (EEMMP) is submitted and agreed in writing prior to commencement. Strongly recommend post-construction monitoring every year for a period of 5 years, then years 10 and 15.

xx **Trees and Woodlands Officer:** preference for a high stump to be retained from removed dead willow tree. Suggest compensatory hedgerow to replace the short section proposed for removal.

xxi **Joint Radio Company (JRC):** Development cleared in respect to radio link infrastructure operated by Northern Powergrid (Yorkshire) Ltd and Northern Gas networks.

xxii **National Grid Gas (East Midlands):** There are two gas pipelines (intermediate pressure and high pressure) in vicinity. No works can be erected within the pipeline easement without agreement.

xxiii **Anglian Water:** Has no objections.

xxiv **Campaign to Protect Rural England (CPRE):** Object. Prominent and elevated rural location, in close proximity to the east of the Lincoln Edge escarpment, identified as an Area of Great Landscape Value (AGLV), and also within the setting of and prominent from the Lincolnshire Wolds AONB. This industrial development (being the height of a 40 storey building) will be totally out of scale with the existing landscape features. Would become a new defining characteristic across a vast area of countryside. Development is contrary to environmental dimension of NPPF objective for achieving sustainable development. Will have an unacceptable impact on nearby heritage assets including Norton Place, listed buildings in Spital in the Street, and nearby scheduled ancient monuments.

5.7 **Local residents:**

Support

The Council has received over 650 letters of support for the application. Comments in summary include:

- Windfarm will have total installed capacity of up to 25MW, enough to meet demands of 11,600 homes each year, offsetting release of thousands of tonnes of CO^2 over 25 year development lifespan;
- Windfarms are essential to combat man-made climate change, that would otherwise be produced by fossil fuel power generation;
- Wind power must and will play a vital part of energy mix alongside wave, tidal, solar and energy efficiency;
- The UK has 40% of the European wind resource and the potential to be a world leader in this technology;
- Would not affect my living or enjoyment of the area;

- Visual impact must be put in context with widespread environmental damage which climate change could cause – windfarm is a necessary feature on the skyline;
- UK commitment to international legally-binding carbon emission and renewable energy targets must be taken seriously;
- IPCC report adds to compelling evidence that global warming is happening – must show this County takes the threat of man-made climate change seriously;
- Community benefit will make a significant improvement to the community and local people;
- During construction, contracts with local businesses will boost local economy.

Objection

The application has received over 2000 letters of objection to the development. Objections in summary include:

- Seriously adverse visual effect upon many small country villages;
- Serious and damaging effect on the Cliff, a special and precious landscape;
- Industrial type development inappropriate in a rural location;
- Unacceptably close to school buildings and nursing homes;
- Will cause noise and flicker and cannot be satisfactorily mitigated against;
- Source of danger in close proximity to fireworks factory and petrol station;
- Affect West Lindsey businesses and tourism;
- Major distraction to A15 users – a dangerous red route road;
- Contrary to Local Plan, in particular policies STRAT1, STRAT12 and NBE10;
- Contrary to Lincolnshire County Council guidelines on windfarms;
- Direct contradiction of Human Rights Act and Equality Act;
- Concerns with developer publically consulting outside area to gain support, and using financial incentives;
- WLDC should disregard any public engagement exercises by the developer that do not meet Equality and Diversity legislation, to avoid being complicit in The Bribery Act 2010;
- Supplementary Environmental Information arrogantly and blatantly disregards local concerns.

Villages of the Cliff Against Turbines (VOCAT): VOCAT have submitted detailed reports in objection to the proposed development. Their objections can be broadly summarised as follows:

- Consider the application contains many errors, omissions, contradictions and misleading information;
- Development does not meet the three NPPF dimensions of sustainable development – economic, social and environmental roles;
- Will have a seriously damaging effect on the landscape features and character and is therefore contrary to national and local policy;
- Will cause a negative visual intrusion into the lives of local people, and those visiting / working here;

- Potential to cause long lasting mental and physical health problems due to noise and vibration;
- Development will be likely to contravene the provisions of articles 8 and article 1 of the First Protocol of the European Convention of Human Rights;
- Development situated adjacent to dangerous road network with serious implications for road safety;
- Development is a threat to local business;
- Threatens the unique heritage of this local area, sited in close proximity to Grade I Listed Norton Place, a large number of other listed buildings, two conservation villages, possible unexcavated site of archaeological interest;
- Will have a detrimental impact upon the character and appearance and setting of these rural communities;
- Likely to cause interference with military radar as well as posing an aviation risk with serious safety implications;
- Development could threaten a number of important fauna species, in particular Marsh Harriers and other birds of prey, bats, and wintering birds;
- Overwhelmingly opposed by the majority of local residents from all affected villages and Parish Councils. This undermines principles enshrined in Localism Act and NPPF core principle which seeks to empower local communities to shape their surroundings;
- The development is unplanned – it is not based on any independent or objective assessment of potential locations.
- Do not consider the Supplementary Environmental Information (SEI) addresses concerns – methodology is flawed and does not comply with regulations;
- Concerns with extent of proposed micro-siting;
- Site is of substantial archaeological interest and may have assets of national interest;
- Access off B1398 is totally unacceptable;
- Have concerns with impact upon television reception;
- Use of trial technology to mitigate radar impact fails on security and is highly vulnerable to attacks;
- Use of planning conditions to overcome aviation concerns is nothing more than a delaying tactic with an anticipated political outcome.

6 Relevant Planning Policies:

6.1 National policy / guidance

National Planning Policy Framework (NPPF) –DCLG (March 2012). https://www.gov.uk/government/publications/national-planning-policy-framework--2

- Achieving Sustainable Development;
- 1. Building a strong competitive economy;
- 7. Requiring good design;
- 10. meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and Enhancing the Natural Environment;

- 12. Conserving and Enhancing the Historic Environment.

6.2 **Planning Practice Guidance for Renewable and Low Carbon Energy – DCLG (July 2013).**
https://www.gov.uk/government/publications/planning-practice-guidance-for-renewable-energy

The NPPF states that in assessing the likely impacts of potential wind energy development in determining planning applications for such development, planning authorities should follow the approach set out in:

6.3 **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

6.4 **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

6.5 Local policy:
West Lindsey Local Plan First Review 2006
http://www2.west-lindsey.gov.uk/localplan/plan_index.htm

- 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

The NPPF 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).

6.6 **Central Lincolnshire Local Plan Core Strategy (Publication Version – July 2013)**
http://microsites.lincolnshire.gov.uk/centrallincolnshire/ldf/core-strategy/103519.article

- CL1: Sustainable Development in Central Lincolnshire;
- CL2: Tackling Climate Change;
- CL3: Renewable and Low Carbon Energy;
- CL10: Transport;
- CL17: Delivering Prosperity and Jobs;
- CL23: A Quality Environment;
- CL24: Green infrastructure and Biodiversity;
- CL26: Design Quality

The Core Strategy has been subject to public consultation over the summer and is due to be submitted to the Secretary of State for

examination on the week commencing 21st October. The NPPF states that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Main issues

7. Renewable Energy and Planning Policy
8. Biodiversity, Ornithology and Geological Conservation
9. Historic Environment
10. Landscape and Visual Impact
11. Noise and Vibration
12. Shadow Flicker
13. Traffic and Transport
14. Civil, military aviation and defence interests
15. Telecommunications Infrastructure

Assessment:

Renewable Energy and Planning Policy

7.1 Planning law[1] requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

7.2 The development plan comprises the West Lindsey Local Plan First Review June 2006 (WLLP). The WLLP previously contained a policy, SUS11, which stated that proposals utilising renewable energy sources would not be permitted where they would result in significant harm to local amenities, the environment or to the character of the countryside or landscape. However, this policy was not saved by Government Direction in 2009 and no longer forms part of the development plan. The WLLP pre-dates the National Planning Policy Framework (NPPF) published in March 2012, and does not have a positive strategy to promote energy from renewable and low carbon sources, as the NPPF requires. The WLLP is therefore out of date and silent on renewable energy developments, including wind farm proposals.

[1] Section 70(2) of the Town & Country Planning Act 1990, and Section 38(6) of the Planning and Compulsory Purchase Act 2004.

7.3 The provisions of the NPPF are a material planning consideration to weigh against the WLLP. At the heart of the NPPF is the presumption in favour of sustainable development which for decision making is taken as:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.[2]

7.4 The NPPF considers[3] that "planning plays a key role… supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development." It further states[4] "to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources."

The NPPF makes clear[5] that local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

7.5 In July 2013, the Department for Communities and Local Government (DCLG) published the "Planning Practice Guidance for Renewable and Low Carbon Energy" (Planning Practice Guidance). It advises that[6] "increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable." It goes on to state[7] that "The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local

[2] Paragraph 14, NPPF
[3] Paragraph 93, NPPF
[4] Paragraph 97, NPPF
[5] Paragraph 98, NPPF
[6] Paragraph 3
[7] Paragraph 5

communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them." The Practice Guidance then sets out particular planning considerations for wind turbine developments.

7.6 The Government is legally committed to sourcing a minimum of 15% of UK total energy from renewable sources by 2020[8]. In 2005, only 1.5% of energy came from such sources. In 2011, renewable energy accounted for 3.8% of energy consumption, up from 3.2% in 2010[9]. The contribution of all renewables to UK electricity generation was 10.4% for the period July 2011 to June 2012 (it had been 8% in the preceding period).

7.8 The Government's latest renewable Energy Roadmap update (2012) states "that there is an urgent need for new large-scale renewable energy projects to ensure that we meet the (UK) 2020 target and wider decarbonisation ambitions"[10]. The roadmap advises[11] that "The UK has some of the best wind resources in Europe, and onshore wind is one of the most cost-effective large-scale renewable energy technologies. The Government is committed to onshore wind as part of a diverse energy mix contributing to our security of supply and carbon reduction targets." It also advises that "onshore wind provides substantial economic benefits. In 2011 onshore wind supported more than 8,600 jobs contributing over £500 million to the UK economy."

7.9 Advice given in the Overarching National Policy Statement for Energy (EN-1) states[12] that "onshore wind is the most well-established and currently the most economically viable source of renewable energy available for future large scale deployment in the UK".

7.10 Wind turbines are therefore considered by National policy and guidance to be an established form of renewable energy and little weight should be given to claims that the technology is inefficient.

The Central Lincolnshire Local Plan Core Strategy (Publication Version – July 2013) has been at public consultation prior to its formal submission to the Secretary of State on 21st October 2013. Draft policy CL3 sets a minimal target of securing 60% of electricity from renewable energy sources by 2026 (equivalent generating capacity of 869GWh per annum). As emerging policy still subject to assessment by a Government Inspector, it cannot be attached full weight. Nonetheless, it is consistent with the government objectives and NPPF stance to support the delivery of renewable and low carbon energy and

[8] UK Renewable Energy Strategy 2009 - http://www.official-documents.gov.uk/document/cm76/7686/7686.pdf
[9] UK Renewable Energy Roadmap Update 2012 - www.gov.uk/government/publications/uk-renewable-energy-roadmap-update
[10] Paragraph 2.5
[11] Page 36
[12] Paragraph 3.4.3

associated infrastructure and have a positive strategy to promote energy from renewable and low carbon sources.

7.11 The draft Core Strategy is informed by the background document Central Lincolnshire Renewable and Low Carbon Energy Study (2011)[13]. This advises that only 0.2% of Central Lincolnshire's total annual energy demand was being met by renewable energy (40GWh). West Lindsey only contributed 6.3GWh of renewable energy towards this (0.03% of total Central Lincolnshire energy supply). The report considers that North Kesteven and West Lindsey have the greatest biomass and wind technical resource across the Central Lincolnshire region.

7.12 The proposed development would have an installed capacity of 20 to 25MW, depending on the final turbine model selected. A 20MW farm would be predicted to generate 43.8GWh annually, a 25MW farm is estimated to generate 54.75GWh annually. It is estimated that this would generate enough energy to supply between 9,300 homes (20MW farm) and 11,600 homes (25MW farm) annually[14].

7.13 In conclusion, it is considered that onshore wind is taken to be an economically viable, well established form of renewable energy, and little weight should be given to claims the technology is inefficient. Wind technology is required as part of a mix of renewable technologies to create a more secure, clean energy source and to meet National legally binding commitments. It is central to the economic, social and environmental dimensions of sustainable development, and this is a significant benefit of the development being proposed.

[13] http://microsites.lincolnshire.gov.uk/centrallincolnshire/evidence-base/renewable-and-low-carbon-energy-study-for-central-lincolnshire/107236.article

[14] Based on annual average electricity consumption per home of 4,700 kWh.

In summary:

- **The Government is legally committed to sourcing 15% of total UK energy from renewable sources by 2020;**
- **In 2011, renewable energy accounted for 3.8% of UK energy consumption;**
- **In 2011, only 0.2% (40GWh) of Central Lincolnshire's total energy demand was met by renewable energy;**
- **The current Development Plan (West Lindsey Local Plan First Review) is silent on renewable energy developments;**
- **The development would have an installed capacity of between 20-25MW (predicted to generate between 44-55GWh per annum);**
- **The Overarching National Policy Statement for Energy (EN-1) states that "onshore wind is the most well-established and currently the most economically viable source of renewable energy available."**
- **The NPPF states that the applicant does not need to demonstrate need and that the Council should approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.**

8 *Biodiversity, Ornithology and Geological Conservation*

Biodiversity / Protected Species

8.1 The WLLP does not contain any saved policies on biodiversity or protected species and is silent in this regard.

Draft policy CL24 of the Core Strategy Publication Version puts forward measures to safeguard nature conservation, biodiversity and geodiversity assets. This is consistent with the NPPF which sets out a requirement to conserve and enhance the natural environment. It states[15] that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. When determining planning applications[16], local planning authorities should aim to conserve and enhance biodiversity by taking into account:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged;

[15] Paragraph 109.
[16] Paragraph 118

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

8.2 The Planning Practice Guidance states[17] that "evidence suggests that there is a risk of collision between moving turbine blades and birds and/or bats. Other risks including disturbance and displacement of birds and bats and the drop in air pressure close to the blades which can cause barotrauma (lung expansion) in bats, which can be fatal. Whilst these are generally a relatively low risk, in some situations, such as in close proximity to important habitats used by birds or bats, the risk is greater and the impacts on birds and bats should therefore be assessed."

8.3 The Environmental Statement (ES) contains an Ecological Assessment. It identifies four locally (non-statutory) designated wildlife sites within 2km of the application site.

8.4 The ES finds records of amphibians within 2km of the site, including a single record of a great crested newt. However, based on the lack of suitable habitat, the site is concluded not to support breeding amphibians.

8.5 The ES notes limited habitat for reptiles, with no records returned within 2km since 1977. It nonetheless makes a safe assumption that reptiles could be present and mitigation measures are proposed. It recommends precautions during construction and vegetation clearance during winter where possible.

An onsite survey found no evidence of water voles, and concludes this species is absent.

An onsite survey found no evidence of badgers on site. However, as badgers are notoriously mobile, a further pre-construction survey is recommended.

8.6 On the evidence available, it is concluded that these species are not likely to be present within the site, but in accordance with the ES proposed mitigation, a pre-construction badger survey should be secured by planning condition, as should measures during construction to protect reptiles.

8.7 All bat species are protected under European legislation. There are records of six species of bats within 10km of the site. Bat surveying on site found potential habitats within five out of six of the surrounding buildings and within a sycamore tree. However, no bats were recorded within 30 minutes of sunset indicating there are no roosts close to the site.

[17] Paragraph 33

8.8 The bat surveys found the level of bat activity on site to be very low, as a result of low quality foraging habitat. The surveys show the site is being used by five species: Common and Soprano Pipistrelle, Noctule, Brown Long-eared Bat and Myotis species, which use the site for commuting and foraging.

8.9 Common Pipistrelle accounted for 71% of the bats recorded and were found to be flying at heights of between 2-5m above ground level, along hedgerows, access tracks and woodland edges, and particularly along the northern boundary of the site (Old Leys Lane) or foraging near the plantation at the south of the site. Individual Common and Soprano pipistrelle are considered to be at medium risk of collision, although population numbers are at low risk. As they were found to be foraging at a maximum height of 5m, and along hedgerows away from the turbines – the risk of collision is concluded to be low.

Extremely low numbers of Noctules (2% of bat passes), identified by Natural England as a species at high risk of collision, were recorded commuting across the site. Due to the low numbers recorded, a significant effect on this species is not anticipated.

Low numbers of Brown Long-eared bat and Myotis species were also recorded. Both are within Natural England's low risk category, and would not be expected to be significantly affected by the development.

8.10 In mitigation, the applicant has proposed bat buffers of 50m from any linear features to be used by foraging bats, in accordance with Natural England[18] guidance. Lighting would be minimised to allow "dark corridors" along the foraging routes.

8.11 Natural England has been consulted on the application, and has confirmed they have no objections and advise that the development would be unlikely to affect a European Protected Species. They do advise a scheme of post-construction monitoring to investigate the impact that the windfarm has on bat activity at set yearly increments.

8.12 Subject to a condition to secure post-monitoring and light management, it is considered that the development would not have an impact on bat populations.

8.13 In terms of habitats, no areas identified as having potential for bat roosts would be affected by the development. The application does propose two 7m breaches in hedgerow to allow access roads. The hedgerows are included on the Lincolnshire Biodiversity Action Plan (BAP). Up to 200m^2 of field margin habitat would also be lost to development. The areas to be lost are comparatively small, and would not comprise significant habitat loss. However, the NPPF requires measures for biodiversity enhancement and the SEI contains a draft

18 Bats and onshore wind turbines (Interim guidance) (TIN051), 2nd Edition, Natural England (2012) (http://publications.naturalengland.org.uk/publication/35010)

Ecological Enhancement and Management Plan (EEMP). This includes compensatory and enhancement proposals for hedgerow restoration and enhancement, the establishment of grassland strips, and pond creation.

8.14 Natural England confirms that it welcomes the EEMP, in particular the proposals for habitat improvement to field boundary habitat and hedgerows, and post-construction monitoring proposals for both bats and birds.

It is concluded that the draft EEMP offers the potential for biodiversity enhancement and that a planning condition is employed to secure a final EEMP through agreement with Natural England and the RSPB.

Ornithology

8.15 The ES contains over-wintering bird surveys, breeding bird surveys and bird collision risk modelling.

8.16 Collision risk modelling has been undertaken on seven species deemed at high to medium sensitivity of collision – Pink-footed Goose (amber-listed[19]); Marsh Harrier (amber-listed); Peregrine Falcon (schedule 1 species[20]); Golden Plover (amber-listed); Lapwing (red-listed); Black-headed Gull (amber-listed) and Common Gull (amber-listed). The ES concludes potential for collisions to Marsh Harrier and Peregrine Falcon would be significant at a local level but there would be no increase in baseline mortality at a regional or national level.

8.17 Natural England has no objections on ornithological grounds, on the basis that there will be no adverse effects on regional / national species populations.

8.18 The RSPB notes the high risk of collision for harriers, but confirms it is satisfied following additional surveys and modelling that there is likely to be minimal impact on Marsh Harrier. Following initial concerns, they are also satisfied that the presence of Montagu's Harrier (amber-listed) is the occasional flyover, and further modelling is not required.

8.19 The RSPB note the constant presence of Buzzards within the surveys. Whilst not listed or of current conservation concern, they only began to recolonise Lincolnshire in 1997, and the RSPB request collision-modelling. However, the applicant notes that they are a green-listed species with an increasing population within the county, and that collision risk would not significantly impact upon the species population.

8.20 It is disappointing that the applicant has not produced this further collision modelling to address the concerns of the RSPB. Nonetheless,

[19] Listed on the RSPB Birds of Conservation Concern (BoCC)
[20] Schedule 1 of the Wildlife and Countryside Act 1981

as a green-listed species, with an increasing local population, any possible impact upon this species is not considered to have any regional or national population effect and would not be considered to outweigh the wider benefits of development.

8.21 The RSPB note the site supports an impressive number of farmland birds and "of note are the number of territories held by Corn Bunting (UK BAP priority species), tree sparrow (UK population decline), Yellow Wagtail (BAP priority species), Grey Partridge (BAP priority species) and Lapwing (UK population decline). These are complimented by other BAP species and red-list species: Skylark, Linnet, Yellowhammer and Reed Bunting." The RSPB acknowledge these species may not be of high collision risk, but could experience disturbance and displacement, which could affect breeding productivity. They strongly recommend that a condition is used to secure a biodiversity enhancement package. Natural England also reminds the local planning authority of its duties for local biodiversity enhancement and also recommends a planning condition to secure ornithological habitat enhancement. They advise this is secured through the EEMP.

8.22 The applicant considers there is some evidence to suggest passerines and some wader species are tolerant of relatively high levels of disturbance, but acknowledge some breeding pairs could be disturbed by construction activities at the site. They put forward that the temporary nature of the construction period would mean it unlikely that any long-term change in breeding bird populations would occur.

8.23 In terms of displacement, the applicant considers there is evidence to suggest that different effects can occur for different species using the same habitats and that differing effects have been found within the same species for differing sites. Nonetheless, the draft EEMP contains provision to provide compensatory fallow habitat for Lapwing and other nesting birds.

8.24 Whilst the draft EEMP has been welcomed by Natural England, RSPB are critical that the compensatory habitat is insufficient given the number of farmland birds recorded. It is therefore considered appropriate for a suspensive condition to agree the final EEMP, in consultation with Natural England and the RSPB, prior to any works commencing.

8.25 The RSPB is of the opinion that the construction phase would be significantly disruptive to breeding birds, and therefore recommend a condition is made to prevent construction taking place between the breeding season of April to September. The applicant has envisaged a 12 month construction period. Such a condition would have the effect of breaking the construction period over two winter periods (October – March) extending it to an 18 month period, with a partially erected wind farm in situ over this recess.

8.26 The applicant considers this neither practicable nor feasible and instead suggests a more flexible approach as follows:

- Where possible, habitat that might be used for nesting (scrub, hedges etc) will only be cleared or tracked-over outside the nesting season (March to August inclusive). If vegetation is cleared outside the breeding bird period, these areas will be maintained as unsuitable for nesting birds until work starts. This will mean that no nests will be destroyed and therefore any associated potential impacts will be avoided.
- Works that have the potential to destroy nests (such as vegetation clearance) carried out during the breeding bird season (March to August inclusive) requires that the area is checked immediately by a suitably qualified ecologist prior to vegetation clearance. If nests are found, they will be retained and protected with an appropriate buffer until after the young have fledged.

In view of the wider implications for restricting the construction period for six months, it is considered that the applicant's approach is more practicable whilst offering a suitable level of protection. It is therefore recommended that this is secured through the EEMP to be required by planning condition.

Geology

8.27 The site is underlain by a thin layer of freely draining lime rich loamy soils, underlain by rocks of the Lincolnshire Limestone formation, considered to be approximately 30m deep. To the west is the Lincoln Cliff, which comprises Oolitic limestone rocks. The Lincolnshire Limestone is classified as a Principal Aquifer.

8.28 As excavations would be no deeper than 3m, impact to the underlying geology would be expected to be negligible. The ES has found no evidence of land or groundwater contamination. Nonetheless, in view of the proximity of a former RAF base, it is considered appropriate to apply a planning condition for works to stop and further investigation to be undertaken should any unexpected contamination be found.

8.29 The applicant proposes an Environmental Management Plan during construction, to include further ground investigation, and a planning condition to secure this is considered relevant.

8.30 In accordance with Environment agency advice, conditions to secure surface water and foul water drainage are also recommended.

In summary:

- **No evidence of badgers, water voles, dormice, amphibians or reptiles were found on site;**
- **A condition to secure a pre-construction badger survey is recommended; and measures to protect reptiles during the construction phase;**
- **On site surveys identified five species of bat (European Protected Species) using the site for foraging and commuting;**
- **50m bat buffers from linear foraging features such as hedgerows is proposed in accordance with Natural England guidance;**
- **Natural England advise that the development would be unlikely to affect a European Protected Species;**
- **There would be some marginal habitat loss of hedgerow and grassed field margins;**
- **Collision risk modelling has been undertaken on seven bird species at high to medium risk of collision – it concludes risk of collision to Marsh Harrier and Peregrine Falcon would be significant at a local level but there would be no increase in baseline mortality at a regional or national level;**
- **The application site contains significant numbers of farmland birds – at potential risk of disturbance and/or displacement;**
- **A planning condition is recommended to secure an Ecological Enhancement and Management Plan (EEMP) to ensure biodiversity enhancement, habitat compensation measures and post construction bat and bird surveys;**
- **Planning conditions for unexpected contamination, foul and surface water drainage are recommended.**

9 Historic Environment

9.1 The Council has a statutory duty[21] when "considering whether to grant planning permission for development which affects a listed building [a conservation area] or its setting, the Local Planning Authority.. shall have special regard to the desirability of preserving the building [area] or its setting or any features of special architectural or historic interest which it possesses."

9.2 WLLP policy STRAT1 states that development should be satisfactory with regard to "the impact on the character, appearance and setting of historic assets including conservation areas, listed buildings, scheduled ancient monuments and historic parks and gardens."

9.3 Policy NBE8 states that development will not be permitted which would harm the character, appearance, setting or features of : (i) The historic parks and gardens within the list compiled by English Heritage; (ii)

[21] S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

other parks, garden and formally laid out areas identified by the Local Planning Authority as being worthy of protection.

9.4 The Core Strategy (Publication Version) draft Policy CL23 also requires local authorities to identify, protect and enhance designated natural and heritage assets and their settings, including those defined as being locally significant through the planning process.

9.5 Policies STRAT1 and NBE8, and draft Core Strategy policy CL23 are consistent with the NPPF approach towards preserving and enhancing heritage assets. The NPPF requires[22] that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

9.6 National Planning Practice Guidance states[23] that when considering planning applications, it is important to be clear that *"great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting"*. It goes on to state[24] that *"as the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset."*

9.7 The ES identifies 12 listed buildings and 1 conservation area (Hemswell) within 1km of the development site. No registered parks and gardens, scheduled monuments or World Heritage Sites are identified.

The ES identifies a number of heritage assets within 15km of the site. This includes two registered parks and gardens at Fillingham Castle and Hackthorn Hall; six locally listed[25] parks and gardens; 49 scheduled monuments; three Conservation Areas (Hemswell, Glentham and Glentworth); 84 Grade I and II* listed buildings.

9.8 The Conservation Officer has reviewed the ES assessment and identifies 10 assets with the potential for a significant impact to their setting, as follows:

[22] Paragraph 131
[23] Paragraph 15
[24] Paragraph 34
[25] Identified in Appendix 5 of the West Lindsey Local Plan First Review 2006

- Norton Place, (Grade I listed building, Locally listed historic park and gardens);
- Gate Lodges, Gateway and Gates at Norton Place (Grade II listed building);
- Temple Garth, Willoughton, site of medieval preceptory and settlement remains, Scheduled Ancient Monument (SM22612);
- Monks Garth, Willoughton, moated site, Scheduled Ancient Monument (SM22618);
- Cromwell House, Spital-in-the-Street, listed grade II;
- Church of St Edmund, Spital-in-the-Street, listed grade II;
- Spital Almshouses, Spital-in-the-Street, listed grade II;
- Barn at Spital Almshouses, Spital-in-the-Street, listed grade II;
- Blyborough Grange, listed grade II;
- Hemswell Conservation Area.

Norton Place

9.9 Norton House is a Grade I Listed building, dating from 1776, designed by John Carr in the classical style and built for John Harrison MP. Grade I Listed buildings such as Norton House are deemed to be of exceptional interest and account for only the top 2.5% of listed buildings within the country.

9.10 The house is set within a contemporaneous designed landscape by Thomas White, former foreman of landscape architect Lancelot 'Capability' Brown, and includes parkland, stone ha-ha, lake, bridge (grade II* listed building), coach house (grade II Listed building) and plantations to the north east and north west, which makes a considerable contribution to the character and appearance of Norton Place. The landscape is given a local designation in the WLLP as a Historic Park and Garden i.e. it is a (non-designated) heritage asset. The gate lodges, gateway and gates are a separately listed building (Grade II). It is considered that all these elements have group value as a heritage asset.

9.11 The ES considers that views to the north-west from within the garden are not a designed vista, or intended viewpoint; the woodland belt on the west and north-west boundaries provides screening; the current uninterrupted skyline makes a neutral contribution towards the significance of the group, and when directly adjacent to the house where best to appreciate the architecture, the turbines would be screened by the building itself. The ES concludes that there will be a negligible magnitude of impact on this collective group of heritage assets of high importance, resulting in a slight significance of effect, considered to be less than substantial harm.

9.12 However, these findings are not accepted. Norton Place is the visually dominant and most prominent feature within the landscape, currently uninterrupted by any other built form. Historic maps and contemporary reports indicate that that the landscape, including its tree planting, is

remarkably unaltered since the building of Norton Place and the designed landscape is very much extant. The Conservation Officer notes "the experience of Norton Place, set in splendid isolation within its parkland and nestled into an embracing backdrop of its plantation is a carefully planned perception; the contribution of this designed setting to the significance of Norton Place is all the more important for having survived largely unaltered to the present day".

9.13 The significance of the building can be appreciated when viewed from the west and south, with the main façade open to views from the A631. This gives a key open view towards the principal elevation of Norton Place, set against a plantation backdrop with parkland to the fore. An access route to Norton Place once ran from the A631 to the front of the house and the Conservation Officer considers it is probable that the impressive vista also acted to reinforce the sense of arrival and prestige experienced by the visitor on this approach.

9.14 Documentation submitted by the applicant shows that all ten turbines would be highly visible above the plantation tree belt forming the backdrop against which Norton Place is viewed from the south-east. The result would be that these large moving structures would become the prominent landscape feature, dominating the setting of Norton Place, and substantially undermining its significance within the landscape. It is concluded that significant harm to the setting of Norton Place would occur.

This would be contrary to WLLP policies STRAT1, NBE8 and the NPPF principle of aiming to conserve the historic environment. The NPPF advises[26] that "substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments… grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

9.15 Despite the considerable energy benefits proposed, it is not considered that any wholly exceptional circumstance has been put forward to develop in this particular location within the setting of this heritage asset of the highest significance. The ES site selection does not indicate this is the only feasible location for the proposed development, within the district.

Gate Lodges, Gateway and Gates at Norton Place

9.16 The Gate Lodges, Gateway and Gates at Norton Place were also designed by John Carr (circa 1776) and are separately listed as a Grade II building. This composition consists of wrought iron gates mounted between a limestone curtain walls bounded by rusticated piers topped with urns. Adjoining the walls are 2 balanced single storey slate roof lodges. The ES considers the significance of the building lies in its grand design, typical of the status of the property within, and that

[26] Paragraph 132

the A15 contributes towards its significance. The ES concludes that the overall magnitude of change and significance of effect to this listed building is none.

9.17 However, the Conservation officer notes "within the wider landscape, they are the only built form adjacent to the A15 until you reach the historic settlement of Spital in the Street 400 m to the south and elsewhere, in this very open and rural landscape, built forms are only really evident on the horizon. Therefore, this heritage asset has a distinctive and distinguished presence in the landscape, framing views into and out of the estate which have been largely unchanged in character since the 18th century and reinforcing the significance of Norton Place itself in the landscape."

9.18 The nearest turbine (no.5) would be within 700m of the gateway. It is considered that the significance and pre-eminence of the Gateway buildings as a dominant built form and announcement to this important heritage asset would be substantially undermined by trying to compete with the introduction of such significantly dominating, moving objects. The Conservation Officer also questions how this would affect the perceived sense of place at Norton Place, noting that vehicles exiting the Park would no longer look over open countryside but would be immediately confronted by this significant development, further reinforcing subservience to the development. It is concluded that substantial harm would occur to the significance of this listed building.

This would be contrary to WLLP policies STRAT1, NBE8 and the NPPF principle of aiming to conserve the historic environment.

Temple Garth and Monks Garth, Willoughton

9.19 Both are scheduled monuments at Willoughton, to the north-west of the application site. Temple Garth is the site of a medieval preceptory and settlement remains, (SM22612) and Monk Garth is a well-preserved medieval moated site (SM22618). They are less than 1 mile from the edge of the proposed development site.

9.20 The assessment shows that turbine no.1 will be visible in views from Temple Garth. The topography and intervening vegetation would partially mitigate this viewpoint, although this is subject to seasonal change. The ES determines there to be no change in magnitude of impact and the significance of effect is none. However, this moving structure would form some distraction to the setting of the scheduled monument, more likely resulting in a negligible to minor magnitude of impact. This would give a slight to moderate effect on significance, but would not be concluded to result in substantial harm to the setting of this important heritage asset.

9.21 The ES considers it unlikely that views of the development from Monks Garth would be afforded. Other man-made structures are noted within

the setting of this asset, and the ES concludes there would be no impact on significance. These findings are generally accepted.

Spital in the Street Heritage Assets

9.22 Spital-in-the-Street is a small settlement less than a kilometre to the south of the application site. The name 'Spital' derives from the ancient hospital for the poor which was situated here, whilst 'in-the-street' is a reference to Ermine Street (now the A15), a Roman road. Three of the listed buildings affected by this proposal are closely associated with this distinctive and significant history of the settlement. Church of St Edmund, listed grade II, was constructed in the 16th century and was originally a quarter session's court house later converted to a church. It is thought that it stands on the site of the 14th century hospital. Spital Almshouses and Barn, both listed grade II, originated in the early 17th century as Almshouses and hospice. Finally, Cromwell House continued the traditional use of the site as a settlement founded on hospitality in its original use as a Coaching Inn.

9.23 An inter-related spatial relationship gives these buildings a group value. It is considered that the introduction of the proposed development would impose an intrusive dominating feature into the setting of these heritage assets. However, it is noted that the setting of this group of buildings has already been compromised by previous development which undermines the significance of the setting. A moderate impact of significance is concluded.

Blyborough Grange

9.24 A grade II listed farmhouse dating from 1830 set within gardens with open countryside to the fore and a working farm yard to the rear. The principal elevation faces south towards the site, which is just less than 3 km away, although it is not visible in long or close views due to existing hedgerows and tree cover. It is possible that in views out of the heritage asset the hubs and blades may be visible in the distance. However, due to the position of the Blyborough Grange in a slight hollow and the rise of the land away from the site it is considered that these views will be limited, particularly in conjunction with the existing soft landscaping, and therefore the harm to its setting is slight.

Hemswell Conservation Area

9.25 It is considered that as a result of the topography and intervening vegetation, limited views of the development would be afforded from within the Conservation Area itself.

The Hemswell Conservation Area appraisal states that the character of the village can firstly be attributed to "its landscape setting on the cliff edge".

Views from the west at distance, particularly on road approach will view the proposed development sitting above the Cliff. The perception would be of dominance over the village and this would undermine its significance. As this perception would be taken at distance, rather than within the conservation area, it is concluded that there would be a moderate rather than major impact on significance.

This would be contrary to WLLP policy STRAT1.

Archaeology (on site)

9.26 The Lincolnshire Historic Environment Record lists a number of archaeological sites in the area, including the cropmarks of a Neolithic long barrow and a prehistoric multiple-ditch system within the immediate vicinity of the proposed development site. The former major Roman road of Ermine Street (now the A15) passes along the eastern boundary of the site.

9.27 At the request of the LCC Archaeologist, further archaeological evaluation including a geophysical survey and trial trenching has been undertaken on this proposed development site. This has identified that some areas of the proposed development are archaeologically sensitive with significant archaeological remains. 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".

9.28 The report concludes in summary that “the evaluation produced good evidence for Roman occupation across parts of the site in the form of enclosure ditches, pits and structures dating from the late 1st to the 4th century, with an emphasis on the 3rd and 4th centuries AD. The evidence suggests that some of the ditches encountered were of Iron Age origin but appear to have been infilled during the late 3rd to 4th centuries AD.”

9.29 The NPPF advises that “Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.”

9.30 The applicant has not proposed any means to mitigate against this impact, but has suggested a planning condition be employed to secure a scheme of mitigation. However, in view of the significance of the findings, it is considered imperative that a suitably mitigation scheme is found prior to the determination of this application.

Conclusions

9.31 In conclusion, it is considered that the proposed development would substantially harm the setting of Norton Place, a Grade I Listed building of the highest significance, set within a locally designated historic park, with a Grade II listed entranceway. Some harm would also occur to the setting of Hemswell Cliff Conservation Area. The site contains significant archaeological assets, that could be lost or harmed to the development and has proposed no measures to mitigate or otherwise preserve the assets.

9.32 The development would therefore be contrary to Local and National policy. The Council has a legal duty when considering a planning application to “have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses."

Whilst acknowledging the substantial benefits of development, no wholly exceptional circumstance has been put forward to justify the need for the development to be at the site location proposed, whereby it would visually impose and dominate the setting of this important heritage asset.

It is acknowledged that the lifetime of the development is set at 25 years, and thereafter it would be removed. Nonetheless, 25 years is a substantial period in the lifetime of a person, and how this highly valuable asset would be interpreted within that period.

It is considered on balance that this significant and demonstrable harm outweighs the benefits of development, and the NPPF general presumption in favour of sustainable development is not met.

In summary:

- **The Authority has a statutory duty to have special regard to the desirability of preserving a listed building / Conservation Area or its setting or any features of special architectural or historic interest which it possesses;**
- **Local Plan policies STRAT1 and NBE8 require the impact on the character, appearance and setting of historic assets to be taken into account;**
- **The NPPF requires local authorities to consider the desirability of sustaining and enhancing the significance of heritage assets;**
- **Planning Practice Guidance on renewable energy states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;**
- **The development would be expected to significantly intrude upon and considerably harm the setting of Norton Place, a collection of heritage assets including a Grade I Listed building, Grade II* listed bridge and locally designated historic park/gardens. This would neither sustain or enhance, and would be considered to substantially harm, the setting of this important heritage asset of the highest significance;**
- **The proposed development would be expected to substantially harm the setting of the grade II listed Gate Lodges, Gateway and Gates at Norton Place;**
- **The development would be expected to moderately harm the setting of the Hemswell Conservation Area;**
- **Investigations have identified that some areas of the proposed development are archaeologically sensitive with significant archaeological remains.**

10 *Landscape and Visual Impact*

10.1 Relevant Development Plan policy is set by policies STRAT12 and NBE10 in the WLLP.
Policy STRAT12 only permits development which necessarily requires a countryside location to be permitted in open countryside. The NPPF requires planning decisions to play a key role in supporting renewable and low carbon energy as being central to the economic, social and environmental dimensions of sustainable development. The Government regards on-shore windfarm development as a reliable, established and economically viable form of renewable energy infrastructure. The environmental impact of such development means that it cannot readily be accommodated in urban areas, and open countryside locations are therefore necessary. The development is therefore compliant with STRAT12 when weighed against the provisions of the NPPF.

10.2 WLLP policy NBE10 states "high priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas as defined in the Landscape Character Assessment". Immediately to the west of the application site runs "The Cliff", designated as an Area of Great Landscape Value (AGLV) in the WLLP, an area identified as being of particularly high local landscape value.

10.3 The draft Central Lincolnshire Core Strategy (Publication Version) sets the objective[27] of:

- supporting the protection of all Central Lincolnshire's landscapes;
- to ensure the intrinsic landscape character is respected, conserved and enhanced through sensitive development;
- the promotion of the highest level of protection for the Lincolnshire Wolds AONB.

Draft policy CL23 requires positive and sustainable management of the natural and historic environment, including landscapes. This should be read alongside draft policy CL3, which sets a target for renewable energy infrastructure, but that development will be considered against National Policy Statement EN-1 on factors including Landscape and Visual Impact. The Core Strategy requires to be assessed by the Secretary of State and cannot yet be attached full weight.

10.4 National policy Statements EN-1 and EN-3 require wind farm developments to be assessed on landscape and visual impact but note[28] "*modern onshore wind turbines that are used in commercial wind farms are large structures and there will always be significant landscape and visual effects from their construction and operation for a number of kilometres around the site*".

10.5 The NPPF states[29] that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The National Planning Practice Guidance advises[30] that when considering planning applications, it is important to be clear that the need for renewable or low carbon energy does not automatically override environmental protections; cumulative impacts require particular attention, especially the increasing impact that wind turbines can have on landscape and local amenity as the number of turbines in an area increases; local topography is an important factor in assessing whether wind turbines could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas.

[27] Page 122
[28] Paragraph 2.7.48 of EN-3
[29] Paragraph 109.
[30] Paragraph 15

10.6 The National Planning Practice Guidance advises that cumulative landscape impacts and cumulative visual impacts are best considered separately.

10.7 The Guidance states[31] that cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change.

10.8 Cumulative visual impacts concern[32] the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts. In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

10.9 The Environmental Statement (ES) contains a Landscape and Visual Assessment (LVIA) which follows the methodology advised by the Guidelines for Landscape and Visual Impact Assessment[33].

10.10 A Zone of Theoretical Visibility (ZTV) has been established over 35km, to aid the LVIA. The ZTV indicates a “worst-case” scenario of visibility – it does not take into account intervening man-made structures, landscaping or localised variations in topography.

[31] Paragraph 39
[32] Paragraph 40
[33] Guidelines for Landscape and Visual Impact Assessment, Landscape Institute and Institute of Environmental Management and Assessment. GLVIA3 (April 2013) replaces the second edition GLVIA2 which the ES followed. The Landscape Institute advises that in general terms the approach and methodologies in the new edition are the same - the main difference is that GLVIA3 places greater emphasis on professional judgement than a formulaic approach. They advise that an assessment started using GLVIA2 should be completed using that edition.

Landscape Impact

10.11 The LVIA breaks down the surrounding area into seven character areas, derived from national, regional and local Landscape Character Assessments.

10.12 The development would take place within the Limestone Dip Slope Character Area[34]. The LVIA concludes the **sensitivity** of this landscape to be **low**, on account of being a large-scale simple agricultural landscape, without any specific designations. There are large visually prominent buildings associated with the former RAF base (albeit not of the large vertical scale proposed). Some pockets of higher landscape sensitivity are associated with the nucleated villages to the east of the development. It considers the **magnitude** of landscape change to be **high** at a very local scale (within 3km) notably when viewed from Hemswell Cliff, Bishop Norton and along the A15, with a **medium** change when perceiving the development within the wider landscape. From this, the ES concludes the **significance of the landscape effect** to be **moderate** (but not significant).

10.13 Immediately to the west is The Cliff Landscape Area[35]. The Cliff has a narrow character area as a 1km wide escarpment running north to south. It is locally designated as an Area of Great Landscape Value (AGLV) in the WLLP, contains historic villages and heritage assets, forms the backdrop to the Till Vale landscape and is therefore deemed to have a **high** landscape **sensitivity**. The development would not physically affect components of the landscape – with the magnitude of impact arising as a result of the visual appearance of the development siting above the Cliff on the Limestone dip above. Due to the topography and vegetation, views of the development from within the Cliff in close proximity (i.e. Hemswell and Harpswell) would be fairly limited and the **magnitude** of change is considered **small**. Views of the turbines would be perceived within the Cliff along the B1398 to the south (i.e. Fillingham). At the distances proposed it is considered to have a **small to medium magnitude** of impact. The ES considers that the Cliff is perceived from within the Till Vale to the west, but that its value is within its intimate historic village townscapes which are less perceptible from a distance. It concludes the **significance of landscape effect** on the Cliff would be **moderate** locally, and **minor** (more widely).

10.14 The Till Vale Landscape Character Area[36] sits west of the development, between the Cliff and Gainsborough. It is characterised as expansive, slightly rolling, open countryside. The Cliff forms a backdrop along the eastern edge. The ES concludes that this character

[34] Incorporating National Character Area 45 (NCA45) – Northern Lincolnshire Edge with Coversands; Regional Landscape Character(RLC) 6A – Limestone Scarps and dip slopes; Local Character Area LCA5 – The Limestone Dip Slope.
35 Incorporating NCA45 - Northern Lincolnshire Edge with Coversands; RLC6A – Limestone Scarps and dip slopes; LCA4 – The Cliff.
[36] Incorporating NCA48 – Trent and Belvoir Vales; RLC 4A – Unwooded vales; LCA3 – The Till Vale.

area has a **low to medium** landscape **sensitivity**, as a finer grained landscape with more variation and interest close to the Cliff, than that found east of the Cliff. The turbines would be reasonably and widely visible within the Till Vale, located on top of the scarp slope to the Cliff. This would be more apparent when closer (3-5km of development) to the Cliff escarpment as a backdrop, and would "result in some change of understanding in scale within the landscape", although with no intervening villages in this location the main perceptor would be road traffic, particularly along the A631. This would be reduced further away to the west, as the prominence and visibility of the Cliff escarpment as a backdrop would be reduced over distance and the intervening tree cover. A **medium magnitude** of impact is predicted. In view of the low to medium landscape sensitivity, the **significance of landscape effect** is concluded to be **moderate**. Cumulative effects on the landscape character, when taken into context with the Maumhill windfarm to the west, would be limited in magnitude as a result of the distance involved and intervening tree cover.

10.15 The Lincolnshire Clay Vale Character Area[37] is approximately 4km to the east of the development, and lies beyond the Limestone Dip Slope Character Area. It is defined as a broad, low-lying, "bleak" river valley, with long distance views west, limited by the rising Limestone dip slope. It is given a **low** character **sensitivity**. The development will be visible and at the distances involved, a **low to medium magnitude** of change is predicted, concluding an overall **low significance of change**.

10.16 The Kelseys Character Area[38] begins approximately 8km east of the development. The eastern slopes of the river valley, long lying views west are limited by the Limestone Dip topography. It is allocated a **low to medium sensitivity**. Whilst visible, it is argued that the backdrop of the Wolds escarpment to the east holds greater influence of character than view eastward and the **magnitude of change** is concluded to be very **small**. The **level of significance** is deemed to be **minor**.

10.17 The Trent Valley Character Area[39] lies over 7km to the west of the development. A gently undulating agricultural landscape with notable woodland groups and generally sparse settlements, it is allocated a **low sensitivity**. With limited views due to landcover and low elevation, a **very small magnitude** of change is predicted. The **significance** of landscape impact is considered **negligible**.

10.18 The Laughton Woods Character Area[40] begins approximately 9km to the north-west of the development. This agricultural landscape with

[37] Incorporating NCA44 – Central Lincolnshire Vale; RLC 4A – Unwooded vales; LCA9 – Lincolnshire Clay Vale.
[38] Incorporating NCA44 – Central Lincolnshire Vale; RLC 4A – Unwooded vales; LCA10 – The Kelseys.
[39] Incorporating NCA45 – Northern Lincolnshire Edge with coversands and NCA48 – Trent and Belvoir Vales; RLC 4B – Wooded vales; LCA2 – Trent Valley.
[40] Incorporating NCA45 – Northern Lincolnshire Edge with coversands; RCA 4B – Wooded vales; LCA1 – Laughton Woods.

notable woodland groups is given a **low sensitivity**, and a **small magnitude** of change as inter-visibility is interrupted by woodland groups, and views south-east are not considered to be of high value. An impact of **minor significance** is predicted.

Whilst the LVIA follows a set out methodology, it is reliant upon the professional judgement of its authors. Nonetheless, the findings of the Landscape Impact Assessment are considered to be thorough and balanced.

10.19 The Nationally designated Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is located some 14km to the east of the site. Whilst the development would be visible from within the AONB, part of its characteristics are unrestricted open views across the land and views pick up various man-made structures including the power station cooling towers at West Burton, even at Drax on a clear day. Notably when considering a recent appeal[41] against refusal of a windfarm development, the Planning Inspector noted that:

"It is the simple availability of these extensive views that is a special characteristic of the AONB. The things within the view do not necessarily spoil the observer's enjoyment of it and at these great viewing distances, structures become absorbed into the backcloth of the rural scene. Vertical structures in particular become landmarks which enable the observer to explore the local context of what they can see."

10.20 It is concluded that the character of the Wolds would not be harmed by the proposed development, and the overall effect on the character of the AONB would be negligible.

10.21 The development will introduce high vertical man-made structures that will have an adverse impact upon local landscape character areas, particularly the Limestone Dip Slope and Cliff (a locally designated AGLV), as such the development would be contrary to saved WLLP policy NBE10. In addition the development would fail to achieve the draft Core Strategy objective of protecting and enhancing Central Lincolnshire's landscapes.

10.22 However, giving full weight to these policies would be inconsistent with the wider NPPF aim for planning to play a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure. As EN-3 acknowledges there will always be significant landscape and visual effects from the construction and operation of wind turbines for a number of kilometres around the site.

41 Appeal APP/D2510/A/12/2176754 – Land at Land at Carlton Grange, Thacker Bank, Near Louth, LN11 7TX (see http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.5279667&NAME=/Decision%20letter.pdf)

10.23 Taking the above into account is considered that the proposed development would not have a significant adverse impact on the setting of any highly sensitive or nationally designated landscape. Moderate harm would occur to the locally designated Cliff AGLV, most particularly when viewed from the west (within the Till Vale). Localised harm to local landscape character would occur – however, on balance, this is not considered to outweigh the wider benefits of development.

10.24 Overall, wind technology is considered to be an established and reliable renewable technology to contribute towards the National and emerging Local, support for renewable energy. Its very scale and nature means that a neutral or positive effect upon landscape character cannot be achieved.

10.25 Another material consideration is that the lifetime of the development is 25 years – after that the windfarm would be decommissioned and removed. This does however cover a significant period in the lifetime of a human who could perceive the landscape character.

Visual Impacts

10.26 Visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views and the impact upon those people experiencing those views.

10.27 The LVIA contains a Visual Impact Assessment. It undertakes an assessment at 22 viewpoints, assessing the sensitivity of the receivers/viewers in that location, the magnitude of visual change and overall significance of visual effect. The 22 viewpoints are accepted as largely representative of surrounding villages and roads, where the development would be perceived by people, although the applicant has not provided representations from nearby Public Rights of Way despite formal request to do so.

10.28 The LVIA concludes a significant (moderate to major) visual impact at eight of the viewpoints, as follows:

- **Hemswell Cliff** (Viewpoint 1) 1.3km distance – Major significant effect to residents (high sensitivity) and major / moderate impact to users of open space (medium sensitivity);
- **A15 at Norton Place** (VP5) – 0.7km; Major significant impact on small number of residents (high sensitivity); major / moderate significant impact on A15 road users (low sensitivity);
- **Bishop Norton** (VP6) – 2.2km major significant impact on residents (high sensitivity) and major/moderate significant impact on users of open space (medium sensitivity);
- **Corringham** (VP10) – 7.1km; major/moderate significant impact on residents (high sensitivity);
- **Ingham public footpath to north** (VP12) – 7.3km; major / moderate significant impact on residents (high sensitivity);

- **A631 west of Hemswell** (VP13) – 2.7km; major /moderate significant impact to road users approaching the village (medium sensitivity);
- **A631 at Bishopbridge** (VP18) – 6.7km; major / moderate significant impact to residents (high sensitivity);
- **A15 at Spital in the Street** (VP21) – 1.6km; Major significant impact on residents (high sensitivity).

10.29 These representative viewpoints indicate that there will be a significant visual impact to residential areas to the east, north and south, within closer proximity (7km) of the development.

10.30 The ES determines that significant visual effects would be experienced at twenty-nine residential properties within 2km of the development, where a medium to large magnitude of change would occur. Thirteen of the properties, as follows, are anticipated to endure a large magnitude of change:

- 1 to 6 Norton Place (approximately 850m south-east of turbine 5);
- South Lodge, Norton Place (approximately 800m south-east of turbine 5);
- 1 and 2 Cliff House Farm (approximately 1.3km north of turbines 1 and 2);
- Laynes Farm (approximately 1.2km north of turbine 2);
- The Cottage, Spital in the Street (approximately 1.2km south of turbine 5);
- No.3 Spital Lane, Spital in the Street (approximately 1.6km south of turbines 5 and 7);
- No.4 “New Bungalows Spital in the Street (approximately 1.6km south of turbines 5 and 7).

10.31 The development will, as a consequence, have a negative impact upon the amenities enjoyed at these residential properties, and would be contrary to WLLP policy STRAT1 which seeks to protect residential amenity. Whilst this negative impact upon residential amenity is acknowledged, it is considered that the development would not limit the occupants’ use of the property, or unduly hamper quality of life. It is considered that the significant effect on visual amenity experienced by these properties would not outweigh the significant wider renewable energy benefits that can be attributed to the development.

Conclusions

10.32 It is concluded that the development would have a moderate change on the overall character of the Limestone Dip Character Area, with a large magnitude of change perceived locally. The development would have a moderate effect on the significance of the Cliff, a locally designated AGLV.

10.33 These effects would be contrary to Local policy which seeks to protect local landscape character. However, the localised harm to landscape character is not considered to outweigh the wider benefits of this renewable energy proposal – where a degree of localised landscape impact can be expected.

10.34 The development will have a significant visual impact locally, more readily perceived from the line of villages to the east (particularly Bishop Norton); and from Corringham to the west. Up to 13 residential properties would endure a large magnitude of change in their outlook. These impacts would occur throughout the lifetime of the development (25 years). It is concluded that this would be contrary to Local policy but this needs to be weighed against the wider energy benefits of development.

In summary:

- **Local Plan policy STRAT12 only permits development that necessarily requires a countryside location. Due to the scale and nature of the development it is not suited to urban locations, and a countryside location is therefore necessary, in compliance with policy STRAT12;**
- **National Planning Practice Guidance advises that "local topography is an important factor in assessing whether wind turbines can have a damaging effect on landscape and local authorities should recognise that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas";**
- **The LVIA assesses a low sensitivity and medium to high magnitude of change at the Limestone Dip Slope Character Area- it concludes a moderate impact;**
- **The LVIA concludes a high sensitivity and small magnitude of change at the Cliff Landscape Character Area – it concludes a moderate (locally) to minor impact;**
- **The LVIA predicts a medium magnitude of change to the low to medium sensitive Till Vale Landscape Character Area. A moderate significance impact is predicted;**
- **A minor impact is predicted on the Lincolnshire Clay Vales, The Kelseys and Laughton Woods Character Areas; A negligible impact is predicted on the Trent Valley Character Area.**
- **The effect on the Lincolnshire Wolds AONB would be negligible;**
- **The development will be contrary to Local Plan policy NBE10 as it is likely to have an adverse impact on the features, setting and general appearance of the Landscape Character Areas. However NBE10 is not wholly consistent with the NPPF, and cannot therefore be attached full weight;**
- **It is concluded that localised harm to the landscape and the moderate harm to the locally designated Cliff AGLV does not outweigh the wider benefits attributed towards the development;**
- **The LVIA determines there will be a significant visual impact at eight viewpoint locations, notably to residents within Hemswell Cliff, Bishop Norton, Corringham, Bishopbridge and Spital in the Street, and motorists on the A15 and A631;**
- **A large magnitude of visual change is predicted to thirteen residential properties in proximity of the site.**

11 *Noise and Vibration*

11.1 National Planning Practice Guidance[42] advises that the report, 'The assessment and rating of noise from wind farms' (ETSU-R-97)[43] should be used by local planning authorities when assessing and rating operational noise arising from wind energy developments. Good practice guidance on noise assessments of wind farms[44] has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97.

11.2 ETSU-R-97 recommends the employment of noise limits. It considers noise limits should be applied to external areas at noise sensitive receptors (i.e. residential properties). It considers that absolute noise limits applied at all wind speeds are not suited to wind farms in typical UK locations, instead limits set relative to the background noise are more appropriate in the majority of cases. Separate noise limits should apply for day-time and for night-time (between 23:00 and 07:00 hours GMT).

11.3 It recommends that, generally, the noise limits should be set relative to the existing background noise at nearest noise-sensitive properties and that the limits should reflect the variation in both turbine source noise and background noise with wind speed. It gives the opinion that only limits on noise over a range of wind speeds up to 12m/s should be placed when measured at a standardised 10m height on the wind farm site.

11.4 Noise from the wind farm should be limited to 5dB(A) above background for both day and night-time periods, remembering that the background level of each period may be different. In low noise environments the day-time level of the LA9o,iomin of the wind farm noise can be limited to an absolute level within the range of 35-40dB(A), or 43dB(A) at night, whichever is the greater.

The applicant has undertaken noise-monitoring at noise-sensitive locations in proximity of the site in order to establish background noise. From this, it has derived both daytime and night time noise limits as follows:

[42] Planning Practice Guidance for Renewable and Low Carbon Energy, July 2013
[43] https://whitehall-admin.production.alphagov.co.uk/government/uploads/system/uploads/attachment_data/file/49869/ETSU_Full_copy__Searchable_.pdf
[44] http://www.ioa.org.uk/pdf/ioa-gpg-on-wtna-issue-01-05-2013.pdf

Proposed Day-time L_{a90} (dB) Noise Limits (derived from background noise survey)

	Standardised Wind Speed at Ten Metres Height (m/s)								
	4m/s	5m/s	6m/s	7m/s	8m/s	9m/s	10m/s	11m/s	12m/s
Cliff House Farm Cottages	38.0	38.0	38.0	40.0	43.2	47.6	47.6	47.6	47.6
Willoughton House	38.5	39.7	41.4	43.7	46.9	51.2	51.2	51.2	51.2
Patchetts Cliff	38.5	39.7	41.4	43.7	46.9	51.2	51.2	51.2	51.2
Norton Place Cottages	40.3	41.1	42.9	45.7	49.1	52.6	55.3	56.1	56.1
Capper Avenue	38.0	38.0	38.0	39.2	41.5	44.9	49.8	49.8	49.8
Farm House	38.0	38.0	38.0	40.0	43.2	47.6	47.6	47.6	47.6
Windy Ridge	38.5	39.7	41.4	43.7	46.9	51.2	51.2	51.2	51.2
Hemswell (outskirts)	38.5	39.7	41.4	43.7	46.9	51.2	51.2	51.2	51.2

Proposed Night-time L_{a90} (dB) Noise Limits (derived from background noise survey)

	Standardised Wind Speed at Ten Metres Height (m/s)								
	4m/s	5m/s	6m/s	7m/s	8m/s	9m/s	10m/s	11m/s	12m/s
Cliff House Farm Cottages	43.0	43.0	43.0	43.0	43.0	46.2	48.8	48.8	48.8
Willoughton House	43.0	43.0	43.0	43.0	43.0	45.9	46.4	46.4	46.4
Patchetts Cliff	43.0	43.0	43.0	43.0	43.0	45.9	46.4	46.4	46.4
Norton Place Cottages	43.0	43.0	43.0	43.0	45.7	49.4	49.4	49.4	49.4
Capper Avenue	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Farm House	43.0	43.0	43.0	43.0	43.0	46.2	48.8	48.8	48.8
Windy Ridge	43.0	43.0	43.0	43.0	43.0	45.9	46.4	46.4	46.4
Hemswell (outskirts)	43.0	43.0	43.0	43.0	43.0	45.9	46.4	46.4	46.4

11.5 Using the ETSU-R-97 methodology, the ES calculates the windfarm noise emission levels at each receptor. Predicted noise emissions fall comfortably below the ETSU-R-97 derived noise limits (relative to background noise) proposed, across all wind speeds.

11.6 In accordance with National Policy Statement EN-3, a planning condition is necessary and should be applied to secure these noise limits. The condition should contain measures for the wind farm operator to address and review any noise complaints received during operation at the request of the local planning authority.

11.7 National Policy Statement EN-3 advises that "there is no evidence that ground transmitted low frequency noise from wind turbines occurs at a sufficient level to be harmful to human health".

11.8 The ES anticipates a 12 month construction period. The ES predicts upper day-time noise levels generated by construction work of between 40-56dBA. This is below the threshold of "significance" of 65dBL_{Aeq} for weekday / Saturday morning working in otherwise quiet environments set by BS:5228.

11.9 In mitigation, the ES proposes that all construction activity be limited to 7am to 7pm Monday to Saturday; and 7am to 1pm on Saturdays. Exception would be required for the overnight abnormal load delivery of the turbines. It is proposed that a planning condition is used to secure daytime construction hours.

In summary:

- **National planning policy requires local authorities to use the ETSU-R-97 standard when assessing and rating noise from windfarms;**
- **The applicant has undertaken a baseline noise survey and derived both daytime and night time noise limits across a range of wind speeds in accordance with good practice;**
- **Predicted wind farm noise emission levels will not exceed the proposed noise limits;**
- **The noise limits should be secured by planning condition.**
- **Planning conditions should be used to limit the hours of construction and secure an Environmental Management Plan to ensure best practice and protect amenity during the construction phases.**

12 *Shadow Flicker and Light Reflection*

12.1 Shadow flicker is a phenomenon arising under certain combinations of geographical positioning, prevailing weather and the time of day and year, in which the sun may pass behind the rotors – resulting in the shadow of the moving blades "flickering" on and off a property.

12.2 Planning Practice Guidance advises[45] that only properties within 130 degrees either side of north relative to the turbines can be affected by shadow flicker at UK latitudes. It requires applicants to analyse and

[45] Paragraph 35

quantify the impact. It states that individual turbines can be controlled to avoid shadow flicker to a group of properties on sunny days, for specific times of the day and on specific days of the year and that planning conditions can be used to mitigate impact where it would exist.

12.3 Modelling within the ES indicates that the row of six no. two storey properties to the east, known as Norton Place Cottages, could be susceptible to shadow flicker arising from turbine 5. The modelling indicates this would occur for no more than 30 minutes a day (between 18:55 and 19:30 GMT) within a 68 day period (between the start of May and start of August). They anticipate shadow flicker occurring for up to 24hrs in total across a year, but that factors such as cloud cover indicate more likely six hours a year. The ES concludes that no significant effect is anticipated.

12.4 The ES does acknowledge that a photocell to monitor sunlight, and software programming could be used to shut down turbine 5 at the dates and time when shadow flicker could occur.

12.5 Whilst the limited time periods within a day are noted, the phenomenon could potentially happen across three months a year. As mitigation would only require the turbine to stop operating at those times when the correct conditions for shadow flicker are prevalent, it is considered it would be both reasonable and necessary for a planning condition to secure this in order to protect the amenities of the properties at Norton Place Cottages.

12.6 National Policy Statement EN-3 advises[46] that the maximum frequency of the shadowing effect from commercial scale wind turbines is less than 1 hertz, which is well below the frequency known to affect sufferers of epilepsy (which is above 2.5hertz).

12.7 National Planning Practice Guidance states[47] that turbines can cause flashes of reflected light, which can be visible for some distance. It notes that it is possible to ameliorate the flashing but not eliminate it. EN-3 advises that as far as technologically possible, rotating blades should not be reflective for this reason. The applicant has indicated the turbine blades would be made from reinforced composite materials (such as fibreglass) and propose that the turbines are finished in a pale semi-matt grey colour. A planning condition is recommended to agree final materials and colour.

[46] Paragraph 2.7.70
[47] Paragraph 37

In summary:

- **The ES identifies that shadow flicker could occur to the six residential properties at Norton Place Cottages, for up to 30 minutes a day; potentially on 68 days of the year.**
- **A planning condition should be applied to secure mitigation to shut down turbine 5 when the prevalent conditions for shadow flicker would occur;**
- **A condition to secure agreement on colour and materials is recommended to ameliorate light reflection and in the interests of visual amenity.**

13 Traffic and Transport

13.1 West Lindsey Local Plan policy STRAT1 requires development to be satisfactory in terms of "the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems". This is consistent with the NPPF aim to seek "safe and suitable access to the site can be achieved for all people". The NPPF further advises that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

13.2 A detailed transport assessment is provided within the application ES and SEI.

13.3 The application seeks to upgrade existing farm accesses on the A15 (Ermine Street) and B1398 (Middle Street).

13.4 The A15 access would be formalised and the bell-mouth would incorporate a hard surface over-run area to allow abnormal loads to enter and exit the site. The over-run area would be cordoned off with demountable bollards when not in use. A satisfactory 4.5m x 215m visibility splay would be achieved.

13.5 The A15 access point would be used for all lorry traffic to access the site during construction. This would include abnormal loads required to deliver the turbine components to the site. Each turbine is anticipated to require seven abnormal load deliveries. These would be landed at either the Port of Goole or Immingham, and, with a police escort, travel south along the A15 before turning right into the site. These would then leave the site at the A15 access in a northbound direction.

13.6 All other Heavy Goods Vehicles (HGV) vehicles would also enter via the A15 access. They would be required to all be travelling in a north bound direction to access the site by turning left. If travelling southward, they would need to circulate the Caenby Corner roundabout to approach the site in a northbound direction. Only northbound HGVs would be permitted to exit the site via the A15 (turning left).

The A15 access would not be used during the operational phase other than where an abnormal load delivery is required.

13.7 The ES confirms that the accident rate is approximately a third over the national average on the A15. It anticipates during construction the development would increase A15 traffic on average by around 94 vehicles per day, an increase of 0.5% on the baseline traffic data.

13.8 The nearest turbines to the A15 (turbines 4 and 5) would be set approximately 300m from the road. This is comfortably within the setback distance advised by the Department for Transport[48] for commercial wind turbines near to the Strategic Road Network, which is a reasonable measure to be applied to the local road network.

13.9 A number of objectors cite concerns with the turbines forming a distraction to drivers, noting the A15 to be a "red route" road with a high accident rate. Department for Transport guidance on strategic roads advises that "any potential for visual distraction should be minimised by the provision of a clear, continuous view of the wind turbine(s) that develops over the maximum possible length of approach carriageway. Wind turbines should not be located where motorists need to pay particular attention to the driving task, such as the immediate vicinity of road junctions, sharp bends, and crossings for pedestrians, cyclists and horse riders."

13.10 The development would be visible from distance to approaching southbound traffic on the A15[49]. For northbound traffic, the Zone of Theoretical Visibility (ZTV) suggests the development would be visible some 18km south of the site, but does not take into account intervening man-made structures, landscaping or localised variations in topography. Following Officer requests, the SEI has provided viewpoints[50] along the A15 northbound approach to the site. These indicate the development would be visible and discernible a good 5km south of the site. They do suggest that the development would be largely obscured when motorists enter the road dip at Spital in the Street, but as the windfarm would be perceptible in the build up to this point, it would not be expected to form an unreasonable distraction or otherwise startle drivers.

13.11 Turbine 5 would be located opposite the Norton Lane junction with the A15, set approximately 300m back from the road. Objectors raise concerns with the development forming a distraction to drivers at this junction with a busy road, and that this is not addressed by the applicant. Whilst the concerns of objectors are noted, this is a minor rural road that would be predominantly used by local traffic that can be

[48] Paragraph A8 - DfT Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development, Department for Transport (September 2013) – see https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development

49 See viewpoint 8, Environmental Statement Volume II

[50] Viewpoints TVP1-TVP4, SEI Volume II

expected to be fully aware of the presence of the turbines and the development would be in clear view in the approach to the junction.

13.12 The B1398 access would be used by all light vehicles (i.e. vans and cars) to enter and exit the site. Southbound HGVs would also exit the site from the B1398.

13.13 The applicant has not been able to achieve a full 4.5m x 215m visibility splay[51] at the B1398 junction. To the north, the splay measures just 160m which the applicant explains is because a 215m splay would require extensive tree removal and works within private land. They say this would result in adverse ecological and landscape impacts, although no assessment in this regard has been provided.

13.14 The ES acknowledges that the B1398 has an accident rate twice that of the national average. It estimates that during construction, the development would result in approximately an average 52 vehicles per day using the B1398 and the access (a 1% traffic increase on the baseline). During the operational phase of the development they anticipate an average of only four movements a week at the B1398 access.

13.15 Following Highway Authority concerns over the safety of this access due to the restricted visibility splay, in mitigation the applicant has proposed a Temporary Traffic Regulation Order (TTRO) to reduce the speed limit to 40mph during the construction phase. Road safety signs would be erected to accompany this and give warning of a works entrance.

13.16 It is considered that this would provide sufficient mitigation during the temporary 12 month construction period, and that a suspensive planning condition is needed to secure this. The very low usage of the track during the operational phase means that further mitigation would not be reasonable or necessary. Following discussion with the Highways Authority, the applicant also proposes to introduce a TTRO with 40mph restrictions onto the A15 during the construction phase.

13.17 Subject to such planning conditions to secure these highway safety proposals, the development would be deemed to accord with WLLP policy STRAT1 in this regard.

13.18 As noted elsewhere within this report, turbines can cause flashes of reflected light, which could potentially dazzle drivers. However, this can be ameliorated with use of non-reflective materials and the applicant has indicated the turbine blades would be made from reinforced composite materials (such as fibreglass) and propose that the turbines are finished in a pale semi-matt grey colour. A planning condition is

[51] As recommended by Design Manual for Roads and Bridges, Department for Transport – see http://www.dft.gov.uk/ha/standards/dmrb/

recommended to agree final materials and colour. This would accord with the guidance given by the Department for Transport[52].

In summary:

- **The site would be accessed via the A15 to the east and B1398 (Middle Street) to the west. Existing farm tracks would be upgraded for the development;**
- **The A15 access would be used by all lorry traffic (HGVs and abnormal loads) entering the site during construction. It would not be used during operation (other than where an abnormal load is required);**
- **All traffic entering from the A15 would be travelling in a northbound direction to turn left into the site, with the exception of police escorted abnormal loads;**
- **Only northbound HGVs / abnormal loads turning left would exit onto the A15;**
- **The development would be expected to increase A15 road traffic by 0.5% during construction;**
- **The B1398 access would be used by all light vehicles to enter and exit the site;**
- **The B1398 access would be used by all southbound HGVs to exit the site;**
- **The B1398 access visibility splay would measure only 160m to the north, short of the 215m standard;**
- **To compensate for the limited visibility, a temporary traffic regulation order is proposed to reduce the speed limit to 40mph on the B1398 and A15. A suspensive planning condition is needed to secure this throughout the construction phase;**
- **The turbines would be set back from the road in accordance with Department for Transport guidance;**
- **The development would be visible from a distance to road users and is not expected to form an unreasonable distraction to, or otherwise startle motorists;**
- **A planning condition is required to ensure non-reflective materials to ameliorate potential for driver dazzle.**

[52] Paragraph A14 of DfT Circular 02/2013

14 Civil, Military Aviation and Defence Interests

14.1 National Planning Practice Guidance advises[53] that wind turbines may `have an adverse effect on air traffic movement and safety by, firstly, representing a risk of collision with low flying aircraft, and secondly, they may interfere with the proper operation of radar by limiting the capacity to handle air traffic, and aircraft instrument landing systems.

14.2 The NPPF advises[54] planning authorities should follow the approach set out in National Policy Statements EN-1 and EN-3 on aviation impacts.
EN-1 states[55] that where a proposed energy infrastructure development would significantly impede or compromise the safe and effective use of civil or military aviation or defence assets and or significantly limit military training, the [decision-maker] may consider the use of 'Grampian', or other forms of condition which relate to the use of future technological solutions, to mitigate impacts. Where technological solutions have not yet been developed or proven, the [decision-maker] will need to consider the likelihood of a solution becoming available within the time limit for implementation of the development consent.

14.3 National Air Traffic Services (NATS) is the main air traffic control provider within the UK. It originally objected to the development on the basis it would have an unacceptable effect on the combined Primary Surveillance (PSR) and Secondary Surveillance (SSR) Radar at Claxby, approximately 17km to the north east of the development. Due to the distance and insufficient terrain shielding, they anticipate the reflected power will be adequate to generate false plots and a reduction in the radar's probability of detection for real targets is expected. However, NATS have confirmed that they will lift their objection subject to the implementation of a planning condition, prohibiting any turbine to be erected until the developer has agreed a Primary Radar Mitigation Scheme (PRMS) with the operator to be agreed by the local planning authority.

14.4 They advise the PRMS would deploy mitigation commonly referred to as "radar blanking" – this involves modifying the radar system to blank out an area where false plots are being recorded. As NATs network of overlapping radars provides triplicate cover in this location, the modification would not lose radar cover in the location. They advise this is a common technique which is available and deliverable.

14.5 As the mitigation is necessary and reasonable it is considered the use of a suspensive or "Grampian" condition preventing development until mitigation is agreed in place, would meet the required tests for a planning condition and National Statement EN-1.

[53] Paragraph 31
[54] Footnote 17 of the NPPF
[55] Paragraph 5.4.18

14.6 Robin Hood Airport Doncaster Sheffield (RHADS) is an International airport, located approximately 28km to the east of the application site. RHADS object to the development as there will be line of sight for both primary radars at RHADS and Hibaldstow. As such, rotation of the blades would be detected by the airport's primary radar, causing visual clutter. This will cause distraction for a Controller, especially as the turbines lie in an area of high traffic density and are located underneath the ROGAG departure flight path.

14.7 The applicant accepts that mitigation is required and that the "Little John Radar" at Hibaldstow does not provide adequate mitigation as it is bespoke to a number of existing windfarms. The applicant says that they have agreed on the principle of RWE contributing towards a study to define suitable technical mitigation options for the Airport. The applicant cites two emerging technological solutions at Durham Tees Valley Airport and Manston (Kent International) Airport. They are subject to the CAA Approvals process, which involves the Airport developing a series of 'safety cases', a risk management based process that assesses the risks posed by introducing a new technology or change to aerodrome operations, and requiring the approval of the CAA.

14.8 The technological solutions being considered are developed, but not yet proven and are currently subject to the CAA Approvals process. As this is under way there is a reasonable likelihood of a solution becoming available – although the applicant has requested the time limit for commencement be extended to five years (normally three) to enable this.

14.9 RHADS have confirmed that they are in detailed discussions with the applicant to agree mitigation and would be prepared to withdraw their objections subject to a suitably worded condition, which they have supplied. Such a condition would accord with EN-1 guidance.

14.10 The Ministry of Defence (MOD) had originally objected to the development. They advise that the turbines will be in line of sight to, and will cause unacceptable interference to the ATC Radars at RAF Coningsby, RAF Cranwell and RAF Waddington. They cite concerns with the desensitisation of radar in the vicinity of the turbines and creation of "false" aircraft returns. Controllers use the radar to separate and sequence both military and civilian aircraft. Whilst a mitigation solution was agreed for RAF Waddington, the applicant has only now through discussions with the MOD agreed that mitigation will also be required at Coningsby and Cranwell.

The MOD is presently undertaking an ATC Mitigation Solution Technology Demonstration (TD) programme based at MOD Eskmeals, Cumbria. This involves the testing of six different technological solutions on a series of different aircraft in a series of different flight profiles at a series of different heights. It is anticipated that the MOD

will announce the results of the TD in late 2013 which will pave the way for procurement of mitigation solutions across MOD aerodromes.

14.11 In accordance with the guidance given in EN-1, on the basis technology is developed and being proven through the TD, a suspensive solution requiring a mitigation solution to be secured prior to development, is considered to be reasonable.

14.12 The applicant has proposed infra-red lighting on five of the turbines. Following the MOD's advice, a condition is recommended to secure lighting on all ten turbines.

14.13 The MET Office had originally objected to the development due to concerns with the impact on the MET Office radar at Ingham, approximately 9km to the south of the development. "The turbines will be 9km from, in line of sight to, and will cause unacceptable interference to the Meteorological Office radar at Ingham. If the proposed turbines are constructed at this location, the radar beam will be obscured resulting in unacceptable degradation to Meteorological Services."

14.14 The applicant has subsequently undertaken its own assessment of the potential impact on the Ingham Radar. The applicant concludes that the wind farm will not unacceptably degrade Meteorological Services provided by the Met Office. Following review of this evidence, the MET Office has subsequently withdrawn its objections, on the basis that the development, by itself, would not significantly degrade services provided by the MET Office.

14.15 The Trent Valley Gliding Club (TVGC) operates from an unlicensed airfield at Kirton in Lindsey, approximately 5km north of the development. They had initially objected to the development, supported by the British Gliding Association (BGA), citing concerns with safety. The developer has submitted a further Safety Assessment in response. Whilst this unlicensed aerodrome does not have a formal safeguarding map in place, the development would be outside the applicable Safeguarding and Obstacle Limitation Surfaces.

14.16 The safety assessment explains the airfield operates under Visual Flight Rules (VFR) within Visual Meteorological Conditions (VMR). In effect, the pilot is responsible to see and avoid obstacles, generally without Air Traffic Control, within appropriate conditions for visibility. However, at the distances proposed there is no requirement for aircraft to overfly the turbines when approaching or departing from either runway. Circuit patterns take place within 1 nautical mile (NM) of the runway and the turbines are at a distance of just over 2.5NM giving pilots considerable margin to avoid the windfarm. The Assessment concludes any residual risk would be wholly mitigated through notification to the Defence Geographic Centre, Civil Aviation Authority and RenewableUK to ensure the obstacles are recorded in all data

used by pilots. However TCVGC is responsible to ensure procedures are in place.

14.17 A planning condition to ensure advance notification is given to all aviation bodies, including the Civil Aviation Authority, Robin Hood Airport Doncaster Sheffield, Humberside Airport, Defence Geographic Centre and the Ministry of Defence is recommended.

14.18 The BGA and TVGC have now withdrawn their objections following this additional information. Whilst they have advised of the additional hazard of downwind turbulence resulting from the turbines, at the distance proposed they do not consider that the development would significantly compromise pilot safety or operations. They conclude the development will not present insuperable difficulties or create a significant danger for pilots operating from Kirton in Lindsey airfield.

The development would be outside the Obstacle Limitation Surfaces for Sturgate Airfield, an unlicensed airfield approximately 6.6km to the south-west.

In summary:

- **NATS advise there is feasible mitigation to overcome concerns over impact on the Claxby radar. A suspensive planning condition to secure this prior to commencement is recommended in accordance with National Policy Statement EN-1;**
- **There will be an impact on primary radar at Robin Hood Airport Doncaster Sheffield. The applicant proposes an unproven but developed technological solution – a suspensive condition is recommended;**
- **The development will affect radar at RAFs Waddington, Coningsby and Cranwell;**
- **The MOD is currently testing technological solutions, and a suspensive condition is considered to be reasonable;**
- **A condition is required to secure infra-red lighting on all ten turbines;**
- **The development is outside the applicable safeguarding areas for the Kirton in Lindsey airfield, operated by the Trent Valley Gliding Club;**
- **A planning condition to ensure advance notification is given to aviation bodies is recommended;**
- **It is recommended that the time limit for implementation be extended to five years (normally three) to allow the applicant the opportunity to secure the proposed mitigation.**

15 *Telecommunications*

15.1 Wireless signals, including high frequency signals such as television, are best to have a clear line of sight between the transmitter and receiver in order to achieve the most reliable reception. Turbines can interrupt the signal by blocking (known as “shadowing”) or diverting line of sight; or by scattering signals.

15.2 A “shadow” zone can develop behind an object located between the transmitter and receiver, where there is a reduction in signal strength. This may result in loss of picture quality, interruptions to transmission or audio interference for terrestrial television. Ofcom[56] guidance states that whilst shadowing can occur up to 5km, the impact dissipates over distance. Within tens of metres there may be a large reduction in signal strength and complete loss of picture; within hundreds of metres the signal reflection is less severe (although some locations could still lose reception); within 1-5km the shadow will effectively disappear.

15.3 When a transmitted signal hits a turbine (static or moving) there is potential for the signal to be scattered or reflected. Ofcom advise that whilst reflected signals have been reported at 20km, this is exceptional and it is typically no more than 5km. Digital television pictures do not suffer from delayed picture interference (“ghosting”). However a digital receiver that has to deal with reflections needs a somewhat higher signal level than one that has to deal with the direct path only. Viewers in areas where digital signals are fairly weak could experience interruptions to their reception should new reflections appear. Higher transmission following the digital switchover is expected to diminish this phenomenon. However, higher transmitter powers will not be a solution in all situations.

15.4 Satellite television reception is unlikely to be affected by the development.

15.5 Broadcast radio (FM, AM and DAB digital radio) is transmitted on lower frequencies than television which tend to pass through obstructions more easily and diffraction effects also become less significant at lower frequencies. Both these factors will tend to lessen the impact of new structures on radio reception.

15.6 Telecommunication representatives have been consulted on the application, and no objections have been received. Ofcom confirm that Everything Everywhere (EE) has a telecommunications link which crosses the site, but no concerns with the development have been raised.

[56] Tall Structures and their impact on broadcast and other wireless services, OFCOM (2009) – see http://licensing.ofcom.org.uk/binaries/spectrum/fixed-terrestrial-links/wind-farms/tall_structures.pdf

15.7 In conclusion, there is potential for the development to affect television signals within 5km of the development, although any loss of signal is less likely at distances of over 500m. The nearest turbine to residential properties is over 800m. It is common practice with windfarm developments to apply a planning condition to require the applicant to undertake post-development surveys and mitigation, at the behest of the local authority should any complaints be received within 12 months of operation commencing.

In summary:

- **There is a potential for terrestrial television signals to be affected up to 5km of the proposed development;**
- **A planning condition is recommended to require the applicant to undertake post-construction surveys and mitigation (as required), at the request of the local planning authority should any complaints be received, within 12 months of operation.**

16 Other Matters

16.1 Impact on property values is not a material planning consideration.

16.2 A number of objector's consider that the application does not accord with the Lincolnshire County Council Wind Energy Position Statement[57]. The statement does not form part of the statutory development plan. Notably, in a recent appeal decision[58], the Planning Inspector concluded that there was nothing before him to suggest it was anything more than an expression of aspirations by the County Council and can carry little weight in the planning balance. Furthermore, the statement is not consistent with the latest Government advice contained within the Planning Practice Guidance for Renewable and Low Carbon Energy, which advises against inflexible buffer zones or separation distances. It is not therefore considered to be a material consideration which can be afforded any great weight in consideration of this planning application.

16.3 Objectors raise concerns that the applicant proposes community investment funding, and has been undertaking public consultation on the matter, including outside the immediate locality. They are concerned with the timing of the consultation and that this could constitute bribery under The Bribery Act 2010. Community Investment Funding for large scale renewable energy projects is actively encouraged by the Department of Energy and Climate Change (DECC)[59] to make such development more acceptable to the

[57] http://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/wind-farms/

[58] Land at Six Hundred Farm East Heckington, Lincolnshire (appeal DPI/R2520/12/8 see https://www.og.decc.gov.uk/EIP/pages/projects/EastHeckingtonInspectorsReport.pdf)

[59] https://www.gov.uk/government/news/onshore-wind-communities-to-have-a-greater-say-and-increased-benefits

communities affected. However, any such funding is not directly related to the impacts of development and does not therefore form a material planning consideration that can be taken into account when determining this application.

16.4 A dangerous build up of ice particles on turbine blades, resulting in "ice throw", is not a common phenomenon in England. The developer advises that the turbines will be able to operate with a thin accumulation of snow/ice, but would automatically shut down where sufficient build up would cause aerodynamic or physical imbalance of the rotor assembly. A planning condition to ensure this would be reasonable.

16.5 Some residents are concerned there are safety implications with the proximity of the Fireworks factory at Hemswell Cliff, and even the petrol station at Caenby Corner. The nearest turbine would be 1.8km from the petrol station. Turbine 7 would be located approximately 300m distance from the Firework Factory. This is significantly greater than the fall over distance of the turbine. The likelihood of a blade breaking off and travelling such distance is very low and the applicant has advised that the turbines would be controlled by a Supervisory Control and Data Acquisition (SCADA) system which would shut the turbine where faults are detected. Vibration sensors within the blades would automatically shut the turbine down where an imbalance from damage is detected.

17 **Conclusions**

17.1 The NPPF requires planning decisions to be taken in accordance with the presumption in favour of sustainable development which is taken as:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.[60]

17.2 As the West Lindsey Local Plan (WLLP) predates the NPPF, weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)[61].

17.3 The NPPF considers[62] that "planning plays a key role… supporting the delivery of renewable and low carbon energy and associated

[60] Paragraph 14, NPPF
[61] Paragraph 215, NPPF.
[62] Paragraph 93, NPPF

infrastructure. This is central to the economic, social and environmental dimensions of sustainable development." It further states[63] "to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources." The NPPF makes clear[64] that local planning authorities should approve renewable energy applications (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

17.4 The WLLP does not make provision for large scale renewable energy developments and is not wholly consistent with the NPPF for this reason.

17.5 Central Lincolnshire in general, and West Lindsey in particular, currently generates very little of its overall energy requirements from renewable or decentralised sources. The development would result in a 20-25M capacity windfarm, making a substantial contribution towards this. The development would achieve the NPPF economic, social and environmental dimensions of sustainable development. This is seen as a key benefit of development.

17.6 It is concluded that protected species would not be likely to be significantly affected by the development. There would be some small habitat loss, and potential for disturbance / displacement to breeding birds. These are adverse impacts that can be satisfactorily mitigated against through compensatory habitat provision.

17.7 It is considered that the proposed development would substantially harm the setting of Norton Place, a Grade I Listed building of the highest significance, set within a locally designated historic park, with a Grade II listed entranceway. Some harm would also occur to the setting of Hemswell Cliff Conservation Area. The site contains significant archaeological assets, that could be lost or harmed to the development and has proposed no measures to mitigate or otherwise preserve the assets. The development would therefore be contrary to Local and National policy. The Council has a legal duty when considering a planning application to "have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses."

17.8 Whilst acknowledging the substantial benefits of development, no wholly exceptional circumstance has been put forward to justify the need for the development to be at the site location proposed, where it would visually impose upon and dominate the setting of this important heritage asset. This is considered to be a significant and demonstrably adverse impact that would outweigh the benefits of the development.

[63] Paragraph 97, NPPF
[64] Paragraph 98, NPPF

17.9 It is concluded that the development would have a moderate change on the overall character of the Limestone Dip Character Area, with a large magnitude of change perceived locally. The development would have a moderate effect on the significance of the Cliff, a locally designated AGLV. These effects would be contrary to Local policy which seeks to protect local landscape character. However, the localised harm to landscape character is not considered to significantly outweigh the wider benefits of this renewable energy proposal – where a degree of localised landscape impact can be expected.

17.10 The development will have a significant visual impact locally, more readily perceived from the line of villages to the east (particularly Bishop Norton); and from Corringham to the west. Up to 13 residential properties would endure a large magnitude of change in their outlook. These impacts would occur throughout the lifetime of the development (25 years). It is concluded that this would be contrary to Local policy but would not significantly outweigh the benefits of development.

17.11 The applicant has assessed noise in accordance with best practice (ETSU-R-97). Suitable noise limits have been proposed which can be secured by condition. This is a neutral effect of the development.

17.12 The assessment concludes that 1-6 Norton Place cottages could be subjected to shadow flicker for very short periods of the year. This is a minor adverse impact that can be suitably mitigated against through an appropriate planning condition.

17.13 The development would not be expected to result in significant driver distraction to the detriment of road safety. Limited visibility at the B1398 access can be mitigated against through appropriate traffic restrictions during construction. It is considered that this minor adverse impact can be mitigated against.

17.14 The development will disrupt military, civilian and meteorological radar. However, in consultation with aviation bodies, it is considered that technological solutions are being developed, and the use of suspensive conditions to ensure mitigation is secured prior to development is recommended. This is a significant adverse impact that can be suitably mitigated against.

17.15 There is a potential for terrestrial television to be affected within 5km of the development. This adverse impact can be suitably mitigated against through a planning condition to require further investigation with possible mitigation where complaints are received.

17.16 In overall conclusion, it is anticipated that there would be some localised and significant landscape and visual impact. This would be contrary to local policy. However, local policy does not account for the need for large scale renewable energy projects. With such developments a degree of localised harm is inevitable. This is not considered to comprise a significant adverse impact that demonstrably

outweighs the wider national and regional interest to develop renewable, decentralised energy sources.

17.17 The development would have a significant adverse impact on the setting of heritage assets of the highest significance. The Council has a legal duty to "have special regard to the desirability of preserving the listed building / conservation area or its setting or any features of special architectural or historic interest which it possesses". There is no wholly exceptional case for the development to be within the location proposed, with such significant detriment to the setting of this important heritage asset. It is considered that this is a significant and demonstrable adverse impact that outweighs the wider benefits of development.

18 **Recommendation:**

18.1 It is recommended, on overall balance, that planning permission is refused for the following reason(s):

a) 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.

b) 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.

19 **Human Rights Implications:**

19.1 The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998.

Article 8: Right to Respect for Private and Family Life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the

economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Protocol 1, Article 1: Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure payment of taxes or other contributions or penalties.

19.2 The Council have received direct representations suggesting that to grant permission for the proposed development would violate residents' Human Rights. Protocol 1, Article 1 relates to the peaceful enjoyment of property, and Article 8 relates to the right to respect for private and family life. Measures have been taken to mitigate against potential noise and shadow flicker that could arise from the proposed development. It is accepted that the development would have a locally significant visual impact affecting the outlook of some properties. However, this would not deprive residents of the peaceful enjoyment of their possessions and these rights have to be balanced against the right and freedoms of others and the national interest in terms of providing for renewable energy. Having considered these rights against the matters outlined above officers consider that with the imposition of the suggested conditions, the effect on residents and the landscape would not be unacceptable or disproportionate.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Representors to be notified -
(highlight requirements):

Standard Letter ☐ **Special Letter** ☐ **Draft enclosed** ☐

Prepared by: Russell Clarkson **Date: 16th October 2013**

Signed: Russell Clarkson

Authorising Officer Suzanne Fysh **Date: 16 October 2013**

Decision Level Committee