



**Guildhall Gainsborough
Lincolnshire DN21 2NA
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This meeting will be webcast and published on the Council's website

AGENDA

**Planning Committee
Wednesday 23 September 2015 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members:

Councillor Stuart Curtis (Chairman)
Councillor Ian Fleetwood (Vice-Chairman)

Councillors Owen Bierley, David Bond, David Cotton, Hugo Marfleet, Giles McNeill, Jessie Milne, Roger Patterson, Judy Rainsforth, Thomas Smith, Vacancy.

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
Meeting of the Planning Committee held on 26 August 2015, previously circulated.
4. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. Update on Government/Local Changes in Planning Policy

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

6. Planning Applications for Determination
(Summary attached at Appendix A)
Print herewith PL.06 15/16

PAPER A

7. To note the following determination of appeals:

- i) Appeal by GS Hughes Ltd & JCM Glassford Ltd against the decision of West Lindsey District Council to refuse planning permission for the erection of 18 new dwellings comprising seven homes for local people with a specific housing need and 11 open market homes with a new site access and associated roads, drives, garages and public open space on land to the west of Manor Farm, High Street, Scampton.

Appeal Allowed - See copy letter attached as Appendix Bi.

Officer Recommendation – Grant with legal agreement.

- ii) Appeal by RGE Energy UK Limited against the decision of West Lindsey District Council to refuse planning permission for the construction of a solar farm, to include installation of solar panels to generate electricity, with transformer housings, DNO substation, security fencing and cameras, landscaping and other associated works on land off Middle Street, Burton by Lincoln.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Recommendation – Grant with conditions.

- iii) Appeal by AEE Renewables UK 8 Limited against the decision of West Lindsey District Council to refuse planning permission for the construction of a solar farm generating up to 20MW of electricity, with associated infrastructure including transformer stations, one substation, perimeter fencing and access tracks at Birch Holt Farm, Woodcote Lane, Burton by Lincoln.

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officer Recommendation – Grant with conditions.

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- iv) Appeal by RWE INNOLOGY UK LTD against the decision of West Lindsey District Council to refuse planning permission for the erection of a 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 on land north Of Hemswell Cliff.

Appeal Dismissed - See copy letter attached as Appendix Biv

Officer Recommendation – Refuse Permission

M Gill
Chief Executive
The Guildhall
Gainsborough

15 September 2015

Agendas, Reports and Minutes will be provided upon request in the following formats:

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1 – 132795 – Sudbrooke

PROPOSAL: Outline planning application for the erection of up to 6 dwellings - all matters reserved on land West of 91 Wragby Road, Sudbrooke.

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures an off-site contribution for affordable housing.

2 – 132412 – Hemswell

PROPOSAL: Planning application for the creation of a lagoon for the storage of AD digeste and connecting pipework from Hemswell Cliff AD plant and lagoon on land at Hemswell Cliff, Occupation Lane.

RECOMMENDED DECISION: Approval subject to conditions

Appeal Decision

Site visit made on 27 July 2015

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2015

Appeal Ref: APP/N2535/W/15/3017289

Land to the west of Manor Farm, High Street, Scampton, Lincoln, LN1 2SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by GS Hughes Ltd & JCM Glassford Ltd against the decision of West Lindsey District Council.
 - The application Ref 131907, dated 11 September 2014, was refused by notice dated 2 April 2015.
 - The development proposed is the erection of 18 new dwellings comprising 7 homes for local people with a specific housing need and 11 open market homes with a new site access and associated roads, drives, garages and public open space.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 18 new dwellings comprising 7 homes for local people with a specific housing need and 11 open market homes with a new site access and associated roads, drives, garages and public open space at Land to the west of Manor Farm, High Street, Scampton, Lincoln, LN1 2SS in accordance with the terms of the application, Ref 131907, dated 11 September 2014, subject to the conditions in the attached Schedule.

Procedural and Preliminary Matters

2. The Council has referred to The Preliminary Draft Central Lincolnshire Local Plan. However this plan is at a relatively early stage of preparation and is yet to be the subject of independent examination. It does not form a part of the statutory development plan and I have therefore given it limited weight as a material consideration.
3. A completed unilateral planning obligation deed has been submitted by the appellant in respect of financial contributions towards primary education, the provision of affordable housing and the delivery and maintenance of the on-site open space in perpetuity. I return to this matter below.

Main Issue

4. The main issue is whether the proposal would represent a sustainable form of development, having particular regard to accessibility to local services.

Reasons

5. The appeal relates to a large relatively flat grassed area of open agricultural land that is enclosed by a number of mature trees. Whilst open countryside

- bounds the southern boundary, the site is reasonably well contained with existing development in close proximity to three sides of the site.
6. The Council accepts that it does not have an identifiable five-year housing land supply. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate such a supply. In this case I consider that Policies STRAT 3, STRAT 7, STRAT 9 and RES7 of the West Lindsey Local Plan First Review (Local Plan) 2006 should be regarded as not up-to-date. The Framework advises that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless the harm would demonstrably outweigh the benefits, or, specific policies within the Framework indicate that development should be restricted.
 7. Subsidiary rural settlements do not have defined boundaries in the Local Plan, nonetheless, the appeal site, albeit a large undeveloped field, is clearly within the centre of the settlement. There is development to three sides of it, and its southern boundary respects that set by existing properties and the public footpath. It would therefore be in keeping with the core shape and form of the settlement, and not encroach into open countryside.
 8. On my site visit I saw that local facilities within Scampton are limited to a public house, primary school, and a church, and that the appeal site is outside convenient walking distance of shopping, secondary schools and mainstream employment facilities. However, whilst it is a small settlement it is not in a remote rural location. Bus stops are conveniently sited on the footway directly in front of the appeal site and on the opposite side of High Street. A regular daily bus service that links Scampton to other nearby villages on-route to Scunthorpe and Lincoln is provided.
 9. Notwithstanding the Council's argument regarding frequency, the bus service would provide access to services and facilities in other nearby areas, and allow people to commute to potential areas of work in Scunthorpe and Lincoln. This would offer scope for accessing facilities and services by means other than private cars and also provide further support for local services and facilities in villages nearby.
 10. I therefore conclude that the proposal would represent a sustainable form of development, having particular regard to accessibility to local services. In this regard it would not conflict with the aims of Local Plan Policy STRAT 1 which requires, amongst other things, for scope to be provided for access to public transport and reducing the length and number of car journeys.

Other Matters

11. I do not consider that the proposal can be considered to be a rural exception site due to the proportion of open market housing needed to subsidise the scheme. Nonetheless it would provide seven affordable houses that would meet a previously identified need in a Parish Survey. I appreciate that this survey is around 5 years old however the Council accept that there has been no development in the intervening period to address this need. In the absence of any firm evidence to the contrary it is reasonable to consider that this need is likely to remain. Moreover, this would provide affordable housing for the wider district even if this local need has diminished.

12. It is recognised that the proposal would increase the amount of traffic to and from this site, and that a primary school is situated nearby. However the Highways Authority has not raised any objections to the proposal in regards to the level of car parking provision, congestion or highway safety and I have no substantive reason to question this. This is, however, subject to the imposition of planning conditions, which seek to ensure, amongst other things, that a safe access and footway link are provided.
13. I also recognise that the proposal would inevitably reduce the sense of openness of the site and its green character would diminish as a result of the development. However, trees are to be retained along the frontage and the proposed houses would be set back from the High Street highway. They would also use traditional Lincolnshire materials, and be laid out in a similar cul-de-sac arrangement as the existing residential developments to the east and west. A significant area of landscaped public open space would also be provided within the site. The effect of all of these factors would be a relatively green, open layout which relates to the local pattern of existing development and retains some qualities of its spacious character. As such I do not consider that the proposal would have a harmful effect on the character and appearance of the area.
14. There is also no substantive evidence before me to demonstrate that the proposed development would, of necessity exacerbate existing flooding problems in the locality. A Flood Risk Assessment (FRA) was submitted with the original application and the Environment Agency has not raised any objections to the proposal, subject to a condition for details of a surface water drainage scheme, and I have no reason to question this. Property devaluation and loss of views are also outside the remit of the appeal and there is little firm evidence to substantiate that the development would lead to an increase in anti-social behaviour.
15. My attention has been drawn to a planning application that was refused for two detached dwellings on land immediately adjacent to the site. However I do not have the full details of this case before me so cannot be sure that it represents a direct parallel to the appeal proposal. I have, in any case, determined the appeal on its own merits.

Planning Obligation

16. The planning obligation would secure the provision of the affordable housing and on-site open space, and is, therefore, compliant with the tests within paragraph 204 of the Framework.
17. In respect of the education contribution, the Council has estimated that the appeal scheme would generate the need for 4 new primary school and 4 new secondary school places. A total contribution of £113,071 (£49,028 for primary school places and £73,876 for secondary school places) has been calculated.
18. A letter has been submitted by Scampton Church of England Primary School which confirms that they are very close to full capacity and I consider the required contribution in this regard to be necessary and directly related to the development. However I have not been provided with any detailed evidence to substantiate the extent of an existing shortfall at a specific secondary school. Accordingly I cannot be certain that the contributions sought for secondary

school places would be necessary to make the development acceptable, be directly related to the development and fairly related in scale and kind. I have therefore taken no account of this in reaching my decision.

19. Nonetheless the appellant has only provided £45,000 towards the provision of primary school places. Whilst the Council accepted this reduced amount in their Officer's Planning Application Report on the grounds of viability, I do not have a viability assessment before me. In the absence of this information the failure to fully address this requirement weighs against the proposal. However, £45,000 would still make a considerable contribution towards the provision of additional primary school places and I have therefore taken this into account.

Planning balance and conclusion

20. Relevant policies in the Framework place considerable emphasis on the need to boost housing supply, build a strong economy, and promote sustainable development. Although I have concluded that the proposal would fall short of the required educational contribution, it would still make a considerable financial offering towards additional primary school places. The proposal would make a substantial contribution towards addressing the undersupply of housing, providing affordable housing to meet local needs, and supply an area of on-site public open space. I have also found that the proposed development would have accessibility to local services. It would therefore perform the social and environmental roles of sustainable development. There would also be likely to be some significant economic benefits to the local economy from a development of this scale. These would include jobs for the construction industry and support to local services. Collectively these factors weigh heavily in favour of the allowing the appeal.
21. Overall, I therefore conclude that the proposal would comprise sustainable development for which there is a presumption in favour. The adverse impacts of the development, primarily the shortfall in the contribution for additional primary school places would not significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
22. I recognise that this decision will be disappointing for local residents, and am mindful, in this regard, of the Government's 'localism' agenda. However, even under 'localism', the views of local residents, very important though they are, must be balanced against other considerations. In reaching my conclusions I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan and the Framework. For the reasons set out above, the evidence in this case leads me to conclude that the appeal should be allowed.

Conditions

23. I have considered the conditions suggested by the Council against advice in the Planning Practice Guidance: *Use of planning conditions* (PPG). I agree that a condition is needed to secure compliance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the surrounding area I also consider it necessary to attach a condition to ensure that samples of the materials to be used on the buildings are submitted for the local planning authority's approval.

24. Conditions requiring the provision of schemes for landscaping, the design and specification of the access road, contamination, surface water drainage, biodiversity enhancement measures and a construction method statement are also considered to be necessary for the reasons put forward by the Council. However the implementation requirements for the surface water drainage scheme as set out in suggested condition 12 can be incorporated into suggested condition 2. I have also deleted the requirement for details of measures to protect trees during construction from the construction method statement as this is required to be submitted as a part of the landscaping scheme and does not need to be duplicated.
25. Conditions are also needed to retain trees or hedges on the site and ensure that other vegetation is not removed in the bird-breeding season. However I have incorporated the requirements of suggested condition 9 into the details that are to be submitted as a part of the landscaping scheme.
26. I am also satisfied that suggested conditions 6, 14 and 15 are reasonable and necessary in the interests of highway safety.

Mark Caine

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (08)001 A00 Existing Site Location Plan, (08)005 A05 Proposed Site Layout Plan, (08)006 A05 Proposed Site Layout Plan, (08)007 A00 Proposed Street Sections, (08)008 A04 Proposed Site Ground Floor & Drainage Plan, (08)009 A03 Proposed Boundary Treatments Plan, (08)010 A00 Proposed Dwelling Plot 1-2 (Local Housing Needs Homes), (08)011 A00 Proposed Dwelling Plot 3 (Local Housing Needs Homes), (08)012 A00 Proposed Dwelling Plot 4-7 (Local Housing Needs Homes), (08)013 A01 Proposed Dwelling Plot 8, (08)014 A00 Proposed Dwelling Plot 9, (08)015 A00 Proposed Dwelling Plot 10, (08)016 A01 Proposed Dwelling Plot 11, (08)017 A01 Proposed Dwelling Plot 12, (08)018 A00 Proposed Dwelling Plot 13, (08)019 A00 Proposed Dwelling Plot 14, (08)020 A01 Proposed Dwelling Plot 15, (08)021 A00 Proposed Dwelling Plot 16, (08)022 A00 Proposed Dwelling Plot 17, (08)023 A00 Proposed Dwelling Plot 18, and (08)024 A01 Proposed Garages.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local

- planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the routing and management of construction traffic;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoardings;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) measures to protect the water course on the southern boundary;
 - ix) details of noise reduction measures;
 - x) a scheme for recycling/disposing of waste resulting from construction works;
 - xi) the hours during which machinery will be operated, vehicles may enter and leave, and works will be carried out on the site.
 - 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the size, species and position or density of all trees to be planted, details of all retained trees and hedgerows, and measures for the protection of trees to be retained during construction.
 - 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
 - 7) No vegetation shall be removed from the appeal site between 1 March and 31 August unless an ecologist has first confirmed in writing that no active birds' nests are present.
 - 8) No development shall take place until a scheme for biodiversity enhancement measures has been submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be implemented in accordance with the approved details and any features thereafter retained.
 - 9) No development shall take place until details of a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) detailed calculations for the plot soakaways and permeable paving infiltration, and
 - ii) details of its implementation; maintenance and management.
- 10) No development shall take place until full engineering, drainage; street lighting and construction details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 11) No development shall take place until a scheme for the management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. Thereafter the streets shall be maintained in accordance with the approved details.
- 12) No frontage plot shall be occupied unless the pedestrian cross-over point and footway link across the island/verge on the opposite side of High Street to link to the existing footway on High Street has been implemented in accordance with drawing (08)006 A05.
- 13) Before the occupation of the dwellings hereby permitted all of the estate road and associated footways that form the junction with High Street shall be laid out and constructed to finished surface levels in accordance with details that are first submitted to and approved in writing by the local planning authority.
- 14) If during development contamination not previously considered, is identified, the local planning authority shall be notified immediately and no further work shall be carried out until a method statement, detailing a scheme for dealing with the contamination discovered, has been submitted to and approved in writing by the local planning authority. Thereafter development shall proceed in accordance with the approved details.

Appeal Decision

Site visit made on 4 August 2015

by Philip Major BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10/09/2015

Appeal Ref: APP/N2535/W/15/3004150

Land off Middle Street, Burton by Lincoln, Lincolnshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by RGE Energy UK Limited against the decision of West Lindsey District Council.
 - The application Ref: 131496, dated 23 May 2014, was refused by notice dated 17 November 2014.
 - The development proposed is the construction of a solar farm, to include installation of solar panels to generate electricity, with transformer housings, DNO substation, security fencing and cameras, landscaping and other associated works.
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Preliminary Matters

1. I have been appointed to determine this appeal, and an appeal located on land to the north (APP/N2535/W/3006201) for a similar type of development. The proposals share some common features such as the development plan and landscape in which they are situated. There are therefore some common matters in each of my decisions, and an assessment of the cumulative impact which would flow from the developments.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in the appeal are:
 - (a) The impact of the proposed development on the character and visual qualities of the surrounding rural area;
 - (b) The impact on the living conditions of nearby residents;
 - (c) The impact on heritage assets;
 - (d) Whether the use of agricultural land is justified;
 - (e) The cumulative impact with the proposed development to the north.

Development Plan and other policy and guidance

4. The development plan includes the West Lindsey Local Plan (First Review) of 2006 (LP). The reason for refusing planning permission cites 3 development plan policies. These are STRAT12, STRAT13 and NBE10.
5. STRAT12 is restrictive of development in the open countryside unless it is for a specified purpose (not applicable here) requires a countryside location or meets

an objective supported by other plan policies. STRAT13 seeks to restrict development in the areas between Lincoln and surrounding villages if it would detract from open rural character. The policy also sets criteria for any development which is permitted. Policy NBE10 establishes that high priority should be given to distinctive landscape features, character and amenity, and is restrictive of development which does not follow this principle. Further criteria are set for any development which is permitted. These 3 policies have been criticised in failing to allow for the balance inherent in the National Planning Policy Framework (NPPF) in seeking to maximise the production of renewable energy. In this respect I agree that they are not wholly consistent with the NPPF, and this reduces the weight which attaches to them.

6. I have been informed that the LP does not include any saved policies which deal with the provision of renewable energy. It does, however, include Policy ECON4 relating to farm diversification. Such diversification is welcomed subject to a number of criteria, including that the character, scale and location of the proposal is compatible with its landscape setting, that it would not use best and most versatile (BMV) agricultural land, and that it would not harm the amenity of local residents.
7. The National Planning Policy Framework (NPPF) is supportive of renewable energy where its impacts are, or can be made, acceptable. In addition Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3) though published primarily to guide large scale installations, also support renewable energy. This theme of the NPPF is backed up by a raft of national objectives which encourage renewable energy in order that the UK can meet its targets and reduce greenhouse gas emissions. This general support for renewable energy is a significant material consideration.
8. Planning Practice Guidance (PPG) continues the theme of support subject to development being acceptable for the proposed location. In other words renewable energy cannot be deemed to be acceptable in all locations. With particular reference to large ground mounted scale solar farms (though large scale is not defined) PPG exhorts local planning authorities to encourage effective use of land by focussing such development on previously developed and non agricultural land. Additionally PPG encourages assessment of landscape impact, glint and glare impact, whether the use of greenfield land is necessary, that poorer quality land is proposed, and that agricultural use continues or biodiversity improvements are made. Other matters to assess include heritage assets, the impact of security measures and the potential for mitigation through landscaping. Recognition of the temporary nature of development is included in PPG.

Reasons

Character and Visual Qualities

9. The appeal site sits on the plateau land above and to the east of the steeply sloping scarp slope known as The Cliff. In terms of the National Character Area this is part of the North Lincolnshire Edge with Coversands. In the West Lindsey Landscape Character Assessment this is refined further and the site lies within the Limestone Dip Slope landscape character area (LCA).
10. Some of the characteristics brought to my attention are typical of the area around the appeal site, such as the descriptions of large scale arable land use, and exposed and open landscape. The openness of the landscape is

interrupted by plantations of trees, and to the north of the appeal site by the avenue of mature trees associated with The Coach Road. Although The Cliff is ascribed the designation as an Area of Great Landscape Value locally, there are no national designations applying to the appeal site. Within this overall characterisation the appeal site forms a relatively well enclosed block of countryside, with trees on 3 sides (north, east and south). Immediately to the south of the southern tree belt is the Lincoln bypass, set partly in a cutting.

11. The proposal would introduce an extensive area of solar panels on frameworks which would rise to something over 2m from ground level. In my judgement these would change the character of the immediate surroundings, even though they would be perceived intermittently from some locations. The greatest impact would arise as perceived from The Coach Road where there would be a clear change in the character of the fields making up the site. Landscaping and mitigation would offer some relief in due course when seen at close quarters, but in the interim period the impact on localised character would be marked. The associated development including fencing and security cameras would increase the impact. The panels would be at odds with the rural character and it is fair to record the impact as adverse. However, the site is slightly undulating and has a number of internal hedgerows which break up its mass. These factors would result in the overall impact on the character of the area being at a moderate level.
12. The Coach Road is very well used. Users of this facility should be regarded as being sensitive to visual change as they are likely to be using the right of way for leisure purposes. From The Coach Road the site is clearly in view for much of its length between the existing avenue trees. There are some areas of lower vegetation which screen the site, but many locations where it is possible to see across the field towards the trees flanking the bypass. However, the more significant view from The Coach Road is to the north and east, where it is possible to see across a wide panorama towards distant landmarks, including the Lincolnshire Wolds. These vistas would not be affected by the proposed development. The southerly view towards Lincoln is, surprisingly, of lesser interest. This is the result of the enclosure of the site and the presence of a utilitarian tower block projecting above the tree line. Lincoln Cathedral is only visible intermittently and it is not a prominent focal point. Hence, whilst there would be visual intrusion apparent to sensitive receptors for a significant period of time until mitigation became established the overall visual impact can be characterised as moderate.

Living Conditions

13. Nearby residential property tends to be located within or adjacent to surrounding villages, such as Burton by Lincoln and Riseholme. However, there are some outlying dwellings.
14. The development proposed would be located at significant distance from dwellings and/or beyond mature landscaping. I saw at my site visit that views of this development from one particular dwelling would be heavily filtered by vegetation. Even allowing for leaf fall in autumn any view of the solar panels would be very limited and not of such magnitude that it would materially impact upon living conditions. I have not been able to locate, or been informed of, any dwellings which would have views of the proposal at which such an impact would occur. In making this judgement I note that to be found unacceptable the impact on living conditions must go beyond just having a

view, and reach a position where a dwelling would be rendered an unpleasant place to live. There is therefore no impediment to development in this respect.

15. So far as glint and glare from the panels is concerned, the study carried out reveals that there would be a very limited potential for any impact at dwellings. The presence of intervening vegetation would mitigate any limited times at which glint and glare might occur, and indeed any minor view towards the panels from residential property would be from behind and to the side, which would seem to preclude the possibility of glint and glare being experienced. This does not seem to me to be a matter which is likely to cause undue harm.

Heritage Assets

16. I have been made aware of a number of heritage assets, including listed buildings, conservation areas and a scheduled monument. However, these are all separated from the development by significant distance and/or significant vegetation.
17. There is nothing before me which suggests that the setting of any asset (I deal with Lincoln Cathedral separately) would be affected by the proposal. I certainly saw no evidence at my site visit that the development would impinge upon any heritage asset either directly or by affecting its setting. Riseholme Grange was pointed out to me, but this is separated from the appeal site by 2 belts of trees, the A15 highway, and part of the area where mitigation planting would take place.
18. Lincoln Cathedral is famously located on a ridge, and visible for many miles. The setting of the Cathedral can logically be deemed to include its hinterland, from which it was intended it should be seen. In this case there are minor glimpses of the Cathedral from The Coach Road in the vicinity of the appeal site, but these glimpses are fleeting and limited by mature trees. They are not a principal part of the view. Evidence submitted also demonstrates that from the Cathedral itself the appeal development would be unlikely to be visible. In my judgement the development would have no impact on the setting of the Cathedral or any other heritage asset.

Use of Agricultural Land

19. The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. As noted above, this principle is espoused in PPG relating to solar farms. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification.
20. The report submitted has established that the whole of the appeal site can be classified as grade 3a. On that basis a sequential assessment has been undertaken to establish the availability of lower grade or previously developed land. There are constraints to development, such as availability of connection to the distribution network, which limited the locations where solar farms would be feasible. I accept that such constraints limit the area of search. The work carried out in this respect shows that the only grade 4 land in West Lindsey is within the Lincolnshire Wolds Area of Outstanding Natural Beauty, and therefore unsuitable. Other areas close to the distribution network are classified as grade 2 and discounted for that reason – a logical approach.
21. Notwithstanding the fact that the appeal site is therefore identified as being within one of the areas with the fewest constraints in West Lindsey, that does

not mean that development should be permitted. There are no district wide targets for renewable energy production and if there should be no suitable and available sites in the district other than on BMV agricultural land it does not follow that development must proceed. In this case the use of BMV cannot in those terms be shown to be strictly necessary. There may well be alternatives outside the district boundary which would be suitable and available to contribute to national renewable energy targets. I do not find that the sequential test carried out is determinative of the argument that this BMV land is acceptable for the development. However, I accept that the land could continue in agricultural production as grazing for sheep, and would offer some biodiversity benefits.

Cumulative Impact

22. Cumulative impact would occur in combination with the development proposed to the north. The main impact would be upon the users of The Coach Road. When walking, cycling or riding along that route the user would experience the effects of solar farms close by to right and left for all but a short stretch of its length. Each would have its own impacts, which I have dealt with separately. Together they would combine to hem in the bridleway user with views of the solar panels and associated development in the early years, and substantial landscaping thereafter. In my judgement this would markedly alter the experience of using this route. The individual effects of the proposals would be compounded to such an extent that the impact on both character of the landscape and visual impact would be significant and adverse.
23. At other locations, such as when travelling along the A15 to the east, or Middle Street to the west, there would be limited appreciation of there being solar farm development because of intervening screening. Cumulative perception of the 2 developments would be restricted to fleeting glimpses in sequence. I do not consider that this would add materially to harm identified elsewhere.

Other Matters

24. A number of other matters have been raised during the course of the consideration of this case. These relate to matters such as noise, access and highway safety. However, I have no substantive evidence that the proposal would cause harm in these respects. The matter of glint and glare has been raised more generally, but there is no evidence that this would cause distraction or safety concerns. All available evidence indicates that these matters would be satisfactorily addressed.

Benefits and the Planning Balance

25. The proposed development would produce renewable energy and enable a reduction in greenhouse gas emissions. There would be a useful contribution to the national objectives for renewable energy production. There would be commensurate assistance in securing reliability of supply.
26. Additionally there would be some enhancement to biodiversity through the introduction of species rich grassland and other planting and maintenance, alongside the encouragement of mammals and birds to use the site through appropriate management.
27. In addition some economic benefit would flow from the commissioning and construction phase of the development, but longer term employment would be limited. I accept that schemes of this type are capable of being regarded as

farm diversification, but in this case the terms of the development plan policy noted earlier are not met because of landscape harm and use of BMV land. Some community benefit may also be available.

28. My findings on the main issues are:

- The development would bring moderate adverse impact to character and visual qualities of the landscape. This runs counter to the development plan as noted earlier, though the weight attaching to policies is reduced as explained.
- There would be no unacceptable impact on the living conditions of residents and no conflict with the development plan in this respect.
- There would be no impact on heritage assets and no conflict with the development plan in this respect.
- I am not satisfied that it has been shown to be necessary to use this area of BMV land. This conflicts with the advice of the NPPF and PPG.

29. In combination with the development proposed to the north (if both are permitted) cumulative impact to landscape character and visual qualities would be significant and adverse.

30. Taking these findings together it is my judgement that, in a finely balanced case, the benefits of the proposal are insufficient, in this instance, to outweigh the landscape harm and use of BMV land even allowing for the fact that the development could be reversed in due course. This harm would be further exacerbated if the land to the north were to be developed as a solar farm.

Overall Conclusion

31. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR

Appeal Decision

Site visit made on 4 August 2015

by Philip Major BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10/09/2015

Appeal Ref: APP/N2535/W/15/3006201

Birch Holt Farm, Woodcote Lane, Burton by Lincoln, Lincolnshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by AEE Renewables UK 8 Limited against the decision of West Lindsey District Council.
 - The application Ref: 131507, dated 13 June 2014, was refused by notice dated 17 November 2014.
 - The development proposed is the construction of a solar farm generating up to 20MW of electricity, with associated infrastructure including transformer stations, one substation, perimeter fencing and access tracks.
-

Preliminary Matters

1. The application was amended during its consideration by the Council by the omission of proposed development to the west of Middle Street, Burton by Lincoln (the area closest to Birch Holt Farm). The appeal site is therefore composed of 2 parcels of land to the east of Middle Street. I have considered the appeal on that basis.
2. I have been appointed to determine this appeal, and an appeal located on land to the south (APP/N2535/W/3004150) for a similar type of development. The proposals share some common features such as the development plan and landscape in which they are situated. There are therefore some common matters in each of my decisions, and an assessment of the cumulative impact which would flow from the developments.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues in the appeal are:
 - (a) The impact of the proposed development on the character and visual qualities of the surrounding rural area;
 - (b) The impact on the living conditions of nearby residents;
 - (c) The impact on heritage assets;
 - (d) Whether the use of agricultural land is justified;
 - (e) The cumulative impact with the proposed development to the south.

Development Plan and other policy and guidance

5. The development plan includes the West Lindsey Local Plan (First Review) of 2006 (LP). The reason for refusing planning permission cites 3 development plan policies. These are STRAT12, STRAT13 and NBE10.
6. STRAT12 is restrictive of development in the open countryside unless it is for a specified purpose (not applicable here) requires a countryside location or meets an objective supported by other plan policies. STRAT13 seeks to restrict development in the areas between Lincoln and surrounding villages if it would detract from open rural character. The policy also sets criteria for any development which is permitted. Policy NBE10 establishes that high priority should be given to distinctive landscape features, character and amenity, and is restrictive of development which does not follow this principle. Further criteria are set for any development which is permitted. These 3 policies have been criticised in failing to allow for the balance inherent in the National Planning Policy Framework (NPPF) in seeking to maximise the production of renewable energy. In this respect I agree that they are not wholly consistent with the NPPF, and this reduces the weight which attaches to them.
7. I have been informed that the LP does not include any saved policies which deal with the provision of renewable energy. It does, however, include Policy ECON4 relating to farm diversification. Such diversification is welcomed subject to a number of criteria, including that the character, scale and location of the proposal is compatible with its landscape setting, that it would not use best and most versatile (BMV) agricultural land, and that it would not harm the amenity of local residents.
8. The NPPF is supportive of renewable energy where its impacts are, or can be made, acceptable. In addition Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3) though published primarily to guide large scale installations, also support renewable energy. This theme of the NPPF is backed up by a raft of national objectives which encourage renewable energy in order that the UK can meet its targets and reduce greenhouse gas emissions. This general support for renewable energy is a significant material consideration.
9. Planning Practice Guidance (PPG) continues the theme of support subject to development being acceptable for the proposed location. In other words renewable energy cannot be deemed to be acceptable in all locations. With particular reference to large ground mounted scale solar farms (though large scale is not defined) PPG exhorts local planning authorities to encourage effective use of land by focussing such development on previously developed and non agricultural land. Additionally PPG encourages assessment of landscape impact, glint and glare impact, whether the use of greenfield land is necessary, that poorer quality land is proposed, and that agricultural use continues or biodiversity improvements are made. Other matters to assess include heritage assets, the impact of security measures and the potential for mitigation through landscaping. Recognition of the temporary nature of development is included in PPG.

Reasons

Character and Visual Qualities

10. The appeal site (both parts) sits on the plateau land above and to the east of the steeply sloping scarp slope known as The Cliff. In terms of the National Character Area this is part of the North Lincolnshire Edge with Coversands. In the West Lindsey Landscape Character Assessment this is refined further and the site lies within the Limestone Dip Slope landscape character area (LCA).
11. Some of the characteristics brought to my attention are typical of the area around the appeal site, such as the descriptions of large scale arable land use, and exposed and open landscape. There are extensive views across the vale to the west of The Cliff from some locations, and distant views of the Lincolnshire Wolds to the east across largely flat land. The openness of the landscape is interrupted by plantations of trees, and to the south of the appeal site by the avenue of mature trees associated with The Coach Road. Although The Cliff is ascribed the designation of an Area of Great Landscape Value locally, there are no national designations applying to the appeal site.
12. The proposal would introduce 2 extensive areas of solar panels on frameworks which would rise to something over 2m from ground level. In my judgement these would change the character of the immediate surroundings, even though they would be perceived intermittently from some locations. The greatest impact, in my judgement, would arise from The Coach Road where, notwithstanding the set back from the public right of way, there would be a clear change in the character of this large field. Landscaping and mitigation would offer some relief in due course, but in the interim period the impact on localised character would be significant. This impact would be exacerbated by the presence of associated structures such as fencing and security cameras. The panels would be at odds with the rural character and it is fair to record the impact as adverse. Development on the northern field, also extensive, would be of lesser magnitude of effect simply because it would be of lesser prominence from public view, and the limited opportunities to see into the site at that point.
13. The southern part of the appeal site is flanked by public rights of way to the north and south. The southern bridleway (The Coach Road) is clearly very well used, as I observed during my site visit. Users of this facility, and that to the north, should be regarded as being sensitive to visual change as they are likely to be using the rights of way for leisure purposes. From The Coach Road the site is clearly in view for much of its length between the existing avenue trees. There are some areas of lower vegetation which screen the site, but many locations where it is possible to see across the field towards the Lincolnshire Wolds. These extensive views would be interrupted by the development. Even if the mitigation proposed were to be effective in screening the panels from day 1 (which is not the case) then the visual attraction of the vistas to the north and east would be diminished. However, when combined with the visibility of the panels, the associated infrastructure, and the security fencing and monitoring equipment, it seems to me that visual intrusion of the development itself would be likely to remain in place for some time.
14. The bridleway to the north of the field may not be so well used, and it has an existing hedge to the south which in places entirely screens the appeal site.

For that reason visual intrusion here would be of a far smaller magnitude and would not be seriously damaging with the hedgerow reinforcement and other planting proposed.

15. Turning to the northern field, it is notable that public viewpoints are restricted to the roadside. Here the visibility of the field and development would be limited. Essentially it would be likely to be passing motorists and their passengers who would have some opportunity to see into this part of the site. Views from the informal lay-by adjacent to the footpath which runs down The Cliff would be hindered by the existing and proposed landscaping. In my judgement visual impact of development of this part of the site would be limited.
16. Summing up on this issue it is my judgement that:
 - The impact of the proposed development on the character of the landscape would be principally experienced in relation to the southern block of proposed development. That impact would be significant and adverse. Impact resulting from development of the northern block would be minor.
 - The visual impact of the development would also principally stem from the southern block, and more particularly the impact from The Coach Road. Here, visual impact on sensitive receptors would be significant, leading to a major adverse diminution of the visual qualities of the locality. The northern block would have a more modest visual impact.
 - These impacts lead to conflict with the development plan policies noted in the reason for refusing planning permission, but this conflict is tempered by the reduced weight attaching to those policies.

Living Conditions

17. Nearby residential property tends to be located within or adjacent to surrounding villages, such as Burton by Lincoln and Riseholme. However, there are some outlying dwellings.
18. The 2 blocks of development proposed would be located at significant distance from dwellings and/or beyond mature landscaping. I saw at my site visit that views of this development from one particular dwelling would be all but impossible because of intervening woodland. I have not been able to locate, or been informed of, any dwellings which would have views of the proposal of such magnitude as to impact unduly on living conditions. In making this judgement I note that to be found unacceptable the impact on living conditions must go beyond a view, and reach a position where a dwelling would be rendered an unpleasant place to live. There is therefore no impediment to development in this respect.

Heritage Assets

19. I have been made aware of a number of heritage assets, including listed buildings, conservation areas and a scheduled monument. However, these are all separated from the development by significant distance and/or significant vegetation.
20. There is nothing before me which suggests that the setting of any asset (I deal with Lincoln Cathedral separately) would be affected by the proposal. I

certainly saw no evidence at my site visit that the development would impinge upon any heritage asset either directly or by affecting its setting.

21. Lincoln Cathedral is famously located on a ridge, and visible for many miles. The setting of the Cathedral can logically be deemed to include its hinterland, from which it was intended it should be seen. In this case there are minor glimpses of the Cathedral from The Coach Road in the vicinity of the appeal site, but these glimpses are fleeting and limited by mature trees. They are not a principal part of the view. In any event they are in a different part of the view from The Coach Road, the site to the north, the Cathedral to the south. Evidence submitted also demonstrates that from the Cathedral itself the appeal development would be unlikely to be visible. In my judgement the development would have no impact on the setting of the Cathedral.

Use of Agricultural Land

22. The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. As noted above, this principle is espoused in PPG relating to solar farms. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification.
23. The information before me is that the land in question here is graded 3a. In support of the development it is pointed out in submitted documents that it is used for growing bio fuel crops and not food. However, that seems to miss the point – the land could easily revert to other crops on a regular basis. In any event even if developed the site could remain in some agricultural use as grazing for sheep, a practice which is carried out at other solar farm locations. The fact that this is grade 3a land has prompted a sequential assessment of whether lower quality land, previously developed land, or commercial property is available.
24. There are constraints to development, such as availability of connection to the distribution network, which limited the locations where solar farms would be feasible. I accept that such constraints limit the area of search. I have no reason to doubt that the Appellant has carried out a sequential search of potential developable areas beginning with previously developed land. That the current location resulted from a sequential study does not, however, mean that it should be developed. There are no district wide targets for renewable energy production and if there should be no suitable and available sites in the district other than on BMV agricultural land it does not follow that development should proceed.
25. In this case the use of BMV cannot in those terms be shown to be strictly necessary. There may well be alternatives outside the district boundary which would be suitable and available to contribute to national renewable energy targets. I do not find that the sequential test carried out is determinative of the argument that this BMV land is suitable for the development.

Cumulative Impact

26. This matter can be taken quite briefly. Cumulative impact would occur in combination with the development proposed to the south. The main impact would be upon the users of The Coach Road. When walking, cycling or riding

along that route the user would experience the effects of solar farms close by to right and left for all but a short stretch of its length. Each would have its own impacts, which I have dealt with separately. Together they would combine to hem in the bridleway user with views of the solar panels and associated development in the early years, and substantial landscaping thereafter. In my judgement this would markedly alter the experience of using this route. The individual effects of the proposals would be compounded to such an extent that the impact on both character of the landscape and visual impact would be significant and adverse.

27. At other locations, such as when travelling along the A15 to the east, or Middle Street to the west, there would be limited appreciation of there being solar farm development because of intervening screening. Cumulative perception of the 2 developments would be restricted to fleeting glimpses in sequence. I do not consider that this would add materially to harm identified elsewhere.

Other Matters

28. A number of other matters have been raised during the course of the consideration of this case. These relate to matters such as noise, access and highway safety, and flood risk. However, I have no substantive evidence that the proposal would cause harm in these respects. The matter of glint and glare has been raised, but there is no evidence that this would cause distraction or safety concerns. All available evidence indicates that these matters would be satisfactorily addressed.

Benefits and the Planning Balance

29. The proposed development would produce renewable energy and enable a reduction in greenhouse gas emissions. There would be a useful contribution to the national objectives for renewable energy production. There would be commensurate assistance in securing reliability of supply.
30. Additionally there would be some enhancement to biodiversity through the introduction of species rich grassland and other planting and maintenance, alongside the encouragement of mammals and birds to use the site through appropriate management.
31. In addition some economic benefit would flow from the commissioning and construction phase of the development, but limited longer term employment. I accept that schemes of this type are capable of being regarded as farm diversification, but in this case the terms of the development plan policy noted earlier are not met because of landscape harm and use of BMV land. Some community benefit may also be available though I have not seen details of the mechanism for this to work.
32. My findings on the main issues are:
- The development (in relation to the southern field) would bring significant adverse impact to the character and visual qualities of the landscape. This runs counter to the development plan as noted earlier, though the weight attaching to policies is reduced as explained.
 - There would be no unacceptable impact on the living conditions of residents and no conflict with the development plan in this respect.

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- There would be no impact on heritage assets and no conflict with the development plan in this respect.
 - I am not satisfied that it has been shown to be necessary to use this area of BMV land. This conflicts with the advice of the NPPF and PPG.
 - In combination with the development proposed to the south (if both are permitted) cumulative impact to landscape character and visual qualities would be significant and adverse.
33. Taking the matters together it is my judgement that the significant harm to the character and visual quality of the area resulting from the development of the southern part of the application site would be such as to outweigh the benefits notwithstanding the proposed 25 year life of the development. This harm would be further exacerbated if the land to the south were to be developed as a solar farm.
34. However, I find that harm resulting from development of the northern field would be more modest. Despite conflict with the development plan the benefits of providing renewable energy here outweigh the modest negative impacts. For that reason this part of the development would be acceptable. In other circumstances a split decision might be appropriate but in this case the 2 parts of the site have already been separated from other parcels of land, and the relevant reports (such as ecological mitigation and monitoring) are likely to require revising in order to deal with a smaller parcel of land. I do not therefore consider that it would be acceptable to seek to split one part of this proposal from another.

Overall Conclusion

35. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR



Department for Communities and Local Government

Mr Paul McLean
Eversheds LLP
Bridgewater Place
Water Lane
Leeds
LS11 5DR

Our Ref: APP/N2535/A/14/2217829
Your Ref: MCLEANPA/156396-000103

14 September 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY RWE INNOGY UK LTD
LAND NORTH OF HEMSWELL CLIFF, LINCOLNSHIRE, DN21 5SL
APPLICATION REF: 128940**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Paul K Jackson BArch (Hons) RIBA, who held a public local inquiry which opened on 27 January 2015 and sat for 7 days, into your client's application to West Lindsey Council ("the Council") for the erection of a 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, dated 4 July 2012, in accordance with application ref: 128940.
2. The appeal was recovered for the Secretary of State's determination on 25 June 2015, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal involves a renewable energy development.

Inspector's recommendation

3. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. The Secretary of State notes that, immediately following the appeal, your client submitted an alternative 8 turbine scheme which the Inspector has considered as an alternative to the appeal scheme. For the reasons given at IR5, the Secretary of State is satisfied that no interests have thereby been prejudiced and, like the Inspector, he has taken the alternative scheme into account in reaching his decision.

5. The Secretary of State considers that the Environmental Statement (ES) which accompanied the application, together with the Supplementary Environmental Information submitted in June 2013 at the request of the Council and the information submitted to accompany the alternative scheme (IR5), meets the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and provides the data and information required to adequately assess the impacts on the environment of the proposed development.

Matters arising after the close of the inquiry

6. The Secretary of State has had regard to the correspondence which was submitted after the close of the inquiry and listed at Annex A(i), along with that received in response to his letter of 18 June 2015 inviting comments on the Written Ministerial Statement (WMS) of the same date and referred to in paragraphs 8, 9 and 23 below. The Secretary of State has carefully considered all the representations received in his consideration of the appeal before him, but is satisfied that they do not raise matters which would require him to refer back to parties again prior to reaching his decision. Copies of these representations can be made available on written request to the address at the foot of the first page of this letter.

Policy and Statutory Considerations

7. In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the West Lindsey Local Plan (First Review) 2006 (LP). The Secretary of State agrees with the Inspector that the most relevant policies are those referred to at IR13-19 but, having regard to the Inspector's reasoning at IR295-296, he gives them little weight. The Secretary of State also agrees with the Inspector (IR13) that little weight can be attached to the replacement development plan (the Central Lincolnshire Local Plan), particularly given that it is at a very early stage in its preparation.
8. The Secretary of State has had regard to his WMS of 18 June. The statement explained that the Secretary of State was setting out new considerations to be applied to proposed wind energy development. Subject to a transitional provision, the statement explained that the new considerations had immediate effect. Given its relevance to this case, the Secretary of State attaches substantial weight to the statement as the most recent expression of government planning policy for onshore wind development.
9. The statement includes a transitional provision for where a valid planning application for wind energy development had already been submitted to a local planning authority at the date on which the statement was made and the development plan does not identify suitable sites. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. In applying the transitional provision to this appeal proposal the Secretary of State has considered the representations reported in the Inspector's report and the correspondence referred to in paragraph 6 above.

10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (“the Framework”) and the planning guidance published in March 2014; the National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy (EN-3); the Community Infrastructure Levy (CIL) Regulations 2010 as amended and Planning Practice Guidance for Renewable and Low Carbon Energy (2013). The Secretary of State has also taken into account the WMSs on renewable energy published in June 2013 by the Secretaries of State for Energy and Climate Change and for Communities and Local Government; the WMS on renewable energy published by the Secretary of State for Communities and Local Government in April 2014; and the English Heritage/Historic England guidance entitled “*The setting of Heritage Assets*” as updated in July 2015.
11. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), the Secretary of State has paid special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess. The Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance conservation areas, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issues

The effect of the proposed development on the settings of designated heritage assets

12. Having given very careful consideration to the Inspector’s findings with regard to the effect of the appeal scheme on the settings of heritage assets at IR297-318, and having taken into account the views of English Heritage and its updated guidance on the “Setting of Heritage Assets” referred to at paragraph 10 above, the Secretary of State agrees with the Inspector’s conclusion at IR318.
13. The Secretary of State has given considerable importance and weight to the identified harm and to the desirability of preserving the setting of the listed buildings as well as to the desirability of preserving or enhancing the character or appearance of the conservation area. However, he agrees with the Inspector (IR318) that, in the terms of paragraph 134 of the Framework, the overall harm of either the 8 or 10 turbine scheme would be “less than substantial” on the heritage significance of Norton Place, its park and garden; Hemswell Conservation Area; Willoughton; Blyborough Grange; and Spital-in-the-Street; but that it nevertheless needs to be considered in the balance.

The effect on heritage assets of significant archaeological interest

14. For the reasons given at IR319-322, the Secretary of State agrees with the Inspector at IR322 that there is nothing to suggest that the appellant has failed to evaluate properly the potential for archaeology on the site or that unacceptable harm would occur to heritage assets on the site as a result of either the 8 or 10 turbine scheme, subject to the locations of the temporary construction compounds being revised. He therefore has no reason to suppose that the development would not accord with the archaeological preservation aims of both the LP and the Framework.

The effect on landscape character and visual amenity

15. The Secretary of State notes (IR326) that it is common ground in this case that the turbines, whether 8 or 10 in number, would have a significant landscape impact for at least 3km from the site. Having carefully considered the Inspector’s arguments

- at IR323-333, the Secretary of State agrees that there would be a significant adverse impact on landscape character in the Dip Slope and the Cliff Local Character Areas (LCAs) for a radius of about 3km, but that the significant effect would extend for a much greater distance in the Till Vale LCA; and he agrees with the Inspector (IR333) that that needs to be taken forward into the balance.
16. For the reasons given at IR334, the Secretary of State agrees with the Inspector that, although there would be some adverse impacts on the landscape in terms of it being a characteristic of the setting of heritage assets, these do not add any additional weight in the balance to the harm identified to the setting of the heritage assets themselves. Similarly, for the reasons given at IR335, the Secretary of State agrees with the Inspector that the proposed turbines would not, in conjunction with any other planned, constructed or operational wind turbines, have any unacceptable cumulative impact on landscape character or heritage assets.
17. With regard to visual amenity, the Secretary of State agrees with the Inspector (IR336-339) that the appearance of the appeal scheme, whether in 8 or 10 turbine guise, would have no more than moderate visual impact except in two cases. The first exception (IR337) is the bridleway passing through Ingham and Fillingham and on to Glentworth, where the Secretary of State agrees that the increased visibility of the turbines would be a direct result of their height above the Till Vale and the Cliff. The second (IR338-339) is the impact of the constant presence of the turbines on the day to day life of the Hemswell Cliff Primary School and the local community. The Secretary of State agrees with the Inspector that the visual impact on those in the school and the residents of Hemswell Cliff would be significantly greater than has been assessed by the appellant and he has given significant weight to this in the overall balance.

Other considerations

18. For the reasons given by the Inspector, the Secretary of State agrees with him that the issues of shadow flicker, and tv and wi-fi interference could be dealt with by means of conditions (IR340), as could the potential to interfere with aviation-related radar systems (IR347) and gliders (IR348). He also agrees that there is no firm evidence that any unacceptable health effects have been experienced in the UK as a result of a wind energy development (IR341).
19. Having regard to IR342-346, the Secretary of State notes that there is no evidence of any specific negative impacts that the proposed turbines would have on any person with autism in the vicinity of the appeal site (IR345). The Secretary of State also agrees with the Inspector that there are no convincing arguments to suggest that the impact of the scheme on business, tourism and employment should weigh heavily against the proposal (IR349); or that, with the conditions proposed, turbine noise would be a reason to refuse either of the two schemes. Furthermore, with regard to residential amenity (IR351-352), the Secretary of State concludes that, as a result of distance and partial screening, the effect of the turbines on any property would not be so overwhelming as to make any residential property an unpleasant place to live. He also agrees with the Inspector (IR353-354) that hydrology and ground water concerns do not weigh against permission being granted.

Overall balance and conclusions

20. Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 (see paragraph 7 above), the Secretary of State has concluded that the proposal

does not accord with the development plan taken as a whole, in particular owing to the clear conflict with policies NBE8 and NBE10. The Secretary of State has therefore gone on to consider whether there are any material considerations which might nevertheless justify allowing the appeal.

21. The Secretary of State agrees with the Inspector (IR357-358) that, in principle, new renewable energy proposals are to be welcomed and that, whether the 8 or 10 turbine option were to be pursued, the contribution to combatting climate change is an important consideration as is the potential to provide some economic stimulus to the local area.
22. However, the Secretary of State also agrees with the Inspector (IR359) that, although the development would be sustainable in principle, it is necessary to have regard to the fact that the environmental dimension of sustainable development includes contributing to protecting and enhancing the natural and historic environment by ensuring that the impacts of schemes are acceptable or capable of being made acceptable. As set out in more detail above, the Secretary of State agrees with the elements of harm identified by the Inspector at IR360-362. He also agrees with the Inspector (IR362) that the reversibility of the proposal carries little weight in view of the adverse effects on visual amenity for a generation.
23. In addition, having applied the transitional provision set out in the June 2015 WMS, the Secretary of State is not satisfied that the planning impacts identified by affected local communities have been addressed. There has been extensive involvement of the local population throughout the process (IR361), including the granting of Rule 6 status to VOCAT (IR2). In their responses to the Secretary of State's letter of 18 June 2015, the affected communities have repeated the concerns which they expressed previously about the planning impacts of the scheme. These include harm to the landscape, visual amenity and the setting of heritage assets, and it is clear from the IR that those planning impacts have not been addressed. This is demonstrated, in particular, by the Inspector's summary of the harm to the landscape character, visual amenity and setting of heritage assets at IR360. As those planning impacts as identified by the affected communities have not been addressed, the proposed scheme would not meet the transitional arrangements set out in the WMS of 18 June 2015; and the Secretary of State gives significant weight to this.
24. While the development would make a significant contribution to the supply of electricity as part of a mix of renewable resources in West Lindsey and a consequent contribution to combatting climate change for the life of the scheme, the combined adverse impacts of either the 10 or 8 turbine format in terms of harm to landscape character, harm to visual amenity and less than substantial harm to the setting, and therefore significance, of a number of heritage assets would significantly and demonstrably outweigh these benefits.

Conditions

25. The Secretary of State has considered the Inspector's reasoning and conclusions on conditions, as set out at IR290-291. He is satisfied that, in the form recommended by the Inspector, they are reasonable and necessary and would meet the tests of the Framework and the guidance.

Formal Decision

26. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses

planning permission for the erection of a ten or eight 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, dated 4 July 2012, in accordance with application ref: 128940.

Right to challenge the decision

27. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

28. A copy of this letter has been sent to West Lindsey District Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Jean Nowak

Authorised by the Secretary of State to sign in that behalf