

APPLICATION NO	WF/2011/0528
APPLICANT	FCC Environment (UK) Ltd
DEVELOPMENT	Planning permission to site three wind turbines and associated infrastructure, including a temporary access from Top Road
LOCATION	Winterton landfill site, off Coleby Road, West Halton and Top Road, Winterton
PARISH	WINTERTON
WARD	Burton Stather and Winterton
CASE OFFICER	Mark Simmonds
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	<p>Third party request to address the committee</p> <p>Objections by Winteringham Parish Council, Winterton Town Council, West Halton and Coleby Parish Council and Burton-upon-Stather Parish Council</p> <p>Significant public interest</p> <p>Member 'call in' (Councillors Waltham and Marper – significant public interest)</p>

BACKGROUND

This application was received as valid during May 2011 and proposed the construction of four wind turbines with associated infrastructure, including foundations, access tracks, site compounds, on-site substation and switchgear building. The turbines would be erected on an active landfill site to the north-west of Winterton, south of East Halton and east of Coleby.

The proposals have since been amended to delete the turbine closest to the A1077, leaving the three turbines closest to Coleby as the residual development proposed.

The site itself has no dwelling within it nor are there any dwellings directly adjacent to the site.

The nearest non-involved dwelling is a barn conversion 630 metres from the site.

Each turbine would have a rated capacity of up to 2.5 megawatts and therefore the installed capacity of the array is approximately 7.5 megawatts. Each turbine would have a maximum height of up to 127 metres to the blade tip with a maximum tower height of approximately 80 metres giving a blade diameter of approximately 94 metres.

At 7.5 megawatts installed capacity the development is well below that required by BERR (the department for Business Enterprise and Regulatory Reform) to determine the application and therefore the decision in respect of whether this development is acceptable or not lies with the local planning authority.

The Government has set targets to generate 10% of the UK's electricity from renewable energy sources by 2010 followed by 15% in 2015 and 20% by 2020. This is in addition to cutting carbon dioxide emissions by 60% by 2050. To achieve this Planning Policy Statement (PPS) 22 (Renewable Energy) has been published which requires the planning system to actively promote renewable energy development. PPS22 also provides detailed guidance for the consideration of renewable energy planning applications. Since the publication of PPS22 regional planning guidance for Yorkshire and the Humber has set challenging renewable energy targets for the Humber and other sub-regions. The 2010 target for the Humber is set at 146 megawatts.

The design life of the development is 25 years from when it first produces electricity at which time it is stated that the turbines are to be removed and the land will be reinstated to the restoration of the site as required by the waste permission. The proposals, if approved, will necessitate an application from the developer to amend the approved restoration details for the site.

A significant number of consultations have been carried out, receipt of the application has been advertised in the local press and site notices posted, and individual letters have been sent out to those properties which are closest to the application site. This methodology of public consultation is in line with the council's policy on such matters and is considered to be appropriate and adequate.

During the consultation exercise a significant number of responses have been received, some from those consultees that the council would normally consult on an application of this type, some of which are statutory and others which are not, and also about 600 letters of representation have been received.

The application is accompanied by a full environmental impact assessment and this has been available for people to view both in the Planning office and also on the council's website since the application was received.

All responses need to be considered against and in the light of national, regional and local policies, guidance and advice.

NATIONAL, REGIONAL AND LOCAL POLICY GUIDANCE AND ADVICE

National policy

Since entering into the Kyoto protocol the Government has been committed to reducing greenhouse emissions by 12.5% below 1990 levels by 2012.

The Government has set targets to generate 10% of the UK's electricity from renewable energy sources by 2010 followed by 15% in 2015 and 20% by 2020. This is in addition to cutting carbon dioxide emissions by 60% by 2050.

The Government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper. Through various iterations this White Paper and its principles have been enshrined by, in November 2008, the Energy Act being given Royal Assent.

The Renewable Energy Strategy was published in July 2009 and states that:

'We need to radically increase our use of renewable electricity, heat and transport. This Strategy explains how and why we will do so. It sets out the path for us to meet our legally-binding target to ensure 15% of our energy comes from renewable sources by 2020: almost a seven-fold increase in the share of renewables in scarcely more than a decade.

This Strategy will help us tackle climate change, reducing the UK's emissions of carbon dioxide by over 750 million tonnes between now and 2030. It will also promote the security of our energy supply, reducing our overall fossil fuel demand by around 10% and gas imports by 20–30% against what they would have been in 2020. And it will provide outstanding opportunities for the UK economy with the potential to create up to half a million more jobs in the UK renewable energy sector resulting from around £100 billion of new investment. In parallel with energy saving, nuclear and carbon capture and storage, this is a key element of our overall transition plan for setting the UK on the path to achieve a low-carbon, sustainable future that helps address dangerous climate change.'

The UK Renewable Energy Strategy (July 2009) sets out action for planning for delivering higher levels of renewable energy development. It describes the balance of fuels and technologies likely to achieve the Government's goals, the strategic role of Government and the specific actions it intends to take. It also sets out the opportunity for all in society to harness renewable energy and contribute towards action against climate change. The strategy sets out the path for the country to meet its legally binding target of 15% of energy from renewable sources by 2020.

However the Government is still conscious of the need to protect the environment, including the landscape, from unacceptable development. Paragraphs 4.9 and 4.10 of the Renewable Energy Strategy sets out this balance of considerations:

'4.9 The planning system plays a central role in delivering the infrastructure we need to reduce our carbon emissions and ensure continued security of energy supply. Equally the planning system plays a vital role in safeguarding our landscape and natural heritage and allowing communities and individuals the opportunity to shape where they live and work.

4.10 We therefore need to ensure that the planning system properly reflects the range of interests in land use, applies existing safeguards to protect areas where development may not be appropriate, but delivers swift, consistent and effective decisions in areas where development is appropriate.'

This is reflected by the planning policy cascade from national through to regional and local policies detailed below. It should be noted that the Regional Spatial Strategy (RSS) has now been abolished by Central Government and is no longer part of the statutory development plan and is not material to the determination of this application.

National Policy Statement for Renewable Energy Infrastructure

This document sets out Central Government guidance on renewable energy.

National Planning Policy Framework

Paragraphs 93 to 99 (meeting the challenge of climate change, flooding and coastal change) – in assessing the likely impacts of potential wind energy development when

identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure. Paragraph 98 informs local planning authorities of the factors which should be used to assess applications.

The Companion Guide to PPS22

At paragraph 5.10 the Companion Guide sets out what planning authorities must assess for each project and thereby come to an objective view:

- the extent to which the project is in conformity with the development plan, in particular criteria-based policies and any 'broad area' policies in RSSs
- the extent to which the reasons for any area-based designations may be compromised
- the extent of any positive or negative impacts, and the means by which they may be mitigated, if negative
- the contribution towards meeting the regional target, but recognising that a small contribution cannot, in itself, be a reason for refusal of permission.

The North Lincolnshire Core Strategy

The Core Strategy was adopted on 28 June 2011. The most relevant policy in the Core Strategy is CS18 (Sustainable Resource Use and Climate Change) – the council will actively promote development that utilises natural resources as efficiently and sustainably as possible.

Core Strategy policy CS6 on the Historic Environment also applies and is relevant to the assessment of the impact upon heritage assets.

Renewable Energy Supplementary Policy Document (2011)

Policy 1 - Biodiversity

Developers should assess the effects of potential renewable energy developments, alone or cumulatively, on biodiversity sites, habitats and species and identify measures to avoid or mitigate harm to them and secure their conservation and enhancement.

If a scheme, alone and/or in combination with other plans and projects, could have an impact on an internationally designated site, developers must submit all relevant information to the council for them to carry out an assessment of the likely significant effects of the scheme in accordance with the Habitats Regulations.

Developers should also pay attention to assessing the effects of renewable energy developments, alone or in combination with other development, on bats, birds and other mobile species within and around the site. Measures should be identified to avoid or mitigate the harm to these species and secure their conservation and enhancement.

Policy 2 - Landscape

Developers should consider the landscape impacts of their proposal for renewable energy development. Consideration should be given at the earliest stage in the design process to

the character and quality of the landscape, the extent of the physical change involved, and the ability of the landscape to accommodate the change.

Proposals in areas of high landscape value or which affect their setting will be rigorously assessed in relation to their impacts on these important landscapes. If adverse impacts are identified these should be avoided or mitigated. Should this prove impossible the proposal will be refused.

A landscape and visual impact assessment (LVIA), which must be agreed with the council, should be prepared and submitted alongside any planning application. Developers should also consult the council's approved Supplementary Planning Guidance on Landscape Character Assessment and Guidelines, and Countryside Design Summary.

Policy 3 - Visual effects

The impact on visual amenity is a key consideration for developers in preparing schemes for renewable energy development. The size and appearance of the development should be taken into account from the earliest stage in the design process.

A landscape and visual impact assessment (LVIA), which must be agreed with the council, should be prepared and submitted alongside any planning application. Developers should consult the council's approved Supplementary Planning Guidance on Landscape Character Assessment and Guidelines, and Countryside Design Summary.

Where negative impacts on visual amenity are identified, developers should ensure that they are avoided or mitigated. If this cannot be done, the development will be refused.

Policy 4 - Heritage assets

Developers should consider the impact of their proposal for renewable energy development, both during and after construction, on heritage and the historic environment.

Developers need to demonstrate that the objectives of the designation of the area or individual assets will not be compromised by the development, and that any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.

Policy 8 – Noise

When determining the siting and design of turbines the proximity of noise sensitive developments such as residential properties or businesses that need a quiet location in which to operate, must be considered along with appropriate mitigations to ensure that any turbine-generated noise is at an acceptable level with other background noise. A noise assessment must be carried out to ensure that any turbine-generated noise is at an acceptable level with other background noise. Further assessments should be submitted to cover the noise impacts of the construction and decommissioning phases of the development. If it is proven that a development has significant noise impacts on surrounding communities then it will be refused.

Policy 10 – Cumulative effects

In preparing proposals for renewable energy development, developers should address the cumulative impact that the scheme could have on North Lincolnshire, taking into account

operational and approved developments, any extensions to operational or approved proposals, and other proposals being advanced through the planning system. Any assessments should address cumulative visual and landscape impacts, as well as hydrology, hydrogeology, ecology, traffic and transport, aviation and radar, recreation and local amenity impacts.

Policy 13 - Highways and rights of way

Developers should consider access to proposed sites for renewable energy development from the earliest stages in putting together proposals. All proposals should be accompanied by an assessment of the full access route to the site, which should meet the requirements of the highway authority. Where appropriate, mitigation measures should be identified.

Developers should also consider the impact of their proposals on existing and proposed public rights of way as part of any landscape and visual impact assessment submitted with any planning application. Particular attention should be given to Natural England's and the British Horse Society's advice on minimum distance between public rights of way/bridleways and wind turbines.

Where developments adversely affect public rights of way and/or landscapes, new public rights of way should be provided where possible to offset any disadvantages to the public.

North Lincolnshire Local Plan

Policy DS21 (Renewable Energy) states that proposals for the generation of energy from renewable resources will be permitted provided that:

- (i) any detrimental effect on features and interests of acknowledged importance, including local character and amenity, is outweighed by environmental benefits; and
- (ii) proposals include details of associated developments including access roads and other ancillary buildings and their likely impact upon the environment.

Where appropriate, conditions will be imposed requiring the restoration of the site to its original condition or the implementation of an agreed scheme of after-use and restoration.

Policy DS1 (General Requirements) is applied to all development proposals. It requires a high standard of design in all developments irrespective of location. Proposals for poorly designed development will be refused. All proposals must be considered against several criteria. In the case of this proposal the criteria are considered to be:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing
- (iv) there should not be an adverse effect on features of acknowledged importance on or surrounding the site, including species of plants and animals of nature conservation

value (particularly species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981), scheduled ancient monuments, archaeological remains, listed buildings and conservation areas, or trees and woodland covered by tree preservation orders.

Policy DS11 (Polluting Activities) states that planning permission for development will only be permitted where it can be demonstrated that the levels of potentially polluting noise does not create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Policy RD2 sets out the council's overall development control policy for development within the open countryside. It aims to balance the needs and benefits of economic activity with maintaining and/or enhancing the quality of the countryside. It specifies that development in the open countryside will be strictly controlled and sets out six provisos:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials
- (d) the development would not be detrimental to residential amenity or highway safety
- (e) account is taken of whether the site is capable of being served by public transport
- (f) the development is sited to make the best use of existing and new landscaping.

Policy LC5 (Species Protection) covers the impact of development on badgers or species protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended).

Policy LC7 (Landscape Protection) states that where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape.

Development which does not respect the character of the local landscape will not be permitted.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) requires all new development proposals, where possible, to ensure the retention of trees, woodland and hedgerows.

Policy HE8 (Ancient Monuments) – development proposals which would result in an adverse effect on scheduled ancient monuments and other nationally important monuments, or their settings, will not be permitted.

Policy HE9 (Archaeological Evaluation) – where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and

significance of the remains present and the degree to which the proposed development is likely to affect them. Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.

Supplementary Planning Guidance (SPG) 13: Wind Energy Development (March 2005)

As well as outlining national and regional policies and guidance, the SPG sets out local policies against which North Lincolnshire Council will assess proposals for electricity production by wind power in North Lincolnshire. It does so in WIND1 by referring to targets and locational and environmental criteria that were set out in Regional Policy Guidance (RPG) 12. It then refers to the particular local plan policy relating to renewable energy (DS21) and then sets out in more detail in WIND2 to WIND9 those issues it will have regard to (based on the RPG and PPS22 criteria).

These are set out below:

WIND1 sets out the then RPG 12 targets for energy to be generated from renewable resources for the Humber sub-region of at least 146 megawatts for 2010. North Lincolnshire's target to meet its contribution from wind energy development was 40 megawatts for 2010 and a further 100 megawatts for 2021. These have been superseded by the RSS figures set out in Table 10.2. It then states that:

'Proposals for wind energy development to meet these targets must:

- (i) minimise the visual and physical impacts of wind energy developments on the surrounding area;
- (ii) minimise the cumulative impact on the area of other existing, and permitted wind developments as well as those which are the subject of submitted planning applications;
- (iii) minimise the impact of the proposed development on the landscape;
- (iv) minimise the ecological impact of any development.'

The policy states that 'the Council will review its 2010 target when met whilst having regard to progress elsewhere in Yorkshire and the Humber.'

WIND2 relates to the planning implications of a proposal and states that:

'The key issues that North Lincolnshire Council will assess in relation to planning applications for wind energy developments are:

- visual effects
- cumulative impact
- noise

- amenity impacts
- landscape impact
- nature conservation and ecology interests
- archaeology and the built environment.'

The explanatory text provides more detail about each issue and provides a clarifying policy in relation to each one as follows:

WIND3: 'North Lincolnshire Council will consider the following matters when assessing the visual impact of wind energy proposals:

- distance from which it can be seen
- landscape characteristics
- siting and layout
- design of the turbine
- impact of ancillary elements
- potential after-use of wind farm site.'

WIND4: 'North Lincolnshire Council will consider the following matters when assessing the cumulative impact of wind energy proposals:

- the proximity of existing, and permitted wind energy developments
- the impact on the surrounding zone of visibility
- the impact of development ancillary to the development
- the nature, character and landscape of the location in which the proposal is sited
- the impact on nature conservation and ecology interests
- the impact of noise.'

WIND5: 'In assessing the implications of noise from wind energy development, developers and the council should have regard to:

- proximity of settlements and buildings
- the framework for assessing noise set out in the ETSU report
- the topography and local environmental conditions surrounding the proposed development.'

WIND6: 'In siting wind energy developments, developers should consider the following:

- minimising disturbance to residential amenity by means of noise, shadow flicker, visual and cumulative impacts
- how the proposed development will be accessed for construction, servicing and maintenance purposes and how any disturbance can be mitigated
- the impact on informal recreation sites and public rights of way, and
- liaising closely with local communities regarding the impact of the development.'

WIND7: 'In assessing the landscape impacts of wind energy development, the council will consider the following matters:

- ability of the landscape to accommodate the development
- impact on areas of landscape protection and enhancement, and nature conservation importance.

Developers should also provide an assessment of their proposals against the council's approved Supplementary Planning Guidance on Landscape Character Assessment and Guidelines, and Countryside Design Summary.

Proposals for wind energy development must also comply with relevant landscape and conservation policies in the North Lincolnshire Local Plan.'

WIND8: 'In assessing the implications for ecology and nature conservation for wind energy development North Lincolnshire Council will assess the following issues:

- effect on designated sites for nature conservation
- effect on protected species of plants and animals
- effect on cited bird species from designated sites feeding or roosting in areas adjacent or inland
- effect on migratory routes for birds, especially large, less manoeuvrable birds such as swans and geese
- assessment of cumulative effects in relation to other wind farms and other developments
- effects on nesting birds, especially during construction
- adequacy of mitigation measures.'

WIND9: 'Developers should consider the impact of their proposals for wind energy development, both during and after construction, on archaeology and cultural heritage, and the historic landscape, including designated conservation areas, scheduled ancient monuments and listed buildings, and other non-designated sites and remains.

Developers will need to demonstrate that the objectives of the designation of the area will not be compromised by the development, and that any significant adverse effects on the

qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.'

CONSULTATIONS

Anglian Water: Objected on the issue of radio links but the developer has agreed mitigation with Anglian Water.

Environmental Protection Officer: Advises conditions.

JRC: Does not foresee any problems.

Historic Environment Record: Advises conditions.

Humberside Airport: No safeguarding objection – advises a condition.

Humberside Police: Advise that the turbines have aircraft warning lights and that the building has mortice locks.

Ministry of Defence: No objection.

Environment Team (Ecology): Advises conditions.

Environment Team (Public Rights of Way): No objection.

RSPB: No comments to make.

Lincolnshire Wildlife Trust: Maintains an objection until a collision risk assessment for gulls has been carried out.

Natural England: No further concerns following the omission of turbine 4. Monitoring should be carried out.

NATS: Originally objected but has since confirmed no objection.

Robin Hood Airport: Originally objected but has since confirmed no objection.

Environment Agency: Advises a condition regarding piling.

Highways: Advises conditions (10, 16, 17 and 18).

Campaign to Protect Rural England (CPRE): Objects on grounds of impact upon residents and visual amenity.

English Heritage: Commented that the application did not contain adequate information to assess the harm to sensitive listed buildings in Coleby.

PARISH AND TOWN COUNCILS

Alkborough Parish Council: No objections.

Appleby Parish Council: Objects, not convinced hazardous waste site is compatible with this type of development. Only people to benefit are the landowners. Will dramatically affect

the residents of Thealby. Inappropriate, a blot on the landscape, not economically viable. Supports objection by Coleby Parish Council.

Burton-upon-Stather Parish Council: Objects – risk of disruption to cells containing asbestos; inconsistencies in the application; new cell within at risk from debris from a failed turbine; risks from damage to landfill infrastructure; control measures needed for access to Coleby Road; removal of dyke; cumulative effect of noise disrupting sleep; low frequency noise; impact upon protected species. Has NLC checked the noise data? Cumulative effect, could it cause a vortex and increase noise? Does application fall within guidelines within SPD? Not happy with the position on protected birds – ie that Natural England will allow some mortality so that gulls can keep feeding at the site.

Roxby Parish Council: Supports the objections of neighbouring parish councils.

West Halton and Coleby Parish Council: Shadow flicker could affect drivers on roads including the A1077; adverse visual impact; impact on listed buildings; will spoil views; even manufacturers say you should not go within 400m of turbines – danger to workers in fields and to drivers; should be a full quantified risk assessment; is landfill site correct place?; extensive turbulence would spread toxic fumes over a large area; have safety issues been addressed?; adverse visual impact; how near is nearest dwelling – inconsistencies; noise pollution; flicker; turbines overlapping; why is the cable so large? – for more turbines?; ridiculous to transport power through area liable to flood; construction will cause disturbance, noise and traffic problems; death of wildlife; NLC has met its targets; is the expense justified? Parish council thinks the applicants have not listened to objections from local communities. These are industrial sites not ‘farms’, performance only 30-35%. Visual impact; noise; property values; wind vortices over landfill; adverse effect on TV reception; effect on wildlife; local communities will not benefit.

Whitton Parish Meeting: No comments.

Winteringham Parish Council: Is landfill site correct place?; extensive turbulence would spread toxic fumes over a large area; have safety issues been addressed?; adverse visual impact; how near is nearest dwelling – inconsistencies; noise pollution; flicker; turbines overlapping; why is the cable so large? – for more turbines?; ridiculous to transport power through area liable to flood; construction will cause disturbance, noise and traffic problems; death of wildlife; NLC has met its targets; is the expense justified? Parish council thinks the applicants have not listened to objections from local communities.

Winterton Town Council: Objects – the application is littered with errors and inconsistencies; inadequate public consultation; noise and health; proximity; landscape; vulnerable families; cumulative impact; ecology; flicker; tip restoration; tip operations and health; risk assessment; nature conservation; loss of trees; effect on families in affordable housing on Grangefield Estate; Bill going through parliament will require 2km distance from turbines to dwellings; noise pollution; environmental pollution; too close to residential properties; impact on landscape; too high at 127m; cumulative impact; SPD – disproportionate level of turbines in and adjacent to North Lincolnshire.

PUBLICITY

Receipt of the application has been advertised in the press and a site notice has been posted. Nearby residential properties have been consulted by individual letter and as a result the council has received a considerable number of objections. Each letter has been

read individually and following these opening paragraphs is a résumé of the broad headings under which the objections have been made.

In total about 610 letters of objection have been received as well as an in-depth report from WAIT (Winterton Against Inappropriate Turbines) and a set of reports has been submitted by a resident of West Halton.

Objections

Proximity to residential properties and schools

- the development is too close to people's homes
- turbines this size should be at least 1500 metres from people's homes
- residential amenity should be secured by ETSU R 97; there are residential properties within 700 metres, 200 metres nearer than is recommended
- the established buffer distance is 10 rotor diameters; these are less than 700 metres from residential properties
- imminent change in the law regarding distances between wind farms and residential properties
- too close to settlements including Winterton, Coleby, West Halton and Thealby
- proximity to residential properties
- tallest and closest to residents in the UK
- turbines would be better sited offshore or in unpopulated areas, or at a push near industrial areas away from residential land
- Europe is considering a 2 kilometre minimum distance from turbines to residential properties
- volume 2 of the revised PPS22 (commissioned by the Government Office for Yorkshire and the Humber in 2004) states that established practice is to build a turbine no nearer than 10 rotor diameters from a dwelling
- AEAT study states that established practice is 10 rotor diameters as a separation distance
- people have had to abandon their homes due to wind turbines
- copy of a letter submitted from a resident in Scotland who can no longer enjoy their garden due to a wind farm
- will ruin the enjoyment of home and surroundings
- 25 years is a long sentence to serve

- not in keeping with the council's own plans for residential development and building schools in the near vicinity
- will affect three North Lincolnshire schools

Potential hazards

- the proposed site is wrong for turbines due to the presence of hazardous waste, including asbestos and nuclear products
- the methane gas produced at the site is a fire hazard
- the turbines will blow waste from the tip to settlements before it can be capped
- the construction of bases and the movement of the turbines could disturb the hazardous waste.
- if a turbine failed and collapsed, toppled over or broke in half the turbine parts could break into hazardous waste cells and send up clouds of hazardous pollution which could spread over Winterton and other settlements with serious health implications threatening populations across the river
- document cited stating that building on landfills should be avoided and gas can be produced for 30 years – www.landfill-site.com
- pollution, bad odour and rubbish
- methane gas could be directed to Winterton
- concerns about disturbing the cap on the landfill during and after construction
- a wind vortice towering above a landfill site is a recipe for disaster
- turbines would spread asbestos through the air to settlements
- groundwater pollution
- cannot see how the land is capable of supporting the weight of these masts as it must be very unstable
- the proposed location is in a seismically active area
- ice throw in winter

Visual impact

- Coleby is already visually affected by the Bagmoor wind farm and by electricity pylons
- significant impact upon the landscape
- a visual blot on the landscape

- at twice the height of pylons, and almost as tall as the Humber Bridge, they will create an imposing skyline
- the gentle undulation and good views of the sky are the charm and appeal of Lincolnshire
- damage to cultural heritage
- Coleby hasn't been mentioned in 'effects on landscape character'
- because they move they draw the eye
- out of keeping with historic buildings, field patterns and views
- contrary to SPG 13, which states that such development must 'minimise the visual and physical impacts...on the surrounding area' – no attempt has been made to reduce the visual and physical impacts of the development
- an attractive area would be spoilt by the monstrous giants; the turbines are 127 metres high – how can they merge into the landscape?
- visual impact upon residential properties
- the photo montages are misleading due to the angles they are taken from and due to the quality of the photos not being sufficiently clear
- views will be destroyed
- will dominate views from properties in Coleby
- mesmerising effect
- loss of trees
- will overshadow Winterton
- this development will carry the 'turbine landscape' across the Humber heads, Lincoln edge and on towards the Wolds
- the 1968 Countryside Act requires the council to preserve and enhance the countryside
- in conflict with LC7, no-one in their right mind could say this development respects the character of the local landscape
- do not want the local area turning into a wind farm landscape
- the application is flawed as it states the site cannot be seen from the road or other public ways or land
- will see 25-27 turbines whichever way you look
- currently scenic/beautiful views from Top Road

- effect on tourism – North Lincolnshire will be less attractive for visitors
- the landscape sketches and photos are badly out of scale, to look smaller
- Scottish guidance refers to 2 kilometre distance being a prominent feature in an open landscape
- will be an industrial feature in a rural setting far too high at 127 metres high
- the turbines would be a completely different scale to the pylons constantly referred to in WRG's application
- impact upon road users - turbines can distract drivers, the road is notorious for accidents
- the section of the environmental statement which explains that the turbines will have an effect of moderate to major significance is quoted by several objectors
- will be the tallest turbines in the country
- archaeology and cultural heritage

Noise and shadow flicker

- there should be an independent review of the noise data
- noise disturbance at night will cause loss of sleep and health problems
- amplitude modulation will cause health problems
- ETSU R 97 gives no guarantee that there will be no noise problems; it was devised back in 1996 with much smaller machines
- the sound will be like being at an airport
- the raised escarpment will funnel noise to Winterton
- low frequency noise leading to vibro-acoustic disease
- noise, vibration, shadow flickering
- Bagmoor can be heard at the Nisa warehouse
- winds come from the west and will carry noise to Winterton
- subsonic noises
- objectors' medical condition requires them to sleep with the window open and the turbine noise will disturb their sleep
- children have far more sensitive hearing than adults
- low frequency noise

- can hear vehicles on the landfill site so will hear the turbines
- living in a listed building with single glazing, they will have an unacceptable impact
- military forces across the world are developing methods of torture using sound frequencies
- Deeping St Nicholas case cited
- shadow flicker
- shadow flicker will prevent people using rooms in their properties
- strobing effect
- flashing and shadowing

Health issues

- cardio-vascular problems in those living close to the turbines
- fatigue, stress and depression
- will aggravate otosclerosis and tinnitus
- is the wealth of WRG so important that it should come before the health and wellbeing of hundreds of people?
- health impact on autistic children
- visceral vibratory vestibular disturbance, nervousness, tachycardia, fear
- wind farm syndrome, the brain development of children is affected
- serious implications for children's health
- objector has scotopic sensitivity and severe migraines which could be brought on by shadow flicker
- high blood pressure, strokes, heart disease, epilepsy, panic attacks and migraines caused by living close to turbines, also 'wind turbine syndrome' – tinnitus, vertigo and sleep deprivation
- will place extra demand upon the Winterton medical practice
- added strain on the NHS
- the area seems to already have above average serious health issues
- causing stress in families
- will the council pay compensation for sleep deprivation and shadow flicker and detrimental impact upon local autistic pupils?

- will give people affected by turbines only one route out of Burton, via Flixborough

Property devaluation

- loss of property values
- will cause people to go into negative equity
- how will people sell their properties?
- people live in Winterton because it is affordable housing, property devaluation will have a significant effect upon the local economy
- will deter people from moving to Winterton
- should be compensation for loss of house values

Radio/TV interference

- may affect radio and mobile phones
- adverse effect to television reception

Wildlife/environment

- loss of wildlife habitat and birds being killed by the turning blades, on the flight line of large numbers of water fowl
- a similar project in Ireland led to 3000 bird kills in the first year and the site had to be dismantled
- pink-footed geese, starlings, swifts, swallows, curlew, herons, kestrels, barn and tawny owls, sparrow hawks, marsh harriers, nightingales, cormorants and buzzards use this site and/or the surrounding area
- impact on badgers, hares, deer, hedgehogs and foxes
- turbulence will cause bats' lungs to collapse
- bat colonies can be 90% decimated
- numerous newts on this land
- impact on bats
- effect on pets and livestock
- danger to horse riders
- effect on cattle grazing nearby
- case of goats killed by wind farm noise in Taiwan cited as an example of what can happen to animals/wildlife

- loss of public amenity due to the impact upon people using quiet local roads for walking and cycling
- flooding and effect on water table of the concrete bases
- any green credentials are outweighed by the very large amounts of concrete used
- directly contrary to sustainability due to harm to the environment

Aircraft

- the RAF will lose vital practice area
- MOD objection to be taken into account
- a collision between a military aircraft and a turbine would spread death and destruction across the area

Construction phase

- traffic problems during construction
- inadequacy of local roads for construction traffic
- noise and dust during construction

Cumulative impact

- a total of 45 turbines have been approved in North Lincolnshire with more under consideration.
- cumulative impact
- North Lincolnshire has met its targets
- disproportionate burden on North Lincolnshire
- North Lincolnshire has reached its targets

Need for the development/efficiency issues

- the application is premature as the waste site has at least two years to run
- will not create jobs as, once built, they will be very labour efficient
- application profit-led and dependent upon subsidy
- overstated benefits
- residents were promised a recreational site after the tip closed
- could achieve Kyoto targets if the UK changed to energy-efficient light bulbs

- expensive and useless, subsidised, totally ridiculous
- nothing more than an attempt to pander to carbon reduction lobby
- reference to National Planning Policy Statement 1, PPS7, PPS4, DS1, LC7 and the RSS
- the electricity produced will be negligible
- will only contribute 2% towards North Lincolnshire's targets
- this wind farm would be used as leverage for other wind farms in the future
- should invest in tidal power, other energy sources – nuclear etc
- the council should look at more sustainable power such as biomass
- should utilise tidal power
- we'd be better employed building nuclear power stations – they are green
- actual megawatts of power produced and the amount of CO₂ saved is questioned
- lack of proper consultation

WAIT (Winterton Against Inappropriate Turbines) has submitted a comprehensive, substantive and detailed response to the wind farm application. The response is in the form of a report and covers these issues:

- The report goes through the relevant Statutory Development Plan policies and states whether they believe the policies hinder the proposed development, is neutral or otherwise. For most relevant policies WAIT believes that the policies hinder the development with a handful being neutral at best.
- Issues raised in the scoping report have not been addressed by the developer.
- The visual impact will be enormous and far reaching.
- WAIT has grave concerns over the quality of the assessment work done to predict shadow flicker and does not believe the developer's conclusions can be substantiated. The developer states that 12 properties will be affected by flicker, WAIT believes 55 is the truer figure.
- Noise, vibration and health impacts – WAIT is not satisfied that the developer has demonstrated that the proposed development poses no potential health risks and finds no evidence that the developer has attempted to minimise any such risks.
- Proximity – WAIT refers to the many properties within 8-900 metres of the turbines and the current attempts at introducing legislation to protect communities from inappropriate wind turbine development.
- Autism and sleep apnoea – WAIT believes that the turbines will introduce unmanageable health problems in local communities.

- WAIT questions the benefits of the development and refers to the targets that North Lincolnshire has already exceeded. Harm to tourism is also cited.
- WAIT highlights the harm it feels will occur to ecology and nature conservation.
- WAIT refers to existing and prior planning permissions.
- WAIT highlights the concerns it has over loss of public amenity.
- WAIT refers to disturbance during construction, the stability of the ground and the disruption to the local road network.
- WAIT challenges the developer's claim that an effective consultation has been carried out.
- WAIT discusses the microclimate and the impact of the toxic tip, lack of mitigation for gas and the developer's intention to run the tip for a further 16 years.
- WAIT highlights its view that the development will make no positive contribution to local settlements.

WAIT has also submitted an updated position statement as at 11 March 2013. This is supplemental to the evidence/representations already submitted and states that the application should be refused on the following grounds:

- proximity (for example, New Cliff Farm on Thealby Lane) – due to changes in the height of the terrain the blades will be significantly lower and nearer to dwellings
- landscape impact – notwithstanding the removal of the turbine on the ridge, the landscape impact is sufficient to justify refusal
- cumulative impact – the cumulative and sequential impacts of Bagmoor, Flixborough and potentially Saxby justify refusal
- visual impact upon Winterton Community Academy – the impact upon the upper floor classrooms and playing fields has been grossly underestimated
- interaction with hazardous waste operation – concerns raised about potential dangers of turbine failure, fires, topple over into toxic waste etc and criticism of the risk assessment submitted by the developer
- noise – wish the noise conditions proposed to be imposed in the event of the application being approved
- shadow flicker – comments
- ecology – surveys are accurate and Natural England's advice is incompatible with the operation of the site
- damage to the future bridleway – the development is incompatible with the Ironstone Gullet policies
- planning policy – the application fails to comply with a number of planning policies

- is the applicant trustworthy?

Appendices, including appeal decisions and policies, are attached to the WAIT document.

Additionally, a resident of West Halton has submitted a large and substantial set of reports into issues such as the inefficiency of wind turbines, the noise generated and the problems caused by noise.

Support

Three letters of support have been received:

- The country is getting deeper into debt as we import fuel. The overall good should outweigh minor objections.
- It is important for every community to play its part in helping the country to achieve CO₂ emission reductions. It is wholly reasonable for Winterton to do what it can to contribute to the growth of wind power.
- With regard to turbines in our area, the view of the Bagmoor turbines is attractive. This will add a new feature to the landscape.

ASSESSMENT

The determining issues in this case are:

- **the national and local policy framework;**
- **the risks associated with building a wind farm on a landfill site which handles toxic waste;**
- **the impacts upon recognised cultural heritage and archaeological assets in the wider area;**
- **whether the impact upon protected species is outweighed by the benefits of providing renewable energy;**
- **whether the impact on the landscape and the visual impact of the development is outweighed by the benefits of providing renewable energy;**
- **whether the noise produced by the turbines is within acceptable limits or can be mitigated by conditions; and**
- **whether any other issues, such as aviation, or other issues of accepted importance, are harmed.**

Policy

By making reference to the policy section of this report it is clear that it is a primary concern of the UK to tackle climate change and reduce carbon emission to levels that will slow down the impacts of climate change. The proposals are considered to comply with national policy, particularly The Framework, and where local harm would occur this must be balanced against the imperative to find alternative, renewable, forms of energy. Therefore, where

conflict with local policies does occur, such as the requirements of policies DS1 and LC7, the benefits of the scheme, in terms of contributing to renewable energy, outweigh the local policy and are to be treated as a 'material consideration' which outweighs the harm which would be caused by the development.

National Policy Statement for Renewable Energy Infrastructure

This document sets out Central Government guidance on renewable energy.

National Planning Policy Framework

Paragraphs 93 to 99 (meeting the challenge of climate change, flooding and coastal change) – in assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure. Paragraph 98 informs local planning authorities of the factors which should be used to assess applications.

Paragraphs 128-29, 132-34 and 139 of the National Planning Policy Framework are relevant to the consideration of the impact upon cultural heritage assets.

Paragraph 139 of the NPPF states that 'non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.'

Policy 129 of the NPPF states, 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)' and (Policy 132) 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting' and 'Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'.

The Companion Guide to PPS22

This policy document is still extant and should be read in conjunction with the other national policy documents including The Framework. At paragraph 5.10 the Companion Guide sets out what planning authorities must assess for each project and thereby come to an objective view.

With regard to the PPS22 companion guide, the proposals do comply with the guidance. The development would have a significant impact upon landscape and visual amenity but the deletion of the fourth turbine has significantly reduced this impact and there would not be such harm as to warrant refusal of planning permission.

The North Lincolnshire Core Strategy Adopted June 2011

The most relevant policy in the Core Strategy is CS18 (Sustainable Resource Use and Climate Change), which states that the council will actively promote development that utilises natural resources as efficiently and sustainably as possible.

The development would comply with this policy.

North Lincolnshire Local Plan

Policy DS21: Where appropriate, conditions will be imposed requiring the restoration of the site to its original condition or the implementation of an agreed scheme of after-use and restoration.

Due to the environmental benefits of contributing towards renewable energy production the development complies with this policy. The harm caused would not outweigh the benefits.

Policy DS1: With the omission of the fourth turbine the proposals are an acceptable design for the site in question and comply with this policy.

Policy RD2: Whilst the proposed development would cause significant harm to the countryside the environmental and economic benefits would outweigh this harm and the proposals comply with this policy.

Policy HE8: The development would conflict with that policy but the benefits of the scheme would outweigh that conflict.

SPG5a North Lincolnshire Countryside Design Summary and SPG5b North Lincolnshire Landscape Character Assessment and Guidelines

Policies LC7 and SPG13 are underpinned by the findings of a landscape assessment conducted by landscape architect consultants (Estell Warren) on behalf of the council. This assessment has been adopted by the council as SPG5b.

Supplementary Planning Guidance (SPG) 13: Wind Energy Development (March 2005)

As well as outlining national and regional policies and guidance, the SPG sets out local policies against which North Lincolnshire Council will assess proposals for electricity production by wind power in North Lincolnshire. It does so in WIND1 by referring to targets and locational and environmental criteria that were set out in Regional Policy Guidance (RPG) 12. It then refers to the particular local plan policy relating to renewable energy (DS21) and then sets out in more detail in WIND2 to WIND9 those issues it will have regard to (based on the RPG and PPS22 criteria).

Renewable Energy Supplementary Policy Document (2011)

The development would not conflict with any of the policies in this document to such an extent to outweigh the benefits of producing renewable energy.

SPG5a North Lincolnshire Countryside Design Summary and SPG5b North Lincolnshire Landscape Character Assessment and Guidelines

Policies LC7 and SPG13 are underpinned by the findings of a landscape assessment conducted by landscape architect consultants (Estell Warren) on behalf of the council. This assessment has been adopted by the council as SPG5b.

The risks associated with building a wind farm on a landfill site which handles toxic waste

The application site is an operational waste site which handles toxic materials such as asbestos and produces methane gas. A large number of objectors have raised serious concerns about the risks involved with construction and operation of a wind farm on this site, particularly the dangers of construction disturbing waste cells and releasing gas and leachates, the dangers of turbine activity blowing toxic material to residential properties, and the dangers of a turbine failure such as a fire igniting methane gas, or a turbine toppling onto the waste site, breaking waste cells and throwing waste up into the air, and this being spread to settlements and residential properties. The developer has submitted a report by Terraconsult to assess the risks presented by the development. The report generally refers to a low level of risk and does not flag up any areas of concern. Objectors, especially WAIT, have questioned the soundness of this report. Due to the importance of this issue and the sensitivity of the risks involved, the council commissioned Atkins to carry out an independent assessment of the Terraconsult report and their conclusions are as follows:

'The report prepared by Terraconsult dated 16 January 2013, with some minor qualifications, provides a reasonably fair, unbiased and adequate review of the issues set out by North Lincs in their letter of 12th November 2012.

Consideration should be given to the various issues I have identified as requiring consideration, either treating my report and advice as complementary to the Terraconsult report, or by requesting them to review my comments and revising their report, this would in my opinion only cause unnecessary delay and I cannot see the value of it.

With the qualifications set out above, I am of the opinion that the Report can be relied upon as a proper and reasonable assessment of the risks to be considered.'

On the basis of the advice above, the issue is considered to be satisfactorily resolved and, subject to a condition being imposed, not a reason to refuse planning permission.

It can be summarised that the risks involved are very low and the likelihood of harmful consequences are remote.

Landscape and visual impact

The site is an existing landfill tip which handles toxic waste. It is adjacent to the very busy A1077 and is close to Winterton and several smaller settlements including Coleby and Thealby.

Central Government planning advice places a high premium upon development considered sustainable within the context of the continued environmental degradation of natural systems and currently within the context established by the apparent warming of the atmosphere and the forecast consequences of this. Sustainable development is both the goal and thrust of Central Government planning policy, however sustainable development also takes into consideration and asks that due regard be paid to the protection of landscapes.

Policy LC7 expresses the need to protect scenic value and local distinctiveness in landscapes and this policy consideration is expressed in guidance contained in North Lincolnshire's Landscape Character Assessment and Guidelines.

The application clearly identifies that the proposed development would be seen within the landscape from many vantage points forming the study area. It also establishes that many

of the landscape character areas, the character of which is likely to be affected, are highly sensitive to change, both within North Lincolnshire and elsewhere.

The wind farm would be the dominant feature of the local landscape. The development would not be contained within the landscape but would break the skyline to the detriment of the current character and appearance of open, rolling farmland and small hamlets. This is to the detriment of the existing character and appearance of the landscape. Whilst the developer refers to existing detractors such as pylons and other industrial features, the proposed wind turbines would be of a different size and scale and do not bear comparison to the existing features – they will certainly not be mitigated by the presence of pylons. Additionally, the turbines would introduce movement into the landscape which would catch the eye from very great distances and detract from the enjoyment of the countryside.

It is considered, therefore, that harm would be caused to the landscape character.

Careful consideration needs to be given in striking the planning balance between the harm in terms of landscape character and the acknowledged benefits of renewable energy. On balance, the benefits outweigh the harm in this case. The local landscape is not designated and is already marked by the use of the site as a tip; it is adjacent to a busy road (the A1077) and a number of settlements, and is not overly sensitive in terms of its existing character and form. Whilst visual amenity would be harmed it would not be so harmed as to warrant refusal of this application.

With regard to Coleby Hall, the assessment of significance of the Hall and its setting and, in general, with the effects of the development, which concludes that there is no impact on the setting of Coleby Hall, is felt to be correct.

The assessment of significance of Normanby Hall and its setting, and with the effects of the development as having a negligible magnitude of effect and a minor significance of effect, is correct.

Turning to the heritage assets at West Halton and the descriptions of the individual inter-linked heritage assets, whilst 'Views from the church are filtered in all directions by mature deciduous trees', this is to varying effect dependent on the seasonal vegetation cover as well as weather and light conditions, in particular the movement of the trees and branches. The supplementary assessment does not, however, identify or assess the key views out from the south porch of the church, its main entrance/exit, looking across the war memorial and churchyard towards the turbine site. The assessment does acknowledge that 'views of the church are possible looking southwest from the village green'.

Ecology

The site is close to the Ramsar site which is the Humber Estuary and a number of other protected wildlife habitats.

The species most affected would be seagulls and the pink-footed goose which would suffer fatalities due to the site being within their seasonal feeding grounds.

However, Natural England is satisfied with the details put forward by the applicant and feels that the value of the site as a feeding place for gulls should be allowed to remain even if some gulls are killed by the turbines.

The Environment Team is satisfied with the proposals and does not object; the issue of wildlife/protected species is not one which would justify refusal of the development.

Noise

Wind turbines produce noise when operating and this has the potential to cause disturbance to residents. The Environmental Protection team has been consulted and they advise that conditions should be imposed. On that basis they do not object and the issue of noise is able to be mitigated. There is therefore no reason to refuse permission on noise.

Aviation

There are no objections from the MOD, NATS or the CAA.

Other matters

The potential for shadow flicker can be calculated and at paragraph 73 of the Companion Guide to PPS22 this issue of shadow flicker and reflected light is addressed. 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 effect is known as shadow flicker. It only occurs inside buildings where the flicker appears through a narrow window opening. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the site. Although problems caused by shadow flicker are rare, applicants for planning permission for wind turbine installations should provide an analysis to quantify the effect. A single window in a single building is likely to be affected for a few minutes at certain times of the day during short periods of the year. The likelihood of this occurring, the duration and effect depends upon:

- the direction of the residence relative to the turbines;
- the distance from the turbines;
- the turbine hub height and the rotor diameter;
- the time of year;
- the proportion of daylight hours in which the turbines operate;
- the frequency of bright sunshine and cloudless skies; and
- the prevailing wind direction.

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.

The further the observer is from the turbine, the less pronounced the effect will be. There are several reasons for this:

- there are fewer times when the sun is low enough to cast a long shadow

- when the sun is low it is more likely to be obscured by either cloud on the horizon or intervening buildings and vegetation
- the centre of the rotor's shadow passes more quickly over the land reducing the duration of the effect.

At distance the blades do not cover the sun but only partly mask it, substantially weakening the shadow. This effect occurs first with the shadow from the blade tip, the tips being thinner in section than the rest of the blade. The shadows from the tips extend the furthest and so only a very weak effect is observed at distance from the turbines.

Shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected. Flicker effects have been proven to occur only within 10 rotor diameters of a turbine. Therefore, if a turbine has 90 metre diameter blades, the potential shadow flicker effect could be felt up to 900 metres from a turbine.

Around 0.5 per cent of the population are epileptic and of these around 5 per cent are photosensitive. Of photosensitive epileptics, less than 5 per cent are sensitive to lowest frequencies of 2.5 to 3 hertz, the remainder are sensitive only to higher frequencies. The flicker caused by wind turbines is equal to the blade passing frequency. A fast-moving three-bladed machine will give rise to the highest levels of flicker frequency. These levels are well below 2 hertz. The new generation of wind turbines is known to operate at levels below 1 hertz.

With regard to this specific scheme, flicker may occur for very limited periods of time to a small number of properties and the developer states in the Environmental Statement that this could be controlled by turbine shut-down or by screen planting or the use of blinds if the occupier was willing to use this method to avoid the flicker.

Turbines can also cause flashes of reflective light which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it. Careful choice of blade colour and surface finish can help reduce the effect. Light grey, semi-matt finishes are often used for this.

The CO₂ savings are questioned by objectors. If wind power is compared to generation of electricity by coal, a higher saving is being made than if it is compared to power being produced by gas. If the comparison is made to nuclear or hydro-generated power the saving will be even smaller. Nevertheless, as outlined in the national policy section of this report, it is the UK's prerogative to encourage the production of electricity from renewable sources. Wind is one of those sources and therefore the savings made are incidental to the debate because it is the UK's intention to reduce our emissions to levels of former generations to slow down the process of global warming. Similarly, whilst the level of electricity produced, looking at individual turbines, is small compared to the large fossil fuel fed power stations, a start has to be made somewhere and wind energy is seen as being a major player in making that start of reducing CO₂ to slow down the process of global warming on an international scale.

Conclusion

The proposed scheme is of major significance for North Lincolnshire and would have major impacts, particularly in terms of landscape, visual impact and the potential death of protected birds.

In making a full and proper planning balance, the benefits of the proposed development, in terms of the significant level of power which would be produced, must be taken into account, with the resultant CO₂ savings which are a national imperative to meet the UK's role in tackling climate change.

A balance must be made between the positive benefits of renewable energy, which is a national priority, and the harmful impacts of the scheme. The planning balance, in this case, falls in favour of the development and permission should be granted.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

This permission is for a period not exceeding 25 years from the date the development is first connected to the electricity grid, such date to be notified to the local planning authority not later than one month from the making of such connection.

Reason

Application has only been made for a 'life span' of 25 operational years.

3.

The development shall be for the construction of three wind turbines with associated infrastructure, and shall exclude the turbine nearest to Winterton.

Reason

In the interests of protecting the amenity of the residents of Winterton and to reduce the impact upon the landscape and visual amenity of the area in accordance with policy DS21 of the North Lincolnshire Local Plan.

4.

Within 12 months of the end of the 25-year period pursuant to condition 2 above, all wind turbines, ancillary equipment and buildings shall be dismantled to below ground level (or as otherwise agreed in writing with the local planning authority) and removed from the site, and the land shall be restored in accordance with a decommissioning, restoration and aftercare scheme to be submitted for the approval of the local planning authority no later than 12 months prior to the expiry of the 25-year period referred to in condition 2 above. The decommissioning process shall proceed in accordance with the approved scheme unless the local planning authority gives its written consent to any variation.

Reason

Application has only been made for a 'life span' of 25 operational years.

5.

No development shall take place until details of the design and external appearance (including colour finishes) of all turbines and all other buildings and structures have been submitted to and approved in writing by the local planning authority. The development shall

be carried out in accordance with the approved details and the colour finishes of the wind turbines shall not be changed without the consent in writing of the local planning authority.

Reason

In the interests of visual amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

If any turbine ceases to be operational for a continuous period of 12 months, it shall be dismantled and removed from the site, and that part of the site shall be restored in accordance with details approved in writing in a scheme to be submitted to the local planning authority no later than 2 months after the expiration of the said period of 12 months.

Reason

In the interests of visual amenity.

7.

The wind turbines shall not be illuminated.

Reason

In the interests of visual amenity.

8.

The blades of all wind turbines shall rotate in the same direction.

Reason

In the interests of visual amenity.

9.

Prior to the commencement of the development, a scheme of investigation and alleviation of any electromagnetic interference to TV and radio reception, which may reasonably be attributable to the operation of the turbines hereby permitted, shall be submitted to and approved in writing by the local planning authority. The procedure in the approved scheme shall thereafter be implemented unless the local planning authority gives its written consent to any variation.

Reason

In order to ensure adequate mitigation of any impacts due to electromagnetic interference resulting from the turbines or their operation.

10.

Prior to the commencement of the development, a construction method statement shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include details of all on-site construction, drainage, ecology mitigation, restoration/reinstatement work and timetables for all stages of the development. Specifically this method statement shall address the following works:

- public road works (widening/junction improvements/entrance works)
- site tracks

- watercourse crossings
- construction compounds
- crane hardstandings
- cable trenches
- foundation works
- substation and control building (including screening of substation with indigenous mix planting)
- anemometry masts
- pollution prevention and control plan
- cleaning of site entrances and the adjacent public highway
- post-construction restoration/reinstatement of the working areas
- the presence of an archaeological watching brief during soil stripping in the construction period
- site drainage plan
- use of box culverts and sediment control measures
- soil erosion control measures
- wheel-washing facilities.

Reason

To ensure best practices throughout the constructional phase of the development are used.

11.

Prior to the commencement of the development hereby permitted, details of the make, model and sound power levels of the wind turbines to be erected shall be provided to and approved in writing by the local planning authority. The information provided shall be of adequate detail to allow proper comparison with the contents of the Environmental Statement.

Reason

To ensure that the turbines operate in accordance with the parameters set out in the Environmental Assessment and in accordance with ETSU-R-97.

12.

All cabling on the application site between the wind turbines and the site substation shall be installed underground.

Reason

In the interests of visual amenity.

13.

The turbines shall be fitted with appropriate lighting in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of aviation safety.

14.

Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be fully implemented in accordance with the approved details before electricity is first produced on site.

Reason

To prevent an increased risk of flooding and ensure future maintenance of the surface water drainage system and to comply with policy DS16 of the North Lincolnshire Local Plan.

15.

The development hereby permitted shall be carried out in accordance with the following approved plans: Figure numbers FEI Figure 1.2 within the Further Environmental Information dated August 2012 and figures 1, 3 and 4 of the Environmental Statement dated April 2011.

Reason

For the avoidance of doubt and in the interests of proper planning.

16.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

17.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

18.

Prior to the commencement of the development, a traffic management plan shall be prepared in consultation with the local highway authority and shall be submitted to and approved in writing by the local planning authority. Such plan shall include details of access routes for all vehicles carrying turbine parts and any alterations or improvements which may be required to the highway network along these routes, including advisory signs. During construction work all deliveries shall be undertaken in accordance with the approved traffic management plan unless the local planning authority gives its written consent to any variation.

Reason

In the interests of highway safety.

19.

Piling using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To protect groundwater quality. It is expected that piled foundations will not be required, however this is dependent upon the findings of ground investigations to be conducted at each turbine location. The results of the ground investigation and pollution mitigation proposals should be agreed prior to any piling taking place.

20.

The noise emissions from the wind turbine shall not exceed 35 dBA measured as LA90,10 min at any residential boundary. This noise limit applies up to wind speeds of 10 m/s at a height of 10m above ground. If noise from the wind turbine exhibits any audible tonality, a correction to the measured wind turbine noise shall be made in accordance with ETSU-R-97 procedures. Any such correction shall be applied to the measured wind turbine noise before comparison is made with the emission limit given above. In the event of any complaint concerning noise impact, compliance monitoring shall be undertaken at the wind turbine operator's expense in accordance with the procedures set out in ETSU-R-97.

Reason

To protect the amenity of residents and to prevent unacceptable noise disturbance in accordance with condition DS21 of the North Lincolnshire Local Plan.

21.

Prior to the commissioning of the wind turbines, the wind farm operator shall submit a scheme for the measurement of noise emissions from the wind turbines to the local planning authority. This scheme shall provide for the measurement of background noise levels and turbine rating levels at agreed locations representative of residential receptors. This scheme shall be approved in writing by the local planning authority prior to its execution. Except for the purposes of discharging this condition, the turbines shall not be permitted to commence operation to produce electricity until they comply with the noise limit

stated in condition 20, including the application of any penalty for tonal component or amplitude modulation.

Reason

To protect the amenity of residents and to prevent unacceptable noise disturbance in accordance with condition DS21 of the North Lincolnshire Local Plan.

22.

The wind turbines shall not operate during periods when wind speeds are below 4 m/s measured at a location agreed with the local planning authority at a height of 10m above ground level.

Reason

To protect the amenity of residents and to prevent unacceptable noise disturbance in accordance with condition DS21 of the North Lincolnshire Local Plan.

23.

The wind farm operator shall log wind speed and wind direction data at a grid reference to be approved by the local planning authority to enable compliance with condition 20 to be monitored. This wind data shall include the wind speed in metres per second and the wind direction in degrees from north for each 10 minute period. The recorded data relating to 10m height above ground level shall be made available to the local planning authority. Where wind speed is measured at a height other than 10m, the wind speed data shall be converted to 10m height, accounting for wind shear by a method whose details shall be provided to the local planning authority.

Reason

To protect the amenity of residents and to prevent unacceptable noise disturbance in accordance with condition DS21 of the North Lincolnshire Local Plan.

24.

At the request of the local planning authority, following the receipt of a complaint, the wind farm operator shall, at its own expense, employ an independent consultant, approved in writing by the local planning authority, to assess whether noise emissions at the complainant's dwelling are characterised by greater than expected amplitude modulation. In such circumstances the complainant(s) shall be provided with a switchable noise recording system by the independent consultant to enable both sound and decibel levels to be recorded at times when significant amplitude modulation is considered to occur. Amplitude modulation is the modulation of the level of noise emitted by a turbine or turbines. This will be deemed greater than expected if the following characteristics apply:

- (a) a change in the measured LAeq, 100 milliseconds turbine noise level of more than 3dB (represented as peak to trough difference in sound pressure levels each of more than 3dB) occurring within a 2 second period; and
- (b) the change identified in (a) above shall occur at least five times in any one minute, during periods when the LAeq, 1 minute turbines sound pressure level is at least 28dB; and
- (c) the changes identified in (a) and (b) above shall occur for at least six minutes in any hour; and

- (d) if, over a period of 28 days, the complainant fails to record five occurrences of amplitude modulation, as defined in (a), (b) and (c), then the existence of excessive amplitude modulation as a contributor to the noise complaint shall be excluded. The existence of excess amplitude modulation as a contribution to the turbine noise complaint shall also be excluded if the sound recording establishes that the modulation is associated with a noise source other than the turbines. If meteorological conditions are unsuitable for monitoring during the 28-day period, then the monitoring period shall be extended to allow for 28 days of relevant data. Meteorological conditions shall be considered unsuitable for monitoring if there are prolonged periods of precipitation or wind speeds below the cut-in wind speed of the turbine.

Noise emissions at the complainant's dwelling shall be measured not further than 35m from the relevant building, and not closer than 3.5m from any reflective building or surface, or within 1.2m of the ground.

Reason

To protect the amenity of residents and to prevent unacceptable noise disturbance in accordance with condition DS21 of the North Lincolnshire Local Plan.

25.

A penalty shall be applied if amplitude modulation occurs in accordance with condition 24. The penalty to be applied is 5dB. If a tonal penalty is required, and a penalty for greater than expected amplitude modulation, the applicable penalty shall be 5dB. Any applicable penalty shall be added to the measured wind turbine noise before comparison is made with the emission limit given in condition 20.

Reason

To protect the amenity of residents and to prevent unacceptable noise disturbance in accordance with condition DS21 of the North Lincolnshire Local Plan.

26.

If turbine noise levels exceed those laid out in condition 20 then turbine operation shall be immediately suspended until written approval for the recommencement of their operation has been given by the local planning authority. Following the establishment of a breach of the noise limits in condition 20, the wind farm operator shall submit a scheme to the local planning authority to mitigate the breach to prevent its future occurrence. This scheme shall include the timescales for the implementation of the mitigation works. The operation of the turbines shall remain suspended, except for testing purposes as approved by the local planning authority, until such time as both written evidence is submitted to the local planning authority that the wind farm operation can continue within the noise limits set out in condition 20 and written approval for the recommencement of their operation has been given by the local planning authority.

Reason

To protect the amenity of residents and to prevent unacceptable noise disturbance in accordance with condition DS21 of the North Lincolnshire Local Plan.

27.

Construction/decommissioning works, including deliveries to site, shall only be undertaken during the following hours:

Monday to Friday - 7.30am to 6pm;

Saturday - 8am to 1pm.

No construction/decommissioning works shall be undertaken on site outside of the above hours, or on Sundays or Public/Bank Holidays, without the prior written consent of the local planning authority.

Reason

To ensure the turbines operate in accordance with the parameters set out in the Environmental Assessment and in accordance with ETSU-R-97, and to protect the amenity of residents in accordance with policy DS1 of the North Lincolnshire Local Plan.

28.

No development shall take place until a written scheme has been submitted to and approved in writing by the local planning authority setting out the protocol for the assessment of shadow flicker in the event of any complaint, including remedial measures, and turbine shut-down where necessary. Operation of the turbines shall take place in accordance with the agreed protocol unless the local planning authority gives prior written consent to any variations.

Reason

To protect the amenity of the occupiers of residential properties and to comply with policy DS21 of the North Lincolnshire Local Plan.

29.

No development shall commence until a written scheme of risk mitigation, in accordance with the Terraconsult report of 16th January 2013 and the GBC report of 15th April 2013, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented throughout the entire lifetime of the wind farm.

Reason

To protect the safety and amenity of the occupiers of residential properties and to comply with policy DS21 of the North Lincolnshire Local Plan.

30.

Prior to the construction of the turbines a management plan shall be produced by the applicant or their successors in title that will explain how gulls will be managed on the site during the operation of the turbines. The management plan will also further detail how this will be monitored and the results of this monitoring will be made available to the local planning authority.

The prescriptions of the management plan will also need to be followed throughout the working life of the turbines.

Reason

To comply with the National Planning Policy Framework.

31.

Any on-site vegetation clearance should avoid the bird nesting season of March to the end of August unless a checking survey has been completed by an appropriately qualified ecologist who can confirm that no active nests are present in the area to be cleared at that time.

Reason

To comply with the National Planning Policy Framework.

32.

Prior to construction a management plan shall be agreed in writing with the local planning authority that will:

- detail how any habitat loss around turbine plinths will be offset and how remaining habitat can be improved to become suitable areas for breeding birds;
- detail how planned vegetation removal shall not disturb nesting birds;
- detail further survey for breeding birds, over flying birds, great crested newts and bats in order to enhance habitat and management further;
- detail how any Japanese knotweed on the site will be managed.

The agreed matters of the plan will as be implemented on site.

Reason

To comply with the National Planning Policy Framework.

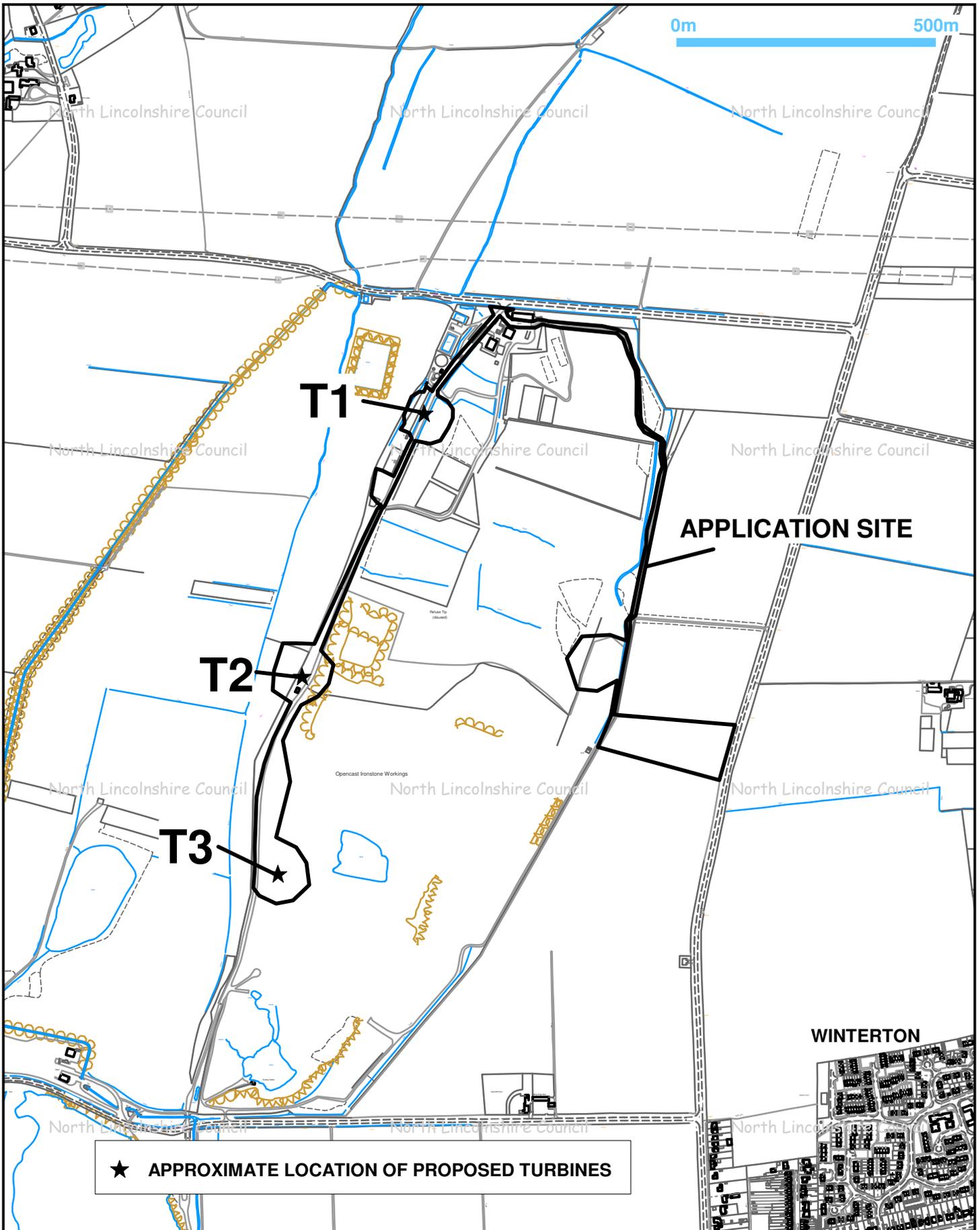
Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not unacceptably harm the character of the area nor the living conditions of neighbouring occupiers, would not present an unacceptable risk in terms of the adjoining landfill site and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are DS1, DS21, LC7, SPG 13 and SPD Planning for Renewable Energy of the North Lincolnshire Local Plan, CS18 of the North Lincolnshire Core Strategy and the National Planning Policy Framework.

Informatives

1. The developer shall take note of the contents of the attached letter from the Environment Agency dated 17 June 2011.
2. The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
 - before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.
3. In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

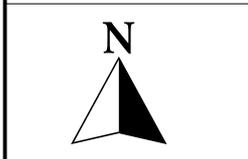


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Drawn by: Sue Barden

Date: 21/05/2013

Scale: 1:10000



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