



PL.10 12/13
Planning Committee
9 January 2013

Subject: Planning applications for determination

Report by:	Director of Regeneration and Planning
Contact Officer:	Nick Ethelstone Area Team Manager 01427 676629
Purpose / Summary:	The report contains details of planning applications that require determination by the committee together with appropriate appendices

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

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

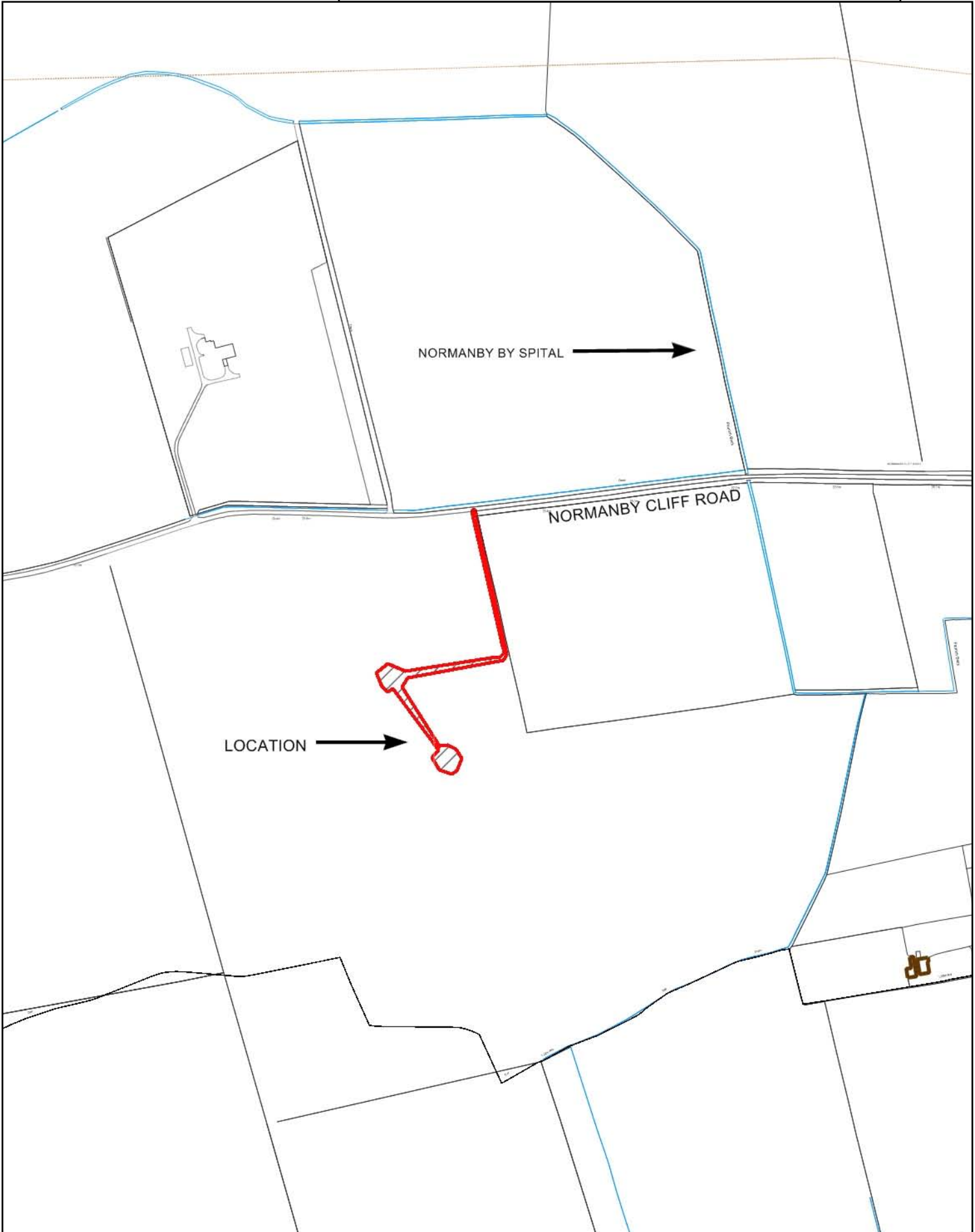
No

Key Decision:

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

Yes

No



Officer's Report

Planning Application No: 128606

PROPOSAL: Planning application to install 2 no. 50kw wind turbines and ancillary works - 35m height to tip of blade

LOCATION: Heath Farm Normanby Cliff Road Normanby-By-Spital Market Rasen, Lincolnshire LN8 2AE

WARD: Waddingham and Spital

WARD MEMBER(S): Councillor Summers

APPLICANT NAME: Ermine Farms Ltd.

TARGET DECISION DATE: 25/06/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: Grant permission subject to conditions

Introduction

This item was deferred at the November 2012 Committee to enable members to undertake a site visit. This was originally due to take place on 11th December 2012 but was abandoned due to poor visibility. The visit was subsequently undertaken on Wednesday 19th December.

Since the November Committee the applicant's agent has produced additional photo-montages which show the view of the proposal from similar vantage points to those used by the objectors in their PowerPoint presentation to members. The parish councils and residents who have previously made representations have all been made aware, through formal reconsultation, that the agent's additional images are available to view on the Council's web-site.

The MoD has been contacted again to seek their comments on whether lower turbines would be the subject of an objection at the Heath Farm location. At the time of the writing no comments have been forthcoming from the MoD regarding this specific enquiry.

The remainder of this report is as per the November 2012 Committee report.

Description:

Site – Agricultural land 140m south of Normanby Cliff Road, 2.2km east of the A15 and 800m west of the main body of Normanby by Spital village. The nearest dwelling to either of the turbines is Mill Lodge at the western end of Mill Lane. This dwelling is approximately 500m southeast of the

southernmost turbine (T2), its garden 440m away. The surrounding land is in agricultural use but there are is also a horsicultural use in the vicinity.

Proposal - To erect two identical, 50Kw, 3 - blade, horizontal axis turbines (C & F 50 type), 25m high to hub and 35m to blade tip. They will be positioned 80m apart. The access track will be from Normanby Cliff Road. Cabling will be underground. The turbines are to provide a source of power to the applicant's pig farm (current need 530 MWh per annum). The applicant states that the estimated combined output of the turbines per annum is 330MWh which equates to 62% of the need.

NB. The application was originally submitted for three turbines. The southernmost of these turbines (known as T3) has now been deleted from the proposed development leaving turbines T1 and T2. An alternative location near to the applicant's farm was investigated prior to the submission of this revision, but the MoD objected to that location on safeguarding grounds. The MoD comments were based on the same turbines being used (no comments have been requested from the MoD as to whether smaller turbines would be acceptable in locations closer to the 'Farm).

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011

The development has been assessed in the context of Schedule 2 of the Regulations and, after taking account of the criteria in Schedule 3, it has been concluded that the development is Schedule 2 development but is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'. A Screening Opinion has been placed on the file and the public register.

Relevant history:

None for the site but members will be aware of the current application for a wind farm at Hemswell Cliff. The site of that proposal is 4.5km to the northwest. There are no other known wind turbines, extant planning permissions for turbines, or live applications for turbines within a 5km radius of the application site other than one vertical axis turbine at Glenthams.

Representations:

For the amended 2 turbines proposal:-

Normanby by Spital PC – Object:-

- Position of turbines still too near village.

- The visual impact detracts from the open countryside.
- Too near two properties on Mill Lane.
- Application goes against Lincolnshire County Council's policies.

Owmbly by Spital PC - Object to this application.

- There are several other alternative methods of creating green energy which would be acceptable in this location. However, if turbines are requested they should be of a smaller appropriate size and be sited close to the premises for which the supply is required. The proposed siting is contrary to Policy NBE10 as these high structures are an alien feature in the rural countryside and will have a detrimental effect on the skyline and the surrounding open landscape.
- WLDC Green Energy Strategy statement states " West Lindsey strives to be the greenest district with a thriving green economy that results in improved well being for residents & social equity" These turbines will have no beneficial effect on the surrounding community. The size and shape of the turbines are not designed to create a high quality built environment nor do they support health, social and cultural well being.
- The use of a neighbouring field for riding activities for disabled children will have to cease if the turbines are erected as proposed. The Equality Act 2010 states that public authorities have a duty of care to consider the needs of all.
- There is no proof to date that wind farms have a positive effect on the well being of the country economic or otherwise. The applicants have demonstrated no proof of need- just financial gain.
- Granting permission will be contrary to the Human Rights Act Protocol 1 article 1 which protects property and livelihood.
- If however, the Planning Authority see fit to grant permission, please make it a condition that these structures are removed when they are no longer required or operable.

Residents – 92 individual representations (including multiple letters from the same addresses) and a 147 signature petition in addition to the 68 representations received for the original (3 turbine) consultation (see later in this sub-section). The addresses representations have been received from for the 2 turbine amendment are:-

5, Manor Cliff, Normanby, 38, Main Street, Normanby; Angel House, Chapel Lane, Normanby; Moat House, Normanby; Mill House Farm, Normanby; 2, Becksides, Normanby; Herons Rest, Field Lane, Normanby; The Barns, Field Lane, Normanby; Honey Pot Cottage, Owmbly Cliff Road, Owmbly; Post Office, Normanby; 13, Main Street, Normanby; Turnhouse Farm, Owmbly; Gatehouse Cottages, Caenby; 17, Fourth Avenue, Scampton; 2, Lodge Farm Cottage, Normanby le Wold; 35, Kesteven Court, Habrough; 15, Talbot Rd,

Immingham; 4, Staple Avenue?; Lilac Cottage, Station Road, Wickenby; 23, Kings Road, Barnetby; Manor House, Hemswell; Alma House, Westwoodside; 50, Adelaide Close, Waddington; 16, St. Helen's Avenue, Lincoln; 50A Jerusalem Rd, Skellingthorpe; Jessop's Close, Ings Road, Kirton Lindsey; 23, Gainsthorpe Road, Kirton Lindsey; 31, Morton Road, Grimsby; Keyline Cottage, Howe Lane, Goxhill; 38, Ripon Close, Scunthorpe; 62, Appleby Way, Lincoln; 11, Highland Tarn, Immingham; 40, Gardenfield, Skellingthorpe; Drabbles Hill Farm, North Kelsey; Brookside, Caistor Road, Market Rasen; 41, Ings Road, Kirton Lindsey; 4, Meadow Court, Grayingham; 6, Grove Street, Kirton Lindsey; 50, Caistor Road, Market Rasen; 15, Talbot Road, Immingham; 1B, Union Street, Market Rasen; 24, Herriot Walk, Scunthorpe; Maidenwell Farm, North Kelsey; Rivendell, Low Road, Grayingham; 51, Ings Lane, Waltham; Nos. 2 and 3, Swinderby Road, Norton Disney; 4, Brigg Road, Grasby; Ashdale Cottage Wootton; 32, The Green, Ingham; Glebe Farm, Mill Lane, Osgodby; 10a Partridge Drive, Rothwell; The Laurels, School Lane, Rothwell; Bramble Tye, Washdyke Lane, Osgodby; Rowangarth, Willoughton; 21, Bigby Road, Brigg; 89, Picklsey Crescent (Holton le Clay?); 3, Saltergate, Messingham; 57, Laurel Way, Scunthorpe; 155, Station Road, Hibaldstow; Drabbles Hill Farm, Kirton Lindsey; 7, Mill Street, Market Rasen; Angel House, Chapel Lane, Normanby and two unidentifiable addresses.

A summary of their collective comments follows:-

- The reality is these are too big for their proposed location and if the applicant wants to have renewable energy, they should apply to have smaller ones, with an appropriate quantity of turbines on the farm, where the energy is needed and not in the middle of a field, which will cause the following issues and concerns;
- The development will not meet the three dimensions to sustainable development as set out in paragraph 7 of the NPPF - these being the economic, social and environmental roles.
- In terms of the defined economic role, the development is opposed by many of the nearby industrial operators and, therefore, cannot be reasonably viewed as “coordinating development requirements”.
- The development is opposed by the majority of those living and working within the affected nearby communities and cannot therefore reasonably be viewed as fulfilling the social role, which seeks strong vibrant and healthy communities. Nor is it in the interests of “creating a high quality built environment” or one which “supports its health, social and cultural wellbeing”.
- The development will most certainly not contribute “to protecting and enhancing our natural, built and historic environment” and, therefore, fails to meet the environmental role.

- There are 2 Fields off Normanby Cliff within 100 metres of the proposed development, which as a business we hire out for horse riding events. These fields were purchased because of their open view and non interference from any commercial or industrial site, to provide a safe environment for horse riders which is needed in this area for club level.
- The turbines are proposed to be sited in open countryside in the middle of a field, and this will have serious landscape and visual impact. Travel along the A15 or Ermine Street in a northerly direction from Lincoln towards Caenby Corner, a distance of eleven miles, and you will see the vast panoramic landscape that has remained unspoilt for centuries. This ancient route is of paramount importance to the heritage of this County of Lincolnshire.
- Today, there are nine listed buildings in Normanby-by-Spital - two of which have a direct view of the proposed site- seven listed buildings in Caenby, three listed buildings in Owmbly-by-Spital – one of which is Owmbly Cliff Farm less than a mile from the site - and two Scheduled Monuments, also Fillingham Castle, the Gateway Entrance of which is actually on the A15 and is itself listed. Running close to the site is an ancient footpath positioned in close proximity between the site and the village. This footpath is of historical interest, as it links a string of villages and hamlets along the escarpment.
- An application for turbines of similar height and justification in Waddingham from the same applicant was rejected by WLDC.
- The Application Planning statement clearly states that “due to lack of response from the MOD, independent analysis was carried out that indicated turbines near to the farm (40M AOD) would probably be identified by Waddington Watchman radar”. *NB Officer’s note – The MOD objection as a response to a WLDC consultation is on file.*
- We are amazed the Planning Statement doesn’t even mention road safety as a consideration in this proposal and its location. It is known wind turbines are a distraction for drivers. The narrow, single track Normanby Cliff Road is one of only 3 routes into the village and is known as being a road on which drivers do drive fast. We are very concerned drivers will get distracted by the turbines, avert their sight and cause crashes, particularly as the site proposed is next to a bend in the narrow Normanby Cliff road.
- Under certain circumstances and at certain times of the year (particularly in winter), when the sun is low in the sky, the sun will pass behind the turning blades and appear as a series of light flashes. This is not to be confused with “shadow-flicker” – it is seen as a moving light flicker in the peripheral retinal visual field.

- It is known from the research work done for other wind turbine applications (especially the RWE Application at Hemswell, approximately 1.5 miles from the proposed Heath Farm proposed site) that rare birds have been sited. A report from RSPB has identified Marsh harriers and the more endangered Montague harrier have been seen on several occasions in the vicinity. Having spoken to a RSPB member, they have confirmed it is fair and reasonable to declare that these same birds would fly near and around the proposed turbine site at Heath farm, with the possibility of death and disruption caused by the effects of the turbines.
- The route, running north/south, is rich in history and of great archaeological significance - the proposed erection of two wind turbines is just one mile east of this route and will be clearly seen from Ermine Street.
- There is a sentence from WLDC's Green Energy Statement 2012, which states, "West Lindsey strives to be the greenest district with a thriving green economy, that results in improved wellbeing for residents and social equity, while significantly reducing environmental risks and threats to biodiversity"
- A family with an Autistic child has already moved out of Normanby due to the threat of the wind turbines. This means if the turbines were erected families with Autistic children or children affected by moving objects will not in the future come and reside in our village. This is a breach of Human Rights. The only restriction (Government authority to override Article 8) depends upon the 'Economic well-being of the country'. A very large body of evidence shows clearly that wind farms have no positive effect on the well-being of the country, economic or otherwise. Consequently, the restriction does not apply and it is clear that Article 8 would be breached and the development could therefore be challenged under the Human Rights Act.
- It is argued that the applicant's choice of viewpoint locations and photomontage methodology seriously underestimates the landscape and visual impact of the proposed development and makes it impossible for the general public, consultees and planners to evaluate the application properly.
- There is a substantial body of evidence which points to the list of symptoms experienced by many (not all) people who find themselves living near wind turbines. These include sleep disturbance. Headaches, tinnitus, ear pressure, dizziness and vertigo, nausea, visual blurring, tachycardia (rapid heart rate), irritability, problems with concentration and memory and panic episodes. It is highly likely that those in close proximity to the turbines would experience some of these symptoms. For instance, the discordant sounds of turbines operating out of sync can be appalling, especially when trying to

concentrate or to sleep. Sleep disturbance may be a particular problem in children and it may have important implications for public health.

- The developers informed the village that the wind turbines will reduce their (the developers) energy use and lower the CO2 output. They forgot to inform the village that the animal units they serve are over 40 years old, in bad condition and will lose up to 40 % of any heat, due to the gaps in the wood, asbestos roof etc, into the atmosphere. There will be no benefit at all to the village itself.
- In winter the Normanby Cliff road has a chill effect and will cause ice build up on the rotas of the turbines. In the right conditions ice will be thrown on to the lane due to the closeness of the turbines. Many councils have put specific distance limits to turbines being near villages and roads. The entrance to the turbines for erection and maintenance is in the worst spot for black ice, Cars have actually finished up in this entrance on there roof due to black ice.
- It is contrary to the West Lindsey Local Plan Strats1 and 12, NBE12 [para 6.63] The emerging Central Lincolnshire Core Strategy – Draft Policies 2012 [CL1 and CL3] and the Lincolnshire County Council Guidance to district councils on the siting of wind farms. the East Midlands Regional Plan Policies 1,4,19,24,26,27,28,29,31 and the National Planning Policy Framework sustainable Development para 7, Core principles para 17 (Localism Act – i.e. not supported by local communities).

LCC Archaeology - The proposed development is within an archaeologically sensitive landscape. There is a Bronze age barrow cemetery comprising of at least seven barrows cropmarks to the west of the development and to the north is a Roman farmstead observed as a large quantity of building stone, roof tile and late Roman pottery. There has also been a Roman silvered bronze spoon and a bronze key recovered from this site. Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works to be secured by condition.

Natural England – The advice provided in our previous response equally applies to this amendment. No objection.

British Horse Society – Object

- Turbines are as much a "rider" issue as a "horse" issue. Riders are worried that their horse will panic, possibly leading to it throwing the rider and bolting off, with resultant possibility of serious injury to rider, horse and third parties. Riders therefore wish to avoid the vicinity of turbines.
- This results in the "closure" or "obstruction" of areas (fields etc) or routes (roads, bridleways etc) to riders. Recent law decisions indicate that "psychological" obstruction is to be considered as relevant as physical obstruction.

- The "rider" issue will affect the riding club's adjacent field, leading to a loss of entrants to their shows, consequent loss of income and the club will either have to move (leading to loss of rent to landowner if, as is likely, they do not own the field) or will close, with the loss of the local training and recreational facilities that riding clubs provide. This may have other knock-on effects on equestrian spending in the area. The installation of turbines near an internationally-advertised equestrian tourism facility in Wales is known to have resulted in a significant loss of business.
- The smaller turbines, similar to these, DO seem to have more impact as they are more likely to be in the horse's eyeline. This is particularly so if the horse is an occasional visitor to the area - as would be expected with riding club entrants - that finds changes to a familiar landscape (a significant portion of a local hunt ended on the floor on first encountering a 'farm' turbine similar to the application).

In summary, familiarity may, eventually, bring acceptance, but any accident will get quickly reported round the local equestrian community and make local riders even more wary of entering the club's shows. BHS would, regretfully, have to object to this on the grounds of the likely effect on the riding club

The following comments were received in relation to the original scheme for 3 turbines. They are included as officers consider that they are relevant to both the original and amended (2 turbines) submission.

Chairman/Ward member(s): No comments received from the Chairman and/or ward member but Councillor Strange (county councillor and neighbouring district ward member) states the following:-

I would ask the applicants to consider withdrawing their application. I believe a sensible compromise would be, after the feelings expressed by residents, for the turbines applied for to be resited at the farm complex and the shortfall be made up with some other form of renewable energy. My reasons are based on the belief that pepper potting of turbines across the fields of West Lindsey is against the public interest and, should this be passed, a precedent will be set. We both are aware of objections raised and we have a duty not only to support a local business but also the duty to protect the opinions of our ratepayers who may find their quality of life affected.

I object on the grounds of visual impact across the area, possible noise and possible flicker, also setting a precedent that we would have difficulty in denying.

NB. Councillor Strange represented Councillor Summers at a public meeting and during the original consultation period in the summer of 2012.

Normanby by Spital PC – Object - It is the fact that these turbines are so very near our village. Some of those who object to the location have mentioned that, perhaps they would not object if the turbines were further away from our village. The preferred location would be nearer to Heath Farm

Hemswell Parish Council (parish in the locality): Express their deep concern regarding the amount of wind turbine applications for this area of Lincolnshire. They are situated in open countryside and very visible and the cumulative effect of so many turbines will turn this lovely countryside into an industrial area.

The Localism Act is designed to give a voice to local residents and parish councils and Hemswell PC are asking that you take due cognisance of this Act.

Edward Leigh MP – Two letters have been received from Edward Leigh. They include the following comments:-

- I am writing on behalf of 80 residents who attended a public meeting.
- I have resolutely opposed all wind farm applications within my constituency.
- Not only are these structures an offense to behold and to hear, they are entirely economically unjustifiable and are made “profitable” only by massive subsidies from central government
- I joined over a hundred Members of Parliament in signing a letter to Prime Minister David Cameron formally calling for the subsidy for on-shore wind farms to be scrapped entirely and for the National Planning Policy Framework to ensure that local views are given priority when considering applications for on-shore wind farms.
- I also strongly oppose the most recent proposal for a wind farm at Normanby by Spital and I am very happy to support the campaign against this further unwelcome proposal in my constituency.
- There is no reason why the turbines cannot be moved to land between the applicant’s farm and the A15.

Residents: 68 individual representations (including multiple letters from the same addresses) received for the original 3 turbines proposal/ The addresses representations have been received from are:-

5, Chapel Lodge Drive, Normanby; The Cottage, Main Street, Normanby; Beehive House, Front Street, Normanby; Mill Lodge, Normanby; Herons Rest, Field Lane, Normanby; Mill House Farm, Mill Lane, Normanby; Moat House, Field Lane, Normanby; Orchard House, Front Street, Normanby; Barnside, Penfold Lane, Normanby; Nos. 1 and 2, Becksides, Normanby; Hillcrest, Front Street, Normanby; Charnwood, Cliff Road, Owmbly-By-Spital; 16, Cliff Farm Cottages, Owmbly; The Bungalow, High Street, Caenby; Gatehouse Cottages, Caenby; Moat Farm, Caenby; Sarah’s Cottage Seggimoor, Glenthams; Hadyn House, Hemswell; The Paddock, Brook Street, Hemswell; Manors House, Hemswell; 19, Dawnhill Lane, Hemswell; Ivy Cottage, Bishop Norton; The Spinney, Glenthams Road, Bishop Norton; Holme Cross, Glenthams Road, Bishop Norton; 5, Pingly Leys, Bishop Norton; The Old Vicarage, Bishop Norton; 10a Partridge Drive, Rothwell; The Laurels, School Lane, Rothwell; Drabbles Hill Farm, North Kelsey; 7, Mill Street, Market Rasen; Applegarth, Hollowgate Hill, Willoughton; Mayfield, Hollowgate Hill, Willoughton; Rowangarth, Church Street, Willoughton; Bonsdale Farm, Bonsdale; Glebe

Farm, Mill Lane, Osgodby; 1, Kirton Road, Blyton; 4, Meadow Court, Grayingham; Kingerby Hall, Kingerby; Hemswell & Harpswell Anti-Wind Farm Action Group; Holton le Moor & District Riding Club and one where the address was withheld.

A summary of their collective comments follows:- .

- National Planning Policy Framework recognises three dimensions when defining sustainable development including an environmental role (seeking to protect and enhance our natural environment). The proposal would be contrary to these objectives and policies STRAT1, STRAT12 and NBE10 of the West Lindsey Local Plan First Review 2006.
- Although not within an area defined as being of outstanding beauty, scientific interest or historic interest, the site is nevertheless an example of the traditional British countryside. It is a patchwork of fields, hedgerows, trees, farm buildings and isolated dwellings that has evolved over hundreds of years.
- The turbines will be visible from public roads, public footpaths, bridleways and other public land and will form the backdrop to St. Peter's Church in the village and St. Peter and St Paul's Church, Owmbly, ancient listed buildings dating from the C12th. West Lindsey's own Landscape Character Assessment has commented on how listed buildings can be degraded by insensitively designed development (the Church at Glenthams is an example).
- In addition to these listed buildings, there are a number of Scheduled Monuments and attractive conservation villages within the zone of visual influence.
- The turbine is industrial in appearance and no other building of this scale and of such industrial appearance would be permitted in this visually sensitive, prominent countryside location, so why permit the turbines?
- The turbines could be located at the Farm site itself. This land is 10m higher, but the turbines could be reduced by 10m in height.
- Because renewable energy can be generated without the intrusion of wind turbines into a hitherto unmarred landscape, centuries of British history must not be irrevocably sacrificed for such a minimal contribution to the nation's anticipated future energy needs.
- Ramblers and cyclists may well go elsewhere and our local pub and shop would suffer a loss of passing trade. These two businesses are essential to the vitality of the village.
- In the context of localism and the advice given in the National Planning Policy Framework, the views of local people must be taken into account.
- Wind energy is not totally reliable due to the wind direction being intermittent and that it may not provide the energy required. The Kentish Weald Action Group has produced a report based on previously unpublished data suggesting that, during a typical UK winter (2008/2009), turbine output in Britain will seldom rise above 10% of

installed capacity. Consequently the pig unit will still require power from the National Grid.

- Impact on wildlife. Visions of birds flying into the spinning blades create a horrid picture. There are swallows, swifts and thrushes in the area. Wildlife is disappearing at an alarming rate and erection of wind turbines will not help them. Bats and badgers will also be adversely affected.
- Proposed developments with far less impact have had to be altered due to their effect on views from the A15; one family had to lower the roofline of the property they had applied for permission to build.
- Wind turbines are manufactured overseas so no British jobs and benefit to our economy.
- Loss of ability to use adjoining equestrian land. A Gymkhana business operates from the adjoining field for children with health issues and disability and this may have to close due to horses being spooked by noise and flicker. This land is also used by Holton le Moor and District Riding Club.
- There is nothing ecologically or environmentally friendly about a development that benefits from a heavy financial subsidy for the applicant to support an old, poorly insulated building that uses 7.5+ megawatts of power annually to keep thousands of pigs indoors for their entire natural lives. It is really not a fair trade at all.
- If the units are so old and have little or no insulation in the winter, may be the applicants should be reviewing their animal husbandry and investing in new, modern housing with state of the art facilities rather than jumping on the bandwagon of massive subsidies.
- Going free range would be more ecologically sound than a turbine powering this livestock unit.
- Impact on health; some of the associated issues are heart problems, tinnitus, nausea, headaches and disturbed sleep. A specific concern is the impact on the health of children as Normanby has a village school.
- A GP has presented a report to the Royal College of GPs in which she reported a marked increase in depression suffered by local people in the locality of 3 turbines.
- Noise from the turbines especially to children with special needs. This is supported by a report by a behaviour therapist and highlights a negative effect on the physical and mental well being of all children and can affect their memory and learning abilities.
- A child in the village of Owmbly suffers from autism and will not be allowed to play in the garden as the flicker effect from the turbines could have a serious detrimental impact on their health along with sensitivity to noise.
- Government objectives for renewable energy would be better achieved in a Lincolnshire context by the promotion of photovoltaic systems. They can be building or ground mounted, more reliable and can be readily assimilated within the countryside.
- Normanby Cliff Road is not appropriate in terms of its width and construction to cope with construction traffic.

- Health and safety issues – there is growing concern from the HSE with accidents from wind installations to installers and the general public – last years there were 164 accidents.
- Flicker from the movement of the turbine blades.
- Blades will propel ice onto Normanby Cliff Road.
- The movement of the turbines will be a distraction to motorists and detrimentally affect highway safety.
- Views from the Lincolnshire Wolds will be adversely affected.
- Negative cumulative impact of all of the turbine developments if granted.
- The turbines will affect RAF operations.
- Contrary to County Council policy.
- Application is in breach of policy that no wind turbine will be constructed within 1.2 miles of a domestic dwelling.
- Loss of around 20% of value to property.

MoD Safeguarding – No objection

NERL (aircraft safeguarding) – Although the proposed development is likely to impact our electronic infrastructure, NATS (en route) plc has no safeguarding objections to the proposal.

Humberside and East Midlands Airports – No objection subject to a condition requiring the Council to be notified within 1 month of the commencement of operation.

LCC Highways – Requests that the following additional information is provided:-

- No development shall start until a scheme for the routeing of the delivery vehicles carrying the turbines and components and any other large machinery has been submitted to and agreed in writing by the local planning authority. The routeing shall be in accordance with the approved scheme.
- A highway condition survey, and a programme and schedule of works necessary to facilitate HGV access to the site shall be submitted to and agreed in writing by the local planning authority. Any work shall be carried out in accordance with the approved details and shall be removed and the land restored within 6 months of the completion of the turbine.

LCC Public Rights of Way – Definitive Footpath (Normanby by Spital) No. 1 is in the wider vicinity of the site although this would not appear to affect the proposed development.

Lincolnshire Wildlife Trust – We are satisfied that the turbines are located with the blade tips more than 50 metres away from any features with the potential to be used by bats as a foraging or commuting route and therefore conforms with the guidance prepared by Cornwall Wildlife Trust in conjunction

with Natural England and that no specific bat surveys are required in this instance.

Natural England – The proposal does not appear to affect any statutorily protected sites or landscape or have significant impacts on the conservation of soils.

RSPB – No comments received.

WLDC Environmental Protection – “No comments.”

WLDC Conservation – It is considered that, due to the limited size and number of turbines proposed, there will be no adverse impact on the AGLV.

Relevant Planning Policies:

Development Plan

- East Midlands Regional Plan 2009.

Policy 40 - Regional Priorities for Low Carbon Energy Generation
http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

This plan has yet to be abolished.

- West Lindsey Local Plan First Review 2006

STRAT1 – Development requiring planning permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT12 – Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

NBE10 – Protection of landscape character and Areas of Great Landscape Value.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

The Local Plan considerations also include the Supplementary Planning Guidance - The West Lindsey Countryside Design Summary

The plan policies were saved in 2009 but the adoption of the Plan itself dates from 2006 and was adopted under the 1990 Act rather than the 2004 Act. These policies have been afforded significant weight in the following assessment particularly with regard to the synergy with the objectives of environmental sustainability contained within the National Planning Policy Framework. In the absence of policy SUS11, which was not saved in 2009, there are no policies that provide explicit guidance on renewable energy developments. These objectives are

found in policy 40 of the Regional Plan and within the National Planning Policy Framework.

National policy

- National Planning Policy Framework (2012)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Section 10 is particularly relevant. This refers to:-

- DECC - Overarching National Policy Statement for Energy (EN-1) (2011)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)

Other policy

- British Horse Society Statement on Wind Farms (2010)
<http://www.bhs.org.uk/~media/BHS/Files/PDF%20Documents/Access%20leaflets/2010%20wind%20Farms.ashx>

Assessment:

Principle - In the interests of sustainability and prevention of visual intrusion, policy STRAT12 of the Local Plan First Review is restrictive of development in the countryside that is not related to agriculture, forestry, a use that requires a countryside location or one that can be supported by another development plan policy.

There are no directly relevant policies in the Local Plan but policy 40 of the Regional Plan states that local authorities should promote the development of a distributed energy network using local low carbon and renewable resources. Paragraph 3.3.89 of the supporting justification to the policy states that there are sites available for smaller scale wind development at farms in the Eastern Sub-area of the region. Furthermore, the National Planning Policy Framework carries forward, in Section 10, the support given to the delivery of renewable and low carbon energy and associated infrastructure. Specifically, paragraph 93 states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and 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 and this remains, as confirmed by the Secretary of State in October 2012, a guiding objective of national government policy. Indeed, the Department of Energy and Climate Change's policy EN1, as referred to in the National Planning Policy Framework, states that the UK has committed to sourcing 15% of its total energy from renewable sources by

2020 and new projects need to continue to come forward urgently to ensure that the country meets this target.

Supporting businesses, including farmers, which strive to minimise energy costs to ensure the economic sustainability of their enterprise and the rural economy in general and to maintain and underpin the viability of that business for the benefit of employees in West Lindsey must therefore be afforded significant weight in this assessment.

The environmental sustainability of the business through minimising energy demand and maximising the derivation of energy that is required from renewable sources must also be afforded significant weight.

Neither the Regional Plan nor the National Planning Policy Framework requires a developer to prove the need for renewable energy developments. Nevertheless, turbines inevitably, due to their height, will always have some degree of visual impact, which is regularly significant, and the benefits of providing renewable energy need to be weighed against visual and any other impact. Indeed, the protection of the landscape is a common thread of the development plan and the National Planning Policy Framework and should be afforded significant weight in the considerations; as noted in the representations received from residents, the environmental role is one of the three key roles of sustainability cited in the National Planning Policy Framework (paragraph 7 refers).

In this regard, this Council have also corporately requested that developers explore other forms of renewable energy in advance of proposing wind power, although members should note that the NPPF states that, when determining planning applications, local planning authorities should "not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy" and "approve the application if its impacts are or can be made acceptable" (paragraph 98).

In response, the applicant has set out their requirements and consideration of other sources of energy.

The turbines are intended to provide power for a pig farm on the same holding. The demand in 2010 was 530 MWh per year. Anaerobic digestion (AD) was considered but the manure from the farm and the other pig farms within the applicant's control would need to be supplemented by other feedstock. This is because of the relatively low methane yield of manure. Other feedstock could include food waste (which would incur a prohibitive cost) or energy crops. These again could be imported onto the farm or grown on the arable land also within the applicant's ownership. However, it is estimated that a substantial proportion of the land currently used for food crops would need to be used for the feedstock which is not only economically unsustainable but would also take out a large proportion of land put over to local food production which would reduce the overall environmental and economic sustainability (two of the three roles detailed in the National Planning Policy Framework).

Representations have also been received suggesting that photovoltaic panels be used, either mounted on the roofs of the farm buildings at Heath Farm or as ground mounted arrays. Such installations have been granted permission elsewhere in the district serving intensive livestock units and could certainly be part of the option as a renewable energy supply. However, for the annual 530 MWh, it has been estimated that in excess of 3 ha of land would be required, far in excess of the area of roof available. This takes land out of food production, is costly to install and also produces no power at night which conflicts with the 24 hours operation of the livestock unit (requiring light and mechanical ventilation).

This is not to say that a combination of different sources of renewable energy could not be used for the farm, including photovoltaic cells, given that the two turbines would provide for about 62% of the predicted energy needs. It is also acknowledged that, as raised in their representations received, there are many ways in actually reducing the energy needs of the farm through building design and updating, before one actually looks at sourcing energy supplies to renewable sources.

Nevertheless, as stated already in this assessment, the need for the turbines should not be disputed and nor should the application be rejected purely because other sources of renewable energy or reductions in energy demands have not been discounted. The key issue therefore, is whether the benefits of using this renewable energy supply (wind power) outweigh the visual impact. To assess this, one must firstly assess whether the predictions made by the applicant are realistic.

Benefits in terms of the energy derived from the turbines proposed - The Department for Energy and Climate Change (DECC) wind database site (accessed by the case officer on 8th November 2012) indicates average wind speeds of 5.9m/s at 25m above ground level and 6.4 m/s at 45m above ground level. The surrounding area is also free of natural or built obstructions, the site being on the Limestone Cliff dip slope with the land characterised by gently undulating topography. All of these factors point towards the suitability of the location for wind derived energy generation. A location closer to the farm buildings has been discounted due to military aircraft safeguarding concerns (impact on RAF Waddington radar). It is also advised that the best wind-turbine performance happens with strong laminar wind, in which all of the air flows in a single direction. When wind flow comes over the edge of a roof or around a corner, it separates into streams and separating the flow creates a lot of turbulence. There is potential for this if the turbines were too close to the farm buildings.

It is also noted that, whilst some of supply will be lost to impedance and resistance, with the turbines located the proposed distance from the buildings they will serve, this is like to be a negligible loss.

The representations received include comments that wind energy is not totally reliable due to the wind direction being intermittent and that it may not provide the energy required. They state that the Kentish Weald Action Group has

produced a report based on previously unpublished data suggesting that, during a typical UK winter (2008/2009), turbine output in Britain will seldom rise above 10% of installed capacity.

The Department of Energy and Climate Change's position (available on their web-site) is that wind energy is a variable (or intermittent) source of energy but that does not mean it is inefficient. They state that wind turbines tend to generate electricity for around 80-85% of the time without any significant losses. They compare this to thermal generation which resulted, in 2010, thermal efficiencies of 36.1% for coal and 47.6% for combined cycle gas turbine generation. The same DECC statement acknowledges that wind speeds vary which impacts how much power is produced and what is called the "load factor" of a technology (the load factor is the accepted measure for the percentage of a theoretical maximum output of 24 hrs a day, 365 days a year that a particular generating plant or technology achieves, with no technology achieving 100%). Over a 5 year period the average onshore wind load factors was 26.2% (source DECC Digest of United Kingdom Energy Statistics).

Taking these factors into account, it is considered that the turbines proposed here, or a similar equivalent, will produce significant benefits. The actual output of each turbine, rather than maximum claimed output by the manufacturer, at the average windspeed quoted by the DECC at the site location at the 25m above ground level hub height would be approximately 160 MWh per annum. The turbines are proposed to be located at a suitable distance apart so as not affect their output, so they can be collectively estimated to produce 320 MWh per annum. This is only marginally below the figure submitted by the applicant (330 MWh per annum). Even if wind speeds fell to 4.5m/s this would still produce 180 MWh per annum which is considered to be a significant contribution to the farm's needs and would meet the 15% of energy sourced from renewables target by 2020 cited in the National Planning Policy Framework.

In summary the turbines proposed are therefore considered to be able to contribute to the regional renewable energy targets quoted in the East Midlands Regional Plan 2009, which is part of the development plan, and the national targets cited in the National Planning Policy Framework by providing for approximately 320 MWh of the 900 MWh per annum need for the farm (over one third). This benefit is afforded significant weight in this assessment.

Visual Impact on the landscape – The landscape within which the development is proposed is defined as the Limestone Dip Slope in the West Lindsey Landscape Character Assessment (1999). The dip slope location means that there is potential for views from the east, south, north and west. The theoretical zone of visual influence (ZVI) is therefore a large area.

In reality the zone is smaller due to hedge lines, tree belts and man-made features such as groups of houses. Nevertheless, as the site is located in the open countryside, it is to be expected that there will be views available of the turbines from various public vantage points around the site. In this context, the case officer requested that the applicant prepared a series of photomontages that depict the turbines within the landscape from a series of vantage points.

These have been prepared and will be included as part of the PowerPoint presentation to Committee. Having examined the montages, the case officer considers that they accurately portray the impact of the turbines.

The areas where the turbines are predicted to be visible from are individually assessed as follows (the case officer visited all of these points and assessed the potential impact of stationary and rotating blades).

Normanby Cliff Road (between the A15 and Normanby by Spital village) –

This is the closest public vantage point to the turbines and, without doubt, the turbines will be a prominent landmark within the panorama when viewed from much of the length of this road and particularly between the entrance to Heath Farm and the village. This is due to their sheer scale, a scale that is not replicated anywhere in the vicinity in terms of height. The proximity of the turbines to the road, gently undulating landscape and the lack of tree belts or tall buildings to the southeast, south and southwest mean that the majority of both turbines will be seen against the backdrop of the sky that is commonly grey. These conditions will commonly result in the turbines being viewed as a grey fixture against a grey backdrop.

There will be instances, when the sky is blue for example, when the turbines will appear more prominent from the road. It is also noted that the sun will be behind the turbines for much of the time when viewed from the road and therefore the face facing the observer will be in shadow which will increase the contrast between the structure and the sky beyond. Nevertheless, it is not considered that they would appear visually intrusive; they are slender in form and graceful in movement, even at higher rpm.

Indeed, they certainly appear less intrusive than lattice telecommunications masts of similar or less height, vertical axis turbines or the standard L6 and L12 type pylons supporting the national grid high voltage power lines (the latter standing approximately 48m tall). Although in the foreground of the view, the turbines will not appear as incongruous features and will not prevent the observer from enjoying the vast majority of the panorama that lies beyond the structures.

Public Right of Way between Brooklands, Front Street and Mill Lane – Again, without doubt, the turbines will be a prominent landmark within the panorama when looking west from most of the length of this footpath; the only time the turbines will be obscured from view will be when the walker is within the garden of Brooklands at the northern end of the footpath. As the footpath crosses agricultural fields the view opens out and the turbines will be seen on the horizon approximately 600-750m away. They will appear largely against the backdrop of the sky and therefore similar considerations apply as to those when viewed from Normanby Cliff Road. The difference from this more distant view is that the turbines will appear to be only marginally higher than the trees that also feature on the horizon. At this distance, although prominent, the slender form of the turbines and relatively small size within the panorama, mean that the impact is not considered significant.

It is also acknowledged that, as Normanby village sits on slightly higher ground to the east of the footpath, there are houses such as Kippen and

Orchard House to the rear of Front Street and on those on the western side of Drakes Meadow, Manor Cliff and Field Lane, that will also be afforded a view of the turbines, but these are private houses and the impact of the views from them should not be afforded weight here (the impact on the setting of listed buildings such as Orchard House, is considered separately later in this sub-section).

Main Street, Normanby by Spital – It is calculated that the turbines will be completely obscured from view by the buildings on the west side of the road, on Field Lane, Manor Cliff and Drakes Meadow; the case officer walked the entire length of Main Street and could not see westwards into the countryside beyond the village.

Mill Lane, Normanby by Spital - Views of the turbines will be afforded from this Lane, which is a Public Right of Way, west of Owmbly Cemetery and the garden of No. 3, Field Lane. The turbines will be visible on the horizon, some - 600-900m away, albeit more of the poles will be seen against the surrounding landscape due to the slightly elevated nature of the viewpoint when compared to the land to the west. Nevertheless, at this distance, the impact is not considered significant. The view from the dwellings at the western end of Mill Lane is not afforded weight as these are private dwellings and not considered to constitute heritage assets.

Public Right of Way between Mill Lane and Owmbly Cliff Road (all within Owmbly parish) – This footpath is a continuation of the footpath between Front Street and Mill Lane, assessed earlier in this sub-section. Views from the northern end of this footpath, and the permissive footpath that follows the edge of the field that the public right of way dissects, are obscured by the hedge on the field's northern and western boundary. Further south, beyond the field, the view opens out and the turbines will be visible. At these vantage points the turbines will be around 900m away. The impact at this distance is not considered significant.

Owmbly Cliff Road – This road links the centre of Owmbly village to the A15. Buildings obscure views of the site from the village itself and vistas northwestwards are not possible until the road has cleared the built up area. Indeed, the first clear views are from a bridge over a land drain, midway between the village and Owmbly Cliff Cottages, but the turbines are over 1km away at this point and do not significantly impact on the view despite their form not being replicated by existing natural and built features within the landscape.

Owmbly Cliff Cottages, Cow Pasture and the Public Right of Way between Owmbly Cliff Road and Owmbly Cliff Farm – It is considered that the turbines will be more noticeable from these vantage points due to much of the height of the poles being viewed against the backdrop of a belt of trees at the Owmbly Cliff Cottages end of the path and a backdrop of the Lincolnshire Wolds from the Owmbly Cliff Farm end. The sun will also be behind the observer for much of the length of the path, illuminating the face of the turbines facing the observer. The acceptability of the visual impact of the

turbines from these vantage points, as from any vantage point, is a subjective judgement and it is acknowledged that the structures will be quite different in shape, height and colouring to other features within this panorama. The case officer considers them not to be intrusive or in anyway unsightly in this context.

Ermine Street (A15) – The near continuous hedge line along the eastern side of the A15 and the fact that the land rises and then falls again between the road and the application site means that the turbines will not be visible from much of the length of the road between Caenby Corner and the junction with Owmbly Cliff Road. Certainly the impact is not considered to be significant when fleeting glimpses will be afforded from say between the Owmbly Cliff Road junction and the entrance to Owmbly Cliff Farm due to the distance, the topography obscuring much of the turbines height and the other more prominent features within the landscape such as the Owmbly Cliff Farm complex.

In summary, it is accepted that this is a finely balanced decision as to whether this is a detrimental impact and, from the Normanby Cliff Road vantage points in particular, the turbines are of a shape, height and colour at odds with other structures within the landscape. However, there are numerous examples of structures which have been introduced into the wider landscape which are quite different to structures around them, are visually prominent, but have assimilated into the landscape, such as grain stores.

Overall, the turbines are not considered to detract from the visual amenity of the area and, whilst not being cited in the Landscape Character Assessment as a feature that currently exists within the Limestone Cliff Dip Slope, they will not detract from the character and appearance of this landscape.

The cumulative impact of this application and that for the Hemswell Cliff wind farm has been afforded extremely limited weight as the application for the latter remains undetermined and no officer recommendation has been made at the time of the preparation of this report. Members will be advised if these circumstances change before their consideration of this application.

Setting of listed buildings – There are a number of listed buildings within the parishes of Normanby and Owmbly including the two churches, the School, the Manor, Mill Lane and Orchard House. Both villages are quite nucleated in form with little ribbon development, both clustering around their respective churches. Normanby, in particular is focused around an area that includes the Church, School, the Bottle and Glass Public House and a road junction. These buildings and the relationship of the rest of the village to them provides the parish with its identity as a traditional medieval settlement that has steadily evolved over the centuries without losing its basic shape, focal point and the visual and functional importance of the key listed buildings. The interventions within the village, such as the twentieth century housing and the retention of the land around largely for agricultural use has done little to dilute this setting; there are no significant structures or changes in land use that adversely affect the setting of both the churches as one approaches the villages from the west, north and south.

The introduction of the turbines will certainly change the setting of Normanby in particular when approaching along Normanby Cliff Road and the Church tower will no longer be the only tall structure within the vista. However, the turbines are not bulky structures and they possess an architectural finesse that, despite their height, does not detract from the observer's enjoyment of the views towards the village. This is certainly helped by the fact that the turbines do not actually obstruct the view due to their slender form. The village, with the Church tower as its focal point, is also on elevated ground which preserves its position as the view stop. The legibility of this nucleated village within trees on this elevated land with the Church, school building and older listed buildings at its centre will remain, albeit with the turbine in the foreground.

The other listed buildings, such as Owmbly Cliff Farmhouse, Fillingham Castle and Norton Place are sufficiently distant to not be affected by the proposal in terms of their setting

Impacts on Protected Species - Although a bat survey has not been carried out, it is relevant to note that the Technical Information Notes (TINs) published by Natural England on bats and wind turbines refers to a buffer distance of 50 metres between wind turbines and potential bat activity. However TIN 51 makes clear that "these guidelines do not specifically cover micro wind generation" and TIN059 (Bats and Single Large Wind Turbines) is explicit in stating that, "it is not intended to cover micro turbines nor multi-turbine wind-farm developments." However, guidance published by Cornwall Wildlife Trust, as cited by the Lincolnshire Wildlife Trust in its representation, refers to a 50m separation from hedgerows and other natural features to protect any bats from the turbines. The proposal has responded to this guidance and the blades are all in excess of 50m from the hedgerows to the north and east. The proposal is not on any major migratory route for birds and, based upon advice from Natural England, it is considered that no areas designated for their natural conservation interest nor the local wildlife, including owls, will be adversely affected by the proposal. Natural England and the Lincolnshire Wildlife trust do not object to the proposal. The RSPB were consulted and have made no comment.

In this context, it is not considered that there is any justification to refuse this application on the grounds of harm to protected or other important species.

Health – This sub-section addresses the comments that have been made about the impact on the health and wellbeing of local residents as a result of the development. Health and well-being influence residential amenity and such an amenity impact is a consideration outlined in policy STRAT1 of the Local Plan Review and is also cited within the National Planning Policy Framework. Noise as a direct impact on residential amenity in terms of disturbance rather than impact on health is considered in the following sub-section.

The Chartered Institute of Environmental Health has concluded that, to date, no peer reviewed articles demonstrate a direct causal link between people living in proximity to modern wind turbines, the noise they emit and resulting physiological health effects. They reference an Institute of Acoustics (IoA) panel of experts in medicine, public health, audiology and acoustics which included Geoff Leventhall, an IoA honorary fellow and UK-based noise and vibration consultant who specialises in problems associated with infrasound and low-frequency noise. The panel concluded that allegations of adverse health effects from wind turbines were unproven and based on a 'misinterpretation of physiological data'. They continued by stating that turbines produce low levels of infrasound and low-frequency sound, but there is no credible scientific evidence that these levels are harmful to health

In this context the Chartered Institute of Environmental Health opine that, if anything, reported health effects are likely attributed to a number of environmental stressors that result in an annoyed/stressed state in a segment of the population. Specifically they state that annoyance appears to be more strongly related to visual cues and attitude than to noise itself; self reported health effects of people living near wind turbines are more likely attributed to physical manifestation from an annoyed state than from wind turbines themselves. In other words, it appears that it is the change in the environment that is associated with reported health effects and not a turbine-specific variable like audible noise or infrasound. In summary, regardless of its cause, a certain level of annoyance in a population can be expected, as with any number of projects that change the local environment. The visual change to the landscape as a result of the development has already been assessed in the preceding sub-sections.

Representations have also been received from a number of objectors referring to a child with autism in a neighbouring village. The application has been widely publicised in the village but the Council have not received any verbal or written representation from the family concerned. The National Autistic Society web-site provides the following information on Autism: "Autism is a lifelong developmental disability that affects how a person communicates with, and relates to, other people. It also affects how they make sense of the world around them. It is a spectrum condition, which means that, while all people with autism share certain difficulties, their condition will affect them in different ways. Some people with autism are able to live relatively independent lives but others may have accompanying learning disabilities and need a lifetime of specialist support."

Steps have been taken by the Council within the ambit of Data Protection Legislation to ascertain if the family concerned wanted to make representations in respect of this application. To date the Council has not received a response from the family although it is now understood from recent representations that they have left the village. In the absence of specific details or comment about this particular person's condition from the family concerned, it is considered that little weight can be attached to this information when determining the application.

There is also reference to children with similar conditions using land to the west of the site for equestrian use. Again, members are directed to the comments above and it is considered that little weight can be attached to this information when determining the application.

Residential amenity (noise and flicker) - Noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise. Nevertheless, it is considered to be a material consideration. There are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air. Since the early 1990s there has been a significant reduction in the mechanical noise generated by wind turbines and it is now usually less than, or of a similar level to the aerodynamic noise.

The Assessment and Rating of Noise from Wind Farms' (ETSU for DTI 1997) specifically deals with wind farm developments but can be used as a basis for small scale turbine applications such as the two under consideration here. Noise limits set relative to the background noise are more appropriate in the majority of cases. Generally, the noise limits should be set relative to the existing background noise at the nearest noise-sensitive properties. Separate noise limits should apply for day-time and for night-time as during the night the protection of external amenity becomes less important and the emphasis should be on preventing sleep disturbance. Noise from the wind turbines should be limited to 5 dB(A) above background for both day and night-time, remembering that the background level of each period may be different.

The nearest garden area to the turbines is Mill Lodge at the western end of Mill Lane, approximately 500m to the southeast (the garden at its closed point being 440m away).

The sound power for the proposed turbines (C & F 50) assuming a wind speed of 5m/s at hub height is 80 dBA, increasing to 94 dBA at 10m/s (the operational limit). To recall, the DECC database estimates an average speed of around 5.9m/s.

The existing noise levels within the curtilage of Mill Lodge is estimated to be approximately 30-35 dB(a) during the daytime (the case officer visited the environs of this dwellings and noted its relatively tranquil setting away from heavily trafficked roads and commercial uses).

In this context, even with the added noise levels derived from both turbines, it is not considered that the noise level generated at this distance would adversely affect the living conditions of the occupiers of the house when they are in the rear gardens; the noise from both turbines will have reduced to below 35 dBA; even at 100m distance it is estimated that the levels will have reduced to 35 dBa at 5m/s wind speed (and 45 dBA at a 10 m/s wind speed)

The existing noise levels would decrease at night time but occupiers are most likely to be indoors at that time where they will benefit from the acoustic properties of the external envelope of the dwelling (even single glazing can

reduce the DB(A) levels by 10 dB(A)). This would reduce the levels to 25-27 dB(A) which is below the fixed limit of 43 dB(A) recommended for night-time (this is based on a sleep disturbance criteria of 35 dB(A) with an allowance of 10 dB(A) for attenuation through an open window and 2 dB(A) subtracted to account for the use of LA90,10min rather than LAeq,10min).

With regards to shadow flicker, such flicker occurs when properties are close to a turbine, typically when they are within a distance equivalent to 10 x of the rotor diameter. In this case the rotor diameter is 20.9m and, as detailed above, the nearest house is around 500m away and to the southeast. It is therefore significantly beyond the maximum 209m distance where flicker would typically occur.

The above assessments have included an assessment of both turbines operating at the same time.

Horses – The next field but one to the east of the field within which the turbines are proposed to be located appears to be in horsicultural (equine) use, although no planning permission exists for it. The use appears to be occasional but nevertheless established. It is also noted that the land is used for horses that visit the site and which may not be accustomed to having turbines within their vicinity. Some weight therefore must be afforded to this matter as a material consideration although it is advised that this should be limited due to the lack of an established continuous use.

Superseded guidance contained within Planning Policy Statement (PPS) 22 prescribed a minimum distance of 200m between the turbines and the land used by horses, The National Planning Policy Framework does not include such a prescription and this omission is considered reasonable given that turbines heights vary significantly as does the juxtaposition of the sun, the turbine and the horses from site to site.

In this instance the site is to the east of the turbines and so the moving shadows created by turbines have the potential to affect horses in the afternoon. The British Horse Society guidance on their web-site advises that, as a starting point when assessing a site and its potential layout, a separation distance of three times the overall height should be the target for areas other than National Trails and Ride UK routes. This distance is 3 x 35m which is 105m. The field is beyond this distance. It is also noted that there are other features such as the road, which are nearer to the horses, that could give rise to circumstances that could startle horses (such as motorbikes).

In this context, it would not be considered reasonable to withhold permission on the grounds of impact on horses, despite the objection from the British Horse Society.

Other Matters – The organisations responsible for civilian aviation and the MoD have stated that they have no objections with regard to **aircraft safeguarding**. However, Humberside Airport's comments are subject to a condition that the applicant must notify the local planning authority within 1 month of the turbine commencing operation.

In response to the County Highways Authority comments, the traffic movements associated with the erection of two prefabricated mono-pole structures and the subsequent maintenance vehicle movements are not considered to be of such a nature that the information and **works requested by LCC in relation to the highway** could be reasonably required.

Nevertheless, it is acknowledged that, during the construction phase, there will be a significant number of traffic movements, including heavy goods vehicles, over a short period of time that could give rise to unacceptable impacts if no controls were put in place. For example, the amenity of residents could be unacceptably harmed by such traffic accessing the site through Normanby and Owmbly villages rather than directly from the A15. Similarly construction traffic could leave residues of mud and other organic materials on the road that would be detrimental to highway safety; the engineering operations to construct the access route resulting in the potential for such residues being higher than that normally associated with farming activities in the locality. These matters can be dealt with through a Construction Management Plan, the necessity for which can be secured by a condition. The County Highways Authority have not objected on the grounds that **ice propelled from the turbines** onto Normanby Cliff Road or the rotation of the turbines causing a **distraction to motorists** would be detrimental to highway safety.

Representations have quoted the **policy adopted by Lincolnshire County Council**. This policy has not undergone any form of robust consultation or been adopted by West Lindsey District Council, the local planning authority for development of this nature. The policy is therefore afforded no weight in this assessment. There are also no policies within the East Midlands Regional Plan, the West Lindsey Local Plan First Review, national or other local policy documents approved by this Council that place a **minimum distance between turbines and dwellings**. Each proposal is considered on its own merits as it has been done here.

The **loss of value to a dwelling** as the result of the development is not a relevant planning consideration.

LCC Archaeology have confirmed that the level of investigation required to assess **archaeology** potentially affected by the proposal is such that it can be the subject of conditions. The case officer noted the presence of A Scheduled Monument to the south of Mill Lodge but, due to the screening between this Monument and the site and the distance, its setting is not considered to be affected.

Finally, it is proposed that conditions are imposed to ensure that the development is dismantled and the land restored to its existing agricultural use and condition at the end of the 25 year period, or earlier in the event that the turbines cease to be used for the generation of electricity for a continuous period exceeding 6 months. The Inspector for the appeal at Thoresway (ref 127407) considered that these conditions complied with the requirements of Circular 11/95.

Conclusion and reason for granting

This is a proposal that, on balance, is not considered to give rise to any significant unacceptable impacts, including visual impact and impact on residential amenity and will positively contribute to meeting national and regional targets for reducing carbon emissions and the development of renewable energy sources. It is therefore acceptable under the requirements of the development plan, notably policy 40 of the East Midlands Regional Plan 2009 and policies STRAT1 and STRAT12 of the West Lindsey Local Plan 2006 as well as national guidance contained within the National Planning Policy Framework (2012).

RECOMMENDED DECISION: Grant permission subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012).

3. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 2 at least 14 days before the said

commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

4. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

5. Following the archaeological site work referred to in condition 4 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

6. The report referred to in condition 5 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012)..

7. No development shall be commenced until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include the times of construction on each day of the week, working practise, vehicle routeing and access specification. Construction of the turbines shall be in complete accordance with the approved Plan.

Reason: In the interests of residential amenity and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

8. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of commissioning of the hereby approved development. Written confirmation of the date of commissioning of the development shall be provided to the Planning Authority no later than 1 calendar month after that event.

Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and in the interest of aviations safety and to accord with Circular 1/03 – Aircraft Safeguarding

9. Not later than 3 months from the date that the planning permission hereby granted expires, all wind turbines, and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition.

Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

10. The turbines shall be removed from the site if they are decommissioned or otherwise cease to be used to generate electricity for a continuous period exceeding six months, unless the local planning authority agrees in writing to any longer period, and the wind turbines and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months.

Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

Informative – The written scheme required by condition (insert number of ARCH1) shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor.

Human Rights Implications:

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. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

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