

**NORTH LINCOLNSHIRE COUNCIL**

**PLANNING COMMITTEE**

<b>APPLICATION NO</b>	<b>PA/2012/0559</b>
<b>APPLICANT</b>	LFC Horkstow Ltd
<b>DEVELOPMENT</b>	Planning permission to erect a 57 metre high wind turbine with associated infrastructure including access track, substation, underground cables and crane hardstanding - <b>DISCHARGE OF CONDITIONS 3, 7 AND 8</b>
<b>LOCATION</b>	Land north of Hall Farm Cottage, Main Street, Horkstow
<b>PARISH</b>	<b>HORKSTOW</b>
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Emma Stanley
<b>RECOMMENDATION</b>	<b>Discharge of conditions 3, 7 and 8</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Planning Committee request to determine all such discharge of conditions

**BACKGROUND**

This application to discharge conditions 3, 7 and 8 of planning permission PA/2012/0559 was received as valid on 31/07/2014. The application as submitted provides notice of the applicant's intentions to commence groundworks as soon as the discharge of conditions has been confirmed (condition 3), specifications of the turbine design (condition 7) and archaeological mitigation strategy (condition 8).

Condition 3 reads:

No development shall commence until the local planning authority has been notified in writing of the date on which the erection of the turbine is to commence.

Condition 7 reads:

No development shall take place until plans and specifications of the exact turbine and associated structures to be erected have been submitted to and approved in writing by the local planning authority, and only the approved turbine shall be erected. The hub height of the turbine shall not exceed 40 metres and the total blade tip height shall not exceed 57 metres.

Condition 8 reads:

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- i) results of the specialist assessments of artefacts and ecofacts recovered in the evaluation trial trenches;
- ii) measures to ensure the preservation by record of archaeological features of identified importance;
- iii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts;
- iv) post-fieldwork methodologies for assessment and analyses;
- v) report content and arrangements for dissemination, and publication proposals;
- vi) archive preparation and deposition with recognised repositories;
- vii) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- viii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record Office of the commencement of archaeological works and the opportunity to monitor such works;
- ix) a list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

## **NATIONAL AND LOCAL POLICY AND GUIDANCE**

**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.

**National Planning Practice Guidance:** Outlines the renewable energy strategy for the UK and how this applies to local planning authorities. Key issues are listed which relate to wind turbine development and how these matters are assessed.

**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
- 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.

**Renewable Energy Supplementary Policy Document (2011):** 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.

**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.

## **ASSESSMENT**

**The determining issue in this case is whether the developer has submitted sufficient and suitable information to allow North Lincolnshire Council to confirm compliance with conditions 3, 7 and 8 of planning permission PA/2012/0559 and therefore whether the conditions can be discharged formally.**

Planning permission has been granted following an appeal against the council's refusal of an application for a wind turbine on land north of Hall Farm Cottage, Horkstow. The Inspector allowed the appeal and granted permission for one turbine subject to 13 conditions, 3 of which require discharging prior to the commencement of development, the remainder requiring compliance or ongoing monitoring.

The details submitted in order to satisfy condition 3 state that the applicant wishes to commence groundworks as soon as the relevant conditions have been discharged with the intention to commence erection of the turbine after this date, ideally on 22 September 2014. In planning terms there are no objections to these submitted timescales, subject to all relevant pre-commencement conditions also being discharged.

The details submitted in order to satisfy condition 7 state that the turbine to be installed is a Turbowind T400-34 400kW wind turbine. The specifications indicate that the hub height of the turbine will be 39 metres and the maximum blade tip height will be 57 metres. These details accord with the specifications set out in the Inspector's report and are considered to be acceptable by officers in terms of their visual impact. There will also be an associated equipment cabinet that will have minimal impact on the character of the area.

The details submitted in order to satisfy condition 8 have been assessed by the Historic Environment Officer, and the Archaeological Mitigation Strategy has been found to be acceptable and no objections have been raised.

## **RECOMMENDATION**

**That conditions 3, 7 and 8 of planning permission PA/2012/0559 be discharged.**

## **HEAD OF DEVELOPMENT MANAGEMENT**

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### **Background papers used in the preparation of this report**

Application to discharge conditions of planning permission PA/2012/0559