

APPLICATION NO	WF/2009/0657
APPLICANT	RWE NPower Renewables Ltd
DEVELOPMENT	Planning permission to erect 18 wind turbines with associated infrastructure and services, including 3 anemometry masts, site roads, crane pads, site office, grid connection building and temporary construction compounds
LOCATION	Land west of Brigg Road, Horkstow
PARISH	HORKSTOW
WARD	Brigg and Wolds
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee Objections by Elsham, Worlaby, Wootton, Thornton Curtis, Saxby All Saints and Bonby Parish Councils, and Barton-upon-Humber Town Council Significant public interest Member 'call in' (Councillor Waltham – significant public interest)

BACKGROUND

This application was received as valid during June 2009 and proposes the construction of eighteen wind turbines with associated infrastructure including foundations, transformers, access tracks, site compounds, site office building, on-site substation and control building, underground power cables and three wind monitoring masts on a site to the east of Horkstow, Saxby and Bonby, west of the A15 and north of Elsham and Worlaby on land that is currently in agricultural use.

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

The nearest non-involved dwelling is at Northwold Farm approximately 800 metres to the north-east of the nearest turbine.

Each turbine would have a rated capacity of 2 to 2.5 megawatts and therefore the installed capacity of the array is approximately 36 to 45 megawatts. Each turbine would have a maximum height of up to 125 metres to the blade tip with a maximum tower height of 80 metres giving a blade diameter of approximately 90 metres.

Even at 45 megawatts installed capacity the development is 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 design life of the development is 25 years from when it first produces electricity: at the end of the 25 years a decision to refurbish, remove or replace the turbines will be taken. If the turbines are to be removed the land will be reinstated to agricultural use.

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 closest to the application site. This method of public consultation is in line with the council's policy and is considered to be appropriate and adequate.

During the consultation exercise a significant number of responses have been received: some from those statutory and non-statutory consultees that the council would normally consult on an application of this type, and also several hundred letters of representation.

These representations are made up of individual letters, emails and a petition from a pressure group called Saxby Wold Against Turbines (SWAT) and it appears that a significant number of the signatories are duplicated. Nevertheless the consultation exercise has received a large response.

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 UK has been committed to reducing greenhouse emissions by 12.5% below 1990 levels by 2012.

The UK has set targets to generate 10% of 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. PPS 22 also provides detailed guidance for the consideration of renewable energy planning applications. Since the publication of PPS 22 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 UK's energy policy, including renewable energy, is set out in the Energy White Paper. Through various iterations this White Paper and its principles have been enshrined by the Energy Act being given Royal Assent in November 2008.

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 Renewable Energy Strategy 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 document is still conscious of the need to protect the environment, including the landscape, from unacceptable development. Paragraphs 4.9 and 4.10 of the document set 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.

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:

PPS 1: Delivering Sustainable Development (2005) and Planning and Climate Change, Supplement to PPS 1 (2007)

PPS 1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It explains that the Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. A high level of protection should be given to most valued townscapes and landscapes (paragraph 17):

'The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance quality, character and amenity value of the countryside and urban areas as a whole.'

At paragraph 18 it notes that: ‘the condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities.’

Paragraph 19 requires planning policies and decisions to ‘be based on:

- up-to-date information on the environmental characteristics of the area;
- the potential impacts, positive as well as negative, on the environment of development proposals (whether direct, indirect, cumulative, long term or short term); and
- recognition of the limits of the environment to accept further development without irreversible damage.’

The section adds that planning authorities should seek to enhance the environment as part of development proposals and that significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued.

Paragraph 20 recognises the need to consider both the effects of climate change and the protection of the wider countryside. In particular:

- ‘- mitigation of the effects of, and adaptation to, climate change through the reduction of greenhouse gas emissions and the use of renewable energy; air quality and pollution; land contamination; the protection of groundwater from contamination; and noise and light pollution;
- the protection of the wider countryside and the impact of development on landscape quality; the conservation and enhancement of wildlife species and habitats and the promotion of biodiversity; the need to improve the built and natural environment in and around urban areas and rural settlements...’

At the same time it calls for a prudent use of natural resources and requires development plans to seek to promote and encourage, rather than restrict, the use of renewable resources (paragraph 22).

The supplement to PPS 1 – Planning and Climate Change (2007) - sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. It advises that it does not seek to assemble all national planning policy relevant or applicable to climate change and should be read alongside the national PPS series. Where there is any difference in emphasis on climate change between the policies in this PPS and others in the national series, this is intentional and this PPS takes precedence.

In relation to renewable and low carbon energy generation the supplement (at paragraphs 19 and 20) states:

‘19. In developing their core strategy and supporting local development documents, planning authorities should provide a framework that promotes and encourages renewable and low-carbon energy generation. Policies should be designed to promote and not restrict renewable and low-carbon energy and supporting infrastructure.

20. In particular, planning authorities should:

- not require applicants for energy development to demonstrate either the overall need for renewable energy and its distribution nor question the energy justification for why a proposal for such development must be sited in a particular location;
- ensure any local approach to protecting landscape and townscape is consistent with PPS 22 and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances;
- alongside any criteria-based policy developed in line with PPS 22, consider identifying areas suitable for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources, but in doing so take care to avoid stifling innovation including by rejecting proposals solely because they are outside areas identified for energy generation;
- expect a proportion of the energy supply of new development to be secured from decentralised and renewable or low-carbon energy sources.'

PPS 7: Sustainable Development in Rural Areas (2004)

The key principle PPS 7 expresses is:

'(i) Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:

- social inclusion, recognising the needs of everyone;
- effective protection and enhancement of the environment;
- prudent use of natural resources; and
- maintaining high and stable levels of economic growth and employment.'

The PPS requires regional spatial strategies (RSSs) to recognise the environmental, economic and social value of the countryside that is of national or, where appropriate, sub-regional significance. Policies in RSSs and LDDs (local development documents) should seek to maintain and enhance these values, so enabling the countryside to remain an important natural resource, contribute to national and regional prosperity and be enjoyed by all (paragraph 14).

At paragraph 15 it states that:

'Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been given a statutory designation for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.'

Paragraph 16 goes on to state that:

'When preparing Local Development Documents and determining planning applications for development in the countryside, planning authorities should:

- (iv) provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS 22; and
- (v) conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations.'

At paragraph 24 the PPS explains that the Government recognises and accepts that there are areas of landscape outside nationally designated areas that are particularly highly valued locally. It advises that these should be capable of being protected by carefully drafted criteria-based policies utilising tools such as landscape character assessments. In compiling LDDs where local designations are retained, such designations should be based on a formal and robust assessment of the qualities of the landscape concerned.

PPS 4: Planning for Sustainable Economic Growth (2009)

This PPS supersedes some of the provisions of PPS 7 which have now been cancelled. The relevant policy is EC6: Planning for Economic Development in Rural Areas which states at EC6.1 that:

'Local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.'

And at EC6.2:

'In rural areas, local planning authorities should:

- a. strictly control economic development in open countryside away from existing settlements, or outside areas allocated from development in development plans'

PPS 24: Planning and Noise

Paragraph 10 of PPG 24 indicates that the planning system should not place unjustifiable obstacles in the way of essential infrastructure development. It also refers to the need to prevent an unacceptable degree of disturbance. Paragraph 11 specifies that:

'Noise characteristics and levels can vary substantially according to their source and the type of activity involved. In the case of industrial development, for example, the character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration.'

PPS 22: Renewable Energy (2004)

The Government published a revised PPS on renewable energy in 2004, together with a companion guide which sets out practical advice on how policies for renewable energy can be implemented. These documents reinforce the overall regional role for renewable energy in helping to deliver national energy targets for energy generation and reductions in greenhouse gas emissions.

The PPS explains that it follows on from the Energy White Paper 'Our energy future – creating a low carbon economy' (2003) whose aim was to put the UK on the path to cut its carbon dioxide emissions by some 60% by 2050 with real progress by 2020.

The PPS sets out eight key principles to be followed by regional planning bodies and local planning authorities. In particular:

- Key principle (i) explains that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily;
- Key principle (ii) explains that regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources. Regional planning bodies and local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, locational requirements and the potential for exploiting them subject to appropriate environmental safeguards;
- Key principle (iii) explains that at the local level, planning authorities should set out the criteria that will be applied in assessing applications for planning permission for renewable energy projects;
- Key principle (iv) explains that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations and should be given significant weight in determining whether proposals should be granted planning permission; and
- Key principle (viii) requires development proposals to demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

The PPS sets out the principles for regional targets, policies in regional spatial strategies and local development documents, locational considerations and a range of other considerations relating to scale, landscape and visual effects, noise, odour and types of renewable energy, eg biomass and energy crops, and wind turbines.

Paragraph 3 states that:

'Targets should be expressed as the minimum amount of installed capacity for renewable energy in the region, expressed in megawatts...Targets should be reviewed on a regular basis and revised upwards (if they are met) subject to the region's renewable energy resource potential and the capacity of the environment in the region for further renewable energy developments.'

At paragraph 15 the PPS states that local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed against criteria-based policies set out in local development documents, including any criteria that are specific to the type of area concerned.

In paragraphs 19 to 21 the PPS gives guidance on the landscape and visual effects of renewable energy developments. In particular it states that these effects will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development (paragraph 19); that of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects, but that these impacts

may be temporary if decommissioning conditions are attached (paragraph 20); and that planning authorities should take account of cumulative impact of wind generation projects in particular areas.

At paragraph 22 the PPS specifies that:

‘Local planning authorities should ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels.’

The Companion Guide to PPS 22

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.

PPS 5: Planning for the Historic Environment

Policy HE1, Heritage Assets and Climate Change, recognises the potential conflict between protecting sensitive sites from modern development and the need to meet the challenges of climate change, including the provision of renewable energy capacity:

‘HE1.1 Local Planning Authorities should identify opportunities to mitigate, and adapt to, the effects of climate change when devising policies and making decisions relating to heritage assets so as to reduce carbon emissions and secure sustainable development.’

The Regional Spatial Strategy for Yorkshire and The Humber (2008)

The RSS at Section 2 (Spatial vision and core approach), in Table 2.1 (Spatial vision and headline outcomes), at outcome 7 says, ‘Environmental quality has been raised, resource demands from development minimised, and the region is responding proactively to the global and local effects of climate change’ and countryside quality and installed renewable energy capacity are quoted as two of the headline indicators for this outcome.

Policy YH1 (Overall approach and key spatial priorities) states at B that plans, strategies investment decisions and programmes should aim to:

‘6. Protect and enhance the region’s environmental resources, including areas of international and national importance, and the character and qualities of the Region’s coast and countryside including for economic and social development.’

The explanatory text accompanying the policy explains that a good quality environment is critical to the social, economic and environmental wellbeing of the region. It acknowledges

that pressure on environmental assets and resources are likely to increase with the demands for growth (paragraph 2.9).

Policy YH2 (Climate change and resource use) sets out seven areas where plans, strategies, investment decisions and programmes should help meet the RSS target in relation to the reduction in greenhouse gas emissions, the seventh of which is increasing renewable energy capacity.

Policy YH3 (Working together) states that 'plans, strategies, investment decisions and programmes should be based on:

A Effective collaboration between areas within the region, particularly to:

6. Achieve effective environmental management and enhancement and address climate change.'

In delivering the RSS's core approach, paragraph 2.76 explains that 'Change needs to be managed realistically and sensitively in the Region. The pace and degree of change must be handled in a way that is responsive to objectives such as urban regeneration, housing market renewal and rural renaissance and is reflective of local conditions, whilst ensuring the benefits of change and growth are delivered in a sustainable way as soon as possible.' Table 2.2 (Delivering the core approach over 15-20 years) sets out how this change might be achieved through different policy approaches during early, mid and later years. In the area of the environment, the increased generation of renewable energy, mostly from wind turbines, is seen as being important, as is the protection of important landscapes and habitats. Policy ENV5 (Energy) states that 'The region will maximise improvements to energy efficiency by increases in renewable energy capacity. Plans, strategies, investments, decisions and programmes should:

A reduce greenhouse gas emissions, improve energy efficiency and maximise the efficient use of power sources by:

- (1) requiring the orientation and layout of development to maximise passive solar heating;
- (2) ensuring that publicly funded housing and Yorkshire Forward supported developments meet high energy efficiency standards;
- (3) maximising the use of combined heat and power, particularly for developments within energy demands over 2 megawatts, and incorporating renewable sources of energy where possible;
- (4) ensuring that development takes advantage of community heating opportunities wherever they arise in the region, including at Immingham and near Selby;
- (5) providing for new efficient energy generation and transmission infrastructure in keeping with local amenity and areas of demand;
- (6) supporting the use of clean coal technologies and abatement measures;

B maximise renewable energy capacity by:

- (1) delivering at least the following regional and sub-regional targets for installed grid connected renewable energy capacity:

	2010	2021
Humber	124 megawatts	350 megawatts
North Yorkshire	209 megawatts	428 megawatts
South Yorkshire	47 megawatts	160 megawatts
West Yorkshire	88 megawatts	295 megawatts
Offshore	240 megawatts	630 megawatts
Total	708 megawatts	1862 megawatts

- (2) monitoring annually planning permissions and developments against the indicative local authority targets for 2010 and 2021 set out in Table 10.2 and taking action accordingly to ensure the regional and sub-regional targets are exceeded
- (3) promoting and securing greater use of decentralised and renewable or low carbon energy in new development, including through development plan documents (DPDs) setting ambitious but viable proportions of the energy supply for new developments to be required to come from such sources. In advance of local targets being set in DPDs, new developments of more than 10 dwellings or 1,000 square metres of non-residential floor space should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.'

Table 10.2 sets indicative local targets for installed grid-connected renewable energy in 2010 and 2021. For North Lincolnshire this is 54 megawatts and 112 megawatts respectively.

Policy ENV10 (Landscape) states that the 'region will safeguard and enhance landscapes that contribute to the distinctive character of Yorkshire and the Humber. Plans, strategies, investment decisions and programmes should safeguard and enhance certain identified landscapes and related assets of regional, sub-regional and local importance.'

Policy E7 (Rural Economy) states that 'Plans, strategies, investment decisions and programmes should help diversify and strengthen the rural economy by facilitating the development of rural industries, businesses and enterprises in a way that:...

5. Supports and protects an attractive and high quality rural environment.'

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.
- (vi) 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.

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 PPS 22 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.'

SPG 5a North Lincolnshire Countryside Design Summary and SPG 5b North Lincolnshire Landscape Character Assessment and Guidelines

Policies LC7 and SPG 13 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 SPG 5b.

CONSULTATIONS

Anglian Water: No objections or comments.

Sites and Monuments Officer: Recommends conditions and a Section 106 agreement.

Environmental Protection Officer: Recommends conditions.

Public Rights of Way: Object, and advise conditions in the event of approval.

Highways Agency: Recommends a condition.

Humberside Airport: Recommends a condition.

Ministry of Defence: Recommends a condition.

RSPB: Objects due to the potential for adverse impacts on important populations of waterbirds and farmland birds.

Lincolnshire Wildlife Trust: Objects as it poses a potentially significant threat to pink-footed geese. There is also insufficient consideration of the effects on other species.

Natural England: Objects due to the potential impacts on the interest features of the SSSI, SPA and Ramsar site, protected species, landscape, and use and enjoyment of public rights of way. The objection with regard to bats has been withdrawn.

The Ramblers: Opposed to the use of the Viking Way as access tracks for traffic and transportation. Grave concerns with the proximity of the wind turbines to the Viking Way. Understand that any turbine must be a minimum of four times its height from any national trail.

Yorkshire Forward: Comments.

NATS: No objection.

Robin Hood Airport: Unlikely to affect operations.

Environment Agency: Recommends conditions.

National Grid: Negligible risk.

Health and Safety Executive (HSE): Confirm that environmental impact assessments are concerned with projects which are likely to have significant effects on the environment, whereas HSE's principal concerns are the health and safety of people affected by work activities. As such, the HSE cannot usefully comment on what information could be included in the statement of the proposed development.

Highways: No objection in principle but request that a condition be imposed requiring a construction method statement to be submitted and agreed before any work commences on site (conditions 11 and 39).

Campaign to Protect Rural England (CPRE): Objects on the grounds that, contrary to WIND1, the location is one which will maximise the visual impact whichever direction one is travelling in. North Lincolnshire is characterised by largely untouched areas of open countryside between Scunthorpe and the South Humber Bank, and policy LC9 identifies Deepdale as an area of high landscape value. As Deepdale is only separated from the site by the A15, obvious significant potentially detrimental impact; cumulative impact, turbines would be visible from every part of North Lincolnshire and beyond. Targets reached and as review not yet carried out application should be refused. The proposed site is located at the highest point in the area, will have a profound impact, compares with the 155 metres high Humber Bridge Towers but times 18.

Humberside Fire Brigade: Make a general comment that both access for the Fire Brigade and water supplies for fire-fighting should be made available for every development proposal. No specific reference is made to this application being for a wind farm.

Yorkshire and Humber Assembly: This development is supported in principle by the Assembly as being to implement the RSS by providing renewable energy generation. However, this support is conditional upon the local authority having sufficient information to carry out an appropriate assessment and that this appropriate assessment determines that the development can be accommodated without affecting the integrity of the Humber SPA. Local landscape and flood risk assessments will have to be taken into account by the local authority in reaching its decision.

English Heritage: Does not object to the proposal.

British Horse Society: 'We object strongly to this application on the grounds of safety of horses, riders and other users of highway insofar as the minimum safe margin is considered to be three times the maximum height of the turbine blade from any route used by horses and in this instance the blades, noise and vibrations can be considered to be a danger even at that distance given the height of the bridleway above the river. The nature of the land and the route of this very well used right of way could lead to potentially disastrous consequences if a horse were to bolt or take fright as there is no margin for escape for walkers and cyclists, let alone other horses.'

PARISH AND TOWN COUNCILS

Barton Town Council: Objects strongly due to intermittent noise from turbines, the scarring of the Wolds landscape, and impact upon the environment – this is a rural area and wildlife, nature, tourism and farming are all important heritage and employment issues in the town, which are more critical in the present economic climate. The town council supports the objections of residents and submitted copies of documents regarding issues including Amplitude Modulation (AM) and sleep problems caused by turbines.

Horkstow Parish Meeting: As Horkstow is only a hamlet, there is no parish council, only a parish meeting. For this reason all residents will make their own representation.*

Elsham Parish Council: Object:

Noise: It is proven that the noise generated by wind turbines has a detrimental effect on the quality of life for any resident within at least two miles of a site. An installation of 18 turbines will have a major effect on the residents not only of Horkstow but the adjoining villages of Saxby, Bonby and Worlaby and, under certain wind conditions, villages further afield.

Visual: The visual impact on the beautiful Lincolnshire Wolds will, in effect, further industrialise the landscape, as the Bagmoor site amply demonstrates, and be detrimental to nature conservation in the Humber Estuary for the resident and migratory bird life.

Safety: Aircraft safety will be compromised not only for commercial aircraft using Humberside International Airport but military aircraft using the air corridor passing over the Wolds. The Viking Way, a pathway renowned for its scenery and tranquillity, will be destroyed by such an installation.

Cumulative effect: Should this application be granted, the cumulative effect of this site and the Bagmoor site will be seen from many points within an area of high landscape value giving the effect of industrialising the countryside landscape whilst at the same time exceeding the Government's target for 2010 by 350%.

Conclusion: Our main objection is that of noise, although all the other points are relevant as can be borne out by the findings of the Inspector at the Elsham wind farm application public inquiry. We are concerned that the attempts of North Lincolnshire Council to make the county a pleasant area in which to live will be to no avail if it is to be used as a dumping ground for wind turbine installations, the allocation of which, to date, far exceeds any semblance of a fair share policy.

Worlaby Parish Council: Objects on the following grounds:

'1. Visual Impact

The Council are concerned that the development would be sited on the highest area of land in North Lincolnshire; the proposed height of 125m for the turbines will as such be visible for many miles around.

Policy EN10 – Landscape, of the Yorkshire and Humber Plan (RSS) seeks to safeguard and enhance the coastal landscape of the Humber region. This region is recognised as having regional, sub-regional and local significance and this Council believes that the proposal will have a detrimental effect upon the area.

Public Bridleway 34 (The Viking Way) runs through the application area and the proposal appears to seek the partial diversion of this route. Quite apart from the inconvenience during development the visual impact and proximity to horse riders, walkers and cyclist using this bridleway would be at a level not expected in the vicinity of a national bridle route. The council is concerned that horse riders could especially be affected by the motion of the blades which could make the horses nervous and could be extremely dangerous.

The principal North Lincolnshire Local Plan saved policies are LC7 – Landscape Protection and DS21 – Renewable Energy. These are criteria based policies which require “special attention” to be given to the protection of the scenic quality and distinctive local character of the landscape. The former concludes that development which does not respect local landscape will not be permitted whilst the latter identifies local character and amenity as interests of acknowledged importance. The recognition in the Regional Plan of the Humber coastal area underlines the importance of this landscape.

This Council is concerned that the visibility in short and long views of the Wolds would be seriously affected by these structures. The landscape of the Ancholme Valley, the Humber coastal area and the escarpment is distinctive in that it has large expanses of undisturbed landscape and natural high and lowlands with infrequent interruptions by man-made structures, vertical features and telecommunications masts. The proposal would give rise to a landscape dominated by man-made structures interspersed by areas of natural undisturbed landscape. This, the council believes would be contrary to the policies identified above and is a significant reason why North Lincolnshire Council should oppose this application.

On this point there is the potential for the fear of cumulative impact – Saxby 18, Keadby Grange 35, Bagmoor 8, Sixpenny Wood (no’s to be confirmed by NLC) since the proposed development would result in the Low Villages being virtually surrounded by wind turbines.

2. Wildlife Impact

The impact on conservation, species and habitat protection has the potential to be major. It is common knowledge that badgers, bats, pink footed geese, lapwing etc are all known to use the area concerned; this area is on the flight path of birds to the Humber Estuary Special Protection Area (SPA).

Under North Lincolnshire Local Plan saved Policy LC5 – Species Protection, “Planning permission will not be granted for development or land use changes which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife & Countryside Act 1981 (as amended)”. This Policy recognises the PPG9 guidance that the presence of a protected species is a material planning consideration when considering development proposals which would be likely to result in the harm to a species or its habitat.

This development will have an adverse effect on migratory routes; this area is close to the Humber Estuary (recognised as of national significance) and pink footed geese and other species are regular users of this area.

This area is a wildlife haven for badgers, bats and other wildlife and will have a detrimental effect on the populations.

3. Noise Impact

The siting of this wind farm would have an enormous effect on the Low Villages and it is not believed that the effect of the noise from the movement of the blades is covered sufficiently in the Environmental Statement. This is potentially an enormous problem to and of concern to residents.

The date included in the noise assessment is not acceptable; the figures used to work out the formula appear to be incorrect and would give an untrue noise representation. The Council would request that an independent noise assessment is commissioned by North Lincolnshire Council in order to obtain independent and correct data.

It is not clear if the base data surrounding the applicants' noise assessments satisfies national guidance. The noise assessments appear to have been carried out at a time when the area was at its quietest and is therefore unrepresentative of the usual pattern of village life and may not be a true reflection of the "background noise". This Council would request that the planning authority satisfies itself that the Noise Assessment information is credible, robust and complies with planning guidance and the relevant British Standards. Presently, this Council would suggest that this has not been taken into account due to the timing of the noise assessments.'

Wootton Parish Council: Objects for the following reasons:

- Adverse visual impact: The Lincolnshire Wolds are our local area of natural beauty and the size of the turbines would ruin the area visually for everyone.
- Loss of public amenity: This area is criss-crossed with public footpaths and bridleways. The famous Viking Way brings many tourists into the area. All these footpaths and bridleways are used regularly for recreation and to enjoy the wildlife and peace of the area. The building of a wind farm would ruin this amenity for both people and wildlife.
- Cumulative effect: North Lincolnshire, along with North East Lincolnshire, has a huge amount of large industry already. We must not allow this industrial development to advance into the countryside and set a precedent.

Thornton Curtis Parish Council: Objects on grounds of visual impact and safety.

Saxby-All-Saints Parish Council: Objects on the following grounds and feel that the application should be determined by public inquiry: visual impact; cumulative impact; noise; amenity impacts; landscape impact and industrialisation; nature conservation and ecology interests; hydrology and hydrogeology; archaeology.

Bonby Parish Council: Objects on the following grounds: visual effects; cumulative impacts; noise; amenity impacts; landscape impact; nature conservation and ecology interests; archaeology and the built environment; also aircraft, radar and airport operation; distances from power lines, roads and railways; electromagnetic interference and telecommunications.

PUBLICITY

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

representations, the majority of which raise objections to the proposal. 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 690 pieces of correspondence have been received.

Approximately, 411 letters are objections and 279 are in favour of the wind farm.

Some of these are pro-forma style letters with a signature attached and some are letters and emails that emanate from the same family at the same address, so in this number there is an element of duplication. It has not been possible to itemise or quantify the amount of duplication.

OBJECTIONS

- will disrupt walkers and cyclists on the Viking Way, loss of public ways and bridleways
- aviation safety: many pilots use the area, as do the military – the turbines will degrade the radar at Humberside Airport, perhaps to the point where military aircraft are undetectable, a very big safety issue
- will break the long-standing tradition of the RAF fly-past to commemorate WWII pilots
- the siting of the wind turbines will require the RAF to concentrate their flying in the Ancholme Valley, to the detriment of everyone in the valley
- the promotion of wind farms is based more on political expediency than merit
- surveys should be undertaken to establish periglacial features; the turbines should be re-sited to avoid water run-off into these features
- proximity of turbines to bridleways
- loss of archaeology
- one objector is unable to travel on the A1077 due to the Bagmoor wind farm causing vertigo attacks; if the Saxby wind farm is allowed they will not be able to travel anywhere
- loss of TV/phone signals
- adverse visual impact – will have a visual impact around most areas around North Lincolnshire; the height and number of turbines will be visible from many miles around
- danger to wildlife, particularly protected species such as bats; wildlife will be killed/destroyed
- noise and vibration from construction vehicles and machinery during construction and afterwards
- local roads are not suitable for construction traffic
- wind farms do not produce enough electricity compared to coal or nuclear

- health risks and impacts from noise and vibration; effect on sleep from unnecessary increase in noise levels
- adverse health impacts of amplitude modulation
- noise and background humming will affect quality of life; long-term health effects – information is now available about families living too close to wind farms suffering health problems; will not be able to enjoy sitting in garden in sunny weather
- will despoil views over an area of 700 square miles
- the noise may continue for days on end, depending upon wind speed and duration, and will invade the privacy of residential properties in nearby villages and towns at all times of day and night
- dust from Cemex will be blown onto the villages
- health hazards from air pollution
- the noise assessment by the applicants should be investigated by an independent noise expert and should be extended to include aerodynamic modulated noise which is a major source of disturbance
- wind farm propellers can create a lot of turbulence, mix air up and down and create a warming and drying effect near the ground
- loss of beauty of Lincolnshire Wolds to future generations
- impact on listed buildings, including Chapel Farm House; will greatly affect the value of the building leading to deterioration and dereliction
- barn conversions at Chapel Farm
- other applications refused due to over-development in the open countryside
- trees at Chapel Farm House are protected by a tree preservation order
- the damage to the landscape could be irreparable
- the intrusive impact upon the rural area is not compatible with Saxby's designation as a conservation area
- should research/harness/develop tidal/wave power
- North Lincolnshire has met its targets for renewable energy
- loss of habitat for thousands of geese
- extinction of species
- will suck pollution from the industrial estates in Scunthorpe, which would affect quality of life/air as many of these fumes are toxic

- cumulative effect – the number of proposed wind farms in North Lincolnshire is becoming a big concern; wind turbines will be visible in every direction and will totally dominate the landscape
- these metal monsters will undoubtedly blot the landscape
- the height and number of wind turbines proposed is far in excess of sensible requirements for location on a hill top
- located on valuable agricultural land
- the land is between two designated areas of character landscape and on top of the unique Wolds and as such would create a dramatic and unwelcome visual impact
- these gigantic turbines are to be over 410 feet high and constitute an industrial development in a rural landscape
- will lead to an increase in road accidents on the A15 and B1218 due to visual impact
- disruption to traffic routes, delays to emergency services
- turbines are known to catch fire and if that were to happen the resulting fumes would be blown many miles to centres of population such as Barton
- shadow flicker and reflected light
- interference with TV and radio
- property devaluation
- the turbines attract lightning during thunder storms and during cold weather ice forms on the blade and is discharged at very high velocity; these two items alone would constitute a real danger to human life
- will encourage further applications
- developers' suggestion to use blinds to stop flicker effect suggests a particularly cavalier attitude to appreciation of local people's problems
- the area is already spoiled by the Bagmoor wind farm
- will put off visitors to Lincolnshire
- many residential properties are within 1.5 kilometres
- impact upon basic human rights
- there are alternative existing industrial areas in Lincolnshire
- will scare pets
- the turbines will be seen from many miles, including Lincoln and York

- danger for horse riders and walkers from possible blade failure and ice being thrown
- will not provide any substantial environmental benefit
- as the site has good wind speed, why do the turbines need to be 125 metres high?; they will be only 30 metres lower than the Humber Bridge
- Saxby Wold could save 60,000 tonnes of CO₂ every year; the UK emits 550 million tonnes per year so that's 0.01% – one hundredth of 1%
- it will take 25 years before it will save the carbon produced in its construction
- highest point in North Lincolnshire
- contrary to policies LC5, LC7, LC9 and LC10, and SPG 13, of the North Lincolnshire Local Plan, PPG 9 and the Wildlife and Countryside Act
- constant humming noise – listed building has only single glazing
- the Viking Way dates back to Saxon and Roman times – inappropriate development
- the site runs close to electricity pylons and together they form problems, including weather
- their constant monotonous turning causes a hypnotic effect which draws the eye
- the views contained in the application are very misleading; they contrast close-up photographs with very long distance views which diminish the visual impact
- close to a number of wetland nature reserves with migrating birds, including bitterns
- a sanctuary for birds is being proposed on Worlaby Carr
- there would be no reduction in fuel costs passed onto local residents
- energy companies are not pursuing other sources of renewable energy with the same enthusiasm
- the recommended distance from housing is 2 miles
- enough noise from the cement works, quarry and conveyor belt
- the concrete bases will impact on the water table and create local flooding
- a wind farm will deter many of the birds and animals that migrate or live here – nuthatches, little and tawny owls, woodpeckers, kestrels, dragonflies, hares, birds, bats, deer, foxes, badgers, buzzards, red kites, corn buntings, larks, goldfinches, yellow hammers, hedgehogs, golden plovers, ospreys
- adverse impact on woodland from crane hardstanding and compound
- of particular concern, these turbines are second-hand

- ethical dimension – should do no harm – wrong solution to an unproven problem
- a substantial length of the Viking Way will be replaced by a 6 metre wide hardcore access road destroying the character of a rural walking area
- will worsen health issues, anxiety symptoms – people living 1.5 to 3 miles from wind farms should be notified of health problems and compensated; one objector fears fibromyalgia would be worsened
- impact on tourist attractions – people will no longer visit the Viking Way (they no longer visit Normanby Hall due to the Bagmoor wind farm)
- landowners could withdraw their consent
- proximity – in Europe and Scotland wind turbines have to be 2 kilometres from homes
- community benefits from the developer should not be considered unless and until permission is granted
- if North Lincolnshire Council were to pass this application it would make a mockery of conservation area regulations and rules – the planning department is very specific and pedantic about planning applications for windows
- there are at least 20 springs in Saxby which come above ground after heavy rainfall; it does not appear that any research has been done into the effect on those springs of putting tonnes of concrete into the hill
- the turbines will have a detrimental effect on the peace and tranquillity of the area up to a 1.5 miles radius; figures put forward by the applicant are known to be completely out of date and based on incomparable turbines; noises created by the pressure wave as the propeller passes the column result in an intolerable sound
- the groundworks will lead to more flooding; residents suffered flooding in 2007
- the roads are inadequate for the construction traffic which will disrupt business users of the local roads and lead to greater traffic volumes and delays – 156 heavy or oversized loads and 12,700 normal vehicle movements
- pollution from traffic
- lack of job opportunities – local industry not involved
- low frequency noise and vibration through the hillside
- archaeology – the villages are Roman, Saxon and Viking settlements, damage to a potentially valuable historic site without a proper archaeology study being done – vandalism on an epic scale
- effect on mental health from continual noise, stress and other health problems
- Professor James Lovelock quoted as being against wind farm development – 2,500 square kilometres required to produce one gigawatt

- the turbine to the extreme south of the wind farm is only about 0.75 miles from the nearest dwelling at Bonby
- the escarpment from the Humber to Elsham has already suffered much development
- the quality of life the countryside has to offer will be taken away
- the area has high amenity value which policy LC7 requires to be protected; the effect on the view approaching the villages will be substantial, as will the effect on the appearance of the valley from surrounding areas; the view of the Wolds ridge will be subject to a significant reduction in visual amenity
- it absolutely beggars belief that the Government would support such a loss of 'everyone's' countryside
- the low villages will no longer look delightful – with an industrial turbine whirring, the vibrations loosening tiles and their blades soaring over the skyline
- this is an area of outstanding natural beauty
- could fit individual dwellings with mini-turbines
- the Humber channel tide could be used to generate enough power for the whole of Europe
- turbines look like some alien thing, like something you'd see on Doctor Who
- over-development – planning permission was granted for barn conversions at White Hart Farm, an additional application was refused as over-development
- case of family in Devon (Mr and Mrs Davis) cited: this case states that a wind farm led to serious health problems for three members of the family and the abandonment of their property
- objector considers that the application is an act of crime with criminal intent
- would render miles of quiet country lanes 'unrideable'; it is hard enough to find safe places to ride
- carbon footprint of the turbines would outweigh the carbon savings
- wind turbine syndrome – a recognised medical condition and a major concern; experts recommend an absolute minimum of 1.5 to 3 miles set back from a proposed dwelling
- the writer feels frightened by the magnitude of the turbines and finds them threatening to look at, which makes them feel unsafe
- impact upon aquifer
- LC7 and LC8-3 are cited – the Wolds Villages Scarp Slope Area of High Landscape Value to be retained
- more suitable areas, such as Killingholme and the Humber bank

- local resident with health problems needs windows open at night; will potentially wake them up, and make it difficult to get back to sleep
- effect on epilepsy sufferers from shadow flicker
- cancerous effect
- will set a precedent
- danger of turbines collapsing
- detrimental impact upon the Saxby conservation area – contrary to local plan policy
- harm to night-time amenity from aviation safety lighting; blurring the distinction between rural and urban; impact on wildlife from lighting
- social and economic impacts – social splits along pro/anti lines
- insidious PPS 22 leaves the local planning authority bereft of power, spatial planning by market forces
- other authorities resist such applications
- SPG 5 requires careful consideration of vertical structures in the skyline
- five of the turbines would be within 45 metres of the objector's land and pose a danger to people working in the field; they would also prejudice the future development of the site for dwellings in connection with a dairy farm
- noise equipment not sited where the Environmental Statement says it was sited; due to existing noisy uses (dog kennels and joinery workshop), questioning the background noise levels; additionally their property is listed and is only single-glazed
- an objector has provided a technical critique of the statistical analysis used in the Environmental Statement and stated that it does not allow for error analysis and is flawed, leading to a possibility of noise levels breaching acceptable levels

Support

- will result in a significant reduction in CO₂, help meet Kyoto targets and help prevent global warming
- the application is supporting Government energy policy, PPS 22 and local plan policies
- the electricity generated will be used locally and would help create a sustainable decentralised form of energy production
- wind farms need a countryside location and the site is the right place, being on a ridgeline
- will maintain the viability of the involved farms, and the businesses that depend on farming

- employment will be created, boosting the local rural economy
- the area is extremely windy and well away from housing, the turbines will not be visible from the low villages
- the steel could be made in Scunthorpe

ASSESSMENT

As Members are aware, this application is accompanied by a full environmental impact assessment, a copy of which has been provided for or made available to all those people that have been consulted, whether they are statutory, non-statutory, third parties or members of the public. The environmental assessment is available in hard copy at the council's offices at Church Square House and also on the council's web site.

The determining issues in this case are:

- **whether the development fits national and local policy;**
- **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 according to the ETSU – 1996 guidance or can be mitigated by conditions; and**
- **whether any other issues, such as aviation, ecology, public rights of way, archaeology, cultural heritage or other issues of accepted importance, are harmed.**

Policy

The national policy framework cascades down into regional policy which sets clear targets for regions to produce energy by renewable sources within strict time parameters. In the latest Regional Spatial Strategy, which runs until 2026, the Yorkshire and Humber Plan sets challenging targets for the Humber region to achieve 124 megawatts by 2010 and 350 megawatts by 2021.

Additional policies interact with the principal policy thrust of national and regional government.

At local level the North Lincolnshire Local Plan has supplementary planning guidance in the form of SPG 13 which includes a raft of policies against which wind turbine development needs to be considered. In terms of targets this document splits the targets into individual local authority targets and at Table 3 indicates that North Lincolnshire's target is 40 megawatts by 2010 and 100 megawatts by 2021.

In this regard it is important for Members to note that with the granting by the Secretary of State of the wind turbine development between Keadby and Crowle, together with the three turbines at Tween Bridge (which form part of a larger array of turbines in the adjoining Doncaster Metropolitan Council area), and taking account of the Bagmoor wind farm to the north-east of Scunthorpe, North Lincolnshire has approved within its boundaries the capacity to generate by wind energy considerably more than that 40 megawatt target.

The guidance relates to installed capacity, not potential sites, even if permission has been granted; therefore some of the potential sites should not be weighed in the equation at this stage. The current situation is that there is 50.25 megawatts of operational renewable energy in North Lincolnshire – just short of the 2010 target. When the consented schemes are added the figure is 142.75 megawatts which demonstrates the potential to exceed the 2021 target.

The issues of importance to note are that this local guidance has to be read in conjunction with national and regional guidance and in PPS 22, in respect of regional targets, at point 3, it says, 'Targets should be reviewed on a regular basis and revised upwards (if they are met) subject to the region's renewable energy resource potential and the capacity of the environment in the region for further renewable energy developments. The fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects.' Considering this statement of national policy, and in light of local policy in SPG 13, it is quite clear that this element of SPG 13 is exceedingly weak and the provisions of PPS 22, as detailed above within the quotation marks, is the correct procedure to adopt. Accordingly, later in this assessment, the capacity of the region and the specific area to which this application relates will have to be assessed in terms of its capacity for further renewable energy developments such as the one that is proposed by the application before you.

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 levels to levels that will slow down the impacts of climate change.

Continuing with the local policy framework, included in the policy section is a summary of the policies contained in SPG 13 and each of those policies has to be considered against the proposal.

In conclusion, therefore, on the broad national policy there certainly is encouragement for the production of energy from renewable sources in order to reduce the harmful consequences of fossil fuel usage and to meet future demand for energy using diverse and secure supplies. This is encapsulated in modern national policies, some of which only received Royal Assent in late 2008 in the form of the Energy Act and the Climate Change Act.

PPS 22 makes it clear that even where targets exist, and are met, they should be revised upwards. The thrust behind PPS 22 is to encourage renewable energy and that remains the case.

Landscape and visual impact

The site is on the back slope of the Lincolnshire Wolds to the east of the spring line settlements of Saxby All Saints and Horkstow situated at the base of the scarp slope and a minor road called Middlegate Lane which, for much of its length, marks the transition to scarp slope. The site is approximately 2.5 kilometres in extent north to south and is within 5 kilometres of the Humber Estuary to the north.

The methodology adopted in the environmental statement accords with current standard practice. The methodology requires that assessment is made of landscape and visual impacts within the area that the proposed development may have a characterising and visual effect upon.

The assessment has considered and assessed the landscape characterisation and visual impact of the proposed development comprising a circle with a radius of 35 kilometres giving an area of some 3,846 hectares of land centered on the development site. This study area encompasses several local authority administrative areas and established landscape assessments. In so doing, this approach identifies that the majority of the significant landscape and visual impacts will arise within 15 kilometres of the proposal.

The author has, in conjunction with representatives of the local planning authority, identified and made assessments for 20 viewpoints that are representative of views from within a number of landscape characterisation areas within the study area. These are mainly contained within a 15 kilometre circle centered on the proposed development site. These viewpoints are considered to give a fair representation of available views within the study area.

The scope of the landscape and visual assessment is extensive, reflecting and representing the extent of the indivisibility of the proposed site within the wider landscape of the chosen study area on both the north and south banks of the River Humber and including lands where it meets the Trent and Ouse to the west. Within the 35 kilometre study area the compiler estimates that there are 120 character areas subject to potential views of the development.

Following from the above this has resulted in consideration of 43 landscape character types with potential views of the development being identified. These are comprised in the administrative areas of The East Riding, North Lincolnshire, North East Lincolnshire and West Lindsey. Of these, 20 landscapes are assessed as being highly sensitive to changes in views resulting from the type of development proposed, 20 with a medium sensitivity, and 3 with a low sensitivity. Of the landscape character areas within which potential views may exist, therefore, most will be affected in some way by the proposal. Of these character areas 15 are within North Lincolnshire, of which views within 7 would be potentially highly sensitive to change, 5 having a medium sensitivity, and 3 a low sensitivity.

The compiler provides a detailed assessment of receptors' visibility whilst undertaking various activities from various locations. This section also introduces a measure of a receptor's sensitivity to change in the landscape (high – high/medium – medium etc). The assessment overall is backed by an assessment of the 'zone of visibility' of the wind farm assessed at the height of a blade tip and another taken at hub height. Visibility is such, however, that there is little predicted difference between the theoretical visibility between hub height (80 metres) and tip height (125 metres), again confirming the high intervisibility of the proposed site with other landscape areas and thus further confirming a considerable potential for the development to impact upon established landscape character across large parts of the study area within 15 kilometres of the site, including the landscapes of North Lincolnshire. The compiler's analysis of actual effects, however, emphasises that in practice visibility from settlements of various sizes and from transport routes, road, rail and public rights of way would be much more restricted due to the nature of the topography and the presence of intervening structural elements within the existing landscape, buildings, hedges, road and railway cuttings etc.

In the main, views from settlements closest to the proposal would be masked by the scarp slope of the Wolds and views from settlements intervisible with the site would in general be

mitigated by distance. More extensive and expansive views would be available from various transport routes crossing the area of North Lincolnshire and from elsewhere in the study area. Again, however, the detail of available views is more complex, although it does appear that views from recreational routes such as the Viking Way and National Cycle Way Route 1, where receptor sensitivity is considered high, would be extensive for long sections of these routes.

Views from the Lincolnshire Wolds area of natural beauty would be mitigated by distance (21 kilometres), however areas of North Lincolnshire previously designated as of high landscape value would, in part, be subject to views of the wind farm array, as would parts of other high quality landscape designations in West Lindsey and East Yorkshire.

With respect to the 20 representative viewpoints, and the effect upon visual amenity as assessed, this gives a rating of the effect upon visual amenity as major – major/moderate – moderate – moderate/minor etc. For North Lincolnshire most of the assessments fall within the major to major/moderate range, again emphasising the potential for change in character and perceptions of amenity that the proposed development would have.

The assessment follows a similar pattern in assessing cumulative impacts. The methodology adopted is then applied to the character areas as referred to above and an assessment is also made from the 20 viewpoints selected as representative of views within the study area. The outcome of this is to confirm the potential sensitivity of character areas in North Lincolnshire and elsewhere to cumulative visual impacts. There is a potential for a cumulative effect of a conjunction of wind farms upon the landscapes of North Lincolnshire.

The submitted assessment recognises the Wolds as one of two significant landscape features having a strongly characterising effect upon the landscapes of North Lincolnshire and imparting distinctiveness to the area. This assessment is in line with the findings of existing National and Local Landscape Characterisations. Existing planning policy provision (national and local) seeks to promote a balance between the benefits of renewable energy projects and the protection of valued landscapes from development likely to be harmful to that character.

Cumulatively, however, the potential for existing or proposed wind farms to be seen from one of the representative viewpoints is assessed as limited due to the distance of existing/proposed wind farms one from another. The orientation of those arrays relative to each other and the Saxby proposal, and intervening features, including scarp slopes, means that the potential impact upon landscape character and/or a perception of amenity is lower. In other words, in any given view there is likely not to be a wind farm and if there is, any others are not likely to be seen or to be seen as prominent within that view.

Receptors using recreational routes, it appears however, would still experience major impacts.

The site lies within the Lincolnshire Wolds natural character area, the northern part of which is continuous with the Lincolnshire Wolds landscape character area as described in the North Lincolnshire Landscape Character Assessment and Guidelines. The submitted landscape assessment correctly identifies the intervisibility of the site from vantage points within the Wolds landscape and other landscape character areas across North Lincolnshire in terms of the submitted 'zone of theoretical visibility' (ZTV) information. Upon assessment,

however, the conclusions of the compiler of the LVIA (landscape and visual impact assessment) are broadly correct in that:

- (a) The characterising effects of the development and impacts upon visual amenity arising should be judged against existing development associated with development found along the Humber which is central to the landscape study area. The urbanising form and character of this development is said to extend into and have a characterising effect upon the northern part of the Wolds.
- (b) For North Lincolnshire and elsewhere, actual intervisibility, as distinct to that predicted by the ZTV information, is significantly modified by the landscape topology (scarp slopes) and intervening elements of landscape structure – hedges, trees, buildings etc. Thus, both within the northern part of the Wolds adjacent the Humber and elsewhere throughout the area, analysis of views from the agreed representative viewpoints indicates that overall significant impacts within the context established by the Environmental Impact Regulations will be confined to within 9 kilometres of the site and could, therefore, be considered acceptable in the sense of it lacking in environmental significance.
- (c) Cumulative impacts (again, because of topology and because most other wind farms would be a long way from the site) are considered slight with impacts being recorded in only five of the 20 views considered.

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 which have a strong characterising effect such that they lend identity to place.

This balance between the benefits of energy generation resources seen as sustainable and what has been described as ‘sense of place’ is referred to in particular in PPS 22 and in PPS 7. Whilst these documents were published after the adoption of the current North Lincolnshire Local Plan, 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.

In the main, aside from at the northern end of the Ancholme, the site is not really viewed as intervisible with the Humber within the context of development on the Humber providing a strong characterising influence upon the Wolds landscape. In general development on the Humber is seen at some distance from the site from within an essentially rural landscape. There are, for example, sweeping views down towards Hull and its environs to the north-east of the proposed site. The bridge towers are evident and Killingholme can be made out in the far distance to the east but the landscapes of the site are primarily those of the Wolds and the central vale, ie rural landscapes with little, other than development of an agricultural scale, within them.

Aside from industrial development at Killingholme on the remote periphery of the LVIA study area, the cement works at South Ferriby and the Humber Bridge, it is not correct that the south bank of the Humber is characteristically developed with tall upright structures. Most development that appears along the bank, including the Kimberly Clark building, is set below the level of the south bank skyline as viewed from the north bank.

The Wolds is the most significant landscape feature in North Lincolnshire. It runs in a huge whale back above the central vale of the area formed by the Ancholme valley and the extensive back slope to the Lincoln Edge escarpment. Aside from the quarrying and cement works at the northern end, it is essentially undeveloped until Wrawby is reached in the south of the area.

Power lines crossing the Wolds and north of the application site are prominent but otherwise this is a rural landscape of great scenic quality with clear and distinct character forming a strong sense of place both within the Wolds landscape area itself and when viewed from the central vale.

It is accepted that wind farms have an adverse visual impact upon the landscapes in which they are sited. Whilst this development will have a limited impact upon residential receptors, and the main impacts upon receptors in terms of amenity will be those associated with the use of recreational footways and cycle routes, the main concern is that harm will be caused to a significant landscape that has a strong characterising effect over a wide area.

The wind farm would be the dominant feature of the Wolds landscape identified as sensitive to the siting of tall structures because of its simple rolling form. The development would not be contained within the landscape but would break the skyline to the detriment of the current sweeping form, particularly as viewed from the central vale area. In addition and more extensively, the wind farm would visually dominate a number of landscape areas found in the 'central vale' of North Lincolnshire. It will stand above the Wolds breaking the skyline in a similar manner to existing power lines that it would be set against and which have been specifically identified as significant detractors in the existing landscape. This is to the detriment of the existing character and appearance of the Wolds landscape. The wind farm would do nothing to mitigate this existing harmful impact, indeed it would add to and consolidate that existing effect, extending it visually well south of the existing detractor into an otherwise largely unspoiled area of the open countryside which has important characterising effects as a landscape feature across a large part of the local area.

It is considered, therefore, that some harm would be caused to the landscape character. The landscape is identified as vulnerable to upright features and there is little doubt that harm to character would be caused. The landscape environmental statement confirms this in so far as it refers to significant impacts up to 9 kilometres from the site and this is the area within which adverse impacts upon the character of landscapes are likely.

Similar impacts were considered recently at the Flixborough Grange Farm appeal where, on balance, having identified an adverse impact in terms of policy LC7 of the local plan, the Inspector considered that this was outweighed by the environmental benefits of siting similarly very large structures as are currently proposed in the open countryside. His contention was that the landscapes of North Lincolnshire could accommodate such development and that harm should also be considered within the context of the normal life

span of these structures, ie 25 years was not a long time set within the context of a changing landscape.

The current site differs markedly from the one at Flixborough. Notably the array would be on perhaps the most prominent piece of land in the borough.

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 harm caused to the landscape does not outweigh the benefits of the scheme and planning permission should be granted.

Noise

A section of the environmental impact assessment deals with noise and in particular assesses the noise potential of the wind farm against 'The assessment and rating of noise from wind farms' 1996 published by ETSU on behalf of the DTI. This document is the industry standard document that is used against which all wind farms in the United Kingdom are assessed in respect of potential nuisance from noise.

In the light of this document assessments have been made by the council's experts on noise matters and whilst no objections are raised it is suggested a number of conditions be imposed, should planning permission be granted, relating to the make, model and proposed sound power levels of the wind turbines.

The assessment criteria for dealing with noise and attendant issues for wind turbine developments in the UK are specific. They are from PPS 22 (Renewable Energy) and particular attention is paid to the ETSU-R-97 report, 'The assessment and rating of noise from wind farms' and cognisance must also be taken from the latest onshore wind energy planning conditions guidance note created by the Renewals Advisory Board and BERR (the Department for Business Enterprise and Regulatory Reform). The environmental assessment submitted with the application includes much information in the form of surveys that have been carried out locally at identified locations to assess background noise levels over the period of time advised by the ETSU guidance. Indeed, the whole assessment of noise contained within the environmental statement is based upon that guidance and the contents of PPS 22 and its companion guide.

The noise working group that produced the ETSU report considered that absolute noise limits, regardless of wind speeds, were not suited to wind energy schemes in the UK, and that it was more appropriate in the majority of cases to set noise limits relative to background noise. The background noise levels are to be measured over a range of wind speeds so the impact of turbine noise, which is also wind speed dependent, can be evaluated.

A methodology is provided for the measurement of background noise levels under various wind conditions. The report (ETSU) recommends that data which may be corrupted by extraneous noise sources, including periods when rain falls or when water courses have abnormally high flows, should be discarded. At all times the noise levels measured in the environment are to be correlated with wind speed measurements at the site at a reference height of 10 metres above ground. The exercise is carried out for 'quiet' daytime periods and night-time periods which are defined as follows:

- quiet daytime is from 6pm to 11pm on weekdays, 1pm to 11pm on Saturdays, and all day on Sundays;
- night-time is between 11pm and 7am daily;
- all other periods (weekdays and Saturday mornings) are defined as normal daytime when it would be expected that ambient noise levels must be somewhat elevated because of human activity, distant road traffic and natural noise sources.

The practice of controlling wind turbine noise by means of noise limits at the nearest noise sensitive properties is considered appropriate. Noise limits should be applied to external locations and should apply only to those areas frequently used for relaxation or activities for which a quiet environment is highly desirable. Noise limits should be set relative to the background noise at the nearest noise sensitive properties thus the limits reflect the variation in both turbine source noise and background noise with wind speed. According to ETSU and the Renewables Advisory Board of the Department for Business Enterprise and Regulatory Reform, separate noise limits should apply for daytime and night-time because during the night the emphasis should be on preventing sleep disturbance rather than protecting external amenity. Absolute noise limits and margins above background should relate to the cumulative effect of all wind turbines in the area contributing to the noise received at the properties in question. Noise from the wind turbine or combination of turbines should be limited to 5 decibels above background for daytime and night-time remembering that the background level of each period may be different. The two nearest wind farms at Keadby and Bagmoor are both several kilometres distant and would have no cumulative impact with the subject site.

Providing the applicants, in preparing the environmental statement, accord with the provisions of ETSU and other relevant guidance in Government policy and guidance publications, there is no reason for this proposal to be treated any differently to that of any other wind farm and therefore appropriate planning conditions can deal with noise issues adequately.

If a turbine or a group of turbines singly or together exceed the noise limits as laid down by ETSU the local planning authority has the right, which is fully accepted by the applicants, to require the turbines to be turned off until such measures are taken that a remedy is sought. This remedy may be the removal of individual turbines from the site. In this case the applicants are prepared to accept conditions which require such action if nuisance from noise to nearby receptors is ever proven.

Similarly, as a result of consultation responses, low frequency noise and vibration have been mentioned as significant objections to wind farm development. In 2004 the DTI commissioned Hayes McKenzie to report on claims that infrasound or low frequency noise emitted by wind turbine generators were causing health effects. Hayes McKenzie reported to the DTI in May 2006. The report concluded that there is no evidence of health effects arising from infrasound or low frequency noise generated by wind turbines.

Following this report the Department for Communities and Local Government has written to all local planning authorities and the Planning Inspectorate to confirm that the advice in PPS 22 and its companion guide that ETSU-R-97 should be used for the assessment and rating of noise from wind farms should continue to be followed. In respect of vibration, the report 'Low frequency noise and vibration measurements at a modern wind farm' (ETSUW/13/00392/REP-1997) was produced to assess measured noise and vibration

levels in relation to existing criteria and published data. At 100 metres from the nearest turbine a comparison with criteria for human exposure within buildings showed that measured vibration was a factor of 10 less than recommended. A similar comparison with recognised limits for avoiding structural damage showed that the measured levels were a factor of 100 below recommended guidelines.

The report that Hayes McKenzie carried out and the DTI published in 2006 relating to low frequency noise went on to note that a phenomenon known as aerodynamic modulation (AM) was, in some isolated circumstances, occurring in ways not anticipated by ETSU.

Having taken the view that more work was required to determine whether or not AM is an issue that may require attention in the context of the assessment and rating advice in ETSU, the then Government commissioned Salford University to conduct further work. The objectives of this study were:

- to establish the levels and nature of the reported noise complaints received across the UK relating to noise issues from wind farms, both historic and current, and to determine whether AM is a significant effect; and
- to review and understand the level of knowledge/understanding that exists throughout the world on AM, and whether AM can be predicted.

The Salford University study has now been published and the study concludes that although AM cannot be fully predicted, the incidence of it occurring in the UK is low.

Based on the findings of the report, the then Government did not consider there to be a compelling case for further work into AM and did not carry out any further research.

A letter from an objector has been received stating that the Environmental Statement (ES) refers to noise gathering 'loggers' being sited on their land but that no equipment was ever on their land. The developer has confirmed that this was an error and the equipment was on another property's land. The ES is still considered to be a sound document and the conditions recommended by Environmental Protection will protect the amenity of residential properties.

An objector has provided a technical critique of the statistical analysis, specifically the regression analysis, used in the ES and stated that it does not allow for error analysis and is flawed, leading to a possibility of noise levels breaching acceptable levels. The developer has been asked to account for this and an outside consultant was employed to review the ES documents. The consultant advised that the ES was basically sound but it would be useful to request further information to make the information easier to understand and to clear up a slight doubt about the figures. The additional information has been reviewed by the consultant and the evidence in the statistical analysis and ES is felt to be acceptable.

The noise information/data shows that there is only one property where the ETSU noise limit will not be met (North Wold) but the amount by which it is exceeded is not significant enough to warrant refusal: at 8 metres per second wind speed the ETSU limits would be exceeded by 0.5 decibel – this would be about 10% of the time. With regard to assessment of the potential for the noise to include a 'tonality', this has not been done in accordance with ETSU, but the consultant states it is probable that the noise is not tonal and conditions can protect against this eventuality anyway.

Because it is felt that the guidance can be complied with and the applicants are agreeable to accepting appropriate conditions which give the local planning authority significant control, thereby protecting the amenities of local residents and other receptors, there is no reason to withhold permission on the issue of noise.

Aviation

Initially Humberside Airport, NATS and the Ministry of Defence all objected to the application. The NATS objection was a 'holding' objection while they assessed the scheme, while the MOD and Humberside primarily objected due to the impact upon their radar systems. However all these parties have lifted their objections with the MOD and Humberside requiring conditions to be imposed.

Ecology

Ongoing discussions have been taking place with the applicants and their consultants on ecological matters in order to assess the potential for the development to have an impact on habitat and species of mammals, birds and other wildlife within and close to the application site.

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

In association with Natural England it has been concluded that the wind farm development can be categorised as having no significant effect on the international protected sites close by and in response to that decision made jointly by the council and Natural England no appropriate assessment under the Habitat Regulations is required.

However, there are some conditions required relating to individual items of importance and they relate to protected mammals, the timing of operation to protect birds, habitat enhancement and future work on birds and bats.

The species most affected would be the pink-footed goose which would suffer fatalities due to the site being within their seasonal feeding grounds. The developer proposes to overcome this issue by providing land by way of a Section 106 legal agreement which would compensate for the loss of this site.

A Section 106 legal agreement is also required to provide funding for verge maintenance.

Public Rights of Way

The application site runs close to the Viking Way, a nationally known route which is well used. The turbines would significantly impact upon users of the public rights of way as the turbines and associated development would dramatically change the way users would experience the Viking Way for considerable distances.

The Environment Team wished for improvements to the Viking Way to be offered by the developer, which would have been secured by a Section 106 legal agreement to adequately compensate for the impact of the wind farm, however this has not happened.

The Environment Team object on the grounds of: site access, surfacing of the site access, and the potential for new public rights of way and the distance of the turbines from the bridleways. The guidance in the Companion Guide to PPS 22 refers to an Advisory

Statement by the British Horse Society which urges developers and planners to recognise a 200 metre exclusion zone around bridleways. For turbines T12 and T15 the distance is about 190 metres. This is slightly short of the 200 metres but this is advisory not statutory guidance and the distances are reasonable.

The Environment Team wish to see improvements made to the local public rights of way network but this is not reasonable in terms of the proposed development and should be pursued through separate legislation.

The alterations and resurfacing of access tracks are required for the development to take place and there is no reason to refuse the application on these grounds.

Archaeology

A considerable amount of information has been provided to the Sites and Monuments Records Officer and dialogue has taken place between the applicants' archaeological consultants and the council's officers and this has resulted in a request that conditions be applied to any planning permission granted relating to a programme of archaeological work being undertaken before development commences. Backup conditions are then requested should any archaeological finds be made.

A contribution through a Section 106 agreement to investigate the archaeology of the site is proposed.

Cultural heritage

Horkstow Jacobean Manor House and gardens site represents the site of a large 17th century mansion and its accompanying formal gardens. The historic site is more extensive than the scheduled area (which is focused on the upstanding earthworks at the centre of the site): the historic gardens extended west of the mansion site into the lower land now part of an arable field, and extended eastwards up the slope of the Wolds escarpment. The site was abandoned in the 18th century and consequently did not undergo the rebuilding and landscaping that affected the majority of English gentry houses, making it a regionally and nationally rare example of its type, distinguished by the high quality and legibility of the surviving features, which consist of extensive buried remains, prominent earthworks and survivals of historic tree planting in the gardens.

The setting of the site is of high heritage significance due to several factors. The manor house and garden site is a deliberately constructed landscape feature, visible and recognisable from the immediately adjacent area and from a distance extending beyond Horkstow. The grounds were laid out in such a way that they spread down the escarpment and onto the flatter land at the scarp foot, with some substantial platforms and terraces providing views into the park and gardens and out into the surrounding landscape. At the same time, the house and garden features are themselves visible from the surrounding landscape by virtue of their earthworks and their vegetation, including mature specimen trees, such as the limes in the field south of the parish church.

The important visual aspects and relationships which are an important element of the heritage significance of the historic manor house and gardens site are also particularly sensitive to intrusion, especially visual intrusion of new development.

The relationship of the manor house site with the grade I listed parish church of St Maurice is also historically significant, and the church, and manor house and gardens site, form a historic group of high heritage significance. The rarity and good preservation of the Horkstow Manor House and gardens site, with very little modern development around it and in close association with the parish church, enhances its regional and national heritage significance and increases its sensitivity, and makes it all the more important to avoid damaging impacts from new development.

Originally English Heritage advised that a major intrusion of wind turbines on key views of the historic site of the manor house and gardens would result in significant harm to its heritage significance.

However, the agent has provided additional visual materials illustrating the impact upon the monument and this has satisfied English Heritage that the matter should be determined by the local planning authority.

Whilst the proposal will have some impact upon the setting of the ancient monument this is, in the main, as viewed at a distance from within the Ancholme Valley, that distance being from which it is possible to discern the monument.

The monument forms part of and is viewed from the valley as part of the large scale structure of the Wolds scarp and the turbines would be set to the east away from the scarp face. Thus, whilst there is an impact upon setting, this is limited in extent and, importantly, does not damage views out from within the monument, or views close to it. The historic setting, as part of the scarp slope, is therefore modified in certain distant views; however the relationship of the monument to the scarp is still clear and the historic reason for developing the garden in this location remains clear also.

English Heritage have advised that 'Whilst these impacts on the setting of the group of heritage assets at Horkstow can be regarded as resulting in a degree of harm to their heritage significance, our assessment is that (in terms of PPS 5), the potential harm to the heritage assets is less than substantial.'

With regard to the potential impact of the wind farm on the setting of Saxby All Saints conservation area, the wind turbines will not be visible within the main body of the village but, in wider views, the maps indicate that one or two turbines will be visible from the western side of Saxby village (including the park associated with the listed Hall), and many more turbines will be visible in longer views of the village from the west, which are arguably the key views of Saxby village in its landscape context.

Moving some of the turbines has been discussed but it was decided that the knock-on effect on the overall effect of the appearance of the turbines in the landscape, and the effects on the assessments of the impacts on bats, geese and archaeology do not outweigh any benefits to built heritage assets.

On balance, the impact of the development on the setting of the monument and Saxby conservation area is not sufficient to warrant a refusal of permission.

Other matters

The potential for shadow flicker can be calculated and at paragraph 73 of the Companion Guide to PPS 22 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
- 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; and
- 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, the level of electricity produced, whilst being small, looking at individual turbines, 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.

The turbines are close to neighbouring landowners' land, but the proximity to agricultural land is not considered to be a substantive reason to go against the application. There are no set rules on separation distances: although a 'fall over' separation from roads and public rights of way is logical, the negligible risk to agricultural land holdings is not. The objector refers to plans to build dwellings on the land and intends to submit a planning application before this application is determined; if this happens, it will need to be assessed as to whether it is appropriate development in light of all planning policies and considerations.

There are no substantive reasons to withhold consent for this development. It is in line with national, regional and local policy and is an appropriate site for a development of this type and of its proposed scale. It will not harm residential amenity and those objections that have been made on non-planning grounds relating to loss of view and devaluation cannot be considered within the remit of this planning application.

Conclusion

The proposed scheme is of major significance for North Lincolnshire and will have major impacts, particularly in terms of landscape, visual impact and the experience of people using the Viking Way and other roads, footpaths and bridleways.

The impacts will, to a large degree, be harmful, particularly in terms of impact upon the landscape, and will change the character of a large part of North Lincolnshire.

However, a balance must be made between the harmful impacts of the scheme and the positive benefits of renewable energy which is a national priority.

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.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for archaeology, a goose refuge, verge maintenance and associated matters, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Planning upon completion of the obligation;**
- (iii) if the obligation is not completed by 15 June 2011 the Head of Planning be authorised to refuse the application on grounds of unacceptable harm to protected species; and**
- (iv) the permission so granted be 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.

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.

4.

No development shall take place until details of the design and external appearance (including colour finishes) of all turbines, 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.

5.

Notwithstanding the details submitted with the application, the centre of the tower of each wind turbine shall be sited within 50 metres of the location as shown in Figure 3 (rev e) in the Environmental Assessment (Volume 3) unless the local planning authority gives written consent to any variation.

Reason

In order to allow some flexibility in foundation design/location.

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 except to comply with condition 38 of this permission.

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, 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 and decommissioning work all deliveries and construction traffic shall operate and 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.

12.

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.

13.

The rating level of noise emissions from the combined effects of the wind turbines (including the application of any penalty for tonality or amplitude modulation) when calculated in accordance with the attached guidance notes shall not exceed the values set out in Tables 1 and 2 of the attached guidance notes.

Noise limits for properties which lawfully exist or have planning permission for construction at the date of this consent, but are not listed in Tables 1 and 2, shall be those of the nearest location listed in these tables, unless otherwise stated by the local planning authority.

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.

14.

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 and specific noise source levels at those locations listed in Table 1 of the attached guidance notes. Such measurements shall be undertaken in accordance with the procedure described in the attached guidance notes. 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 are compliant with the noise limits stated in condition 16, including the application of any penalty for tonality or amplitude modulation.

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.

15.

Within 28 days from receipt of a written request from the local planning authority, following a complaint to it, the wind farm operator shall, at its expense, employ an independent consultant, approved in writing by the local planning authority, to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in the attached guidance notes. If the result of this assessment shows that the noise levels in Table 1 of the guidance notes are being or have been breached during the last 28 days that the turbines have been operating, then turbine operation shall be immediately suspended. A report of the assessment shall be provided in writing to the local planning authority within 56 days of the appointment of the independent consultant unless this period is extended by the local planning authority in writing.

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.

16.

Following the establishment of a breach of the noise limits in condition 16, the wind farm operator shall, within 28 days, 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. Following the written approval of the scheme by the local planning authority the scheme shall be activated forthwith. 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 proof is submitted to the local planning authority that the wind farm is operating within the noise limits set out in condition 16 and written approval for the commencement of their operation has been given by the local planning authority.

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.

17.

Wind speed, wind direction and power generation data for each wind turbine shall be continuously logged and provided to the local planning authority at its request and in accordance with the attached guidance notes within 28 days of such request. The wind farm operator shall retain such data for a period of not less than 12 months.

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.

18.

No development shall commence until there have been submitted to the local planning authority details of a nominated representative for the development to act as a point of contact for local residents (in connection with conditions 16 to 20 and 22 to 24) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for dealing with any noise complaints made during the construction, operation and decommissioning of the wind farm and liaison with the local planning authority.

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.

19.

At the request of the local planning authority, following the receipt of a complaint, the wind farm operator shall, at its 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 and shall initiate recordings of turbine noise at times when significant amplitude modulation is considered to occur. Amplitude modulation is the modulation of the level of broadband noise emitted by a turbine or turbines at blade passing frequency. These will be deemed greater than expected if the following characteristics apply:

- (a) a change in the measured LAeq, 125 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 not occur less than five times in any one minute, provided the LAeq, 1 minute turbines sound pressure level for that minute is not below 28dB

and

- (c) the changes identified in (a) and (b) above shall not occur for fewer than 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.

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.

20.

Noise emissions at the complainant's dwelling shall be measured not further than 35 metres

from the relevant building, and not closer than within 3.5 metres of any reflective building or surface, or within 1.2 metres of the ground.

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.

21.

A penalty is to be applied if amplitude modulation occurs in accordance with condition 22. The penalty to be applied is 5dB. If the addition of this penalty results in noise levels exceeding those laid out in condition 16 then turbine operation shall be immediately suspended. Following the establishment of a breach of the noise limits in condition 16, the wind farm operator shall, within 28 days, submit a scheme to the local planning authority to mitigate the breach to prevent its future occurrence. This scheme shall include timescales for the implementation of the mitigation works. Following the written approval of the scheme by the local planning authority the scheme shall be activated forthwith. 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 proof is submitted to the local planning authority that the wind farm is operating within the noise limits set out in condition 16 and written approval for the commencement of their operation has been given by the local planning authority.

The rating level at each wind speed is the arithmetic sum of the wind farm noise level, as determined from the best fit curve described in Note 2 of the attached guidance notes, and the penalty for greater than expected amplitude modulation.

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.

22.

Should a tonal penalty according to Note 3 of the attached guidance notes and a penalty for greater than expected amplitude modulation according to condition 23 apply, the applicable penalty shall be the higher of the two.

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.

23.

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.

24.

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. 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

In order to provide mitigation of the effects of shadow flicker, should they be evident to an unacceptable level.

25.

No development shall commence until appropriate survey and working methods have been agreed in writing with the local planning authority which will safeguard badgers, water voles and breeding birds prior to and during construction. The surveys will establish the breeding status of animals or birds at the time of the proposed construction and where work will be delayed or re-scheduled in order that animals or breeding birds are not disturbed. Site works shall be carried out in accordance with the working methods agreed. A designated member of the developer's staff shall be responsible to meet the requirements of this condition and carry them out as agreed.

Reason

To meet the requirements of policies LC5 and DS1 of the North Lincolnshire Local Plan and Planning Policy Statement 9.

26.

Appropriate surveys of protected species and appropriate protection of same shall be agreed in writing with the local planning authority prior to any works of decommissioning being commenced. The decommissioning shall be carried out in accordance with that agreement. The persons or body responsible for the decommissioning works shall designate a person or persons to ensure that all decommissioning work is undertaken in accordance with the terms of that agreement.

Reason

To meet the requirements of policies LC5 and DS1 of the North Lincolnshire Local Plan and Planning Policy Statement 9.

27.

Details of habitat enhancement, including the establishment of grassland strips, bird seed areas and restoration of hedgerows of suitable species, shall be submitted to and approved in writing by the local planning authority in advance of the development. The work shall be completed at the first available planting season after the development has commenced. Suitable establishment and maintenance methods shall be included in the agreement and work shall be carried out as agreed.

Reason

To meet the requirements of policies LC5 and DS1 of the North Lincolnshire Local Plan and Planning Policy Statement 9.

28.

A monitoring programme for two years after construction of effects upon birds and bats shall be agreed in writing with the local planning authority. This survey shall be carried out as agreed and the information provided to the local planning authority.

Reason

To further knowledge about the potential impact of wind farms upon nature conservation

and to comply with Planning Policy Guidance Note 9.

29.

No development shall take place until a radar mitigation scheme relating to the MOD and Humberside International Airport has been submitted to and approved in writing by the local planning authority and fully implemented in accordance with the attached informatives titled 'Annex A, Saxby Wold Wind Farm Aviation Condition', the letter dated 25 June 2010 from Jon Hockley, Principal Planner, East Midlands and Humberside Airports, and the document 'Operational Requirement Covering Mitigation For Saxby Wold Wind Farm Development (rev D) dated 9 June 2010.

Reason

In the interests of aviation safety.

30.

The scheme for radar mitigation shall include the method whereby it shall be demonstrated, after implementation of the mitigation, that the aviation specification requirements have been satisfied in full. In the event that the agreed mitigation scheme ceases to operate, the developer shall submit a revised scheme for approval and the revised scheme shall be implemented prior to the current agreed scheme ceasing operation.

Reason

In the interests of aviation safety.

31.

No wind turbine shall be allowed to operate, other than for testing purposes, until the local planning authority has confirmed in writing that the scheme of mitigation has been implemented and satisfies the requirements of the aviation specification in accordance with the previously agreed method of demonstration.

Reason

In the interests of aviation safety.

32.

The tip height of the rotor blades shall be no greater than 212 metres Above Ordnance Datum.

Reason

In the interests of aviation safety.

33.

No erection of turbines shall take place until an independent air traffic procedures designer has reviewed, and where necessary redesigned, aircraft approach procedures for Humberside Airport to take account of the installation of the turbines. Any required revision to the air traffic procedures shall be submitted to and approved in writing by the local planning authority prior to the erection of the turbines.

Reason

In the interests of aviation safety.

34.

No erection of wind turbines shall take place until a risk assessment of the effect of the turbines on the outer horizontal surface (OHS) of Humberside Airport, as defined by the Civil Aviation Authority's publication CAP168, has been submitted to and approved in writing by the local planning authority.

Reason

In the interests of aviation safety.

35.

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.

36.

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.

37.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The management plan shall be carried out in complete accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

Reason

To provide landscaping and protect features of recognised nature conservation importance in accordance with policies DS1, LC5, LC6 and LC12 of the North Lincolnshire Local Plan.

38.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the archaeological mitigation strategy set out in the document 'Outline Written Scheme of Investigation - Archaeology April 2010' prepared for Npower RWE by Arcus Renewable Energy Consulting Ltd submitted to the local planning authority on 5 May 2010, and until further details are submitted to and approved in writing by the local planning authority as follows:

- (i) detailed methodologies for the specified archaeological works
- (ii) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the archaeological work is undertaken and completed in accordance with the approved strategy, to be included in the construction management plan

- (iii) monitoring arrangements, including the notification in writing to the local planning authority of the commencement of archaeological works and the opportunity to monitor such works
- (iv) 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 contains features of recognised archaeological importance, and the potential for presently unknown remains to be encountered.

39.

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 contains features of recognised archaeological importance, and the potential for presently unknown remains to be encountered.

40.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Sites and Monuments Record within one year 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 contains features of recognised archaeological importance, and the potential for presently unknown remains to be encountered.

41.

No work associated with preparing the ground for and/or construction of the four turbines on the land owned by Limestone Farming (T11, T16, T17 and T18) shall begin on site until a public bridleway of a width of 3 metres throughout has been implemented in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of the local bridleway network.

42.

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 the interests of protecting the amenity of local residents and to comply with policies DS1 and DS21 of the North Lincolnshire Local Plan.

43.

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. 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

In the interests of protecting the amenity of local residents and to comply with policies DS1 and DS21 of the North Lincolnshire Local Plan.