

APPLICATION NO	WF/2011/1310
APPLICANT	SSE Renewables Development (UK) Ltd
DEVELOPMENT	Planning permission for a minor material amendment to WF/2003/1630 dated 31/03/2005 increasing the diameter of the consented turbine rotor dimension up to 101m (maximum tip height to remain at 125m)
LOCATION	Keadby Power Station, Trent Side, Keadby
PARISH	KEADBY/ALTHORPE, AMCOTTS, LUDDINGTON & HALDENBY, EASTOFT, CROWLE
WARD	Axholme North
CASE OFFICER	William Hill
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Keadby with Althorpe Parish Council Member 'call in' (Councillor Briggs – public interest in wind farm application)

BACKGROUND

This application seeks a minor material amendment to planning permission WF/2003/1630 to increase the diameter of the rotors on the approved wind farm at Keadby from 90 metres to 101 metres. The maximum height from ground to tip of the turbines is not to change, that is to remain at 125 metres and to accommodate the increase in the rotor size there will be a reduction in the height of the hub of the turbine.

The planning permission for the wind farm, comprising 34 turbines, was granted by the Secretary of State in February 2008 and since that time the company have discharged pre-commencement conditions to that permission and secured access from the A18 across the Keadby and Stainforth canal and railway into the site without having to journey through local settlements such as Ealand, Crowle, Keadby, Eastoft and, further afield, Swinefleet.

The application is not questioning the principle of the development, it is purely considering whether or not the increase in the rotor diameter from 90 metres to 101 metres is acceptable, taking account of any revisions in policy since the time the original wind farm was granted and also whether or not the condition relating to noise from the wind farm can still be complied with.

The applicant has submitted details of the noise performance of the revised turbine specification and also information relating to the additional impact on the landscape and also on birds resulting from the proposed increase in diameter of the rotor blades.

Procedurally a new decision notice has to be issued in respect of this proposal should the committee approve the application and the only conditions which will be attached are those

which remain to be complied with or require ongoing compliance. It is not necessary to repeat conditions of a pre-commencement nature that have already been complied with by the submission of appropriate information.

It is therefore necessary to include within the report all relevant policy framework and also to report received consultation responses and make an assessment of these responses.

NATIONAL, REGIONAL AND LOCAL POLICY GUIDANCE AND ADVICE

National policy

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

In the 2007 Energy White Paper, the Government proposed that 10% of electricity generation should be from renewable sources by 2010, 20% by 2020 and an aspiration for 60% by 2050.

However Government guidance is still conscious of the need to protect the environment, including the landscape, from unacceptable development.

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:

PPS1: Delivering Sustainable Development (2005) and Planning and Climate Change, Supplement to PPS1 (2007)

PPS1 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.’

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 PPS1 – 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.

PPS7: Sustainable Development in Rural Areas (2004)

The key principle PPS7 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 PPS22; 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.

PPS4: Planning for Sustainable Economic Growth (2009)

This PPS supersedes some of the provisions of PPS7 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 for development in development plans’

Assessing needs and opportunities: A companion guide to PPG17

This guide reflects the Government's policy objectives for open space, sport and recreation, as set out in PPG17.

PPS24: Planning and Noise

Paragraph 10 of PPG24 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.’

PPS22: 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 the 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 PPS22

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

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

PPS5: 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 is 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:

6.	7. 2010	8. 2021
9. Humber	10. 124 megawatts	11. 350 megawatts
12. North Yorkshire	13. 209 megawatts	14. 428 megawatts
15. South Yorkshire	16. 47 megawatts	17. 160 megawatts
18. West Yorkshire	19. 88 megawatts	20. 295 megawatts
21. Offshore	22. 240 megawatts	23. 630 megawatts
24. Total	25. 708 megawatts	26. 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.'

The North Lincolnshire Core Strategy (adopted June 2011)

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

Renewable Energy Supplementary Policy Document (2011)

On-Shore Wind

On-shore wind energy development has been the mainstay of proposals for renewable energy development in North Lincolnshire. This is due to the area being identified as having significant potential for wind development in the 2004 study 'Planning for Renewable Energy Targets in Yorkshire & Humber'. This study provided the basis for the regional targets set out in the Regional Spatial Strategy (RSS). The RSS targets for North Lincolnshire were limited to ensure the area did not have to bear too disproportionate a burden for on-shore wind energy compared to other local authorities in the region. The study also highlighted that other renewable technologies, for example biomass, will provide significant opportunity for North Lincolnshire to supplement its power supply.

Over recent years, seven proposals for on-shore wind energy development have been put forward in North Lincolnshire. These have been considered by either the council or the Government. Three have received planning permission at Bagmoor, Keadby and Tween Bridge which, between them, will generate 110MW of electricity, whilst two applications at Flixborough and Saxby are being considered through the appeal process and have the potential to generate a further 59MW of electricity. A further application is under consideration for four turbines generating 10MW of electricity at Winterton.

An application was refused by the council at Elsham Wold for 15 turbines generating 30MW of electricity due to its impact on the operation of Humberside Airport and was finally dismissed on appeal in 2006.

There are also a number of proposals or consented wind energy developments in neighbouring local authority areas – at Tween Bridge (Doncaster); Goole Fields, Twin Rivers and Sixpenny Wood (East Riding of Yorkshire); and Stallingborough (North East Lincolnshire).

Renewable Energy Technologies

Wind Energy

Wind energy development is the most prevalent form of renewable energy generation technology in the United Kingdom. Recent years have seen large numbers of on-shore wind turbines being constructed across the country, with more beginning to be developed off-shore. In the coming years, a number of large-scale off-shore wind farms will be constructed around the country's coastline.

Wind turbines use the movement of the wind to generate mechanical power for the generation of electricity, via single turbines or groups of turbines (a wind farm). The level of electricity that a wind turbine produces is dependent on the wind speed and the area swept by the rotor blades. A wind turbine consists of a steel tower which supports a nacelle for a gearbox, alternator and the 'yaw mechanism' which allows the machine to turn itself towards the prevailing wind. A turbine can have a varying number of blades. There are essentially two types of wind turbine: vertical and horizontal axis machines. Within each type there are various technical differences such as the number of blades.

In recent years wind turbine technology has continued to advance significantly. Larger wind turbines, which are more energy dense, are being deployed and are capable of operating at lower average mean wind speeds (AMWS). This has increased the area of potential future

deployment across Yorkshire and the Humber. This will help to meet national and regional targets for renewable energy generation. However, this advance in technology will mean there is the potential for greater impact on the landscape.

The table below outlines the key planning issues for each specific renewable energy technology.

Technology	Key planning issues
On-shore wind	<ul style="list-style-type: none"> • Impact on landscape and visual amenity • Impact on biodiversity • Impact on local communities • Noise from operational turbines • Shadow flicker and reflected light from operational turbines • Impact on aircraft/radar and telecommunications • Impact on highway networks • Impact on heritage assets

Targets for renewable energy development

In order to meet the Government’s aim to increase the amount of energy generated from renewable sources, each of the nine English regions were required to include targets for installed grid-connected renewable energy capacity in their Regional Spatial Strategy (RSS). In the case of North Lincolnshire, the Yorkshire and Humber RSS (May 2008) provided targets for the provision of installed grid-connected renewable energy of 54MW by 2010 and 112MW by 2021.

The targets were derived from work undertaken during the preparation of the RSS in 2004/2005. The 2004 study Planning for Renewable Energy Targets in Yorkshire and Humber was commissioned by the former Regional Assembly and Government Office for Yorkshire and Humber to examine the region’s potential for renewable energy generation. This shows that North Lincolnshire would have the potential to accommodate 11.7% and 13.8% of the region’s potential wind energy development by 2010 and 2021 respectively. When compared against the fact that North Lincolnshire only covers 7.5% of the region’s landmass, this appears to be disproportionate and represents a significant concentration of wind energy development.

Broadly, the council consider the targets in the RSS to be challenging but achievable. However, North Lincolnshire Council is keen to ensure that all local authorities within the region contribute towards meeting their targets and prevent an over-concentration of such development in North Lincolnshire. In reviewing any targets for North Lincolnshire, should the 2021 target be reached, account will be taken of progress elsewhere in the region.

The area already has some 50MW of installed capacity including the Bagmoor wind farm, which is just short of the 2010 target. However, it is anticipated that the 2021 targets will be

easily met when the consented schemes at Tween Bridge and Keadby wind farms and Heron Renewable Energy Plant come on stream over the next few years.

It should be kept in mind that meeting the overall renewable energy target is of the greatest importance, not the method of renewable energy used to reach it. The development of a variety of renewable energy sources is encouraged, as the achievement of a greater diversity in our energy mix is vital to ensuring security and continuity of supply, in a climate where fossil fuels continue to be depleted.

Targets – North Lincolnshire will meet its 2021 targets for the generation of energy from renewable sources and will support the use of a range of technologies to do so. Any revision of this target will be subject to progress elsewhere in the Yorkshire and Humber region.

Landscape

North Lincolnshire's landscape is a fundamental part of the area's character and provides an attractive backdrop for residents, visitors and investors to live and work. The area is characterised by a variety of landscapes, significant changes to which have resulted following the extraction of minerals where semi-natural landscapes, such as Barton Clay Pits, Messingham Gravel Pits and the Ironstone Gulleys, have been created, and also from the development of large-scale industry such as at Killingholme at the mouth of the Humber Estuary. The southern part of the Isle of Axholme has the most extensive surviving examples of a medieval landscape in England, notably the medieval open strip fields and Turbaries, both of which are of considerable national importance. These attributes, together with enclosed land and the overall settlement pattern of the area, make it unique in the country. Planning policy in the areas aims to protect and enhance such attributes, where appropriate.

It is the area's rolling landscapes, lack of national designations such as National Parks and relatively consistent wind resource that make it attractive to wind energy developers. It is likely that proposals for renewable energy development, depending on their location, will have some degree of impact on the landscape as well as visual amenity due to their size and appearance. Therefore, it is important that developers, when preparing schemes for renewable energy development, take account of any impacts on the area's landscapes. Careful consideration should be given to the character and quality of the landscape, the extent of physical change involved, and the ability of the landscape to accommodate this change. All these factors should be taken into account in scheme design.

In relation to landscape character and design, the council have approved Supplementary Planning Guidance, North Lincolnshire Landscape Character Assessment & Guidelines (1999) and North Lincolnshire Countryside Design Summary (1999). These documents provide a comprehensive assessment of the area's landscape character and suggest guidelines for future development. The landscape character assessment splits North Lincolnshire into six basic landscape types: the Trent Levels, the Lincolnshire Edge, the Ancholme Valley, the Lincolnshire Wolds, the Lincolnshire Drift and the Humber Estuary. Accordingly, developers should consult these documents alongside current planning policies on landscape and conservation set out in the adopted Core Strategy and the North Lincolnshire Local Plan.

As previously stated, North Lincolnshire does not have any nationally designated areas of landscape importance such as a National Park or Area of Outstanding Natural Beauty.

However, the lack of such designations does not mean that landscape is any less important a consideration in determining proposals for renewable energy development.

A number of Areas of High Landscape Value identified in successive local plans were removed with the introduction Planning Policy Statement (PPS) 7. The importance of these areas was established against landscape criteria issued by the then Countryside Commission. These areas included the Lincoln Edge Cliff (between Whitton and Flixborough), the Lincoln Edge Woodland and Heathland areas (east of Scunthorpe and extending south to Kirton-in-Lindsey), and the Wolds Villages Scarp Slope. Other areas were proposed at Deepdale (near Barton-upon-Humber), Barton Claypits and areas of woodland at Kirmington. The purpose of these designations was to safeguard the natural beauty, distinctiveness and diversity of the best and most highly valued of North Lincolnshire's landscapes. Therefore it is important that these areas of high landscape value are protected from inappropriate development. It should be noted that this Draft Supplementary Planning Document cannot reinstate these designations. These will be considered in the emerging General Policies Development Plan Document.

The council are also in discussions with Lincolnshire County Council to look at amending the Lincolnshire Wolds Area of Outstanding Natural Beauty to include land up to the Humber Estuary. The potential expansion area is identified on the constraints map in Appendix 3.

These areas are prominent features in North Lincolnshire's landscape and contribute to the area's distinctiveness; they form part of the area's critical environmental capital. It is important to ensure the integrity and setting of these places is not adversely affected by inappropriate development. Any proposals which affect these areas of high landscape value should be assessed against the council's existing Landscape Character Assessment and Guidelines, and Countryside Design Summary.

If required by the EIA Regulations the impact of any development upon the landscape as a visual and cultural asset should be assessed as part of an Environmental Statement. If potential impacts are identified a Landscape and Visual Impact Assessment (LVIA) should be undertaken. Before commencing an LVIA, developers should discuss its contents with the council. Depending on the type of renewable energy development, an LVIA could include the following:

- diagrams showing the potential zones of visual influence (ZVI) of the proposed scheme: these will be of assistance in identifying the resources (e.g. designated areas, landscape units) and the locations of visual receptors (e.g. settlements, public access land and popular viewpoints), which may be affected by the proposal
- photomontages and/or computer-generated wire-frame views: these should be prepared at an appropriate scale and resolution
- scale drawings to illustrate the physical appearance of the proposed renewable energy scheme: some authorities are likely to be less familiar with specific technologies (e.g. biomass or energy from waste plants)
- in areas where there are existing renewable energy schemes, it may be appropriate to consider the cumulative impact of further schemes.

Further information is available in Planning for Renewable Energy - A Companion Guide to PPS22.

Environmental Impacts

Renewable energy schemes can contribute to the reduction of greenhouse gases, helping to reduce climate change and its impacts. They can also have potential impacts on biodiversity and nature conservation, landscape and heritage assets. North Lincolnshire has a high quality historic, natural and built environment, the enhancement and protection of these is fundamental to sustainable development.

Biodiversity

North Lincolnshire's landscapes are rich in biological and geological diversity. This is reflected in the range of international, national and local nature conservation designations which includes one Ramsar site, two Special Areas of Conservation and two Special Protection Areas on the Humber Estuary, River Trent, Thorne Moor and Thorne and Hatfield Moors, 29 Sites of Special Scientific Interest, 10 Local Nature Reserves (LNRs), approximately 200 Local Wildlife Sites (Sites of Importance to Nature Conservation – SINCs) and 22 Local Geological Sites (Regionally Important Geological Site).

It is important that the natural assets of North Lincolnshire are protected from inappropriate development, including renewable energy development. For International sites and any features they support, new development will need to demonstrate that they will not adversely affect their conservation value. Development should not cause harm to habitats and species outside the designated site that may adversely affect the integrity of the site, or cause a significant decline in the size, distribution, structure or function of a population of a species for which a site was designated. In accordance with the Habitat Regulations an assessment needs to be carried out for each new development to determine if it would have a likely significant effect, alone or in combination with other plans or projects, on sites or features associated with international designations. If likely significant effects are identified developers are expected to provide relevant information to the council to enable it to carry out a Habitat Regulations Assessment.

For National sites, developers will need to demonstrate that any renewable energy development will not have an adverse effect on SSSIs. Measures will be taken to ensure that harmful effects on SSSIs are avoided or mitigated against. Exceptions will only be made where the benefits clearly outweigh the impacts on the interest of the SSSI and its contribution to the national network of SSSIs. More guidance can be obtained in OPDM Circular 06/2005, PPS9 and PPS22.

In addition to the international and national site designations there are a number of plant and animal species within England that are subject to special protection under the Habitat Regulations, the Wildlife and Countryside Act and their own legislation. Any renewable energy development will need to demonstrate that these are protected from adverse effect through the adoption of appropriate avoidance and mitigation measures.

Local Geological and Local Wildlife Sites also need to be considered when assessing renewable energy development. Any development sited within or close to or adjacent to such sites should not cause significant harm to these nature conservation interests.

Developers also need to consider the effects of development on non-designated sites and species. Government policy seeks to protect priority habitats and species in the UK

Biodiversity Action Plan and any additionally identified in the Lincolnshire Biodiversity Action Plan. Many of these habitats and species extend outside of designated sites and consideration must be given to the potential impacts when developing any schemes. Effects on biodiversity can take place during the construction, operation or decommissioning phases of wind energy schemes.

Past experience of wind energy development elsewhere in the county has shown the main adverse effects on nature conservation to be direct habitat loss for feeding, roosting and breeding; habitat damage; interference with geological processes; and disturbance to, displacement of and collision with mobile species. However, it should be noted all these adverse effects can be mitigated to some extent.

Bats and Birds

The impact of bats and birds is a particular interest for wind energy development. All bats and some birds are protected species that need to be considered when developing a wind energy scheme. In areas where bat activity is likely, work will need to be carried out to establish roosts, flight lines, feeding areas, hibernation or swarming sites in the vicinity of a proposal as part of an Environmental Impact Assessment (EIA). The results of the EIA should assist to identify the appropriateness of the scheme, its design and layout by looking in detail at the nature conservation both on and off site and the potential impact of the development. If a negative impact is identified then mitigation measures would be expected to be provided within the locality to reduce the potential harm. Also time to establish new habitats needs to be taken into consideration. Any work carried out should be in accordance with the Bat Mitigation Guidelines, England Nature 2005 and Bat Survey Guidelines, Bat Conservation Trust April 2007.

The cumulative impact of bats and birds must also be assessed in relation to other proposed, approved or operational wind energy development.

Policy 1 - Biodiversity

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

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

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

Landscape

North Lincolnshire's landscape is a fundamental part of the area's character and provides an attractive backdrop for residents, visitors and investors to live and work. The area is characterised by a variety of landscapes, significant changes to which have resulted following the extraction of minerals where semi-natural landscapes, such as Barton Clay Pits, Messingham Gravel Pits and the Ironstone Gulleys, have been created.

Policy 2 - Landscape

Developers should consider the landscape impacts of their proposal for renewable energy development. Consideration should be given at the earliest stage in the design process to the character and quality of the landscape, the extent of the physical change involved, and the ability of the landscape to accommodate the change.

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

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

Visual effects

Renewable energy development can have significant visual impacts on its surroundings. This is dependent on their size, appearance and location. Accordingly it makes sense to select locations which minimise the area from which a proposed development would be visible. It is also important to consider the relative sensitivity of different viewpoints or receptors, and to use this understanding to influence the layout and design of the scheme.

A Landscape and Visual Impact Assessment (LVIA) should be provided as part of the Environmental Impact Assessment for proposed renewable energy development. Before commencing an LVIA, developers should discuss its contents with the council. This could involve an assessment of the visual relationship between the site and the surrounding area.

North Lincolnshire's experience is primarily with wind energy developments. Wind turbines are likely to be tall, frequently located in open land and therefore likely to be highly visible. Domestic wind turbines are likely to be smaller and it will normally be realistic to seek to conceal them. Developers are encouraged to ensure that the visual impacts are minimised and appropriate to the location of the wind farm development. In the case of North Lincolnshire, in particular the Trent Floodplain area, the landscape is fairly flat and uniform, therefore the visual impact of wind energy development will be substantial.

The visual effect of a wind farm will be dependent on:

- the distance over which it may be viewed;
- whether the turbines can be viewed adjacent to other features;
- different weather conditions;
- the design and layout of the development; and
- the landscape and nature of the visibility.

The following is a general guide to the effect distance has on the perception of the development in an open landscape. However, it should be noted that each proposal and its

associated visual effects will be treated on its own merits when being assessed against this guidance and other planning policy.

General perception of a wind farm in an open landscape	
Up to 2kms	Likely to be a prominent feature
2-5kms	Relatively prominent
5-15kms	Prominent in clear visibility - seen as part of the wider landscape
15-30kms	Only seen in very clear visibility - a minor element in the landscape

Taken from Best Practice Guidance to Planning Policy Statement

18 - Renewable Energy produced by the Department of Environment (Northern Ireland) (August 2009)

The visual impacts of renewable energy developments will be affected by their siting and layout in relation to local land form and landscape characteristics, and the qualities of the specific site, as well as by the size and number of turbines and/or buildings. Different layouts will be appropriate in different circumstances. For example, grouped turbines can normally appear acceptable as a single, isolated feature in an open, undeveloped landscape, while rows of turbines may be more appropriate in an agricultural landscape with formal field boundaries.

Although renewable energy developments may be complex, they should not appear confusing in relation to the character of the landscape. Ideally they should be separate from surrounding features to create a simple image. The design of each development must be appropriate to its site.

Policy 3 - Visual effects

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

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

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

Policy 4 - Heritage assets

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

Developers need to demonstrate that the objectives of the designation of the area or individual assets will not be compromised by the development, and that any significant

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

Cumulative Impacts

As the number of renewable energy developments across the country has increased, and proposals for such development continue to be drawn up, the issue of their cumulative impacts is becoming an increasingly important, and contentious, issue to be addressed in the planning process. North Lincolnshire has already experienced a number of proposals for renewable energy developments, some of which have received planning consent and are now operational or under construction. Proposals continue to be put forward. Given this it is likely that increasing significance will be attached to the cumulative impacts of these developments. Cumulative impacts can relate to landscape and visual amenity, bird populations and other wildlife, the historic environment, the local economy or any other matter.

The cumulative impacts of proposals for renewable energy development will be considered on a case-by-case basis, in the light of existing baseline conditions, accurate descriptions and visualisations of effects on key receptors, and relationships with other developments. The council will determine each proposal based on full and careful consideration of the information. Cumulative effects will also be considered in terms of impact on adjacent neighbouring areas across the boundary from North Lincolnshire.

Policy 10 – Cumulative effects

In preparing proposals for renewable energy development, developers should address the cumulative impact that the scheme could have on North Lincolnshire, taking into account operational and approved developments, any extensions to operational or approved proposals, and other proposals being advanced through the planning system. Any assessments should address cumulative visual and landscape impacts, as well as hydrology, hydrogeology, ecology, traffic and transport, aviation and radar, recreation and local amenity impacts.

Highways - Rights of Way

The highways considerations associated with renewable energy development are largely similar to those considered for other development. However, certain types of renewable energy development, such as wind turbines and photovoltaic arrays, are likely to have a significant impact on the local network of roads. In all cases site access is an important consideration to ensure that the local network of roads can accommodate the vehicles required to transport the renewable energy components. Any scheme will need to satisfy the Highway Authority that it is acceptable and recommended proposals should be discussed with the Highway Authority at the earliest possible opportunity.

An assessment of the full route to be used, including the site access, needs to be carried out in order to ensure that the road network can accommodate the loads and, where necessary, identify any measures that might be required. When examining such measures from a highway point of view consideration should also be given to any nature conservation interest on the route, and landscape and visual effects. In relation to public rights of way, access routes to developments, in particular wind turbines, should not be used unless there are no alternative options.

With regard to most types of renewable energy developments it should generally be possible to integrate existing public rights of way into schemes. However, in the case of wind turbines care should be taken to ensure an adequate distance is provided between public rights of way and turbines. At present there is no statutory separation distance between wind turbines and public rights of way (PROW) and PPS22 states that 'not oversailing public rights of way' is the minimum separation distance and the recommended fall over distance is considered adequate. The importance of existing and planned rights of way will need to be taken into consideration. Natural England recommends that separation distances for national trails should be 4 x the height of the turbine and for other bridleways 3 x the height. Impacts of wind turbines on PROW and national trails should be included as part of the Landscape and Visual Impact Assessment. The British Horse Society has recently issued new guidelines for bridleways that developers should take into account in any discussions.

Where renewable energy developments adversely affect the public rights of way network and/or landscape, provision should be made, where possible, to include the dedication of new public rights of way to help offset the disadvantages to the public.

Policy 13 - Highways & Rights of Way

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

Developers should also consider the impact of their proposals on existing and proposed Public Rights of Way as part of any Landscape and Visual Impact Assessment submitted with any planning application. Particular attention should be given to Natural England's and the British Horse Society's advice on minimum distance between Public Rights of Way/bridleways and wind turbines.

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

North Lincolnshire Local Plan

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

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

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

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

- (i) The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.
- (ii) The design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.
- (iii) No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.
- (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 PPS22 criteria).

These are set out below:

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

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

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

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

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

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

- visual effects
- cumulative impact
- noise
- amenity impacts
- landscape impact

- nature conservation and ecology interests
- archaeology and the built environment'

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

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

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

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

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

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

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

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

- minimising disturbance to residential amenity by means of noise, shadow flicker, visual and cumulative impacts

- how the proposed development will be accessed for construction, servicing and maintenance purposes and how any disturbance can be mitigated
- the impact on informal recreation sites and public rights of way, and
- liaising closely with local communities regarding the impact of the development'

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

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

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

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

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

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

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

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

CONSULTATIONS

Highways: No objection.

TOWN AND PARISH COUNCILS

Crowle and Ealand Town Council: No objection.

Flixborough Parish Council: No objection.

Eastoft Parish Council: No objection.

Belton Parish Council: No objection.

West Butterwick Parish Council: No objection.

Keadby with Althorpe Parish Council: Object on the following grounds:

'The parish council felt that this is not a minor amendment and would severely impact with regard to visuals and noises. It would seem that once the basic permission has been agreed, the applicant continues to ask for amendments that are outside the remit of the original.'

Burton-upon-Stather Parish Council: Make the following comments:

'Burton-upon-Stather acknowledge the wind farm will proceed and the application is to increase the turbine rotor diameter and reduce the height of the turbines themselves to enable the applicants to consider a number of turbine models for the site. The parish council wish to raise the following concerns:

- (1) North Lincolnshire Council is requested to check any data supplied from the applicant in relation to noise or increase in noise in relation to the change in design of the turbine.
- (2) The cumulative effect when positioning the structures and the wind movement creating a vortex may increase noise volume.
- (3) Information provided by SLR Global Environmental Solutions advises of a very slight increase in bird collision/mortality. Due to the location of the Blacktoft Sands nature reserve and bird migration within the local countryside, North Lincolnshire Council is requested to annotate that procedures are in place to protect birds and bats in their natural habitat.'

PUBLICITY

Receipt of the application has been advertised by site and press notices and one letter has been received objecting on the grounds that the increase in the diameter of the blades will result in an increase in noise and with larger blades this will result in the potential for an increase in shadow flicker affecting nearby residential properties.

ASSESSMENT

The council's public rights of way officer has been consulted and has made no objections.

Similarly, from the Environment Team in respect of landscape and ecological issues, no objections have been raised.

Importantly, the council's Environmental Protection officers have been consulted in respect of the potential for a change to the noise regime being effected by the proposal to increase the diameter of the turbine blades. The applicants have submitted, as well as details of bird strike and landscape appraisals, an indication that the requirements of condition 15 (noise) on the original planning permission for this development can still be met, even with the increase in rotor diameter. A considerable amount of correspondence has taken place to ensure that this is in fact the case.

The council's own Environmental Protection officers have looked into this situation carefully and, with a minor change to the noise condition (condition 11) as suggested by the applicants to refer to issues of tonal noise, they have no objections to the proposal to increase the diameter of the turbine blades and are of the opinion that the original condition, as proposed to be amended, will give adequate protection to nearby receptors from noise emanating from the turbines and wind farm generally.

The issue of bird strike and the impact that increasing the rotor diameter will have upon this issue has been carefully addressed by the submission of a report by SLR, consultants for the wind farm since its inception. They have concluded that the overall impact on species of birds that operate in this area will be minimal and will not lead to an increase in bird strike to such a degree that warrants resisting the proposal.

The council's own ecologist has not objected to this assessment nor made detailed comments. The conclusion is therefore reached that there are no reasons on bird strike analysis to resist this proposal.

In terms of impact on the landscape and visual impact, the applicants have confirmed through their consultants, who dealt with the original submission and the appeal, that the increase in blade diameter/swept area is not a factor that needs to be taken into account in the assessment of this revised proposal. The zone of visual influence and wireframe diagrams submitted with the original application, and to the appeal, remain effectively the same. Therefore this proposal is not significantly different for any noticeable alterations to effects on landscape character or views and in practice the difference between the approved and proposed turbines is likely to be imperceptible.

In addition to considering the above, it is important that Members consider any changes to policy since the original wind farm was approved. The council's most recent Supplementary Planning Document (SPD) on Renewables is the only significant policy change that has taken place and in analysing the policies within that SPD the conclusion can be drawn that the assessments that have already taken place remain unaffected except for policy 8 which deals with noise.

The issue of noise has been addressed earlier in this report and has clarified the matter is adequately dealt with by condition 15 of the existing wind farm permission with the addition of a paragraph supported by the council's own Environmental Protection team to deal with the issue of tonal noise (condition 11 of this recommendation).

In conclusion therefore, there are no technical or other reasons why the increase in rotor diameter cannot be approved. It will not have a significant impact on bird strike rates, it will not be perceptible to the visual nature of the development nor in respect of its impact on the

landscape, and there are no policy changes that warrant resisting this proposal. The two issues that do remain are the objection from the single third party and the issue of conditions.

The third party objection relates primarily to shadow flicker and condition 19 of the original permission requires the developers to submit in writing a protocol for the assessment of shadow flicker in the event of any complaints being received, including proposed remedial measures.

This is one condition for which details have not yet been submitted to the council and therefore the matter will be the subject of agreement as it is proposed to repeat that condition (condition 13) on any revised decision notice should the committee wish to authorise the increase in diameter.

The original planning permission issued by the Secretary of State for this development included 20 conditions. Some of those conditions have already been discharged: those relating to the design and external appearance of associated buildings; the submission and agreement of a construction method statement; the submission and agreement of a traffic management plan; the submission and agreement of a conservation management plan; and the submission of a method of mitigating the impact of the development on the radar for Robin Hood Airport Doncaster Sheffield.

Therefore the conditions imposed by the Secretary of State need repeating on any decision notice issued with the amendment to the condition relating to noise as is detailed elsewhere in this report.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be commenced by 28 February 2013.

Reason

To comply with Sections 91 and 73 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 of the making of such connection.

Reason

Application was only made for a temporary period.

3.

Within 12 months of the end of the 25 year period pursuant to condition 2 above, all wind turbines, ancillary equipment and buildings (but excluding access tracks) shall be dismantled to 1.2m 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 after-care 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

To ensure the timely restoration of the site.

4.

Notwithstanding the details submitted with the application, the centre of the tower of each wind turbine shall be sited within 50 metres of the grid co-ordinates listed on Figure - SEI 3.1, annexed hereto unless the local planning authority gives written consent to any variation.

Reason

To provide for micro-siting.

5.

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 interest of visual amenity.

6.

The wind turbines shall not be illuminated unless the local planning authority gives its written consent. Details of the illumination shall be submitted for approval before such works are undertaken.

Reason

In the interest of visual amenity.

7.

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

Reason

In the interest of visual amenity.

8.

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

To minimise electrical interference.

9.

Except in an emergency, no heavy commercial vehicle traffic, or any mobile plant and machinery having an operating weight exceeding three tonnes, which is associated with the

construction of the development, shall be routed via the villages of Crowle, Ealand or Keadby unless otherwise agreed in writing by the local planning authority, in consultation with the local highway authority.

Reason

In the interest of highway safety and to protect the residential environment.

10.

Construction site working shall only take place within the following hours: Monday to Friday from 0700 to 1900 hours or until dusk (whichever is earlier); and 0700 to 1300 hours on Saturdays. During the period of turbine erection and commissioning site working may take place on Mondays to Saturdays between 0700 to 1900 hours and on Sundays between 0700 to 1300 hours, subject to written notice being given to the local planning authority not less than two days in advance.

Reason

To minimise disturbance.

11.

At any noise sensitive property in the surrounding locality as shown on Figure - SEI 3.1 the noise levels experienced as a result of the wind turbines, excluding the existing background noise levels, shall not exceed:

- during night hours, the greater of the night hours LA90 10 min background noise level plus 5 dB(A) or 43 dB LA90 10 min at wind speeds not exceeding 12 metres per second;

and at all other times:

- the greater of the quiet waking hours LA90 10 min background noise level plus 5 dB(A) or 40 dB LA90 10 min at wind speeds not exceeding 12 metres per second;

providing that these noise levels shall only apply to dwellings existing at the date of this permission.

The above noise emission limits shall not apply at any dwelling owned by persons having financial involvement with the proposal. At such dwellings the noise levels attributable to the wind turbines shall not exceed the greater of 45dB LA90 10 min or 5 dB (A) above the background noise level.

Should noise from the wind farm exhibit any audible tonality, a correction to the measured wind farm noise shall be made in accordance with ETSU-R-97 procedures. Any such correction should be applied to the measured wind farm noise before comparison is made with the above noise emission limits.

Reason

To minimise the risk of noise nuisance.

12.

All cabling on the application site between the wind turbines and the site sub-station shall be installed underground.

Reason

In the interest of visual amenity.

13.

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

To minimise disturbance from shadow flicker.

14.

Where any matter contained within these conditions has to be agreed or approved by the local planning authority that matter in default of such agreement or approval shall be determined by the Secretary of State for Business, Enterprise and Regulatory Reform.

Reason

To ensure condition compliance.

Reasons for approval

The application for a minor material amendment has been considered against any policy changes evident since the original application was determined together with all other material considerations and it has been concluded that there are no additional adverse impacts attributed to the subject of the minor material amendment. Accordingly the proposal is considered compliant with the following policies:

National policies: PPS1, PPS4, PPS5, PPS7, PPS22, PPS24;

Regional Spatial Strategy for Yorkshire and the Humber: YH1, YH2, YH3, ENV10, E7

North Lincolnshire Core Strategy: CS18, SPD Renewable Energy 2011

North Lincolnshire Local Plan: SPG13, DS11, DS21, R22, LC5, LC7, LC12

