

Officers Report

Planning Application No: 146461

PROPOSAL: Planning application to erect 1no. wind turbine.

LOCATION: Land at Hillcrest Park Caistor Market Rasen LN7 6TG

WARD: Caistor and Yarborough

WARD MEMBER(S): Cllr O Bierley and Cllr A T Lawrence

APPLICANT NAME: Mr Oliver Lawrence

TARGET DECISION DATE: 31/05/2023 (Extension of time agreed until 14th July 2023)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Refuse planning permission

The application is referred to the planning committee for determination as the applicant is from the immediate family of an elected member of the Council (Councillor Mrs A T Lawrence).

Site Description: The site is located outside of the developed footprint of Caistor to the south of the A46 and to the east of the B1225 (to the east of the cross roads of the A46 and the A1173/B1225). The site comprises of a number of commercial units occupied by independent and small businesses. The nearest residential dwelling (Hillcrest House) is located approximately 19 metres to the south of the site at its closest point and there is a Grade II Listed Dwelling (Top House, Farm) located approximately 161 metres to the north west of the site. The site is within the Lincolnshire Wolds Area of Outstanding Beauty (AONB).

The Proposal: The application seeks planning permission to erect 1no. wind turbine on the eastern edge of the existing car park at Hillcrest Park. The wind turbine would measure c. 14.7m to the top of hub and c.17.6m to the highest tip of the blade.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'.

Relevant history:

144830- Planning application seeking removal of condition 21 of planning permission 139273 granted 31 May 2019 re: storage of materials, goods, waste or any other articles (relating to development of 17no. rural enterprise units, consisting mainly of business use along with a retail unit, cafe and office. Demolition of existing buildings). Refused 11/08/2022.

139273 - Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use)-resubmission of 138836. Granted 31/05/2019.

138836 - Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use). Refused 07/03/2019.

136232 - Request for confirmation of compliance with conditions 2,3,4,5,6,7,9 and 10 of planning permission 135031 granted 14 December 2016. Conditions partially discharged 30/10/2018.

135031 - Planning application for proposed 17no. rural enterprise units, consisting mainly of business use along with a retail unit, cafe and office. Demolition of existing buildings. Granted 14/12/2016.

135007 – Planning permission for change of use from A1 Retail to D2 Gymnasium. Refused 16/12/2016.

128839 - Retrospective planning application for the change of use from Workshop to A1 Retail. Granted 10/9/2012.

Representations:

Full representations can be viewed through the Councils website using the following link: <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?docid=146461>

Chairman/Ward member(s): No representations received to date.

Caistor Town Council- Objects- Concerns of height, appearance and consideration of AONB.

Third party representations/local residents:

5 Letters of support have been received from the following addresses;

**17 and 52 South Street, Caistor;
5 and 8 Canada Lane, Caistor;
106 Brigg Road, Caistor;
18 Station Road, Grasby, Barnetby;**

Comments summarised as follows;

- I do not see the issue with the erection of such medium scale turbines to supplement the energy use of commercial enterprises throughout the district;
- It would be a big help to local business in that area;
- This small turbine will help the local businesses and will hardly be noticed in this location. At just 15 metres high, it will be nowhere near as visible as the nearby radio masts;
- Any attempt to move away from fossil fuel dependency should be applauded. Incentives like this, also helps businesses renting units to reduce their carbon footprint;
- There may be complaints around the aesthetic impact of the turbine, however, there are already a number of radio towers and electrical pylons a short distance from this proposed location which impact on the skyline. Taking this into consideration, I do not feel that this proposal would be detrimental to the skyline in an excessively negative way;

1 general observation has been received from 8 Canada Lane, Caistor:

I do have concern this may set up a precedent of having turbines in the area of the AONB. It will be EXTREMELY visible to everyone travelling along A46. If it is a lot higher than the buildings, then I will object as would be visible for dozens of miles in all directions. Would be useful to have a photo with the turbine superimposed so that persons can relate to its visual impact.

5 letters of objection have been received from the following addresses;

**4 Riby Road, Caistor;
Red Roofs Horncastle Road, Caistor;
Hillcrest House, Horncastle Road, Caistor;
Hunters Yard, Horncastle Road, Caistor;
28 Hansard Crescent, Caistor.**

Objections summarised as follows;

- The site is on one of the higher sections of Caistor and due to its prominence, the siting of the proposed wind turbine will be the first thing that anyone coming into Caistor from either Riby Road or from the direction of Cabourn will see;
- I'm aware that in some cases, wind turbines can be harmful to birds and bats as they disturb the area for these. For those living closer to the actual site of the

proposed wind turbine, this will be the first thing they see because of the proximity to their homes and businesses;

- The proposed wind turbine would not ensure that noise disturbance will be minimised for future occupiers nor the residential properties next door and nearby as there would be noise from it 24/7;
- Wind turbines may have an adverse affect on air traffic movement and safety. Firstly, they may represent a risk of collision with low flying aircraft, and secondly, they may interfere with the proper operation of radar by limiting the capacity to handle air traffic, and aircraft instrument landing systems;
- The wind turbine will be a substantial, tall, highly intrusive feature which will dominate my private garden. This will significantly impact upon my and my family's enjoyment of this private space and significantly worsen my living conditions;
- I am extremely concerned about noise impact. There is limited information about the noise impact. The commercial brochure submitted with the application indicates a minimum noise level of 70dBa and with the possibility during heavier winds of that noise rising to 85dBa;
- This will be a new, intrusive and unacceptable noise which will have a significant impact upon my enjoyment of my garden and my house. I predict that this noise impact will be so bad at certain times with certain wind speeds and wind direction that it will prevent my family and me using the garden and likely hearing this noise within the house;
- There is no information in the application documents about fall-over distance. However, if the structure were to fall over, then it would extend into my garden;
- There is no assessment of the impact of this proposal upon protected species and particularly bats;
- This is likely to be a particular problem in the morning with the sun shining through the rotating blades casting a moving shadow. This flicker will be an extremely irritating result of the proposals;
- There are no drawings to show the height of the proposed turbine to adjacent buildings.

LCC Highways/Lead Local Flood Authority: No objections. The proposal is to erect 1no. turbine and does not have an impact on the Public Highways or Surface Water Flood Risk.

Health and Safety Executive- Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

National Air Traffic Services (NATS) - Objects. (Technical Report is attached as Appendix 1 to this report)

Predicted Impact on Claxby RADAR

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be

generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

Where an assessment reveals a technical impact on a specific NATS' RADAR, the users of that RADAR are consulted to ascertain whether the anticipated impact is acceptable to their operations or not.

Unit or role	Comment
Prestwick ATC	Unacceptable
Military ATC	Acceptable

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be unacceptable.

Our radar systems employ doppler based processing to distinguish between moving and static objects, this means that we can live with some very large buildings and masts without degrading performance, but wind turbine pose an almost unique problem due to the way they interact with our radar pulses.

Lincolnshire AONB Wolds Officer on behalf of the Lincolnshire Wolds Joint Advisory Committee (AONB Partnership): I write on behalf of the Lincolnshire Wolds Joint Advisory Committee who operate as the advisory body for the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

Hillcrest Park is located in the Lincolnshire Wolds AONB and the landscape is of national importance. Development proposals are subject to additional scrutiny as directed by the National Planning Policy Framework (NPPF, July 2021) which reaffirms the importance of AONBs, and as stated in Para.176, and the need to apply great weight to conserving and enhancing landscape and scenic beauty in these areas (alongside the Broads and National Parks), and a requirement to limit development. The importance of protecting the natural beauty and landscape character of the Lincolnshire Wolds AONB is also recognised within the Central Lincolnshire Local Plan which stresses the importance of the designation, in particular within Policy LP17 – Landscape, Townscape and Views and accompanying Sections 5.2.1 and 5.2.4, the need within a spatial planning and development management context to carefully considering character and setting, creating and protecting views, and minimising cumulative impacts.

In terms of energy generation, the current adopted and saved Lincolnshire Wolds AONB Management Plan (2018- 23) recognises the demands for meeting future energy needs through Policy CCP4 seeking “to encourage and promote low carbon energy reduction/generation schemes that are conducive to the requirements of the AONB designation and complement local landscape character”. Policy PP7 within the Plan confirms “a general presumption against wind energy schemes in any location which would cause significant and demonstrably detrimental effects upon the natural beauty

and intrinsic characteristics of the AONB". The Management Plan does not include a specific threshold for the number and height of wind turbines turbine that would result in significant impacts upon the natural beauty of the AONB, but advises that any developments should be reviewed on a case-by case basis.

I note that this application is for a singular turbine and there will be some screening from the current business buildings. It would however be helpful if the applicant could supply a more detailed design and access statement, to include suitable photomontages (and/or wire frame visualisations) for the wind turbine proposed, which will introduce a further prominent vertical, and in this case rotating, structure into the landscape. Of particular interest would be the views from the surrounding vantage points within the AONB, including from the more immediate roadways. If a wind turbine scheme is to be pursued the Local Plan Policy LP19 – Renewable Energy Proposals is relevant and whilst not identifying any suitable areas for wind energy highlights the need for close alignment with Neighbourhood Plans; the backing of the local community; and the need to fully address any planning impacts identified by affected local communities. The turbine location is close to surrounding properties and a multiple road junction so our preference in terms of micro-scale energy generation for this site would be for sensitively designed and located roof mounted photovoltaics.

Archaeology: No representations received to date.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023); the Caistor Neighbourhood Plan (made 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2023 (CLLP)***

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development within the Countryside

Policy S14: Renewable Energy

Policy S47: Accessibility and Transport

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

<https://www.n-kesteven.gov.uk/central-lincolnshire>

- **Caistor Neighbourhood Plan (CNP)**

Relevant policies of the NP include:

Policy 1 – Growth and the presumption in favour of sustainable development

Policy 2 – Type, scale and location of development

Policy 3 – Design Quality

Policy 12- Renewable Energy

A review of the existing Caistor Neighbourhood Plan is currently being prepared by Caistor Town Council, however there are currently no published draft policies that may be taken into consideration.

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/caistor-neighbourhood-plan>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

Other relevant non-development plan policies (material considerations)

Relevant Statutory Duties

Listed Building Legal Duty

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>

Other- AONB

S85 (1) of the Countryside and Rights of Way Act 2000;

“S85(1) - In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

<https://www.legislation.gov.uk/ukpga/2000/37/section/85>

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government’s planning policies for England and how these should be applied. It is a material consideration in planning decisions.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- **National Planning Practice Guidance**

- <https://www.gov.uk/government/collections/planning-practice-guidance>
- **National Design Guide (2019)**
<https://www.gov.uk/government/publications/national-design-guide>
- **National Design Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

- **Lincolnshire Wolds Area of Outstanding Natural Beauty- Management Plan 2018-2023;**

The five key aims of the Management Plan are to sustain and enhance:

1. the Lincolnshire Wolds' natural beauty and its landscape character
2. farming and land management in the Wolds as the primary activities in maintaining its character, landscape and biodiversity
3. recreational, tourism and interpretive activities and opportunities appropriate to the area
4. the economic and social base of the Wolds including the development and diversification of enterprises appropriate to the area
5. partnerships between organisations, the local community, landowners and others with an interest in the Wolds.

The plan refers to Wind Turbines as a 'pressure' within the AONB together with other modern development such as telecom masts which could be a visual intrusion.

PP7 (Policy) of the Plan also states; To ensure a general presumption against wind energy schemes in any location which could cause significant and demonstrably detrimental effects upon the natural beauty and intrinsic characteristics of the AONB.

<https://www.lincswolds.org.uk/our-work/management-plan>

Main issues

- Principle of Development;
- National Air Traffic Services (NATS) Safeguarding Impacts;
- Impact on Visual Amenity and the Area of Outstanding Natural Beauty (AONB);
- Impact on Residential Amenity;
- Other Matters.

Assessment:

Principle of Development

The site, known as Hillcrest Business Park is located to the north east of the nearby town of Caistor. It is clearly detached from the main developed footprint and it is therefore

considered to be within the countryside. Policy S1: The Spatial Strategy and Settlement Hierarchy states that for proposals in the countryside, the following applies:

8. Countryside-

Unless allowed by:

- a) Policy in any of the levels 1-7 above; or*
- b) Any other policy in the Local Plan (such as Policies S4, S5, S34, or S43) or a relevant policy in a neighbourhood plan, development will be regarded as being in the countryside and as such restricted to:*
 - That which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
 - Delivery of infrastructure;*
 - **Renewable energy generation (emphasis added); and***
 - Minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.*

In this case the proposal is a form of renewable energy generation and therefore Policy S14: Renewable Energy of the Central Lincolnshire Local Plan is the most relevant here. With regard to proposals for renewable energy schemes, it states the following:

Proposals for renewable energy schemes, including ancillary development, will be supported where the direct, indirect, individual and cumulative impacts on the following considerations are, or will be made, acceptable. To determine whether it is acceptable, the following tests will have to be met:

- i. The impacts are acceptable having considered the scale, siting and design, and the consequent impacts on landscape character; visual amenity; biodiversity; geodiversity; flood risk; townscape; heritage assets, their settings and the historic landscape; and highway safety and rail safety; and*
- ii. The impacts are acceptable on aviation and defence navigation system/communications; and*
- iii. The impacts are acceptable on the amenity of sensitive neighbouring uses (including local residents) by virtue of matters such as noise, dust, odour, shadow flicker, air quality and traffic;*

Policy No. 12 of the Caistor Neighbourhood Plan relates to renewable energy proposals and the policy is supportive in principle of localised energy production to community scale renewable energy development rather than large scale commercial energy projects. The policy does emphasise the need for the community to have a say in such projects.

Policy S14 then goes on to detail how a proposal must test compliance with each criteria. Each of these criteria is assessed in the following relevant sections of this report.

National Air Traffic Safety (NATS) Safeguarding Impacts

As stated above, criteria ii of Policy S14 states that any wind turbine proposals must have an *acceptable impact upon aviation and defence navigation system/communications*.

National Air Traffic Safety- en route plc is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility it has a comprehensive infrastructure of RADAR's, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a wind turbine development.

In this respect NATS is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC).

NATS have been consulted and have responded as detailed earlier within this report. A full technical report¹ has been submitted by them, and the report concludes that the development will have unacceptable impacts detailed as follows;

Predicted Impact on Claxby RADAR- Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

Where an assessment reveals a technical impact on a specific NATS' RADAR, the users of that RADAR are consulted to ascertain whether the anticipated impact is acceptable to their operations or not.

Unit or role	Comment
Prestwick ATC	Unacceptable
Military ATC	Acceptable

*En-route consultation- The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be **unacceptable**.*

The applicant has been in contact/negotiations with NATS regarding their objection. They (NATS) have confirmed that they maintain their objection to the proposal. In other email correspondence with the applicant, questions were raised regarding the large communication towers and how these do not interfere with the radar. NATS states that;

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<https://wldc.t1cloud.com/T1Default/CiAnywhere/Web/WLDC/Api/CMIS/PLANNINGWEBSITE/content/?id=folder-1113501&streamId=streampdf-1113501>

'The major difference between your proposed turbine and the masts to the south of the site is that the turbine blades are moving. Our radar systems employ Doppler based processing to distinguish between moving and static objects, this means that we can live with some very large buildings and masts without degrading performance, but wind turbine pose an almost unique problem due to the way they interact with our radar pulses'

Policy Map 2 (of S14) details an opportunity map where medium and larger wind farm proposals would most likely be acceptable in principle within the West Lindsey District. It does also state at the top of the Map that small scale wind turbines (defined as up to 40m from ground to blade tip) '**in principle**' are considered acceptable District-wide, **subject to** detailed assessment and compliance with the criteria I, ii and iii of Policy S14.

Through the local plan review process an evidence report² was produced by the Central Lincolnshire policy team in relation to Policy S14. The evidence in this report is clear in that wind turbine proposals are heavily caveated acknowledging the presence of both commercial and MOD airbases in and around the area and that flight safety remains a key consideration.

Para 6.34 on page 30 confirms of the document states that discussions with the CAA, MOAD and NATS has taken place to understand the limitations for wind turbines as a result of flight paths and radar and that there are significant constraints. As such turbines planned that fall both within and outside of the opportunity area mapped will be subject to consultation with the CAA, MOD and NATS and in para 6.35 it makes it clear that '*any unresolved objections from such bodies should preclude specific proposals from being approved.*'

NATS themselves provide self- assessment maps showing line-of sight to their radars in various formats via their public website. No NATS self-assessment or pre application with the LPA was carried out prior to the submission of this planning application.

Overall, it is considered that the principle of a wind turbine in this location cannot be supported due to the identified unacceptable impacts on the Claxby Radar and Air Traffic Control.

Unacceptable impacts have been identified by National Air Traffic Services which the applicant has been unable to show that they can overcome or address.

Policy S14 states that "*In order to test compliance with part (ii) [aviation impacts] above will require, for relevant proposals, the submission by the applicant of robust evidence of the potential impact on any aviation and defence navigation system/communication, and within such evidence must be documented areas of agreement or disagreement reached with appropriate bodies and organisations responsible for such infrastructure.*"

² <https://www.n-kesteven.gov.uk/sites/default/files/2023-03/EVR014%20Policy%20S14%20Renewable%20Energy%20Reg19.pdf>

Any such “robust evidence” has not been forthcoming. The proposal is therefore in direct conflict with, and is deemed contrary to criteria ii of Policy S14.

Impact on Visual Amenity and the AONB

Policy S62 of the CLLP states that; *The Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is a nationally designated landscape and has the highest level of protection. Great weight should be given to conserving and enhancing the landscape and scenic beauty in this area.* It goes on to set out a criteria that development should demonstrate.

Policy S53 states that development proposals will; *Contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness; and Reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.*

The LPA also has a statutory duty to conserve and enhance AONB's: *In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*

Criteria i of Policy S14 states that the *impacts on landscape character, historic landscape and visual impact must be acceptable.*

Policy PP7 within the AONB Management Plan confirms “*a general presumption against wind energy schemes in any location which would cause significant and demonstrably detrimental effects upon the natural beauty and intrinsic characteristics of the AONB*”.

The turbine would measure c .17.6m in total height (to the tip) and would sit within the car park area of Hillcrest Business Park, on its eastern edge. Within the business park are a number of commercial units, with an approximate height of 5-6m which would form the back drop of the proposed wind turbine location. The site sits in an elevated position along the A46 Bypass that runs to the south of the main built up town of Caistor leading out towards Grimsby. Other main roads are also located to the north and south west of the site. The tall communication towers located in the landscape to the south of the site are acknowledged. However, it is considered that the proposed turbines siting, close to the A46, could be a prominent feature within the landscape, due to its location closer to public view points together its total proposed height.

It is considered that the proposed development would be in a prominent and visible location directly within the Lincolnshire Wolds AONB. The application however, has not provided a robust assessment of the landscape and visual impacts that may arise from the development.

A meeting regarding the application was held with the agent and case officer and on 16th May 2023. Prior to this meeting a visualisation (long view) of the proposed turbine was provided by the agent. However this did not show differing viewpoints and only showed the wind turbine from one location. Officers advised the agent that in order to fully assess the visual impact we would require a Landscape Visual Impact Assessment (LVIA) (to Landscape Institute level 3 GLVIA standard) to be submitted, it is also noted that this is something that the AONB officer would also expect to be submitted. The assessment would provide visualisations of the wind turbine and views of it that would be seen from varying viewpoints in the surrounding area. It is understood that the assessment was not commissioned due to the objection received from NATS.

Therefore, in the absence of any satisfactory Landscape Visual Impact Assessment (LVIA) the local planning authority are not satisfied that the visual impacts on the surrounding countryside and the Area of Outstanding Natural Beauty could be considered to be acceptable. It would be a prominent and highly visible feature within a sensitive landscape.

Overall, in the absence of any evidence to ascertain that the visual impacts of the development would otherwise be acceptable, the proposal is considered to be contrary to policy S14, specifically criteria i, as well as policies S53 and S62 of the Central Lincolnshire Local Plan. It is also considered to be contrary to Policies 2 and 3 of the CNP.

Having regard to the statutory duty placed upon the Local Authority (S85(1) of the Countryside Act 2000), in considering whether to grant planning permission, having had regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, it is considered that the proposed development would be contrary to this aim.

Impact on Residential Amenity

Part 8, criteria d of Policy S53 of the CLLP states that development proposals will:

d) Not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;

Criteria iii of Policy S14 states that renewable energy proposals must have an *acceptable impact on the amenity of sensitive neighbouring uses (including local residents) by virtue of matters such as noise, dust, odour, shadow flicker, air quality and traffic.*

The application site is adjoined, to the south, by the rear garden area of Hillcrest House, Caistor, a residential property. The proposed turbine would be located c. 20m away from this shared boundary and c.50m away from the side (north) elevation of this property. No supporting statement which describes any potential residential amenity impacts, in

particular any noise impacts, has been provided with the application. It is appreciated that there is some technical information on the turbine specification sheet with regard to dba, which are expected to range from 70dba to 85dba, however no further consideration of these potential impacts has been provided. It is understood that no further information has been forthcoming due to the NATS objections.

The National Planning Practice Guidance³ advises that under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side. Given that the Hillcrest House is located to the south of the site, it is not anticipated that the proposal would cause unacceptable shadow flicker impacts.

Other residential dwellings are located c. 200m to the west (Walton House, Grimsby Road) and c. 170m to the south west (Red Roofs, Horncastle Road), it is not anticipated, given the large separation distances that the wind turbine would have a harmful impact on the amenity of these occupiers.

In the absence of this information the local planning authority have not been satisfied that the noise impacts upon residential amenity, in particular direct the neighbouring occupiers to the south, would be acceptable. The proposal is therefore contrary to criteria iii of Policy S14 and S53 of the Central Lincolnshire Local Plan.

Other matters

Highways- the Highways Authority have been consulted on the proposals and have stated that they have no objections. It is not anticipated that the turbine would impact detrimentally upon highway safety in this case.

Listed Building- The Grade II listed building Top House Farm is located c. 160m to the west of the site. It is not considered that the proposal would impact upon the setting of this listed building due to this large separation distance.

Planning balance and conclusion: The application has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S5: Development within the Countryside, Policy S14: Renewable Energy, Policy S47: Accessibility and Transport, Policy S53: Design and Amenity, Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value of the Central Lincolnshire Local Plan, the policies contained within the Caistor Neighbourhood Plan at the AONB statutory duty in the first instance as well as the provisions of the National Planning Policy Framework and guidance contained with the NPPG.

³ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy#shadow-flicker-and-reflected-light>

In light of this assessment the principle of development is not considered to be acceptable in this case. The proposal is clearly contrary to points i, ii and iii of Policy S14 of the Central Lincolnshire Local Plan in that it would have unacceptable impacts upon air traffic safety. In addition to this insufficient information has been provided to ascertain that the visual impacts on the Area of Outstanding Natural Beauty would be acceptable. Also, no supporting statement/information has been provided to assure the LPA that the impacts upon neighbouring residential would be acceptable. The application is therefore recommended for refusal.

RECOMMENDATION: Refuse planning permission for the following reasons:

1. The erection of 1no. wind turbine in this location would be expected to have an unacceptable impact on aviation systems, specifically the Claxby Radar and Prestwick Air Traffic control. The proposal is therefore contrary to policy S14: Renewable Energy of the Central Lincolnshire Local Plan, specifically criteria i, which states that renewable energy schemes must have acceptable impacts on aviation and defence navigation systems/communications, the proposal would also be contrary to Policy 12 of the Caistor Neighbourhood Plan.
2. Insufficient information has been provided to satisfy the Local Planning Authority that the visual impacts of the proposal on the surrounding countryside and Area of Outstanding Natural Beauty would be acceptable. The proposal is therefore contrary to criteria i of Policy S14: Renewable Energy, as well as policies S53: Design and Amenity and S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value of the Central Lincolnshire Local Plan, the Statutory Duty contained within S85 (1) of the Countryside and Rights of Way Act 2000 and Policies 2 and 3 of the Caistor Neighbourhood Plan.
3. Insufficient information has been provided to satisfy the Local Planning Authority that the potential noise impacts from the erection of the wind turbine would be acceptable on the residential amenity of the neighbouring occupiers, directly to the south of the site. The proposal is therefore contrary to policy S14: Renewable Energy, specifically criteria iii as well as S53: Design and Amenity of the Central Lincolnshire Local Plan 2023, these policies seek to protect the residential amenity of neighbouring occupiers.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

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