

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Special Planning Committee held at the EPIC Centre, Lincolnshire Showground, on Wednesday 30 October 2013 commencing at 2pm.

**Present:** Councillor Stuart Curtis (Chairman)  
Councillor Ian Fleetwood (Vice Chairman)

Councillor Owen Bierley  
Councillor Alan Caine  
Councillor David Cotton  
Councillor Richard Doran  
Councillor Malcolm Leaning  
Councillor Giles McNeill  
Councillor Jessie Milne  
Councillor Roger Patterson  
Councillor Judy Rainsforth  
Councillor Jeff Summers

**Apologies** None

**Membership** Councillor Jeff Summers took the place vacated by the late Councillor Underwood Frost

**In Attendance :**  
Mark Sturgess Director of Regeneration and Planning  
Zoë Raygen Acting Area Team Manager  
Russell Clarkson Senior Planning Officer  
Charlotte Lockwood Lincolnshire Legal Services  
Dinah Lilley Governance and Civic Officer

**Also Present** around 350 members of the public  
Sir Edward Leigh MP  
Councillor Paul Howitt-Cowan  
Councillor Lewis Strange  
Councillor Geoff Wiseman  
Other officers from West Lindsey District Council  
Other officers from Lincolnshire County Council

### 46 CHAIRMAN'S INTRODUCTION

The Chairman opened the meeting with introductions and outlined procedures and the running order for the day.

#### **47 MEMBERS' DECLARATIONS OF INTEREST**

Councillor Cotton declared a personal interest as a practising minister as there were references to the church at Spital in the Street. Councillor Cotton also declared that he knew one of the speakers.

Councillor Caine declared a personal interest as he was the West Lindsey representative and Chairman of the Lincolnshire Wolds Countryside Management Committee.

Councillor Milne declared that she worked for Sir Edward Leigh MP and had organised meetings between him and objectors but had not been involved herself.

Councillor McNeill also declared that he worked for Sir Edward Leigh.

Councillor Patterson declared a personal interest as he knew one of the speakers and that he was the Ward Member for Glentworth.

Councillor Bierley declared that he was the West Lindsey Representative on the CPRE, but had not been involved in any representation.

All Members of the Committee declared that they knew the owners of the land on which the application was proposed.

#### **48 PLANNING APPLICATION FOR DETERMINATION (PL.09 13/14)**

**RESOLVED** that the application detailed in report PL.09 13/14 be dealt with as follows:-

##### 1 – 128940 – Hemswell Cliff

Planning application for construction of ten turbine wind farm-maximum height of 126.5 metres to blade tip for each turbine-and ancillary development, including the erection of a permanent and temporary anemometer mast, substation and control building, temporary construction compound, construction of underground electrical cabling, new access tracks and the upgrade of existing access tracks and site access points from the A15 and Middle Street for a period of 25 years. Land at Hemswell Cliff, Hemswell.

The Senior Planning Officer introduced the report, describing the location of the development and its proximity to neighbouring properties. Details of the development were set out in the report and presentation, showing the siting of the turbines and ancillary equipment including the sub-station. The turbines would have a 25 year life span and require a 12 month construction period.

The size and design of the turbines was described, along with the speed of their operation, and the access roads to each. Grid connection details were still to be determined. The location of the anemometer mast was shown.

The Government was legally committed to sourcing 15% of total UK energy from renewable sources by 2020; and in 2011, renewable energy accounted for 3.8% of UK energy consumption. In 2011, only 0.2% (40GWh) of Central Lincolnshire's total energy demand was met by renewable energy.

The Overarching National Policy Statement for Energy (EN-1) states that “onshore wind is the most well-established and currently the most economically viable source of renewable energy available.” The NPPF states that the applicant does not need to demonstrate need and that the Council should approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable. The current Development Plan (West Lindsey Local Plan First Review) was silent on renewable energy developments.

The Senior Planning Officer then described the biodiversity and ornithology implications of the proposals. A planning condition had been recommended to secure an Ecological Enhancement and Management Plan (EEMP) to ensure biodiversity enhancement, habitat compensation measures and post construction bat and bird surveys. Planning conditions for unexpected contamination, foul and surface water drainage had also been recommended.

Planning Practice Guidance on renewable energy stated that great care should be taken to ensure heritage assets were conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. The development would be expected to significantly intrude upon and considerably harm the setting of Norton Place, a collection of heritage assets including a Grade I Listed building, Grade II\* listed bridge and locally designated historic park/gardens. This would neither sustain nor enhance, and would be considered to substantially harm, the setting of this important heritage asset of the highest significance. The proposed development would also be expected to substantially harm the setting of the grade II listed Gate Lodges, Gateway and Gates at Norton Place. The development would be expected to moderately harm the setting of the Hemswell Conservation Area and investigations had identified that some areas of the proposed development were archaeologically sensitive with significant archaeological remains.

Local Plan policy STRAT12 only permitted development that necessarily required a countryside location. Due to the scale and nature of the development it was not suited to urban locations, and a countryside location was therefore necessary, in compliance with policy STRAT12. National Planning Practice Guidance advised that “local topography is an important factor in assessing whether wind turbines can have a damaging effect on landscape and local authorities should recognise that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas”.

The development would be contrary to Local Plan policy NBE10 as it was likely to have an adverse impact on the features, setting and general appearance of the Landscape Character Areas. However weight attached to policy within the NPPF outweighed that given to policy NBE10. It was concluded that localised harm to the landscape and the moderate harm to the locally designated Cliff AGLV did not outweigh the wider benefits attributed towards the development;

The Landscape Visual Impact Assessment determined there would be a significant visual impact at eight viewpoint locations, notably to residents within Hemswell Cliff, Bishop Norton, Corringham, Bishopbridge and Spital in the Street, and motorists on the A15 and A631, and a large magnitude of visual change was predicted to thirteen residential properties in proximity of the site.

The applicant had undertaken a baseline noise survey and derived both daytime and night time noise limits across a range of wind speeds in accordance with good practice. The noise limits and hours of construction could be secured by planning conditions, as could mitigation measures to address potential shadow flicker.

The Senior Planning Officer then described the traffic and transport implications, in particular relating to the A15 and B1398, both during construction and subsequent operation. The implications for air traffic and radar were set out in the report, with recommendations for potential mitigation.

In conclusion, due to the significant impact upon heritage assets the recommendation to the Committee was to refuse the application.

Barry Dutton, representing all of the local Parish Councils, then gave a presentation to the Committee. The Parish Councils welcomed the Planning Officer's recommendation to refuse planning permission on grounds of heritage and archaeology, however believed that there were more additional important grounds for refusal, the most important of which was landscape. The key question was whether this site was a suitable location for a large scale wind farm in the context of West Lindsey. Local Councils felt that in the context of West Lindsey, it was hard to imagine a less suitable site for a wind farm than this one.

Parish Councils believed that an independent landscape and visual impact assessment should have been carried out rather than reliance on the applicant's assessment. The suitability of a landscape location depended on its sensitivity and the proposed site was on top of the Lincolnshire Edge, a unique limestone ridge which played a critical role in defining the landscape character of West Lindsey. This was recognised in the Landscape Character Assessment and protected by the Local Plan and Central Lincolnshire draft policies CL23 and CL3. The Lincolnshire Edge had been recognised as an Area of Great Landscape Value for 50 years

The Cliff [an AGLV] and the Limestone Dip had been assessed separately rather than as the Lincolnshire Edge. As a result there was no assessment of the significance of the Edge in relation to other landscape areas. The scale and dominance of the development at this location would be maximised. This was contrary to NPPF guidance and would damage a sensitive and unique landscape. It was also contrary to the West Lindsey Landscape Character Assessment, the Local Plan STRAT 1, STRAT 12 and NBE10, and the Draft Central Lincolnshire strategy 'Local Landscape Designations'.

The Parish Councils agreed that there were very strong reasons why this application should be rejected, these were listed in their summary along with references to the planning regulations they breached. Mr Dutton urged the Committee to reject this application not only for the reasons proposed by the

planning officer. The application failed to meet the requirements of the NPPF, WLLP STRAT 1, 12 and NBE 10 and CLJPU Draft Strategic plan CL23 in respect of Landscape and visual amenity. It also failed to address the requirements of the Localism Act.

The meeting was then addressed by Neil Parnell, Project Manager for RWE. Mr Parnell stated that RWE operated 28 wind farms in the UK, employing 450 people. Whilst much of the report was appreciated, he was disappointed with the Recommendation. Regarding the concerns, if these had been raised earlier RWE would have worked to resolve them. Whilst the concerns regarding Norton Place were understood, the key test was not the visibility of the turbines, but whether they caused substantial harm. RWE had offered to remove turbine No. 5 which would have a significant reduction in the impact. RWE disagreed with the significance of the impact on the Lodges and felt that this was a less than substantial impact and although RWE accepted that the proposals would cause some a change to the long distance view, it was considered that this would also be less than substantial.

Further conditions had been suggested, however a response had not been received, therefore it was suggested that the Recommendation be amended to delegate approval of the application subsequent to outstanding issues being addressed.

RWE had engaged with communities and undertaken public consultation and research in accordance with Government good practice, and pledged to continue to work with communities to deliver investment. It was appreciated that the turbines were not popular but were considered essential and RWE was sure that the location was appropriate. There had been 902 letters of support, and no reason to refuse could be seen.

Ernest Coleman, then spoke on behalf of Villages of the Cliff Against Turbines (VOCAT) and showed a presentation. Mr Coleman began by stating that it was not felt that the proposal was based on need. It was stated that the site was of singular importance and planning officers were congratulated for identifying archaeological reasons for refusal. Maps were displayed which showed sites of Saxon and Roman antiquity. The impact on the Neolithic Long Barrow and Knights Templar Barrow were described as vandalism. The ancient pagan temple had significant tourism potential and Norton Place was an architectural jewel in West Lindsey.

Mr Coleman then described how the network of roads was unsuitable for the development. Many accidents on the A15 were caused by driver distraction. Photographs were then shown which depicted the cold air effects created by a large group of turbines, and also pictures of damaged and broken turbines and their impact. There was a fireworks factory and a primary school in the vicinity of the proposal. There was a risk to low flying aircraft and a letter was shown from the MOD which stated “While I agree that military radars are a critical component to protecting UK airspace, national security needs must be balanced against the growing need to access secure, diverse and affordable supplies of energy”. Mr Coleman’s presentation then showed the Latin phrase “Salus Suprema Populus

Lex” – the safety of the people is supreme law. It was not felt that the MOD had any adequate mitigation against the risk to radar.

Sir Edward Leigh MP then spoke to the Committee, stating that it was his duty to represent the overwhelming views of his constituents. The question was whether the proposed site was appropriate and he had received many letters of objection, and none in support. The military aspect was particularly important given the history of the Red Arrows and the Dambusters in West Lindsey. It had been a long struggle to keep Scampton open and there was a possibility of more units locating in the area but this was not likely with the presence of turbines and the radar interference.

If the turbines were built an historic view of national importance would be ruined. Sir Edward referred to the statement in the report from the Planning Inspector “It is the simple availability of these extensive views that is a special characteristic of the AONB. The things within the view do not necessarily spoil the observer’s enjoyment of it and at these great viewing distances, structures become absorbed into the backcloth of the rural scene. Vertical structures in particular become landmarks which enable the observer to explore the local context of what they can see.”, and dismissed this as “rubbish”. The single greatest objection was that the view of Lincoln Cathedral would be for ever damaged by the turbines.

Planning decisions must be made locally and take account of local residents. The NPPF was explicit in that residents must be prioritised over the need for green energy. The turbines were not in the national interest and would not be paid for by the company, but through green levies on fuel bills. Turbines were not economic and any profits would go to the energy company, the only benefits would be to the local landowners. Sir Edward concluded that he hoped the application would be rejected.

**Note:** The Committee then adjourned for a comfort break at 3.53 and reconvened at 4.02pm.

The next speaker to the Committee was Councillor Paul Howitt-Cowan, Ward Member for Hemswell Cliff. Councillor Howitt-Cowan spoke at great length, stating that whilst he was the District Council’s Champion for the Green Strategy, he was also the champion for Heritage, and this proposal had serious ramifications for his, and neighbouring, wards. Being the champion for green energy Cllr Howitt-Cowan was in favour of renewable energy, but only where it was appropriate.

The proposed site was in the wrong place and the recommendation to refuse did not go far enough, there was a lack of environmental reasons, and it was felt that the applicant could return with amended proposals. A deep sense of place was shared by all those people who had worked hard on the presentations seen by the Committee. The proposals were contrary to policies and there would be substantial harm to heritage assets.

Regarding Blyborough Grange [Grade 2 Listing] it should be noted that many of the trees and hedges surrounding it were deciduous so what screening they provided would not be present for six months of the year, and would expose the building to the proposed development and this would cause serious harm to the setting. Officers had suggested that as the proposed development was in a hollow the impact would be limited, but this was not true. There would be serious harm to Norton Place, but also to other buildings which had been dismissed by the report.

There would be implications to commercialism and tourism, and the turbines which equated to a 40 storey building would be out of character and have an unacceptable impact on the landscape. All development should contribute to the enhancement of local distinctiveness and not have a detrimental effect on skylines but the proposed turbines would be higher than any other local structure and be seen from all roads, footpaths and residences. There would be a negative impact on the appearance of Lincolnshire. There has been a failure to recognise the Cliff as part of the Lincolnshire Edge and too much weight placed on renewable energy over other considerations.

Whilst Councillor Howitt-Cowan respected the letters of support received, many were from people who would not be affected by the development, whilst the letters of objection were from local residents who would be affected.

It was suggested that the first reason for refusal should be expanded to include other assets, and a third reason be added to protect the Lincolnshire Edge.

Councillor Lewis Strange then addressed the Committee as the County Councillor for Ancholme Cliff. Councillor Strange spoke in favour of rejection of the proposals, echoing the views of many local residents who saw the application as a huge worry. Why should the visual aspect be ruined? Whilst it was accepted that objections on some grounds were not valid, local democracy had to be considered. There had been over 2,500 letters of objection. Supporters of the turbines did not have to live with them.

Lincoln had one of the finest Gothic Cathedrals in the country and the view of it should not be spoilt. Other considerations included noise, distractions, shadow flicker and danger to traffic. Councillor Strange also referred to the distraction that would be caused to the Primary School, and also the impact on autistic children by the movement of the blades.

Councillor Strange argued that Planning works best when communities have the opportunity to influence decisions, so asked for Councillor Howitt-Cowan's additional reasons for refusal to be incorporated into the recommendation.

**Note:** Having heard all the speakers and presentations, the Committee then adjourned at 5pm.

**The meeting reconvened at 6.30pm for consideration of the application.**

Membership remained the same as the afternoon session and Members' Declarations of Interest applied as previously stated.

The Committee introduced themselves to all present and the Chairman clarified the procedures to be undertaken.

The Senior Planning Officer clarified some points which had been raised during the previous session. Any applicant's contributions to community investment were not a material consideration, nor were the economic benefits of the proposals. It was also clarified that despite the applicant's offer to remove turbine No. 5 the Committee was to consider the application as before them with 10 turbines.

Presentation photographs were shown again and congratulations were expressed to the work of the afternoon's speakers and their presentations.

Each of the Committee Members then asked questions of officers and sought further information on certain aspects of the proposals.

Comparison was made between this application and the individual turbine applications, usually from local farmers to reduce energy running costs at their own businesses, whereas the current application was speculative from a large company for ten much bigger turbines. Note was made of the visibility of the structures along the skyline. Other applications had been refused in the Area of Great Landscape Value at the bottom of the escarpment, this proposal would be even more visible.

Members who had been on the site visit and been to an existing wind farm made note of the noise impact and the sheer size of the structures, and concerns were raised regarding the wear and tear in their lifespan and the potential for damage.

The NPPF stated that approval should be given unless material considerations determine otherwise. English Heritage had noted the existence of listed buildings in the vicinity, the turbines would be an intrusion on the setting of these buildings. The Conservation officer had determined that there would be substantial harm caused to some.

There was a general consensus that the turbines would be more visible in the flat landscape than if they were sited in a more hilly terrain and that the alien man-made structures would be unnatural distractions to the view and unlike other static structures would be moving.

Committee Members acknowledged the desire of West Lindsey to be the greenest district, however described the area as a beautiful county, not to be spoiled by a proliferation of turbines. Other methods of renewable energy production were mentioned as being more appropriate and effective, including solar, tidal and heat from waste.



It was acknowledged that many of the concerns raised were not material considerations and it was important to concentrate on Planning issues and not weaken the argument. The recommendation was moved and seconded.

Members then proposed that an additional reason for refusal be incorporated into the decision, in that the application failed the test of clauses i, iii and iv of NBE10 and STRAT 1 and para 7 and part 12 of the NPPF.

The proposal to include the additional reasons was moved and seconded, and the original motion withdrawn.

The Committee then voted on the amendment and it was **AGREED** unanimously that:-

That planning permission be **REFUSED** on the following grounds:

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

The meeting concluded at 7.30 pm.

Chairman