

<b>APPLICATION NO</b>	<b>PA/2014/0093</b>
<b>APPLICANT</b>	EDP
<b>DEVELOPMENT</b>	Planning permission for the erection of a single wind turbine generator with a maximum height to blade tip of 78m above existing ground level, vehicle access tracks, crane pad, construction compound and sub-station building
<b>LOCATION</b>	New River Ancholme, Bridge Lane, Cadney
<b>PARISH</b>	<b>CADNEY</b>
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of the necessary agreement between the applicants and NATS, and the removal of the existing objection to the application by NATS, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Head of Development Management discretion

## **POLICIES**

Paragraph 28 – Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 93 – Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Paragraph 95 – To support the move to a low carbon future, local planning authorities should...plan for new development in locations and ways which reduce greenhouse gas emissions.

Paragraph 97 – To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

Paragraph 98 – When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

**National Planning Practice Guidance:** Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set-back distances for safety, distance itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and nearby land uses.

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements)

Policy DS16 (Flood Risk)

Policy DS21 (Renewable Energy)

Policy RD2 (Development in the Open Countryside)

Policy LC7 (Landscape Protection)

SPG13 (Wind Energy Development)

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

Policy CS18 (Sustainable Resource Use & Climate Change)

Policy CS19 (Flood Risk)

Supplementary Planning Document – Planning for Renewable Energy

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Environmental Health:** No objection subject to conditions.

**Historic Environment Record:** The application has the potential for direct adverse effects on non-designated heritage assets of archaeological interest. The applicant has submitted a Written Scheme of Investigation setting out a programme of archaeological recording and palaeo-environmental sampling. The Historic Environment Record advise that this scheme is satisfactory and raise no objection subject to conditions.

**Public Rights of Way:** Initially raised a holding objection due to access to the site being proposed via Public Footpath 278, along Bridge Lane. This objection was removed following the submission of additional information/clarification by the applicant.

**Environment Team (Ecology):** No objection subject to a condition.

**Environment Agency:** No objection subject to a condition.

**Anglian Water Developer Services:** No objection.

**CAA:** Clarification on procedural matters.

**NATS:** Initially raised an objection due to conflict with safeguarding criteria; subsequently confirmed that this objection can be removed subject to the applicant agreeing to fund the implementation of a technical (radar blanking) solution that will mitigate the harm.

**MOD:** Initially raised an objection on the grounds that the turbine would cause unacceptable interference to the ATC/Range Control radar at RAF Waddington. The applicant has subsequently submitted a technical proposal to the MOD to mitigate the unacceptable effects of the proposed development on the Air Traffic Control radar at RAF Waddington. The proposal has been accepted by the MOD, and they have removed their objection subject to a planning condition.

**Robin Hood Airport:** No objection.

**Target Skysports (Skydive Hibaldstow):** No objection to the proposed turbine, but would object if the turbine was any closer, any higher, or if further turbines were proposed.

**CPRE:** Object to the application on the following grounds:

- visual impact on the landscape and public rights of way
- cumulative impact and the industrialisation of the landscape
- the turbine position within the countryside and beyond development limits.

## **PARISH COUNCIL**

No response received.

## **PUBLICITY**

Neighbouring properties have been notified by letter and a site notice posted. Furthermore, the applicants have carried out public consultation including posting letters to all properties within 2 kilometres and contacting Cadney Parish Council.

Three letters of objection have been received on the following grounds:

- The route to the site consists of narrow, single track roads; it would be easier to erect a turbine on the side of the M180 or A180.
- Who will be responsible if the roads are damaged by HGV movements?

- There are other species present in the locality that have not been reported in the submitted ecological report.
- Bridge Lane is an important recreational area for the locality. It is used as part of the route for 10 kilometre runs and triathlons, as well as for walking, cycling and jogging.
- The turbine would be a blot on the landscape and the size is totally out of context against the amount of electricity generated.
- The turbine should be located closer to the turbine on the other side of the river.
- The turbine will be a danger to the local parachute club.

One letter of support has been received on the grounds that it is pleasing to see investment in renewable energy sources and that the development is great for the area and region as a whole, promoting North Lincolnshire as a hotspot for renewable energy technologies.

## **ASSESSMENT**

The application site is a piece of agricultural land extending to approximately 0.59 hectares located adjacent to the New River Ancholme, to the north of Bridge Lane. The site is approximately 1 kilometre to the west of the village of Cadney and 1.9 kilometres to the east of Hibaldstow. The village of North Kelsey is approximately 3.9 kilometres to the south-east and the site is approximately 4 kilometres to the south of the market town of Brigg. The site is accessed off Bridge Lane, which connects with the B1434 at Howsham to the east. The application site is bounded by Bridge Lane to the south, field boundaries to the west and east and open fields to the north. Cadney Soak Drain runs along the southern side of Bridge Lane and there are further drainage ditches that run along the western, southern and eastern boundaries of the south. A pumping station stands approximately 150 metres to the west of the site, adjacent the River Ancholme. The surrounding area is characterised by generally flat agricultural land with tree and hedge planting and drainage ditches along field boundaries.

This application seeks planning permission to erect a single wind turbine with an installed capacity of between 500kW and 800kW along with ancillary infrastructure comprising access tracks, a crane pad, a temporary construction compound and a sub-station building. The proposed turbine will have a maximum hub height of 50 metres and a maximum blade tip height of 78 metres from ground level. The turbine will be of a modern three-bladed, horizontal axis design and will be finished in an off-white colour. The proposed on-site access tracks will provide access to the turbine from Bridge Lane and will be a minimum of 4 metres wide and 5.5 metres wide at curved sections; the tracks will be constructed of crushed stone. A crane pad is necessary for the construction of the wind turbine and for ongoing maintenance. The crane pad will be constructed of crushed stone and will have a surface area of approximately 320 square metres. The crane pad will remain in place for the lifetime of the wind turbine. The temporary construction compound will be located to the east of the turbine and will be accessed via the internal access tracks; this will be used as a lay-down and assembly area and will also contain a single-storey portable building of approximately 3 metres by 6 metres. The construction compound will be fully removed from site once the development is complete. The proposed sub-station is to be located adjacent to the turbine and will comprise a single-storey building of 3.59 metres long and 3.59 metres wide, with a height of 3.41 metres.

It is anticipated that the construction of the wind turbine and associated infrastructure will take approximately six months.

**The main issues in the determination of this application are the principle of development, the impact of the development on the character and appearance of the area, and impacts on residential amenity, heritage assets, ecology and aviation.**

### **Principle**

Paragraph 97 of the National Planning Policy Framework (NPPF) encourages local authorities to recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources. Furthermore, policy DS21 of the North Lincolnshire Local Plan (NLLP) states that proposals for the generation of electricity from renewable sources will be permitted provided that any detrimental effect on features and interests of acknowledged importance, including local character and amenity, is outweighed by environmental benefits. Paragraph 98 of the NPPF supports this view, stating that renewable energy applications should be approved where the impacts of the development are (or can be made) acceptable. Therefore it is established that there is planning policy support for renewable energy development provided that the environmental benefits of the development outweigh any detrimental effects or that such detrimental effects can be mitigated.

It should be recognised that in addition to helping with the reduction of CO<sub>2</sub> emissions, the proposed wind turbine is also intended to support the applicants' existing local rural businesses which include a boarding kennels, racing stables and hotel/function venue and employs 20 full and part-time local people at present. Paragraph 28 of the NPPF promotes development which will support economic growth in rural areas in order to create jobs and prosperity.

### **Impact on landscape**

Policy LC7 of the NLLP 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. A comprehensive landscape and visual impact assessment (LVIA) has been submitted as part of the planning application and concludes that the proposed turbine will not have a significant impact on the surrounding landscape, or upon visual amenity in the area. It also finds that there will be no significant impacts on the landscape character of the site or the immediate area.

The application site does not fall within any international, national or regional landscape designations. The site is located within the Central Lincolnshire Vale National Landscape Character Area and the Vale of Ancholme Regional Landscape Character Area. The Vale of Ancholme is characterised by broad low-lying arable land consisting of large arable fields, with remnant hedgerows and artificially drained soils. It is also characterised by variable woodland cover and sparsely distributed settlements concentrated on the elevated land on the central ridge or edge of the floodplain. Overall this area has a quiet, rural character. Whilst the landscape is generally flat and open, there are a number of existing vertical structures within the area, including an existing 78 metre high wind turbine approximately 1.5 kilometres to the north-west of the site at Carr Lane Poultry Farm, a power station with associated chimneys approximately 3 kilometres to the north-west of the application site

and large-scale pylons which run close to the site and across the landscape in an east-west orientation.

The proposed turbine would generally only be seen simultaneously with the existing Carr Lane Poultry Farm turbine, approximately 1.5 kilometres to the north-west. The only other turbines within 10 kilometres are the proposed 102 metre high turbine on land west of Moor Lane, Caistor which is 9.5 kilometres to the east of the site and the proposed 102 metre high turbine on land south of Caistor Road which is 7.5 kilometres to the south-east. There would be very little potential for these two turbines to be viewed simultaneously with the proposed turbine due to their distance and the rising ground of the landscape between them. It is considered that there will be no significant cumulative impact from introducing the proposed turbine into the landscape and that, whilst it will be seen simultaneously with the Carr Lane Poultry Farm turbine from some viewpoints, this will not result in the local landscape being dominated by wind turbines. It is considered that the expansive, low-lying landscape in this area can accommodate the additional proposed turbine without significant detrimental impact.

It is acknowledged that the proposed turbine would introduce an additional vertical feature within an open landscape. However it should be noted that the surrounding landscape already contains numerous vertical features listed above and that these structures disturb the landscape to some extent and detract from its tranquillity. For this reason it is considered that the proposed turbine will not have a significant impact on the character or appearance of the area and that any harm that it will have on the local landscape will be outweighed by the environmental benefits that the turbine will bring in terms of the generation of renewable energy.

## **Heritage**

The applicants have submitted a heritage impact assessment as part of their submission. This document identifies 16 designated heritage assets within 3 kilometres of the site and one non-designated asset within 500 metres. The assessment concludes that the proposed turbine will have a low adverse significance of effect on one grade II listed building (Cadney Bridge) and one grade I listed building (Newstead Priory Farmhouse) and will have a negligible effect on the associated barn and cart shed (grade II listed). These effects are not considered to be significant. The council's conservation officer has been consulted on the application and has reviewed the submitted information confirming that, whilst there will be an impact on the setting of built heritage assets in the locality, this impact will not be significant.

With regard to below-ground heritage assets, the applicants have submitted a Written Scheme of Investigation setting out the details of an archaeological mitigation strategy agreed with the council's Historic Environment Record. Subject to this mitigation strategy being secured by way of condition, the development will have no significant adverse impact on archaeology.

For these reasons it is considered that there will be no significant adverse impact on heritage assets in the area as a result of the proposed development and any harm that will be caused to the setting of these assets will be outweighed by the positive environmental benefits generated by the turbine.

## **Residential amenity**

The location of the turbine has been chosen to minimise any potential negative impacts on residential properties in the area. The nearest residential properties are located approximately 1.2 kilometres from the site, within Cadney and at Gander Farm. The proposed turbine will not have an overwhelming or overbearing impact on these residential properties which will have filtered, oblique views of the turbine at a significant distance.

The potential for shadow flicker occurs where turbines cast shadows from the sun's rays onto other properties. The potential for flicker is generally accepted to be limited to a distance of 10 times the rotor diameter of the turbine. As there are no dwellings within 10 times the rotor diameter of the proposed turbine in this instance it is considered that there is no significant potential for the loss of residential amenity as a result of flicker and that further attenuation measures are not necessary.

A professional desktop noise assessment has been submitted as part of the planning application. This assessment models noise emissions from the turbine and assesses the impact on the local area. The noise assessment concludes that the predicted noise levels at the nearest residential receptors are well below 35 dBA  $L_{A90,10 \text{ min}}$  level at wind speeds of up to 10 metres per second and at 10 metres height, in accordance with the guidance contained in ETSU-R-97. On this basis, the development complies with the requirements of ETSU-R-97 and confirms that there will be no loss of amenity as a result of noise. The council's Environmental Health department has been consulted on the application and has confirmed that, subject to the stated noise levels being secured by way of a condition, they have no objection to the development with regard to noise.

For these reasons it is considered that the proposed development will have no significant impact on residential amenity and that any harm caused in this regard would be outweighed by the environmental benefits of the scheme.

## **Ecology**

A comprehensive ecological assessment has been submitted as part of the planning application. This assessment finds that the turbine is unlikely to lead to direct impact on protected or priority species. The council's ecologist has been consulted on the application and has reviewed the submitted information, confirming that the proposed development is unlikely to have any significant impact on protected or priority species. A condition is recommended to ensure that the final position of the turbine will not be within 50 metres of any wood, drain or hedgerow; this condition will ensure that there will be no adverse impact on protected species as a result of any necessary micro-siting of the proposed turbine.

## **Aviation**

The Ministry of Defence (MOD) originally objected to the planning application on the grounds that the turbine would cause unacceptable interference to the ATC/Range Control radar at RAF Waddington. The applicant has submitted a technical proposal to the MOD to mitigate the effects of the proposed development on the Air Traffic Control radar at RAF Waddington and this proposal has been accepted by the MOD. The MOD has now removed its objection to the proposed development subject to the agreed technical mitigation scheme being secured by way of condition.

NATS also originally objected to the planning application due to concerns that the turbine would impact on radar contrary to their safeguarding criteria. The applicants have submitted a technical (radar blanking) solution to NATS to mitigate the effects of the turbine on radar. NATS has now confirmed that it is willing to remove its objection to the proposed development subject to the applicants agreeing to fund the implementation of this radar blanking solution. The applicants have confirmed that they are willing to fund the radar blanking and that they are in the process of formalising the necessary legal agreement with NATS.

Robin Hood Airport and Skydive Hibaldstow have both been consulted on the application and have confirmed that they have no objection to the proposed turbine.

Therefore, subject to NATS removing its objection upon completion of the necessary contract between itself and the applicants, there are no outstanding objections from statutory bodies in relation to aviation safeguarding. On this basis the proposed turbine will have no unacceptable impact on aviation safety.

### **Conclusion**

The proposed development will have no significant detrimental impact on the area with regard to landscape character, visual amenity, residential amenity, heritage assets, ecology or aviation. Whilst there will be some impact in these regards a balance must be made between the harmful impacts of the scheme and the positive benefits of renewable energy, which is a national priority.

The proposed turbine will provide up to 800kW of clean, renewable energy, making a valuable contribution to the area's renewable energy provision. It has been stated by the applicants that this energy generation is the equivalent of powering 600 homes per annum. The development will also support the existing rural businesses of the land owner which will help secure their future viability and the employment of local people.

In making a full and proper planning balance, it is considered that the benefits of the proposed development, in terms of its contribution towards renewable energy targets and CO<sub>2</sub> reduction, as well as supporting existing rural businesses, far outweigh any of the detrimental impacts of the development, none of which are considered to be significant. On this basis the proposed development should be supported subject to conditions.

### **RECOMMENDATION**

**Subject to the completion of the necessary agreement between the applicants and NATS, and the removal of the existing objection to the application by NATS, 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.

The development hereby permitted shall be carried out in accordance with the following approved plans: N238-GR-PA1-001A, N238-GR-PA1-002B, N238-GR-PA1-003B, N238-GR-PA1-004A, N238-GR-PA1-005B, N238-GR-PA1-006A and N238-GR-PA1-007A.

Reason

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

3.

No later than 12 months prior to the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the local planning authority. The scheme shall make provision for the removal of the wind turbine and associated above-ground works approved under this permission and details of the depth to which the wind turbine foundations will be removed. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

Reason

To protect visual amenity in the area.

4.

This permission shall endure for a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid.

Reason

For the avoidance of doubt.

5.

The wind turbine shall be sited so that the area swept by the rotors is more than 50 metres from any wood, drain or hedgerow.

Reason

To conserve bats in accordance with policy CS17 of the North Lincolnshire Core Strategy.

6.

No development shall commence until an Air Traffic Control Radar Mitigation Scheme to address the impact of the wind turbine upon air safety has been submitted to and approved in writing by the local planning authority. The Air Traffic Control Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Primary Surveillance Radar at RAF Waddington and the air traffic control operations of the Ministry of Defence, and shall be in place for the operational life of the development provided the Radar remains in operation.

Reason

In the interest of aviation safety.

7.

The turbine shall be fitted with an MOD-accredited 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point of the turbine. The turbine will be erected with this lighting installed and the lighting will remain operational throughout the duration of this permission.

Reason

In the interest of aviation safety.

8.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance with the document 'Proposed wind turbine on land adjacent to The New River Ancholme, Cadney, North Lincolnshire: Written Scheme of Investigation' prepared by TEP dated October 2014, and until a detailed project design for site and post-excavation works has been submitted to and approved in writing by the local planning authority including:

- (i) 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;
- (ii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works;
- (iii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

9.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

10.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

11.

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 in accordance with the procedures set out in ETSU-R-97.

Reason

To protect residential amenity.

12.

If the wind turbine hereby permitted 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 to be submitted to and approved in writing by the local planning authority no later than 2 months from the said period of 12 months.

Reason

To protect residential amenity.

13.

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.

14.

No development shall take place until details of localised highway improvement/strengthening works required to facilitate the abnormal load movements have been submitted to and approved in writing by the local planning authority.

Reason

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

15.

All accommodation works required to facilitate abnormal load movements shall be provided prior to the movements taking place and the areas reinstated once the construction works have been completed.

Reason

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

16.

The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) dated December 2013, specifically the setting of the finished floor level of the substation no lower than 3.45 metres above Ordnance Datum.

Reason

To reduce the risk of flooding to the proposed development.

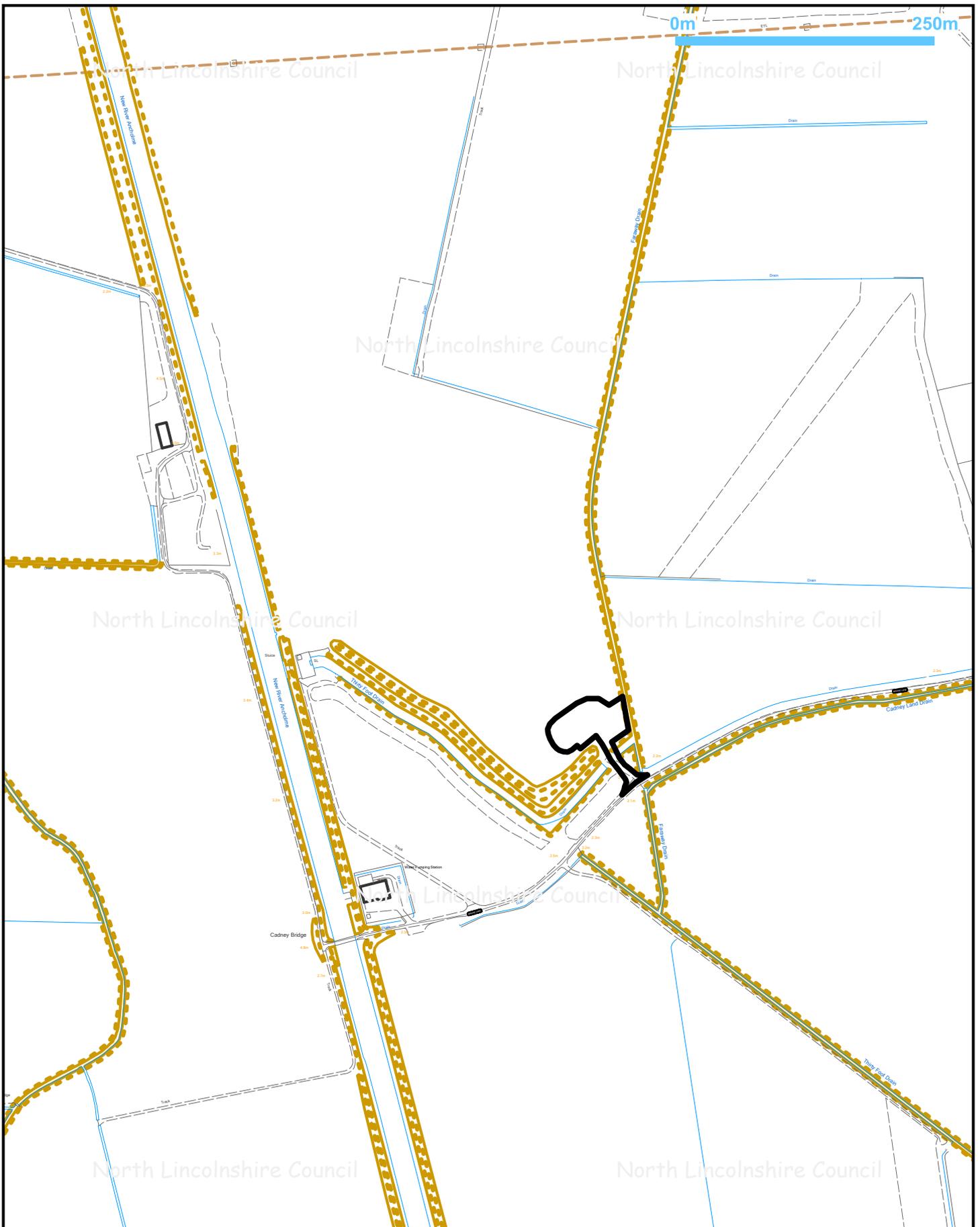
**Informative 1**

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.

**Informative 2**

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.



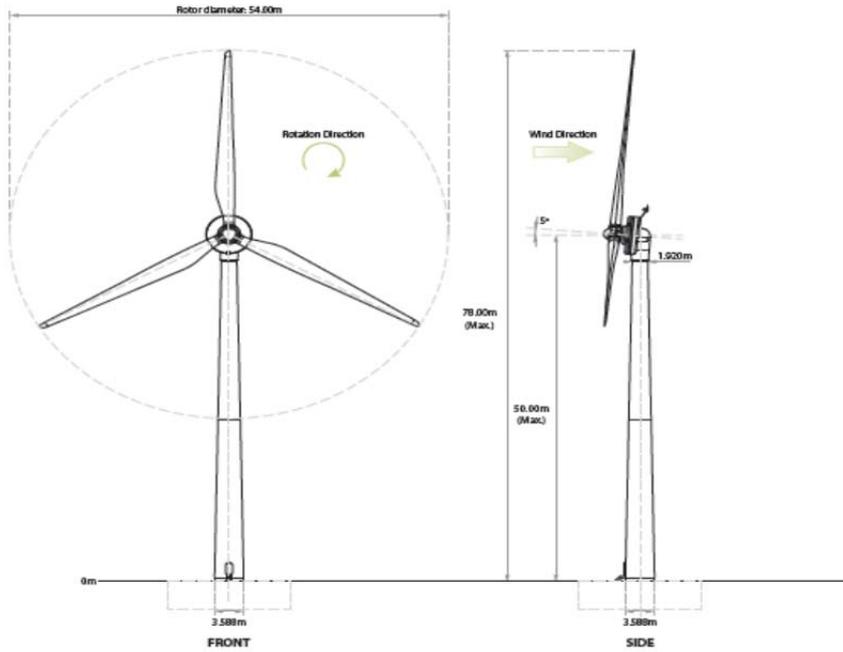
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Proposed Turbine Elevation

Proposed location of turbine

