

<b>APPLICATION NO</b>	<b>PA/2011/0583</b>
<b>APPLICANT</b>	Keadby Wind Farm Ltd
<b>DEVELOPMENT</b>	Planning permission to construct new sections of internal permanent access tracks and track widening
<b>LOCATION</b>	Keadby Wind Farm site, Keadby
<b>PARISH</b>	<b>KEADBY/ALTHORPE</b>
<b>WARD</b>	Axholme North
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Briggs – public interest)

## **POLICIES**

**Regional Spatial Strategy for Yorkshire and the Humber:** No specific policies apply.

**North Lincolnshire Local Plan:** Policy T2 (Access to Development) requires all developments to be provided with a satisfactory access and larger developments should be adequately served by:

- (1) being readily accessible by a choice of transport modes;
- (2) existing public transport services and infrastructure; or
- (3) additions or extensions to such services linking directly to the development and the existing highway network.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

Policy LC5 (Species Protection) prevents development that would have an adverse impact upon badgers or species protected under Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended). Where development may have an impact upon those species, conditions can be used to facilitate the survival of individual members of the species, reduce disturbance to a minimum and provide alternative habitats to sustain at least the current levels of population.

Policy R5 (Recreational Paths Network) states that in determining planning applications where development may have implications for the maintenance of the footpath network or offer opportunities to expand this network, the following factors will be taken into account:

- (1) Favourable consideration will be given to development proposals which provide additional links to recreational networks.
- (2) The council will seek to negotiate additional linkages to the recreational footpaths network where appropriate.
- (3) Favourable consideration will be given to development proposals which will improve the condition and appearance of existing links in the network.
- (4) Existing rights of way will be protected from development that would remove or restrict the right of way.
- (5) Permission will not be granted for any development which would prejudice public access onto and through the recreational path network unless specific arrangements are made.
- (6) Where necessary, the diversion of footpaths will be required.

Policy HE9 (Ecological Evaluation) requires archaeological assessments to be submitted where development proposals may affect sites of known or suspected archaeological importance.

**North Lincolnshire Core Strategy:** No specific policies apply.

## **CONSULTATIONS**

**Highways:** No objections.

**British Waterways:** No objections.

### **CROWLE AND EALAND TOWN COUNCIL**

No observations.

### **KEADBY PARISH COUNCIL**

No response at the time of writing.

### **AMCOTTS PARISH COUNCIL**

No response at the time of writing.

## **PUBLICITY**

Site notices have been posted and several letters of objection have been received raising the following concerns:

- The movement of soil and disturbance of mushroom pathogens involved in the proposed upgrading of the track which passes North Pilfrey Farm and use of the access route by construction traffic will have serious negative implications for the local mushroom business.
- Conditions attached to the wind farm application (PA/2010/0961) required the applicant to submit an agreeable construction method statement and dust suppression measures. Such conditions should also be applied to this application.

A 34-page letter of objection has been received which can be summarised as arguing that the parish boundary is a public footpath and that certain roads described as private within the Crowle Enclosure Award of 1823 are highways.

## **ASSESSMENT**

Planning permission is sought for the proposed new permanent access tracks on the Keadby wind farm site that was granted planning permission for 34 turbines following a public inquiry in February 2008. The construction of North Pilfrey Bridge was granted planning permission under reference PA/2010/0961 to allow access to the wind farm from the south, therefore construction traffic would be avoiding the villages of Crowle, Eastoft, Ealand and Keadby once the bridge is built. The applicants state that the requirement for the overriding design criteria make it necessary to amend the internal layout of the wind farm:

- track optimisation
- efficient and safe construction vehicle movements
- minimisation of environmental impact
- turbine manufacturer geometric and axle loading criteria.

The proposed new and upgraded tracks would have a width of 4.5 metres and four straight lengths of track widening will take place at bends and junctions in accordance with the submitted details. The overall track change to what was originally granted permission with the wind farm in 2008 is an increase in area of just 0.01 hectares. The internal access tracks proposed offer private use only and the key uses are:

- access to key tracks and turbines for the construction of the wind farm;
- access to key tracks and turbines for maintenance throughout its 25-year life; and
- access during the decommissioning and removal of the wind turbines at the end of their life and improved access for site owners.

Materials to be used in the access track construction and upgrading works will be in site ground stabilisation with either lime or cement with track construction using one or a combination of crushed stone, geotextile or geogrid culverts (plastic, steel and/or concrete).

**The key issues in the determination of this application are whether the track improvements and new lengths of track will adversely affect the residential amenity of occupiers of nearby dwellings, whether the ecology within the area would be adversely affected, and whether any archaeological remains or public rights of way would be affected by the works proposed.**

### **Residential amenity**

Several dwellings are located within the application site, mainly as part of farmsteads. The application site is also close to the settlements of Keadby, Amcotts and Crowle. Whilst the construction of tracks is likely to create some noise, dust and other environmental factors, given the relatively small size of the tracks to be constructed, providing that construction works are not undertaken at unsocial hours, it is felt that the imposition of appropriate conditions can address all such potential impacts upon local residents and businesses.

### **Ecology**

The Environment Team of the council have been consulted and raise no objections to the proposal subject to the imposition of several conditions to protect protected species and their habitats.

### **Archaeology**

North Lincolnshire Council's heritage officers have recommended that a programme of archaeological work be undertaken that includes the archaeological monitoring, excavation and recording during any ground disturbance associated with the construction and upgrading of the tracks and would also include a post-excavation assessment report, analysis and publication of results.

### **Public rights of way**

The council's footpaths officer has been consulted on the application and has addressed the objections received by stating that *a parish boundary is no more a public right of way than any other arbitrary line unless it is recorded as such on the definitive map.*

With regard to the Crowle Inclosure Award of 1823, *current Government advice argues against roads awarded as private being construed as highways by virtue of the award alone if the award was made under the provisions of the General Inclosure Act 1801.*

Crowle's Inclosure Award was made under the provisions of the General Inclosure Act of 1801. Therefore none of the roads described as private within the site are actually highways.

### **RECOMMENDATION      Grant permission subject to the following conditions:**

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

#### **Reason**

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

2.

The development hereby permitted shall be carried out in accordance with the plans schedule.

Reason

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

3.

The surface of public bridleway 11 AND public footpath 9 shall be topped with 25mm of blast furnace dust (or other similar material to be agreed in writing with the local planning authority prior to any construction works on site). The surface shall be maintained as such throughout the construction period.

Reason

To ensure the safety of horses and pedestrians.

4.

No works to the public highway and public footpath shall be commenced until a temporary closure order has been applied for.

Reason

In the interest of public safety.

5.

A written method statement with regard to potential impacts upon badgers, water voles and otters shall be submitted to and agreed in writing with the local planning authority prior to work commencing on site. The statement shall be in accordance with the ecology report and shall detail in particular how potential impacts upon the noted badger set and water vole habitat will be resolved. It shall also include reference to pre-construction survey details and shall be followed throughout the development.

Reason

It has been noted that special licence from Natural England may be required in terms of badgers and water voles in order to safeguard them. The method statement and its approval should ensure that appropriate mitigation is in place. This condition is also in accordance with policies DS1 and LC5 of the North Lincolnshire Local Plan and PPS9.

6.

The debris pile identified in the Additional Infrastructure Ecology Report dated 04/02/11 shall be dismantled by hand at the appropriate time with an ecologist present.

Reason

The debris pile has been identified as having potential to be a refuge for a number of protected species which may use the site, including otters, grass snakes and amphibians. To remove the pile in a considered manner will be in accordance with policies DS1 of the North Lincolnshire Local Plan, PPS9 and the NERC Act.

7.

A method statement/management plan shall be submitted to and agreed in writing with the local planning authority as to wildlife enhancements that will be implemented as part of this development. The agreed statement shall thereafter be followed.

#### Reason

The NERC Act in particular acknowledges that development provides the opportunity to benefit biodiversity. There is the opportunity here to relocate the debris pile which is a potential habitat for a number of species, or add others specifically designed for those species, and there are opportunities to improve the floristic edges of the new tracks or other areas with suitable native plant mixes.

8.

A method statement shall be submitted to and agreed in writing with the local planning authority as to how the proposals will be implemented to have no impact upon ground nesting birds either by timing of development work or by suitable survey work in advance of the tracks being developed. The impact on other species where any scrub etc is being removed shall also be stated.

#### Reason

To comply with policy R5 of the North Lincolnshire Local Plan.

9.

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

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

#### Reason

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

10.

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

Reason

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

11.

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

Reason

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

12.

Before development commences, a construction method statement shall be submitted to and approved in writing by the local planning authority. Such a method statement shall include:

- (i) the projected start and end date of the construction contract and working hours;
- (ii) construction traffic routeing details;
- (iii) measures for the protection of the water environment;
- (iv) measures for the control of dust;
- (v) details of the location of the site compounds and other temporary works/structures.

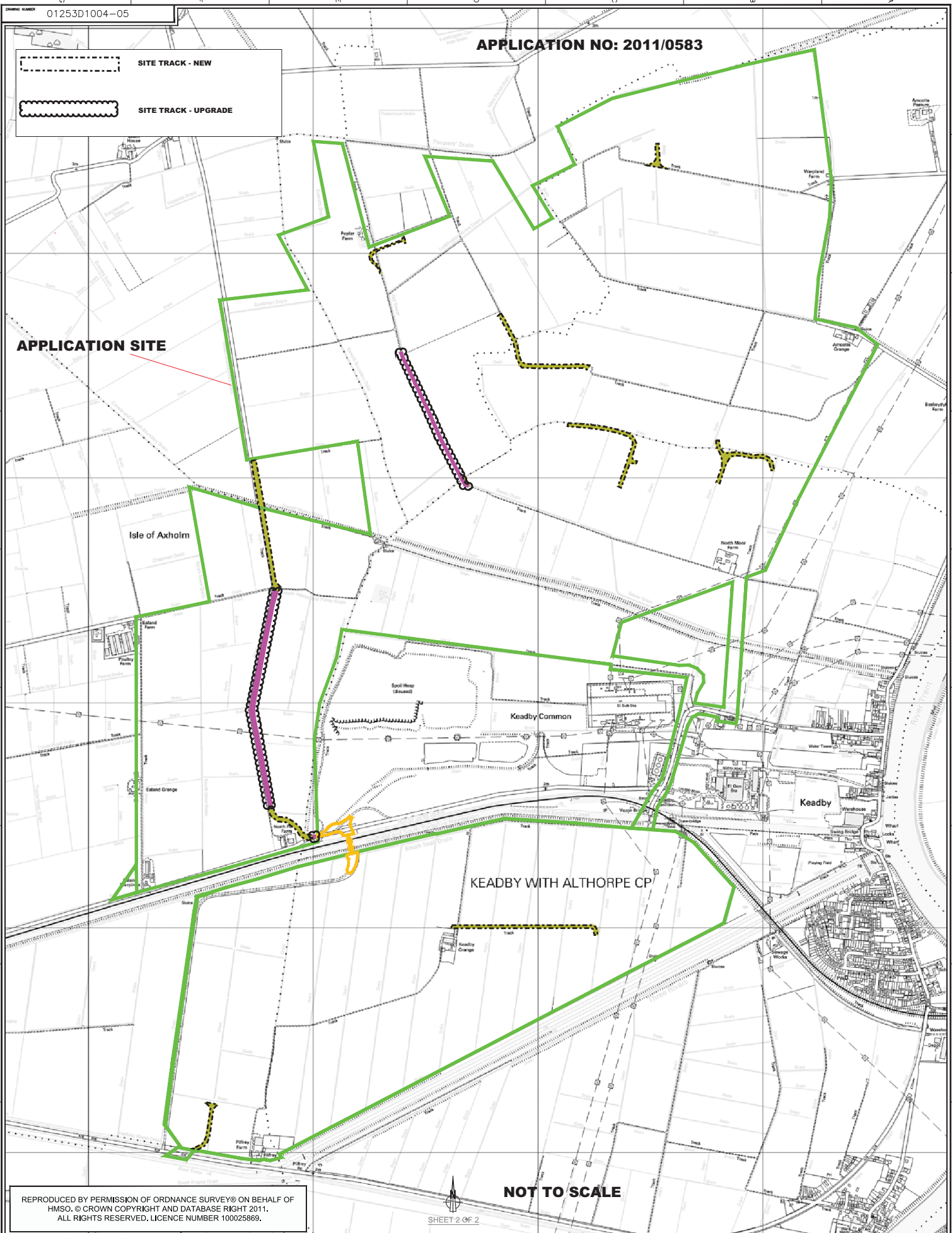
Reason

To enable the local planning authority to exercise an element of control over the construction of the access tracks in the interests of protecting the local environment and the amenity of nearby residents and businesses.

**SITE TRACK - NEW**

**SITE TRACK - UPGRADE**

APPLICATION SITE



Keadby WITH ALTHORPE CP

NOT TO SCALE



REPRODUCED BY PERMISSION OF ORDNANCE SURVEY® ON BEHALF OF HMSO. © CROWN COPYRIGHT AND DATABASE RIGHT 2011. ALL RIGHTS RESERVED. LICENCE NUMBER 100025869.

ISSUE	DRAWN	DATE	APPD	DATE	REVISION NOTES
01	DJK	180111	NJB	180111	FIRST ISSUE
02	DJK	190111	NJB	190111	DEVELOPMENT BOUNDARIES ADDED.
03	TW	220211	NJB	090311	NEW & UPGRADED TRACKS INDICATED
04	BC	060411	NJB	070411	INFRASTRUCTURE AMENDED
05	BC	080411	NJB	080411	AMENDMENTS TO TRACK

DRAWING NUMBER  
**01253D1004-05**

PROJECT TITLE  
**Keadby WIND FARM**

DRAWING TITLE  
**ADDITIONAL TRACKS  
NEW AND UPGRADED**

PURPOSE	PLANNING	COORDS	BRITISH NATIONAL GRID 1936
SCALE	1:7500 @ A1	ORIGINAL PLOT SIZE	A1
LAYOUT DWG	PEN06ec097	T-LAYOUT No.	01253D005-09



THIS DRAWING IS THE PROPERTY OF RENEWABLE ENERGY SYSTEMS LIMITED AND NO REPRODUCTION MAY BE MADE IN WHOLE OR IN PART WITHOUT PERMISSION