



Department for Communities and Local Government

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Our Ref: APP/N2535/A/14/2217829
Your Ref: MCLEANPA/156396-000103

14 September 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY RWE INNOGY UK LTD
LAND NORTH OF HEMSWELL CLIFF, LINCOLNSHIRE, DN21 5SL
APPLICATION REF: 128940**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Paul K Jackson BArch (Hons) RIBA, who held a public local inquiry which opened on 27 January 2015 and sat for 7 days, into your client's application to West Lindsey Council ("the Council") for the erection of a ten turbine wind farm (maximum height of 126.5 metres to blade tip for each turbine) and ancillary development, including the erection of a permanent and temporary anemometer mast, substation and control building, temporary construction compound, construction of underground electrical cabling, new access tracks and the upgrade of existing access tracks and site access points from the A15 and Middle Street, dated 4 July 2012, in accordance with application ref: 128940.
2. The appeal was recovered for the Secretary of State's determination on 25 June 2015, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal involves a renewable energy development.

Inspector's recommendation

3. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. The Secretary of State notes that, immediately following the appeal, your client submitted an alternative 8 turbine scheme which the Inspector has considered as an alternative to the appeal scheme. For the reasons given at IR5, the Secretary of State is satisfied that no interests have thereby been prejudiced and, like the Inspector, he has taken the alternative scheme into account in reaching his decision.

5. The Secretary of State considers that the Environmental Statement (ES) which accompanied the application, together with the Supplementary Environmental Information submitted in June 2013 at the request of the Council and the information submitted to accompany the alternative scheme (IR5), meets the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and provides the data and information required to adequately assess the impacts on the environment of the proposed development.

Matters arising after the close of the inquiry

6. The Secretary of State has had regard to the correspondence which was submitted after the close of the inquiry and listed at Annex A(i), along with that received in response to his letter of 18 June 2015 inviting comments on the Written Ministerial Statement (WMS) of the same date and referred to in paragraphs 8, 9 and 23 below. The Secretary of State has carefully considered all the representations received in his consideration of the appeal before him, but is satisfied that they do not raise matters which would require him to refer back to parties again prior to reaching his decision. Copies of these representations can be made available on written request to the address at the foot of the first page of this letter.

Policy and Statutory Considerations

7. In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the West Lindsey Local Plan (First Review) 2006 (LP). The Secretary of State agrees with the Inspector that the most relevant policies are those referred to at IR13-19 but, having regard to the Inspector's reasoning at IR295-296, he gives them little weight. The Secretary of State also agrees with the Inspector (IR13) that little weight can be attached to the replacement development plan (the Central Lincolnshire Local Plan), particularly given that it is at a very early stage in its preparation.
8. The Secretary of State has had regard to his WMS of 18 June. The statement explained that the Secretary of State was setting out new considerations to be applied to proposed wind energy development. Subject to a transitional provision, the statement explained that the new considerations had immediate effect. Given its relevance to this case, the Secretary of State attaches substantial weight to the statement as the most recent expression of government planning policy for onshore wind development.
9. The statement includes a transitional provision for where a valid planning application for wind energy development had already been submitted to a local planning authority at the date on which the statement was made and the development plan does not identify suitable sites. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. In applying the transitional provision to this appeal proposal the Secretary of State has considered the representations reported in the Inspector's report and the correspondence referred to in paragraph 6 above.

10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (“the Framework”) and the planning guidance published in March 2014; the National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy (EN-3); the Community Infrastructure Levy (CIL) Regulations 2010 as amended and Planning Practice Guidance for Renewable and Low Carbon Energy (2013). The Secretary of State has also taken into account the WMSs on renewable energy published in June 2013 by the Secretaries of State for Energy and Climate Change and for Communities and Local Government; the WMS on renewable energy published by the Secretary of State for Communities and Local Government in April 2014; and the English Heritage/Historic England guidance entitled “*The setting of Heritage Assets*” as updated in July 2015.
11. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), the Secretary of State has paid special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess. The Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance conservation areas, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issues

The effect of the proposed development on the settings of designated heritage assets

12. Having given very careful consideration to the Inspector’s findings with regard to the effect of the appeal scheme on the settings of heritage assets at IR297-318, and having taken into account the views of English Heritage and its updated guidance on the “Setting of Heritage Assets” referred to at paragraph 10 above, the Secretary of State agrees with the Inspector’s conclusion at IR318.
13. The Secretary of State has given considerable importance and weight to the identified harm and to the desirability of preserving the setting of the listed buildings as well as to the desirability of preserving or enhancing the character or appearance of the conservation area. However, he agrees with the Inspector (IR318) that, in the terms of paragraph 134 of the Framework, the overall harm of either the 8 or 10 turbine scheme would be “less than substantial” on the heritage significance of Norton Place, its park and garden; Hemswell Conservation Area; Willoughton; Blyborough Grange; and Spital-in-the-Street; but that it nevertheless needs to be considered in the balance.

The effect on heritage assets of significant archaeological interest

14. For the reasons given at IR319-322, the Secretary of State agrees with the Inspector at IR322 that there is nothing to suggest that the appellant has failed to evaluate properly the potential for archaeology on the site or that unacceptable harm would occur to heritage assets on the site as a result of either the 8 or 10 turbine scheme, subject to the locations of the temporary construction compounds being revised. He therefore has no reason to suppose that the development would not accord with the archaeological preservation aims of both the LP and the Framework.

The effect on landscape character and visual amenity

15. The Secretary of State notes (IR326) that it is common ground in this case that the turbines, whether 8 or 10 in number, would have a significant landscape impact for at least 3km from the site. Having carefully considered the Inspector’s arguments

at IR323-333, the Secretary of State agrees that there would be a significant adverse impact on landscape character in the Dip Slope and the Cliff Local Character Areas (LCAs) for a radius of about 3km, but that the significant effect would extend for a much greater distance in the Till Vale LCA; and he agrees with the Inspector (IR333) that that needs to be taken forward into the balance.

16. For the reasons given at IR334, the Secretary of State agrees with the Inspector that, although there would be some adverse impacts on the landscape in terms of it being a characteristic of the setting of heritage assets, these do not add any additional weight in the balance to the harm identified to the setting of the heritage assets themselves. Similarly, for the reasons given at IR335, the Secretary of State agrees with the Inspector that the proposed turbines would not, in conjunction with any other planned, constructed or operational wind turbines, have any unacceptable cumulative impact on landscape character or heritage assets.
17. With regard to visual amenity, the Secretary of State agrees with the Inspector (IR336-339) that the appearance of the appeal scheme, whether in 8 or 10 turbine guise, would have no more than moderate visual impact except in two cases. The first exception (IR337) is the bridleway passing through Ingham and Fillingham and on to Glentworth, where the Secretary of State agrees that the increased visibility of the turbines would be a direct result of their height above the Till Vale and the Cliff. The second (IR338-339) is the impact of the constant presence of the turbines on the day to day life of the Hemswell Cliff Primary School and the local community. The Secretary of State agrees with the Inspector that the visual impact on those in the school and the residents of Hemswell Cliff would be significantly greater than has been assessed by the appellant and he has given significant weight to this in the overall balance.

Other considerations

18. For the reasons given by the Inspector, the Secretary of State agrees with him that the issues of shadow flicker, and tv and wi-fi interference could be dealt with by means of conditions (IR340), as could the potential to interfere with aviation-related radar systems (IR347) and gliders (IR348). He also agrees that there is no firm evidence that any unacceptable health effects have been experienced in the UK as a result of a wind energy development (IR341).
19. Having regard to IR342-346, the Secretary of State notes that there is no evidence of any specific negative impacts that the proposed turbines would have on any person with autism in the vicinity of the appeal site (IR345). The Secretary of State also agrees with the Inspector that there are no convincing arguments to suggest that the impact of the scheme on business, tourism and employment should weigh heavily against the proposal (IR349); or that, with the conditions proposed, turbine noise would be a reason to refuse either of the two schemes. Furthermore, with regard to residential amenity (IR351-352), the Secretary of State concludes that, as a result of distance and partial screening, the effect of the turbines on any property would not be so overwhelming as to make any residential property an unpleasant place to live. He also agrees with the Inspector (IR353-354) that hydrology and ground water concerns do not weigh against permission being granted.

Overall balance and conclusions

20. Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 (see paragraph 7 above), the Secretary of State has concluded that the proposal

does not accord with the development plan taken as a whole, in particular owing to the clear conflict with policies NBE8 and NBE10. The Secretary of State has therefore gone on to consider whether there are any material considerations which might nevertheless justify allowing the appeal.

21. The Secretary of State agrees with the Inspector (IR357-358) that, in principle, new renewable energy proposals are to be welcomed and that, whether the 8 or 10 turbine option were to be pursued, the contribution to combatting climate change is an important consideration as is the potential to provide some economic stimulus to the local area.
22. However, the Secretary of State also agrees with the Inspector (IR359) that, although the development would be sustainable in principle, it is necessary to have regard to the fact that the environmental dimension of sustainable development includes contributing to protecting and enhancing the natural and historic environment by ensuring that the impacts of schemes are acceptable or capable of being made acceptable. As set out in more detail above, the Secretary of State agrees with the elements of harm identified by the Inspector at IR360-362. He also agrees with the Inspector (IR362) that the reversibility of the proposal carries little weight in view of the adverse effects on visual amenity for a generation.
23. In addition, having applied the transitional provision set out in the June 2015 WMS, the Secretary of State is not satisfied that the planning impacts identified by affected local communities have been addressed. There has been extensive involvement of the local population throughout the process (IR361), including the granting of Rule 6 status to VOCAT (IR2). In their responses to the Secretary of State's letter of 18 June 2015, the affected communities have repeated the concerns which they expressed previously about the planning impacts of the scheme. These include harm to the landscape, visual amenity and the setting of heritage assets, and it is clear from the IR that those planning impacts have not been addressed. This is demonstrated, in particular, by the Inspector's summary of the harm to the landscape character, visual amenity and setting of heritage assets at IR360. As those planning impacts as identified by the affected communities have not been addressed, the proposed scheme would not meet the transitional arrangements set out in the WMS of 18 June 2015; and the Secretary of State gives significant weight to this.
24. While the development would make a significant contribution to the supply of electricity as part of a mix of renewable resources in West Lindsey and a consequent contribution to combatting climate change for the life of the scheme, the combined adverse impacts of either the 10 or 8 turbine format in terms of harm to landscape character, harm to visual amenity and less than substantial harm to the setting, and therefore significance, of a number of heritage assets would significantly and demonstrably outweigh these benefits.

Conditions

25. The Secretary of State has considered the Inspector's reasoning and conclusions on conditions, as set out at IR290-291. He is satisfied that, in the form recommended by the Inspector, they are reasonable and necessary and would meet the tests of the Framework and the guidance.

Formal Decision

26. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses

planning permission for the erection of a ten or eight turbine wind farm (maximum height of 126.5 metres to blade tip for each turbine) and ancillary development, including the erection of a permanent and temporary anemometer mast, substation and control building, temporary construction compound, construction of underground electrical cabling, new access tracks and the upgrade of existing access tracks and site access points from the A15 and Middle Street, dated 4 July 2012, in accordance with application ref: 128940.

Right to challenge the decision

27. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

28. A copy of this letter has been sent to West Lindsey District Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by Paul K Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 10 April 2015

Town and Country Planning Act 1990

West Lindsey District Council

Appeal by

RWE Innogy UK Ltd

Inquiry opened on 27 January 2015

Land north of Hemswell Cliff, Lincolnshire: grid reference Easting 495230 Northing 392007

File Ref: APP/N2535/A/14/2217829

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File Ref: APP/N2535/A/14/2217829

Land north of Hemswell Cliff, Lincolnshire DN21 5SL (grid reference Easting 495230 Northing 392007)

- The application was recovered for decision by the Secretary of State by a direction, made under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, on 25 June 2014.
- The appeal is made by RWE Innogy UK Ltd against the decision of West Lindsey District Council.
- The application Ref 128940, originally dated 4 July 2012, was refused by notice dated 1 November 2013.
- The development proposed is construction of a ten turbine wind farm (maximum height of 126.5 metres to blade tip for each turbine) and ancillary development, including the erection of a permanent and temporary anemometer mast, substation and control building, temporary construction compound, construction of underground electrical cabling, new access tracks and the upgrade of existing access tracks and site access points from the A15 and Middle Street. This application is for a period of 25 years.

Summary of Recommendation: That the appeal is dismissed.

Preliminary Matters

1. The application was made by RWE Npower Renewables Ltd. On 31 January 2014, a Certificate of Incorporation on Change of Name was issued changing this to RWE Innogy Uk Ltd. The appeal is considered as if it had been made by this company.
2. Prior to the Inquiry, 'Rule 6' status was granted to the Villages of the Cliff against Turbines (VOCAT) a group of local residents.
3. The Inquiry opened on 27 January 2015 and sat for 7 days. An accompanied site visit was carried out on 6 February 2015. Unaccompanied visits were carried out in the surrounding area and to the Lincolnshire Wolds, prior to the pre-inquiry meeting on 2 September 2014 and on Monday 2 February, Wednesday 4 February and at other times. Locations visited included viewpoints identified at the Inquiry and in representations, as well as listed buildings and other heritage assets and public rights of way drawn to my attention.
4. Turbines are referred to in the Report as T1-T10 starting with the turbine in the north west and progressing in a clockwise direction¹. Before and during the site visits, turbine positions were marked on the ground with coloured flag markers. At the site visit on Friday 6 February, VOCAT flew a blimp from a location outside the site. Although affected by a breeze, this was a useful tool in helping to assess height and distance.
5. The planning applications were accompanied by an Environmental Statement (ES) dated March 2012, prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended. Further to a request from the Council, Supplementary Environmental Information (SEI) was submitted in June 2013 including a visualisations addendum. Immediately following the appeal, the appellant submitted an alternative 8 turbine scheme including Further Environmental

¹ See application drawings, Fig 2 ref RSK/MA/660248/2

Information (FEI)². This is dated August 2014 and was submitted with the objective of minimising the impact of the development on archaeological and cultural heritage assets. This proposal omits T4 and T5, the 2 easternmost turbines, and relocates the temporary construction compound to the site of T5. The Council consulted on the revised scheme and considered it on 17 September 2014, subsequently advising the Inspectorate of further grounds of refusal³. Representations were made on both schemes at the Inquiry. The 8 turbine proposal is considered as an alternative in this Report.

The site and its surroundings

6. The following site description is adapted from that contained in the Statement of Common Ground⁴ (SOCG). The proposed development is located on agricultural land about 1 kilometre (km) north of Hemswell Cliff, a former RAF station. It is now a village community with business and industrial activities utilising the former hangars and accommodation buildings. Gainsborough lies approximately 14 km to the west. The village of Hemswell, the majority of which is situated in a conservation area, is situated approximately 1.1km to the west of T10 at the foot of a west-facing scarp slope, the Lincoln Edge (or 'Lincoln Cliff'). The appeal site is bordered by the A15 to the east (the Roman 'Ermine Way') and open fields to the south between it and Hemswell Cliff; the B1398 Middle Street runs along the top of the scarp slope to the west and Old Leys Lane (an unclassified minor road) defines the site boundary to the north.
7. The site itself consists of several large scale arable fields and is surrounded by similar land except on the scarp slope where smaller fields and trees predominate. The limestone escarpment is a locally prominent landscape feature running approximately north-south through Lincolnshire. It is a locally designated Area of Great Landscape Value (AGLV)⁵. The site is interspersed with and fringed by a combination of copses, plantations, shrubs and hedgerow trees.
8. Land to the west beneath the scarp lies in the Till Vale and is generally flat. Extensive views towards the Trent valley can be had from the top of the scarp. To the east, the appeal site lies on a 'dip slope' which descends gradually to the River Ancholme about 9.5 km away before rising up to the Lincolnshire Wolds which are conspicuous on the eastern horizon and designated an Area of Outstanding Natural Beauty (AONB)⁶. The edge of the AONB is about 14.5 km from the site.
9. There are no public rights of way (PROW) within the site and the extent of the footpath network up to approximately 2 km to the south, north and east of the appeal site is limited. However, there are several PROWs within the AGLV immediately to the west of the site and within a radius of 2 km to 10 km⁷. The 'Towers Way' is the sole long distance path within 10 km of the appeal site. This 152 km path linking Barton upon Humber and Lincoln, passes within 7 km to the south-east. There are no National Trails in the vicinity but several long distance routes lie in the area at a distance of 10 km to 25 km.

² See Fig 4.1 FEI Vol 2

³ Core Document (CD) 12.13

⁴ CD12.10

⁵ Shown on Figure 3.1 of Volume 1 of the ES

⁶ A useful section through the topography is contained in Mr Welch's appendices at Figure 1

⁷ PROWs are most readily appreciated from Mr Denney's appendix 1 at Figs 3, 4 and 9

10. There are no sites of nature conservation importance designated under statute within the appeal site or within a 10 km radius. The closest statutory nature conservation site is the Cliff House Site of Special Scientific Interest, designated for its calcareous grassland. There are four non-statutory designated sites within 2 km of the appeal site. The Norton Place Local Wildlife Site (LWS) is located approximately 1 km from the site boundary and comprises two large fish ponds with associated reed bed habitat and adjacent rush pasture. Three Sites of Nature Conservation Interest (SNCI) are located approximately 1.8 km away: Hemswell Grassland SNCI; Hall Farm SNCI; and Caenby Corner SNCI. The Council agrees that that none of these assets would be expected to experience any material adverse effects as a result of the proposed development.
11. The reason for refusal (10 turbine scheme) and grounds for refusal (8 turbine scheme) both refer to the effect of the proposed development on the setting and significance of heritage assets but only specifically mention one. Norton Place is a Grade I Listed Building with associated ancillary listed assets set within a locally designated Historic Park and Garden. The house is about 1 km from the site of T5 and the park boundary would be about 600 metres (m) from T5 in a south easterly direction. Other listed buildings and Scheduled Ancient Monuments (SAMs) and several conservation areas lie within a 5 km radius⁸. Other heritage assets are referred to by the parties. These are covered in the Report in the conclusions section.

The proposal

12. The 10 wind turbines would each be 126.5m high with a hub height of 80m. The actual turbine is not specified but would be between 2-2.5 megawatts (MW) rated output each, leading to approximately 20-25 MW total capacity. The potential power output for the 8 turbine scheme would be proportionally less. In both schemes, a substation would be provided on the western side of the site accessed from the B1398. The most likely means of connection to the grid would be by means of an underground cable connection from the substation to the substation at the AWS Eco plastics recycling facility in Hemswell Cliff.

Planning policy

13. For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, the adopted development plan comprises saved policies of the West Lindsey Local Plan (First Review) 2006 (LP). Work is underway on the anticipated replacement Central Lincolnshire Local Development Scheme⁹. Consultation took place in 2014 and submission of the draft Plan for examination is expected in April 2016. West Lindsey District is included in the plan area. The Council intends to publish the second draft of the Local Plan for consultation in July 2015. Very limited weight can be attached to the replacement development plan at this stage.
14. LP policies referred to in the reasons and grounds for refusal are STRAT 1, NBE 8 and NBE 10. STRAT 1 is described as a keynote policy against which all development proposals requiring planning permission will be assessed. It says that all development must take full account of the need to protect the

⁸ Shown on Fig 7.2 FEI Vol 2

⁹ CD3.4

environment so that present demands do not compromise the ability of future generations to meet their own needs and enjoy a high quality environment. Development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources, protect the Plan area's character and be satisfactory with regard to a number of factors including:

- The impact on the character, appearance and amenities of neighbouring, and where relevant, other land, including visual encroachment into the countryside;
- The impact on the character, appearance and setting of historic assets including Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Historic Parks and Gardens;
- The impact of the proposal on neighbouring and, where relevant, other uses;
- The availability and capacity of infrastructure and social/community facilities to adequately serve the development; and
- The retention and safeguarding of existing trees, woodlands and hedgerows where feasible and the incorporation of landscape measures and/or the utilisation of natural screening in order to maintain the ecological value of the site and the wider environment.

15. The last sentence of the policy says: *'Where in sensitive locations new development will have an impact on the character of the area by virtue of its location or scale, planning permission will not be granted unless detailed plans are submitted with the planning application'*. The accompanying text then says *'When considering development proposals the Council must have adequate information to enable them to be judged against the policies in the plan. In many locations in the District which are sensitive to new developments, simple outline applications do not give sufficient detail to allow a complete consideration of the application. These sensitive locations and situations include:*

- *Applications in a Conservation Area; the Lincolnshire Wolds AONB; or in an Area of Great Landscape Value*
- *Applications for development which will affect a Listed Building and/or its setting; Sites of Special Scientific Interest; Sites of Nature Conservation Importance; Archaeological Sites, Regionally Important Geological or Geomorphological Sites or Green Wedges*
- *Applications for development which may create pollution, unnecessarily use resources, including energy, or otherwise significantly add to environmental problems'*.

16. The last paragraph of the justification of STRAT 1 says *'Where it appears that a new development will result in a loss in the quality of the environment, information must be provided with the application to indicate what measures will be taken to mitigate that loss. The information should also indicate how these measures can be delivered and how a net gain from the development can be obtained. All development proposals should positively contribute to the enhancement of local distinctiveness and sense of place'*.

17. Policy NBE 8 indicates that development will not be permitted which would harm the character, appearance, setting or features of historic parks and gardens within the list compiled by English Heritage (EH); and other parks, gardens and formally laid out areas identified by the Local Planning Authority as being worthy of protection. The explanatory text says that *'Development which is designed sympathetically and fits in with the character of the area may be allowed to proceed. However, development will normally be resisted when it is proposed either in or adjacent to the grounds and which would harm the character of the gardens. The exact scope of the policy, in terms of types or location of development, cannot be precisely defined, as proposed development of different types has the potential to have widely varying effects which are difficult to predict'*.
18. Policy NBE 10 concerns the protection of landscape character and advises that a high priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas (LCAs) as defined in the Landscape Character Assessment and amplified in the Countryside Design Summary¹⁰. In cases where development is to be permitted proposals should meet the following criteria:
- It should respect and enhance local distinctiveness;
 - The scale, design and materials used should reflect local styles and respect the local environment;
 - Important landscape features should be maintained or enhanced as part of the scheme; and
 - Development should not have a detrimental effect on skylines or important views.

It then says that areas of particularly high local landscape value because of their distinctive characteristics have been identified on the Proposals Map as AGLVs.

19. The explanatory text says that *'The AGLVs are felt to be of distinctive value to the character of the District as a whole and development that may impact on their character would detrimentally affect the overall character of West Lindsey. These AGLVs follow landscape features which run through towns and villages, therefore the AGLV designation washes over those settlements'*.

Supplementary Planning Documents

20. Relevant supplementary planning documents (SPD) include the West Lindsey Countryside Design Summary¹¹ which was adopted as supplementary planning guidance in December 2003. It sets out settlement pattern characteristics in the landscape and recommends design principles to be followed for all development. The SPG draws on information within the West Lindsey Landscape Character Assessment¹² published in 1999. No mention is made of renewable energy proposals.

¹⁰ Supplementary Planning Guidance CD3.1

¹¹ CD3.1

¹² CD3.2

21. The Lincolnshire County Council Wind Energy Position Statement¹³ was issued in June 2012. The County Council will use this to inform responses to wind farm proposals as a consultee. It expresses the concern that onshore wind farm proposals could result in the industrialisation and urbanisation of a highly rural county renowned and characterised by its big skies and uninterrupted vistas. Amongst other things, it considers that this would be alien in a predominately flat landscape reducing the remoteness of the landscape and diminishing the visual impact of subtly undulating areas including the Lincoln Edge. The advice does not form part of the development plan but is a material consideration.

National policy

22. As a result of EU Directive 2009/28/EC, the UK is committed to a legally binding target to achieve 15% of all energy generated from renewable resources, including electricity, heat and transport, by 2020. The 2006 Energy Review has an aspiration of 20% of electricity to be from renewable resources by 2020. The Climate Change Act of 2008 sets a target of at least an 80% cut in greenhouse gas emissions by 2050. The overarching strategy to reduce carbon emissions to meet the requirements of the EU Directive and the Climate Change Act is contained in the 2009 UK Renewable Energy Strategy and the UK Low Carbon Transition Plan; the lead scenario is that 30% of electricity is to be derived from renewable resources by 2020, though this is not binding. The UK Renewable Energy Roadmap (the Roadmap) was published in 2011 and focuses on 8 technologies which are considered to offer the greatest potential to deliver the infrastructure to meet the target, including onshore wind energy. An update to the Roadmap was published in November 2013¹⁴ which confirms that to the end of June 2013, there was a total of installed onshore wind capacity of 7.0 Gigawatts (GW). A total of over 19.5GW of onshore wind capacity was in operation, under construction or had entered the formal planning system. The document records that very good progress has been made against the 15% target but that the Government retains strong ambitions for renewables deployment beyond 2020.
23. Not all of the developments anticipated in the Roadmap will be consented and not everything will be built, but the majority of new onshore wind developments will be in Scotland. There is no cap on capacity. The Roadmap advises that onshore wind, as one of the most cost effective and proven renewable energy technologies, has an important part to play in a responsible and balanced UK energy policy. The Government will continue to provide a stable long term investment framework for the sector.
24. The 2013 Update states that the Government recognises that some people have concerns about onshore wind developments and it remains committed to ensuring that projects are built in the right places, with the support of local communities; and that they deliver real local economic benefits. New proposals are still needed to meet the 2020 ambition and longer term decarbonisation.
25. The National Planning Policy Framework of 2012 (the NPPF) replaced the previous Planning Policy Statements (PPSs) and Planning Policy Guidance Notes, though the PPS5 Planning for the Historic Environment Practice Guide (PPS5PG) remains

¹³ Doc 13

¹⁴ CD 5.29

extant. The NPPF says at paragraph 98 that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved¹⁵ if their impacts are (or can be made) acceptable. The NPPF advises that decision makers should follow the approach set out in the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3), read with the Overarching NPS for Energy (EN-1), both dated 2011.

26. The advice needs to be read as a whole. Particularly relevant to this case is section 5.8 of EN-1 which concerns the historic environment. Paragraph 5.8.18 says that when considering applications for development affecting the setting of a designated heritage asset, the IPC (or the decision maker) should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the decision maker should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.
27. Paragraph 5.9.18 advises that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites and that a judgement has to be made on whether the visual effects on sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project. EN-3 states at paragraph 2.7.6 that appropriate distances should be maintained between wind turbines and sensitive receptors to protect amenity, the two main impact issues being visual amenity and noise. Paragraphs 2.7.48/49 say that commercial wind farms are large structures and that there will always be significant landscape and visual effects for a number of kilometres around a site; the arrangement of turbines should be carefully designed to minimise effects on the landscape and visual amenity whilst meeting technical and operational siting requirements and other constraints.
28. The NPPF has a number of core principles at paragraph 17. One of these specifically supports the transition to a low carbon future in a changing climate and encourages the use of renewable resources (for example, by the development of renewable energy). Another core principle says that a good standard of amenity should always be sought for existing and future occupants of buildings and that planning should take account of the different roles and character of different areas.....recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Another says that planning should also conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
29. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral. EH guidance¹⁶ indicates that setting embraces all of the surroundings from which an asset can be experienced or that

¹⁵ Unless material considerations indicate otherwise

¹⁶ CD 9.4

can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

30. Heritage significance can be harmed through development within setting. Substantial harm to the significance of a Grade II listed building should be exceptional. Substantial harm to the significance of designated heritage assets of the highest significance (including SAMs, Grade I and II* listed buildings) should be wholly exceptional. Paragraph 133 of the NPPF says that if development would cause substantial harm to significance, then planning permission should not be granted unless it can be demonstrated that an exception is warranted; an exception would be justified if the substantial harm is necessary to achieve substantial public benefits that would outweigh the harm. If the development would cause less than substantial harm, this harm should be weighed against the public benefits of the proposal.
31. The Planning Guidance of March 2014 (PPG) advises in the section on renewable and low carbon energy that:
 - the need for renewable or low carbon energy does not automatically override environmental protections;
 - cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
 - local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
 - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
 - proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
 - protecting local amenity is an important consideration which should be given proper weight in planning decisions
32. The PPG also provides advice on conserving and enhancing the historic environment, saying that heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits. In assessing whether 'substantial harm' in the terms of the NPPF is likely to occur, it says: *'What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the NPPF makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting. Whether a proposal causes substantial harm*

will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting. While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.'

33. Under the section 'How can proposals avoid or minimise harm to the significance of a heritage asset?' the guidance says '*A clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm. Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such studies can reveal alternative development options, for example more sensitive designs or different orientations, that will deliver public benefits in a more sustainable and appropriate way*'.
34. The most recent advice in the PPG¹⁷ with regard to how heritage should be taken into account in assessing wind turbine applications is: '*As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.*'
35. In accordance with the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. The preservation of setting is to be treated as a desired or sought-after objective, and considerable importance and weight attaches to the desirability of preserving the setting of listed buildings when weighing this factor in the balance.
36. As required by section 72(1) of the LBCA, special attention must also be given, with respect to any buildings or other land in a conservation area, to the desirability of preserving or enhancing the character or appearance of that area. The appeal site is not within any CA but the proposed turbines would be visible from and around the nearest CA in Hemswell. In a wind energy case at Asfordby¹⁸, the Secretary of State noted that special attention should be paid to the desirability of preserving or enhancing the character of those conservation areas whose settings would be affected by the appeal scheme.

¹⁷ 6 March 2014

¹⁸ CD 8.14

The case for RWE Innogy UK Ltd

The main points are:

37. West Lindsey is one of the two rural districts within Lincolnshire with the highest potential to accommodate on-shore wind farms. Looking at the basic Landscape Character Areas (LCAs) of The Trent Valley, The Lincoln Cliff, The Limestone Dip Slope and The Wolds, it is clearly preferable to avoid siting commercial wind farms within The Lincoln Cliff and The Wolds. Within the Limestone Dip Slope LCA, pockets of higher sensitivity lie to the east; the more open, expansive, large scale characteristics of the western side are better able to accommodate tall turbines. Best of all is the patch to the west of the A15. A key characteristic of the Till Vale LCA in the Trent Valley is long distance views towards the Lincoln Cliff. If commercial wind turbines were located within the Till Vale itself, they would be interposed in such views towards the Lincoln Cliff. From the top of Lincoln Cliff itself, they would also feature in the wide, expansive views looking out across the Till Vale. Far from being the most damaging choice as suggested by VOCAT, this appeal site is exactly where commercial wind farm development should be sited.
38. The appeal proposals emerge as a refined development within a large, self-contained site without public access rights. Both the 10 and 8 turbine schemes would demonstrably operate within acceptable environmental limits and the public interest test relating to impact on residential amenity would not be breached. The appeal site is not subject to any protective environmental or landscape designations. The proposed development would be time limited and fully reversible. This is a low impact project.
39. The genuine choice is between the 10 and 8 turbine format and not between a wind farm or no wind farm at all. Which it comes down to a question of balance; if, having paid special regard to the desirability of preserving the setting of the Norton Place group of assets pursuant to section 66(1) of the LBCA, sufficient of the heritage significance would be preserved, then the 10 turbine format should be approved. If further minimisation of harm to the setting of Norton Place is thought desirable then the 8 turbine format would be appropriate. Whichever version of the scheme, this is the right location for this much needed wind farm.

Policy

40. The adopted development plan is agreed to be silent on the topic of renewable energy as a whole and does not provide an up to date criteria based development management policy for the assessment of on-shore wind farm proposals. It would not be right to give anything more than very limited weight to a plethora of dated policies which clearly do not countenance this sort of project. Section 38(6) has primacy and the Secretary of State has approached this situation in a number of recently decided cases at Treading, Nun Wood, Orchard Way and Turncole. At Turncole, the most recent, the Secretary of State concluded that *"The proposal would conflict with saved Local Plan policies on landscape and visual impact. However the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In this case, the Local Plan does not include criteria-based policies to enable to the assessment of renewable energy schemes. Furthermore, whilst the Special Landscape Area designation in which the proposal is situated is indicative of a*

valued landscape, the Plan does not set criteria based policies against which proposals for any development on or affecting such landscape areas would be judged. Having had particular regard to paragraph 98 of the NPPF, the Secretary of State considers that the landscape and visual amenity impacts of the proposal would be acceptable in this case, as would other impacts subject to the relevant conditions. He agrees with the Inspector that the planning balance falls in favour of the proposal and that it would be sustainable development to which the presumption in favour set out in the NPPF would apply."

41. Based upon a clear pattern of reasoning by the Secretary of State in previous appeal decisions, policies STRAT 1, STRAT 12, CORE 10, NBE 8 and NBE 10 are relevant policies; these are inconsistent with the NPPF when considering a renewable energy application; breach of policy STRAT 1 should be accorded some weight, policy NBE 8 should be accorded no weight and policy NBE 10 should be accorded some weight in the planning balance. Such an approach is entirely consistent with both the primary statutory duty contained in section 38(6) and the policy duties contained in the NPPF. The proposed development clearly engages the second limb of the decision making part of paragraph 14. In circumstances in which the LP does not encourage renewable energy schemes in the way countenanced by the NPPF, the planning balance is pre-loaded and planning permission should be granted unless harm significantly and demonstrably outweighs identified benefits.
42. The Council alleges that paragraph 14 of the NPPF would be disengaged because the proposed development would impact on the setting of a heritage asset. Such an argument has never formed part of the Council's approach prior to the Inquiry. The Secretary of State himself has clearly applied the second bullet point in paragraph 14 of the NPPF notwithstanding that harm to the setting of a heritage asset was caused; as at Treading, Orchard Way and Turncole above. One approach is that paragraph 133 is a policy of restriction but paragraph 134 is not. A second approach is that both paragraphs 133 and 134 are policies of restriction but once they have been complied with, the presumption in favour of sustainable development is re-engaged.
43. Taken together and properly understood, the Ministerial Statements did not constitute a change in Government planning policy; nor did they signal any diminution in the need case for onshore wind. Nor did they direct the decision maker to actually do anything differently, or at all. When the PPG finally arrived, the four bullet points identified as being matters that need to be carefully considered were carried forward with the addition of two more: (1) the need case (2) cumulative matters (3) topography (4) heritage assets (5) national designations and (6) amenity. However, all these points were already addressed in national planning policy and guidance and well known decided case law and they gain no greater weight from being repeated. The Council's planning witness expressly agreed that the PPG did not mark any change in policy.
44. The important point is that there is nothing in the PPG that does or should be taken to imply a recalibration of the threshold of acceptable change and it does not say that any greater weight should be afforded to local concerns. The PPG exhorts local authorities to design their policies – and, by extension, interpret them when making planning decisions – in a way that maximises renewable energy development (obviously subject, as always, to the caveat of the impacts being acceptable). In this appeal, whilst the need case does not automatically

override environmental protection and the concerns of the community, it is an important material consideration which should be afforded significant weight in the planning balance. The appellant has taken full account in its supporting information for the application of cumulative matters and local topographic considerations as part of the Landscape and Visual Impact Assessment (LVIA), and the Council does not object on cumulative grounds; the appellant has properly assessed the potential effects on heritage assets in line with national planning policy and guidance, taking account of the Barnwell Manor, Forge Field and Nuon v Bedford Borough Council cases; and the visual component of residential amenity has been assessed in line with the bench mark case of Burnthouse Farm; and the Council does not object on this basis.

45. It would be erroneous to suggest that somehow the need case for onshore wind has abated. This is a nationally significant wind energy scheme that will make a material contribution towards renewable energy and carbon saving objectives and that is supported by national planning policy. The 10 turbine scheme would produce more; the 8 turbine scheme would produce proportionately less but would result in an even lower level of harm to cultural heritage interests.

Landscape and visual impact

46. The appeal site does not lie in a landscape with any form of designation. Natural England (NE) does not object to the proposed development. Importantly, NE does not consider the appeal site to lie within the setting of the AONB. Nor has the AONB Management Board objected to the development.
47. Council officers initially concluded that the proposed development would have a moderate effect on the overall character of the Limestone Dip LCA with a large magnitude of change perceived locally and a moderate effect on the significance of the Cliff AGLV; a significant visual impact locally, more readily perceived from the line of villages to the east (particularly Bishop Norton) and from Corringham to the west and up to 13 residential properties would endure a large magnitude of change in their outlook. It was considered that such harm would be contrary to local policy but was "not considered to outweigh the wider benefits of this renewable energy proposal".
48. Reason for Refusal 3 was added by elected members and was quite specific in its reference to "*adverse visual impact on the setting and appearance of local landscape character in particular the Cliff AGLV contrary to part i, part iii & iv of policy NBE 10, STRAT 1 and paragraph 7 and part 12 of the NPPF*". By the time of the Statement of Case, the Council's case had broadened. It was stated that "*It is the Council's case that the development will result in harm to the setting of the following landscape assets, to a level which cannot be outweighed by the benefits of the project as a whole: The AGLV, The Cliff Landscape Character Area, the AONB, and Public Rights of Way and residential properties in close proximity to the site*". This expanded case was not apparently taken back to elected members and there was no mandate for it.
49. At the Inquiry, the Council made yet a further shift in position, accepting that there wouldn't even be a significant effect on the AONB let alone an impact on the designated area which could not be outweighed. It also purports to raise a reason for refusal based on 'precedent' and the potential for impacts from other developments. The Council's case has changed, expanded, retracted again; ultimately it does not justify refusal of planning permission at all.

50. VOCAT adopted an unorthodox approach to landscape character impact assessment. To take an extreme example, at 17.7 km in undesignated landscape, its landscape witness was clear in saying that he identified a landscape character effect on the local landscape in which the receptor was standing. In other words, simply because the turbines were visible and broke the skyline, a significant landscape character effect would occur where the viewer stands. Whatever methodology or approach may be used, this sort of sensitive calibration to change is beyond reason.
51. RSK undertook a free standing LVIA of the 10 turbine scheme in the ES. Pegasus undertook a free standing LVIA of the 8 turbine scheme in the FEI. There is sufficient environmental information for both schemes. The RSK and Pegasus LVIA methodologies are different in approach, using different terminologies and thresholds for significance. The decision maker can compare the outputs of the two assessments. The decision maker can also compare individual judgments made but all the time recognising the differences in approach. The Pegasus LVIA does not seek to amend or correct the RSK LVIA except in some limited circumstances identified at the Inquiry.
52. The wind farm would have a light 'footprint' which means that it could be satisfactorily accommodated without causing any material change to landscape fabric. This is agreed by all.
53. The West Lindsey Landscape Character Assessment is robust and thorough. In accordance with GLVIA¹⁹ 2 and 3, an assessment of the impact of the proposed development should focus on identified key characteristics. The key characteristics of the host Limestone Dip Slope LCA include the limestone dip slope falling gently to the east from the Cliff and an exposed, open landscape with redundant airfields in the west. Pockets of higher sensitivity are to the east and longer distance views to the Wolds are available. The LCA has a low to medium susceptibility to large scale wind overall. However, that part of the Limestone Dip Slope best able to accommodate a commercial wind farm is the lower sensitivity land to the west of the A15; exactly where the appeal site is located on the expanse of the former WWII heavy bomber airfield.
54. The key characteristics of the Cliff LCA include the straight, limestone scarp slope and spring line villages at the foot of the scarp with historic character and many trees. The LCA as a whole has a high sensitivity to large scale wind being sited within it. As the proposed development is located within the Limestone Dip Slope, there would be no significant effects on the Lincoln Cliff beyond the B1398. The AGLV broadly coincides with the boundary of the Cliff LCA and again, there would be no undermining of the reason for its designation. There is a point of factual dispute as to whether the B1398, from which any significant effects would be experienced, is within the AGLV or not and the appellant concludes that it is not.
55. The key characteristics of the Till Vale LCA include an agricultural landscape with large, flat open fields and small blocks of mixed woodland and shelterbelts with long westward views to the power stations on the River Trent and eastward views to the scarp face of the Lincoln Cliff. This LCA has a medium susceptibility to large scale wind overall. The key characteristic referred to most by the Council and VOCAT has been eastward views to the scarp face. It is clear that a wind

¹⁹ *Guidelines for Visual Impact Assessment* 2nd & 3rd editions CDs 10.2 & 10.16

farm actually located within the Till Vale would physically interrupt and obscure views of the Cliff and interfere with a key characteristic in a way which the appeal scheme on top of the Limestone Dip slope would not. The potential for significant effects is both limited in nature and extent and restricted to the local landscape in comparatively close proximity to the turbines.

56. It is common ground that significant character effects would occur up to a distance of 3 km. The appellant does not agree that they would extend further. It is a bizarre argument from the Council to hold that susceptibility to this development is higher because there are currently no operational wind farms; taken to its logical conclusion, in a rural district expected to deliver wind farms but where there are none, there never would be any wind farms.
57. It is common ground between the appellant and the Council that the Lincolnshire Wolds AONB would not sustain any significant landscape or visual effects. Whilst the turbines would be visible in the wider landscape beyond the AONB and from some sensitive locations along the western edge, they are too far away to unacceptably harm any of the AONB Special Qualities and VOCAT's allegation in this regard is untenable.

Visual amenity

58. Significant visual effects would occur in relatively close proximity to the appeal site. These include some locations at Hemswell Cliff and Spital-in-the-Street, the B1398, the northern periphery of Norton Place and locations on the local highway network. There would also be some significant effects at Bishop Norton. Much of the debate has been about Viewpoint (VP) 10 from Corringham. The visual effects from this viewpoint in the Till Vale would be non-significant. The appellant has not disregarded effects just because they fall below the threshold of significance, but has fully included and considered the effects in the Till Vale, including that at VP10. The effects are what they are.

Recreational amenity

59. The two LVIA's have assessed the potential effects on the users of local public rights of way (PROW) and identify the comparative limitations of the local network and likely effects upon it. There would be no significant effects upon local PROWs and there are no long distance trails closer than 6.2 km from the nearest turbine.

Cumulative visual effects

60. There would be no unacceptable cumulative landscape character or visual amenity effects. This seems to be agreed albeit that the fear of precedent is raised by both the Council and VOCAT which is not a justifiable reason for refusal.

Residential component of visual amenity

61. At no dwelling would the turbines be visually overbearing, overwhelming or oppressive such that they would be rendered unattractive places in which to live. Given the scale of the development, spacing of the turbines, separation distances involved, orientation of properties and amenity space and openness of view, any effects on outlook would not cross the public interest line. The Council accepts that this is the case. Residential amenity has not featured in this inquiry very much at all.

Cultural heritage

62. The appellant has prepared detailed legal submissions on cultural heritage²⁰. EH urged the Council to have regard to the setting of the Grade II* Church of St. Andrew, the scheduled ancient monuments of Monks Garth and Temple Garth in Willoughton, and the Grade I Norton Place and Grade II Lodges, Gateway and Gates with the associated designed landscape including the Grade II* listed bridge over the lakes and Grade II listed Coach House. It suggested that particular attention was paid to Turbines 1 and 10 with regard to the Willoughton assets and Turbine 5 with respect to Norton Place. In the 8 turbine format, Turbine 5 would be removed.
63. EH was mistaken in asserting that the montage view looking north towards Norton Place²¹ was taken from the start of a "formal approach through the park to the house" and was a constructed view. It simply cannot be – there is not, and never has been, any kind of track (much less a "formal approach") from the VP location. In terms of the farm track from the south that does exist, there is no view of Norton Place at all from the start of the farm track (a fact of which the Council seemed to be unaware, despite local knowledge and field work in preparation for the inquiry). To the extent that such a view obtained from a "formal approach" to the house formed part of the concerns expressed by EH, then such concerns were groundless. In any event, EH have not been so concerned about potential impact on a Grade I asset as to investigate in more detail, or to formally object, as they surely would have done if they had felt there was any possibility of substantial harm.
64. The Council's heritage witness was unreliable. Contrary to her clearly given evidence when she was pressed in both cross examination and by the Inspector, in the comparison viewpoints, the 8 turbine format would obviously reduce the degree of harm. This is the reason why the impact would be reduced from a minor level of harm to overall heritage significance with 10 turbines, to a level of no harm with 8. The whole purpose of documents such as the EH *Guidance on the Setting of Heritage Assets*²² is to provide a common vocabulary and framework for professional assessment, but the Council's assessment of harm to heritage assets has been inconsistent and hard to understand throughout the application and appeal process. The one constant feature is that the Council alleges substantial harm to Norton Place based on its belief that views from the A631 are designed. They clearly are not.
65. The appellant accepts that some limited impacts on above ground heritage assets are likely to arise from the proposed development. Dealing with each asset:

Norton Place

66. The historical map sequence does show an access route from what is now the A631 which appears to have given a secondary access to a track within the southern belt of woodland. The 1819 map indicates that this access route was linked to a drive across the parkland on the south side of the lake to the bridge and then to the main drive. The 1824 Ordnance Survey base is very helpful in this regard. By the time of the 1886 2nd edition Ordnance Survey map base, no

²⁰ Doc 1

²¹ Nearest viewpoint at heritage VP3

²² CD 9.4

drive is shown from this southern access route to the bridge over the lake and the main drive. The present line of the agricultural access from the A631 does not follow the line of the drive shown on the 1819 map once it enters the historic parkland but runs along the south side of the Long Screed. There are no ornamental gates or historical markers of any type in relation to identify the southern access. Mr. Coleman's suggestion that the gates, gate piers and lodges were at the southern entrance originally and then moved to the western lacks any credibility²³.

67. There is no evidence to suggest that there was a designed view through the gap between trees towards the house at any point along the southern access route. The 1819 map and the later Ordnance Survey maps all show significant numbers of parkland trees in the area to the south of the lake and these would have prevented a clear vista towards the house. Present views of the house from this private access are also partially screened by trees within the parkland. If there was a secondary access from the south, only glimpsed views of the house through trees would have been intended until reaching the bridge over the lake. Directly contrary to what the Council asserted, the gap in the trees is most likely to relate to a wish to provide longer distance views out from the house. There is no evidential justification for the notion that this gap was deliberately provided to allow for views towards the house. No view of the house is possible from the junction of the A631 with the agricultural access, which is the point where a key view from the south might be expected. From the A631, which rises and falls, the only views of Norton Place which are available are through three incidental gaps in the hedge.
68. Whatever views may have been originally intended, further planting and other changes in the park over the years have changed the way in which views can now be appreciated. Changes include loss of the possible secondary access to the south, block planting on the north side of the lake immediately to the south of the house, provision of an avenue of trees between Halfmoon Plantation and Bassett's Wig and a block of trees to the east of this avenue. In recent years, self seeded trees have grown up on either side of the bridge over the lake blocking the former route through the park.
69. There is one designed view that survives and that is the view of the house from the point where the main drive begins to turn north east and the building can be appreciated without any intervening trees.

Norton Place Gate Lodges, Gateway and Gates

70. These mark the principal approach to Norton Place and are significant principally because of their architectural and historic interest. As was confirmed by the Lincolnshire Garden Society²⁴, the principal access has always been from the west and the gate lodges, gateway and gates have never been moved as was suggested by VOCAT. The gateway was designed to be seen from the A15 and the turbines would not interpose in any views from the road (accepting that they would be prominent in views from the south). The form, design, architecture and situation adjacent to the A15 of the gateway and lodges would all be able to be

²³ See various historical maps and plans in appendices to the proofs of evidence, SEI Volume 1 Appendix B and FEI Volume 3b Appendix 7.4.

²⁴ In evidence, see Doc 20

appreciated in full as at present. The views of the gate lodges, gateway and gates for those leaving Norton Place were of more limited importance as they would already be aware of the prestige and wealth of the owner, departing a private, designed and privileged enclave back into the ordinary world. The turbines would not be seen in views through the gates. It is only from a position between the gates that it would be possible to even see the turbines.

Hemswell Conservation Area

71. The Conservation Area Appraisal²⁵ notes its landscape setting but then, quite properly, focuses on the large number of attractive and well maintained stone cottages. The Council identified three principal places at which it asserts that harm to setting which goes to significance would occur; on the A631 at VP 13; on the A631 running up the Cliff; and on the footpath which runs between Harpswell and Hemswell. From VP 13 it is difficult to see the village let alone experience the significance of the conservation area. In relation to views from the A631 and the footpath, the Council was unable to identify zones of impact with any certainty. The ZTVs provide a theoretical understanding of bare ground visibility but on the ground, vegetation and built form means that the opportunity to experience the significance of the conservation areas in conjunction with the turbines are extremely limited.

Spital in the Street

72. Whilst the history attached to this collection of listed buildings is long, it is clear that their heritage significance results primarily from their group architectural and historical interest as a hospital and place of refuge on the A15. The Council places far too much reliance on the contribution made by the surrounding and much modified agricultural land. What a modern person can still experience of the hospital amidst HGVs, the bright lights of a petrol filling station and the industrial development at Hemswell Cliff in the backdrop would not be further harmed, to anything other than a minor extent, by the turbines over 1.3 km away. Any impacts on the Heritage Apple Orchard next to the Chapel would be acceptable. The turbines would not prevent the heritage planting project from succeeding and would not unacceptably interfere with what sense of personal reflection is currently achievable.

Willoughton

73. The Council refers to an 'unspoilt and visible remnant of the medieval landscape' but does not indicate which elements of the landscape survive. As VP 4²⁶ demonstrates, the dominant features in the view include field sub-division, different boundary treatments, trees on the skyline, agricultural buildings and play equipment which are all post-medieval. The visibility of small sections of a small number of turbines from the Willoughton assets at Temple Garth, Monks Garth or the Church of St. Andrew is not sufficient to cause any harm to overall heritage significance.

²⁵ CD 9.6

²⁶ FEI Figure 6.26

Blyborough Grange

74. The turbines would be located 2.2 km away from the farmhouse on agricultural land to the south. The approach to the farmhouse is from the road to the north and as a result of the screening provided by the farm buildings and the existing mature trees, the turbines would not be visually dominant in views along the approach. The turbines would be seen in views out from the south side of the house and its garden but would be partially screened. They would be appreciated as being on agricultural land that does not relate directly to Blyborough Grange and no harm would be caused.

Other heritage assets

75. The appellant's heritage witness has assessed a number of designated and undesignated heritage assets but which are not referred to in any detail by either the Council or VOCAT. The statutory, development plan and policy duties remain applicable to each of these. Conversely, in his proof of evidence, VOCAT's heritage witness raises impacts on a number of designated heritage assets which only VOCAT rely on. The appellant was not notified of this list before exchange of evidence and has not dealt with them. Again, the statutory, development plan and policy duties remain applicable to each of these.

Aggregation of harm

76. The Council appeared to be seeking to afford some greater overall weight to harm caused to disparate assets based upon something said by the Secretary of State in the Asfordby appeal²⁷. In the circumstances of this case, which are different to those at Asfordby, the aggregation of impacts would be no more than the sum of its parts.

Archaeology

77. Impacts on archaeology formed a reason for refusal against the 10 turbine scheme. Following extensive work undertaken on behalf of the appellant, it is agreed that archaeological interests can be adequately protected by way of condition and detailed scheme of protection.
78. VOCAT does not want to see any part of the site developed for wind farms and yet does want to see the whole of the landholding excavated for what it calls "proper archaeology". It completely failed to acknowledge that a properly funded and professionally managed programme of investigation on those parts of the site that would be disturbed by construction would result in any remains being properly recorded and, where appropriate, removed for archive/display (remains which in any event are at risk of damage from ploughing)– instead, stating that any archaeology would be "completely destroyed"; VOCAT was not willing to give any weight whatsoever to the provisions of the archaeological mitigation planning condition. The proposed mitigation plan forms a sound basis for archaeological work after the grant of planning permission. As a very useful addition to the condition, the appellant's archaeology witness encouraged community involvement in the investigation which is something the appellant would urge.

²⁷ CD 8.14

79. In summary on this issue, applying the March 2010 DCMS criteria²⁸, there is no justification for treating the appeal site as if it were a SAM. The known remains represent one of what were numerous Late Iron Age and Roman settlements on Lincolnshire limestone uplands. The Hemswell Cliff settlement owes its location, as the others do, to the existence of a water course. There is nothing unusual in the features recorded or in the pottery or other material collected. Nor is there anything unusual in the poor state of the preservation of the remains which has been caused by ploughing, probably over many centuries but particularly since WWII. The risk is increasing with the power and depth of modern ploughs. There are other archaeological features within the red line of the site boundary but outside the development footprint of the scheme. There is no reason to suppose that this is a site of such unusual significance that no development impact at all should be allowed.
80. There is no credible evidence to suggest that the appeal site lies in what might be identified as a ritual landscape. Whilst there are acknowledged to be some minor errors of fact and interpretation in the Evaluation Report, best practice has been observed in preparation of the geophysical survey reports and in the Evaluation Report itself. Contrary to the unfounded conspiracy theories of VOCAT, there is no reason whatever to believe that a robust, bespoke mitigation scheme cannot be drawn up, agreed and implemented between the appellant, the Council and expert archaeological knowledge within Lincolnshire County Council.

Socio-economic impacts

81. Paragraph 5.12.7 of EN-1 confirms that a decision may conclude that limited weight may be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure). VOCAT produced no credible evidence to substantiate its assertion regarding harm to the local tourist economy.
82. VOCAT's witness on this subject had not read the DECC report *Onshore Wind, Direct and Economic Impacts* (May 2012) which is perhaps the most pertinent document in his field. His reliance on macro-economic techniques is a manifestly unsuitable way of assessing local impacts on Hemswell Cliff Antique Centre, Hemswell Court, The White Heather and The Willows²⁹. Hemswell Cliff Antiques Centre draws visitors from afar including international destinations to look at, buy and trade in antiques. The turbines will have no impact whatever on this thriving antique trading hub. Hemswell Court is not a hotel; it offers accommodation in conjunction with functions. One specific interest group is RAF heritage enthusiasts. They are interested in the history of RAF Hemswell. Again, they will not be deterred from visiting. The Willows is a good example of local enterprise based on high quality food, locally produced goods and a butcher. The nearest turbine is 5.6 km away. It is not credible to suggest that the people who choose to travel long distance to enjoy such things will not come. Notwithstanding the considerable number of wind farms up and down the country, there is no reliable evidence to suggest that on-shore wind farms cause unacceptable impacts on tourism, even in areas where the quality of the landscape is an important motivation. The tourist destinations relied on by VOCAT do not depend in the

²⁸ See Dr Ottaway's Appendices

same way on the general attractiveness of the landscape. There simply isn't any demonstrable planning harm.

Geology, groundwater and hydrology

83. The evidence given by Mr. Coleman in a personal capacity in relation to geology, groundwater and hydrology was extreme and based on speculation and fear. The appellant would simply refer to the measured, authoritative expert reports prepared by Mott MacDonald. There is no unacceptable risk to geology caused by construction of the wind farm. There would be no significant adverse impacts from construction or operation of the wind farm on groundwater or surface water/flood risk. The risks associated with the location of the wind farm over a principal aquifer within a SPZ3 source protection zone have been taken into account in the mitigation measures. With mitigation in place, there are no significant risks of impact. With the proposed mitigation, there would be no impact on flooding in areas down-gradient of the appeal site.

Noise

84. For wind farm operational noise, the accepted noise criteria derived in accordance with ETSU-R-97 have been applied. The criteria applicable to both day time and night time periods will be achieved at all residential dwellings in the vicinity of the proposed development at all wind speeds. This conclusion has been based on the reasonable adoption of the Siemens 2.3 MW VS93 wind turbine as a candidate. Noise has not been raised as a contentious issue by any party and it did not feature in representations from any of the local residents. The concern raised by Mr. Hale regarding the possibility of an, as yet unidentified and unknown group of persons who may be particularly sensitive to noise is too speculative and uncertain to deal with at this stage.

Aviation

85. Agreement has been reached with the Ministry of Defence, the Meteorological Office, Trent Valley Gliding Club, NATS and very recently Robin Hood Airport Doncaster Sheffield. The Written Statement of David Jones provides details regarding the reasons behind original objections, agreements reached and technical mitigation solutions that will satisfy the proposed planning conditions. Again, without any justification, Mr. Coleman distrusts official bodies including the Ministry of Defence to protect their own interests. The aviation stakeholders know how best to protect their own interests and they do not object.

Equality

86. Mr. Hale has made detailed representations regarding equality considerations. It is difficult to identify on what basis he believes the statutory duties apply to the appellant, given that it is a private company and that the proposed development is a private commercial arrangement. Supply of electricity to the National Grid is too remote a connection to engage any obligations under the relevant provisions concerning public duties and public functions. Whatever the statutory position, the appellant has undertaken full and comprehensive community engagement ensuring that appropriate premises were used which give access to members of the public who need adjustments; and that information was made available in alternative formats.

Conclusion

87. The Council applied the “wholly exceptional” test from paragraph 133 of the NPPF which should never have been in play. Had paragraphs 134, 14 and 98 of the NPPF been applied properly then the recommendation should have been that planning permission should be granted. Amidst what has happened subsequently, it is easy to forget the very focused wording of the original first reason for refusal: “substantial harm” to a single heritage asset at Norton Place.
88. The full force of paragraph 14 of the NPPF is engaged and the presumption in favour of sustainable development bites. In similar circumstances, the Secretary of State has cut through other potentially applicable policies and applied limited weight to them pursuant to section 38(6) before pre-loading the planning balance in favour of the renewable energy scheme. That is what should be done here.
89. Far from being a site which maximises harm, the choice of the appeal site is logical and designed to minimise harm within this part of West Lindsey. One of the repeated arguments from VOCAT and others is that there should be a strategic planning document to identify sites for wind farm development in West Lindsey. For all the reasons put forward by the appellant, if such a document did exist, it would very likely identify the Hemswell Cliff site as an area of search. The material that does exist, including the LUC and AECOM reports³⁰, points directly to the landscape of West Lindsey being able to make a significant contribution from onshore wind turbines, and to this particular site being one of (if not the) least sensitive available within West Lindsey.
90. In an inquiry which inevitably focuses on the impacts of a scheme that are felt by some to be unacceptable, it is easy to lose sight of the many other factors that need to be considered in the siting of wind development. The developer does not have a totally free hand, but has to negotiate the minefield of residential impacts (both noise and visual); recreational impacts including bridleways; aviation exclusion zones; ecological and ornithological issues; and practical issues such as highways access, wind resource and grid connection. Given all those factors, it is clear that finding acceptable sites is not as easy as one might suppose. It is testament to the care that has been taken and the suitability of this site that none of these issues are raised to any significant degree by this proposal.
91. Change is not unacceptable in and of itself. The Limestone Dip Slope possesses exactly those sorts of key landscape characteristics which render a local landscape better able to accommodate large scale wind turbines. It is at the less sensitive western side of the LCA and on the westward side of the A15 but pulled back from the crest of the scarp. It is precisely because of these attributes that the WWII bomber airfield was located there in an earlier time of overriding national need. Those elements of the Limestone Dip Slope LCA which make it special would remain. The appeal site is far enough north not to interfere with views to and from Lincoln Cathedral. Impacts on both above and below ground cultural heritage assets would be acceptable.
92. The benefits in favour of the proposed development are:

³⁰ CDs 4.2 & 4.3

- The supply of a material amount of renewable energy and contribution to the achievement of the national target of meeting 15% of the United Kingdom's energy demand from renewable resources by 2020. This remains an important material consideration in its own right, even following the recent announcement by the European Union to remove national targets which will not take effect until 2020;
- The contribution that the scheme would make to mitigating climate change;
- Energy security through contributing to a mix of renewable resources in West Lindsey;
- Provision of renewable energy at lowest cost to the consumer;
- Direct and indirect economic benefits which are recognised by the Coalition Government; and
- The proposed development is a wholly reversible form of development which will leave the landscape character and visual resource intact.

93. It is the clear evidence of the appellant that the 10 turbine scheme is acceptable, and deserves to be granted planning permission. There is some reduction in visual effect in relation to heritage assets from a reduction to 8 turbines. If that reduction was felt to be necessary in order to arrive at an acceptable scheme, then the 8 turbine option is available, supported by full and sufficient environmental information. Whether it is the 10 turbine format or the 8 turbine format which finds favour, it should be one of them. The generation of electricity from this wind farm is inherently sustainable. In the evidence it has called, the appellant has demonstrated that the environmental, economic and social impacts of this much needed renewable energy development would be acceptable and that planning permission should be granted in the form in which it has been sought.

The case for West Lindsey District Council

The main points are:

94. In overview, it is notable that there is a good level of agreement as to landscape and visual effects over an area of about 3km or so from the appeal site. It is harmful in both visual and landscape terms, and significantly so. The appellant is not far shy of agreeing with the Council's assessment of the harm, namely that the proposal would be significantly harmful to distances of around 7km and there is material, albeit not significant, harm at greater distances. It has not been part of the appellant's case to draw attention to existing landscape or visual detractors or damage and the appellant simply could not allege that this landscape was anything other than valued and contained key features which would be significantly challenged by the appeal proposal.
95. The overview in respect of cultural heritage discloses differences of a different kind. Those differences were not about the significance of the assets nor about the extent of their settings. The appellant conceded that all of the heritage assets would find a wind farm within their setting if the appeal were allowed. The assistance gained from a forensic analysis of the Officer's Reports and the Statement of Case with each Council witness remains doubtful. The real question is whether the generalised need as articulated in the NPPF and which is very well

established, excuses the range of harms which the proposal would bring, when properly directed as to the weight to be given to those harms and their extents.

96. The appellant helpfully provided some legal submissions. Those principles which are agreed are set out here. There is a statutory duty for the decision maker in respect of "development which affects a listed building or its setting" to have "special regard to the desirability of preserving the building or its setting" at s66(1) of the LBCA. The Barnwell Manor litigation has made plain the statutory duty is separate to the planning policy position. In summary:

i) The assessment of harm is a matter of planning judgment. However, once the decision-maker finds some harm to a heritage asset, the effect of s66(1) is that the harm must be given "considerable weight" in the balance, creating a "strong presumption" against the grant of planning permission.

ii) However, there is a sliding scale. Sullivan LJ went on to say that where harm is properly assessed as less than substantial, *"it does not follow that the 'strong presumption' against the grant of planning permission has been entirely removed"* (paragraphs 28 and 29 of the judgment). This means that a presumption which is "strong" in the case of substantial harm to a Grade I listed building becomes less strong in the case of less than substantial harm down to somewhere close to its strength being entirely removed. The strength of the presumption is also a function of the significance of the asset.

iii) In striking the balance, it is not enough simply to ask whether the advantages of the scheme outweigh the harm in a loose or general sense, but whether they sufficiently outweigh harm to rebut that strong presumption.

iv) The courts will need to see a clear indication on the face of the decision that the section has been approached in that way. Even though the Inspector referred (in several places) to s66(1), Sullivan LJ thought that he *"appears to have treated the less than substantial harm to the setting of the listed buildings...as a less than substantial objection to the grant of planning permission"*. The Court of Appeal also agreed that the Inspector had misapplied policy on heritage assets in what was then PPS5 (now incorporated into the NPPF), undermining his assessment of the harm as "less than substantial". He had failed to properly examine the contribution the setting of the assets made to their significance, with the result that his assessment of the harm caused by the introduction of the turbines to that setting was flawed. Nor was it clear, at any rate without further explanation how he could rationally have treated the distinction between "substantial" and "less than substantial" harm as hinging on the observer's ability to distinguish between the heritage assets and the obviously modern turbines.

97. The judgment in Barnwell Manor was recently considered by Lindblom J³¹. At paragraph 49 of that judgment, Lindblom J comments: *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might*

³¹ CD7.7 The Queen (on the application of The Forge Fields & others) v (1) Sevenoaks District Council and (2) West Kent Housing Association [2014] EWHC 1895 (Admin)

give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."

98. With regard to conservation areas, the duty imposed by s72 (1) means that when deciding whether harm to a conservation area was outweighed by the advantages of a proposed development, the decision maker should give particular weight to the desirability of avoiding such harm. There is a "strong presumption" against the grant of permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to maintaining the conservation area. As is made clear in paragraph 45 of *Forge Field*, even if the harm would be less than substantial so that paragraph 133 did not apply but paragraph 134 did, the harm must still be given considerable importance and weight. That of course is doing no more than following the injunction laid down in s72 (1). The presumption therein needs to be "demonstrably applied" – see paragraph 49 of *Forge Field*. Put another way, in a paragraph 134 case, the fact of harm to a heritage asset is still to be given more weight than if it were simply a factor to be taken into account along with all other material considerations, and paragraph 134 needs to be read in that way. By way of contrast, where non-designated heritage assets are being considered, the potential harm should simply be "taken into account" in a "balanced judgment" – see paragraph 135. It follows that paragraph 134 is something of a trap for the unwary if read – and applied – in isolation.
99. The first statutory duty on the Secretary of State is to decide the appeal in accordance with the development plan unless material considerations indicate otherwise. The second statutory duty is to have special regard to the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest which they possesses. There is no dispute as to the statutory context, but there is an issue as to whether the appellant, in its assessment and the case which it puts has given effect to either of these provisions.
100. So far as the development plan is concerned, I draw attention to the following at this stage: SUS 11, STRAT 1, NBE 8 and NBE 10. SUS 11 was not saved in the Secretary of State's saving direction of 11 June 2009. The saved policies which are of particular relevance in this appeal are protective of landscape, visual amenity and heritage assets. The appellant argues that the saved policies are of limited value in determining the appeal because they are generic and do not anticipate the specific characteristics of wind turbines. The appellant says that the policy test is to determine whether the effects of the proposals on landscape character, appearance and the countryside are so unacceptable that planning permission should be refused.
101. This argument is misconceived and wrong in law. Rather, the appeal scheme receives the benefit of strong policy support in meeting the need for renewable sources of energy as expressed in the NPPF and EN-1 and EN-3. That is a

material consideration which the appellant is entitled to argue overcomes the failure to comply with the development plan. However, the appellant is not entitled to count the benefit twice: it cannot properly argue that national need for renewable energy is both a material consideration weighing against the conflict with the development plan and has the effect of reducing the weight to be attached to development plan policies.

102. Further, the Secretary of State will make an error of law if he adopts a test of whether the landscape effects are so unacceptable that planning permission should be refused. That is not the development plan policy and it is not the policy in the NPPF. Still further, the appellant is wrong to argue that the decision making test is to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies the NPPF as a whole. Such decisions of the Secretary of State which have applied paragraph 14 do not assist the appellant because: (i) the facts were significantly different; (ii) the point was not argued before the Inspector. This is not paragraph 14, fourth bullet territory because:

a) The proposal is not sustainable development by reason of its landscape and heritage impacts;

(b) If the impacts were acceptable, it would accord with the development plan and received consent in accordance with s38(6), and without delay - see paragraph 14 third bullet;

(c) We are not dealing with a proposal for which there is a specified and quantified need which would be expressed in a policy via a proposals plan and there is nothing of that sort to be out of date;

(d) The NPPF itself disapplies paragraph 14, fourth bullet point in respect of development which fails to comply with NPPF policies in respect of designated heritage assets (see footnote 9); and

(e) The NPPF sets a simple test at paragraph 98 (acceptability) and it would be very odd if the absence of such a simple policy statement in a development plan lead to a decision-making test which gave the proposal a significantly lower threshold of acceptability. Paragraph 98 of the NPPF deals with the determination of planning applications in respect of renewable energy proposals. It invites decision makers to approve applications if the impacts are (or can be made) acceptable.

103. Mr Hale provided a representation which focussed on the Equality Act 2010. That issue forms no part of the Council's case, but is briefly commented upon, given that it has been raised. The point is concerned with a consultation duty. It is correct to say that there is a statutory duty pursuant to the Equality Act 2010 to have due regard to specific needs. The Secretary of State should do so. However, it appears to the Council that the Inquiry process have provided a full opportunity for regard to be had to those issues which arise as to equality of opportunity, discrimination and promoting good relations. So far as the consultation undertaken by the appellant was or was not sufficient, and the Council expresses no view on that issue, it is overtaken by the full opportunity available via the Inquiry.

Landscape and visual effects

104. Dealing with visual impact first, the Council's case is that there would be significant effects for highly sensitive receptor groups, such as residents and users of footpaths, in an area up to 9km to the northwest of the site and approximately 7km to the west, south and east. There is a large measure of agreement as to there being major, or significant, visual impacts at a range of representative viewpoints within 3km of the appeal site. For example, in respect of the residents of Hemswell Cliff, there would be a significant visual impact for users of open space. Likewise, it is agreed that there would be a major or significant effect on residents who live along the A15 (Ermine Street) and in the vicinity of Norton Place, near VP5³². Major and significant visual impacts extend to the residents of Bishop Norton and those who use open space.
105. Moving to the west of the appeal site, it is agreed that there would be major or significant visual impacts for those who approach Hemswell from the west on the A361 as shown by VP13³³. It is conceded by the appellant that there would be a significant visual effect over a large area of the area west of the appeal site. This is hardly surprising because the appeal proposal is to place a windfarm in an elevated position, proximate to a significant landscape feature, namely The Cliff. From this area, there are many viewpoints at which the entirety of many or all of the rotating blades would be clearly visible, in many instances accompanied by views of the turbine masts. There is currently no turbine visible from these viewpoints and so they would be a new feature in the visual experience.
106. There is some disagreement as to the assessment of visual effects at distances beyond 3km. At several key viewpoints, at distances beyond 3km, those who had previously assessed landscape and visual effects on behalf of the appellant had found those impacts to be significant. That assessment was undertaken by reference to a methodology which included a matrix which clearly set out in all instances what would constitute a significant effect³⁴. The more recent assessment work undertaken by the appellant's landscape witness and his colleagues does not follow that matrix approach³⁵. There is no inherent criticism in that, but it does lead to some difficulty in understanding where the threshold of significance is set. At a number of key instances, the appellant's most recent assessment appears to have been on a knife edge as to whether it was significant or not. It is difficult to understand where the threshold of significance is in these instances. It moves away from the matrix methodology and treats it as a matter of individual judgment standing in the field. The appellant's landscape witness expressly agreed that in respect of these key viewpoints, the issue is very finely balanced. Indeed, he had found it necessary to discuss the matter with other landscape colleagues.
107. So far as the extent of visual effect to the west is concerned, VP 10 at Corringham is important. The appellant agreed that seen from Corringham, stacking is evident and the windfarm would appear as two groups. Plainly, those turbines would be on the skyline and would attract attention by reason of that feature. The appellant considered that the turbines would be conspicuous. The

³² The entrance to Norton Place off the A15

³³ At the junction with Hemswell Lane

³⁴ Inspector's note- in accordance with GLVIA 2nd edition CD10.2

³⁵ Inspector's note- in accordance with GLVIA 3rd edition CD10.16

earlier assessment work for the 2012 ES had found that the impact at Corringham was significant and that significant visual effects extended to 7km. The Council's landscape witness also reaches this conclusion and was not cross examined in any detail about that. The Council invites the Secretary of State to agree with the Council's assessment.

108. Moving to the south, there are views of the appeal proposal which would be seen directly ahead of the person standing on the footpath at VP 12³⁶. It is not an incidental view. It is a view in which there is presently nothing like the appeal proposal or its verticality. The appellant agreed at the Inquiry that they will be notable as new built features in the landscape. Again, this assessment is one which is on a knife edge. Only by the smallest of margins did it appear that the appellant's landscape witness considered that the impact was not significant. The Council suggests that his predecessors reached the right conclusion. The upshot is that the significant visual effect extends significantly further to the south than has been assessed by the appellant in its current case.
109. To the east, at VP 18³⁷, all of the turbines would be visible with no comparable features in the landscape. Again, it is a point which the assessment of visual effects could go either way.
110. VP 15 is located on the edge of a residential area in Scotton and lies some 8km to the northwest. The Council assesses this viewpoint as changing the character of the view by affecting the perception of one of its key characteristics – the static, well defined ridge of The Cliff with the additional prominent, manmade, moving elements to the view which would contrast with the surrounding landscape. The visual change would introduce a conspicuous element into the view in which change would be noticeable, distinct, clearly visible and well defined. That is the assessment which was arrived at in the 2012 ES and it would also affect similar views in the surrounding area.
111. It is agreed that the proposal would not cause significant effects on the Lincolnshire Wolds AONB. However, it would cause a degree of harm. That degree of harm arises in particular at a viewpoint at and around the Ramblers Church. This site is highly sensitive because the Ramblers Church is a Grade I listed building, it is situated in an AONB and at a location which affords panoramic views of the vale below. Moreover, the viewpoint is on the Viking Way, a well known and well used long distance trail. Such would be the case applying the appellant's methodology from the 2012 ES. The location and receptors are highly sensitive and in the context of a very small magnitude of visual change, that combination would result in a moderate adverse effect on visual receptors at that viewpoint. It is a matter to be taken into account in the planning balance.

Landscape effects

112. Turning to The Cliff LCA first, the proposal would have a major, significant effect on landscape character up to approximately 1.5km from the appeal site. There would be a major change in perception of scale, skyline and character of this area. Although views of the Till Vale would not change when looking directly

³⁶ North of Ingham

³⁷ The A631 at Bishopbridge

west, landscape is necessarily perceived in 360 degrees. The presence of a windfarm in such close proximity would adversely affect the current experience of the character of this unique area. The intimacy of the landscape setting would be lost in places due to large moving turbine blades which would draw the eye and become a major visual detractor while travelling from the north towards the south. In close proximity, the development would visually dominate The Cliff, which is clearly a unique and dominant landscape feature regionally. The proposal would clearly challenge The Cliff's current visual dominance. The level of significance of the effects would extend to approximately 5 km from the appeal site would noticeably puncture the skyline over that distance, affecting tranquillity levels and bringing a distinctive vertical and large scale manmade feature into the area, where presently there is none. Within 10km of the appeal site, and especially within the 5km study area, there is little by way of any prominent vertical, manmade features. Hence, the introduction of turbines would be a significant change.

113. It is noticeable that the National Character Area³⁸ profile that includes The Cliff and the Till Vale LCAs includes a description of the cliff. It is unusual for a particular landscape feature to merit such national mention. There is a topographical relationship between these two areas and the prominence of The Cliff in the wider landscape is important for the assessment of perception of visual change in the Till Vale. Up to approximately 5km from the appeal site, the turbines would become a well defined landscape feature, visible above the prominent cliff from almost all areas except within the Till Vale immediately adjacent. The presence of a new large scale manmade development punctuating the skyline with moving blades would negatively influence the perception of this rural landscape across a large area.
114. In respect of the AONB, potential effects of minor or moderate significance should not be dismissed, because the AONB is a nationally protected landscape.
115. This location is the wrong location for a windfarm. The Limestone Dip Slope, being a site from which turbines are visible extensively over the Till Vale and which have clear and agreed effects upon an area of great landscape value cannot be described as anything other than a most unfortunate location for the introduction of such enormous structures into valued countryside.

Cultural heritage

116. Landscape effects are not wholly separable from cultural heritage matters as is shown by the key characteristics identified within the West Lindsey Landscape Character Assessment of August 1999³⁹. It records that a key characteristic of The Cliff is historic halls and associated parkland landscapes. Indeed, the key characteristics of the Limestone Dip Slope also includes the reference to historic halls and parkland landscapes. There are substantial cultural heritage objections to the placing of a large, industrial scale windfarm in the setting of such heritage assets.

³⁸ NCA Profile: 45 *Northern Lincolnshire Edge with Coversands*, Doc 5

³⁹ CD 10.19

Blyborough Grange

117. Blyborough Grange is a Grade II listed farmhouse dated from 1830 in coursed limestone rubble with a slate hipped roof. It is set within gardens in the open countryside and a working farmyard to the rear. It is a good example of an early 19th century high status farmhouse. The principal elevation faces towards the wind turbine site, a little less than 3km away. Turbine blades and hubs would be visible, albeit limited by reason of the building's situation in a slight hollow. An attribute of the setting of the Grange is the surrounding agricultural land use which relates to the function of the farm. That would change because the surrounding land use would become agriculture with a windfarm. The existing rural views from the Grange would be diminished by the discordant intrusion of the turbines, thus harming the significance of the Grange, such harm being less than substantial harm, in NPPF terms.

Norton Place gate lodges

118. The gate lodges, gateway and gates at Norton Place are listed Grade II in recognition of their special architectural or historic interest. They are located on the A15 (Ermine Street) and the nearest turbine (T5) would be 790m away⁴⁰. Like the house at Norton Place, the gates and lodges were designed by John Carr. It is an undisputed high quality design and composition with decorative elements of high architectural value. They communicate the presence of the country house estate beyond and are important in the context of the Grade I listed Norton Place which they mark. They are also functionally important because they focus the eye of the visitor, being surrounded by little else in the vicinity.
119. The 126.5m turbines would completely dominate the surroundings. The character of the landscape would inevitably change and the movement of the turbine blades would only serve to intensify that visual intrusion. The net result would be that the intended effect of the gateway would be effectively destroyed by the competition from the proposed windfarm. The resulting harm is plainly substantial. The appellant's approach is one which is dependent on a very low threshold between less than substantial harm and substantial harm. This is illustrated by the appellant's cultural heritage witness's answer to the question "Would you think that there would be substantial harm if the windfarm was placed in a field directly opposite the gates?" He considered that even this would not constitute substantial harm to the gates because one could still see the gates without direct interruption by the turbines. This is an absurd threshold for substantial harm. It is a clear illustration of the point at which the appellant considers substantial harm to occur, and it is wrong.

Norton Place

120. Norton Place is significant, both architecturally and historically, on the basis of the age of the property, the association with the architect John Carr and John Harrison MP, design quality and the extent of survival of the original fabric and planned form. It is one of a series of country houses constructed in this area as part of a process of landscape enclosures. This Grade I listed building is of exceptional architectural and historic interest and has high architectural and historic significance and is of national importance.

⁴⁰ Inspector's note: about 1109m in the 8 turbine scheme (T6)

121. Norton Place is located in a non-designated park and garden which is significant because it was designed by Thomas White, one of "Capability" Brown's foremen/surveyors and was further enhanced by John Carr with the addition of the bridge and modification of the lake. The designed landscape today retains a number of elements of the late 18th century design and its intactness and authenticity strongly contribute to its significance. It has also been captured in several historical illustrations and accounts, although it is not a widely appreciated landscape due to the lack of public access. The later entrance at the west illustrates the historical development of the site and its developing service and access needs and the network of drives and paths within the estate often follow the original layout as shown on the plan of 1772, although the historic access from the south has been lost.
122. The park and garden itself is of regional importance. The Inquiry has heard from the Lincolnshire Gardens Trust. Their view is captured in their representation⁴¹. It is not disputed that the turbines would fall within the setting of the heritage asset. EH, in their consultation response on the application, commented in August 2014 saying: *"The information from early map sources you provide clearly indicates to us that the montage of view looking north towards the house (with turbines) behind is a key designed historic view from the start of this formal approach through the park to the house."* This point of view is disputed by the appellant.
123. The appellant's cultural heritage witness agreed that he knew of EH's opinion when he drafted the statement of significance⁴². That document does not dispute that there was such a historic designed and key view to the north. However, the appellant now contests the point. However there is clear evidence available in the extract from the Brigg map of 1819, showing Norton Place⁴³. That plan clearly shows an entrance from the south towards the north. Whether that route was pre-existing is not the main point. What is important is that the plan clearly shows a route to the house from the south over the lake, via an elegant and expensively constructed bridge. The layout of the park and garden was designed and conceived prior to the design of the house. Views to and the approach to the house from the south were carefully thought through as part of the whole concept and design of Norton Place and its park and garden.
124. The appellant contends that the 8 turbine scheme would result in no harm at all to the setting of Norton Place. Consideration of the heritage VP 3 in the FEI shows just how low the appellant places the threshold of harm. The hubs of several turbines are visible and blades are visible throughout the view to the west of the house. It is very surprising indeed that such a dramatic and clear change to the setting of a building of such significance and agreed intact setting could amount to no harm. That finding is important because it demonstrates the approach which the appellant has taken to assessing harm. Such clear and distracting change to the setting of a building of such high, and indeed national, importance is plainly substantial harm. The addition of further turbines behind and to the east of Norton Place simply aggravates that situation (being the 10 turbine scheme).

⁴¹ Doc 20 p3 para 3

⁴² FEI Appendix 7.4

⁴³ Mr Brown's Appendix ANB5

125. The proposed turbines would significantly disrupt the narrative of the setting of Norton Place. The conscious design of the house and its park and garden, the designed view from the southeast to enhance and communicate the historical and architectural values of the house, are encapsulated by the experience of Norton Place as the current and intended focal point in a tranquil landscape. The proposed turbines would cause substantial harm to the significance of Norton Place. Moreover that impact on setting is not a matter which is constrained to the public realm.

Spital in the Street

126. It is accepted that the setting of Spital-in-the-Street has, to some degree, been harmed. That is not a good reason to add still further harm. The settlement includes a range of listed buildings with an important historical significance as a hospital and resting place in medieval times. The appeal proposal would be visible in views towards Spital-in-the-Street and would undermine the significance of the settlement as a distinct collection of buildings with an uncommon and particular relationship with Ermine Street. The large scale, distracting and alien addition of the turbines would harm that historical context and give rise to less than substantial harm to the heritage asset.

Hemswell Conservation Area

127. The appellant agreed that one is concerned with the desirability of preserving or enhancing the special architectural or historic interests of the area when one is occupied with conservation area issues. The same test and approach applies in respect of conservation areas as applies in respect of listed buildings, so far as great weight being given to their significance and any harm to them is concerned. It is also agreed that the necessarily static approach to assessment which one undertakes via specific viewpoints is only a tool in assisting in the assessment of the total human appreciation which would result when an individual is present in the conservation area, with a windfarm above. What is being assessed is the experience of the heritage asset: *"The significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting – the surroundings in which it is experienced"* (emphasis added).
128. The Hemswell Conservation Area Appraisal describes the conservation area in this way: *"The character of Hemswell can be attributed to two factors, firstly its landscape setting on the Cliff Edge, and secondly the existence of a large number of attractive and well maintained dwellings (principally stone). It is this attraction which highlights certain parts of the village as a potential conservation area"*. The conservation area is to be appreciated from both within its boundaries and also from without. The extent to which both turbines and the conservation area will be appreciated at the same time is something which varies from location to location. However, there is clear potential for that experience to be damaged both on highways approaching the conservation area from the west and also from footpaths approaching the village from the south and also from within it.
129. In this context, the notable absence of development along the skyline makes a considerable contribution to its character and quality and its architectural and historic values. The appeal proposal would be a discordant addition causing harm to its significance, given the importance of the topography of the settlement, being beneath The Cliff.

Temple Garth and Monks Garth, Willoughton

130. There are two SAMs at Willoughton. Each would be affected by the appeal proposal in that moving turbine blades would be seen and experienced in combination with views of the SAMs. This would cause some harm to the experience of the heritage assets and is a further heritage harm to be taken into account in the planning balance.

Conclusion

131. The proposal would give rise to significant harm over a wide area, in a valued landscape, in the setting of numerous heritage assets, some of which are of the highest level of significance. Local people have made it clear that they value these environmental assets, as has the Council and its professional officers. The policy support which the benefits of the proposal receive is a matter that the Council has never disputed. However, in this case both the policies of the development plan and the application of the approach in paragraph 98 of the Framework lead to the conclusion that the harm in this case outweighs the benefits and the presumption against harm to heritage assets has not been rebutted.
132. The appellant has drawn attention to a wind energy capacity study. This is not a document which is of any assistance in decision-making on particular proposals. It does not include an assessment of landscape and visual effects, save to identify designated landscapes. It does not seek to identify the settings of designated heritage assets. It says nothing about the suitability of the appeal site.
133. The policy position is not complicated. The development plan policies are clear and unsurprising as to the environmental assets to be protected and enhanced. Those policy objectives are echoed in the NPPF and the statutory protection for heritage assets. The policy support for renewable energy projects is clear and not in issue. The issue which remains is the test to apply and in that regard the Council relies on the submissions set out above, particularly paragraph 14 of the NPPF. Even on the appellant's assessment of harm, it is the Council's view that the planning balance for the 10 or 8 turbine schemes leads to dismissal of the appeal.

The case for VOCAT

The main points are

134. VOCAT has identified harm to the landscape including the important AGLV designation, to a range of visual receptors, such as local residents, school children and footpath users, harm to heritage assets, buried archaeology and also to local businesses and tourism. There is a great deal of opposition to the scheme from the local communities surrounding the site, partly owing to the decision to locate a wind farm on a site surrounded by settlements. Matters have certainly not been helped by the lack of effective consultation; omissions in the documentation submitted in support of the application; mistakes throughout the environmental information; and the use at the Inquiry of new experts who happen to disagree with those originally engaged to assess the impacts of the scheme. Those factors combined cast significant doubt over the case advanced

by the appellant as to the true impact of the wind farm, and have hampered the ability of local people to effectively engage with the process.

Landscape

135. The approach taken by VOCAT to landscape has been described as 'unorthodox' but it is not one that is wrong, or prohibited by the GLVIA 3rd Edition (the Guidelines), as accepted by the appellant. The appellant's landscape witness also confirmed that he was able to follow the methodology through, but complained that it had not been fed into a broader assessment of the landscape character areas. However, that is precisely the point VOCAT objects to, because:

- (i) While existing character assessments are useful to understand the landscape baseline, they are a starting point only as demonstrated by Figure 5.1 on page 71 of the Guidelines;
- (ii) Not every characteristic of the landscape will be impacted by wind farm development, it is therefore essential to identify "landscape receptors";
- (iii) It should be those receptors that are going to be affected, and the specific sensitivity that attaches to them rather than the sensitivity of the landscape as a whole that is assessed, because if it is the landscape as a whole, the sensitivity of the receptor and the consequent impacts on it are diluted.

136. The approach taken in Mr Welch's evidence follows the Guidelines, which, contrary to Mr Denny's position, do not stop at identifying landscape character areas as "landscape receptors". Page 86 of the Guidelines is particularly instructive in commenting that: *"Once the baseline information about the landscape is available this can be combined with an understanding of the details of the proposed change or development that is to be introduced into the landscape to identify and describe the landscape effect"*. The Guidelines go on to say that: *"The first step is to identify the components of the landscape that are likely to be affected by the scheme, often referred to as the landscape receptors, such as overall character and key characteristics, individual elements or features, and specific aesthetic or perceptual aspects."*

137. What the Guidelines do not sanction is an assessment that bases sensitivity of the landscape, or the eventual effects, on components of the landscape that will remain untouched or unaffected such as physical elements of a landscape entirely outwith the development site – what that does is distract attention from the important issues, and the real impact that will be caused by the wind farm. The second step on the same page talks about the interactions between landscape receptors and the different components of the development. Again, it is the interactions between characteristics of different landscape areas that have largely been assessed by VOCAT. As explained in evidence, that makes good sense in a landscape such as this where character areas lie in close proximity and interact with one another. Conversely the appellant has largely ignored that important step leading to a disaggregated approach. That approach is the reason the appellant is able to conclude, rather surprisingly, that there will not be significant effects on the Cliff LCA, for example.

138. The way that conclusion is reached is by considering the impact of the development on the Cliff from within the confines of the landscape character area. For the most part, trees and the topography prevent intervisibility with the

wind farm (although see VP 9 at Kirton in Lindsey). However, it is not from within the Cliff itself that the importance and prominence of it as a landscape feature is fully appreciated. Despite accepting that the Cliff is appreciated both within that character area as well as outside it, the appellant's latest LVIA focuses on the issue of intervisibility and concludes at 6.196 that "the introduction of turbines within the adjacent landscape would not significantly alter the perception of The Cliff as a whole." Perhaps not from within it, but that is certainly not the case as one moves away from the Cliff to the west and begins to appreciate the landform in a fuller context. (see VPs 10 and 13).

139. The appellant's landscape witness was keen to say that assessing the prominence of the Cliff in that way would be double counting - that he had assessed that feature of the Cliff from the neighbouring Till Vale, but foundered when he could not point to a place in the LVIA or his proof where the Cliff and its particular character as a distinctive and prominent landscape feature was explained and assessed. Rather, it was the long views to the scarp face of the Cliff from the Till Vale that was considered to be a "key characteristic" of the landscape. The problem with that characterisation is that the wind farm will not interfere with those views in the sense that it does not stand in the Till Vale between the viewer and The Cliff - it appears on top of it. The appellant expressed the view that the Cliff was an area so sensitive you wouldn't put turbines on it, but that is precisely the effect.
140. The LVIA acknowledges a change in the view, but that is a factual matter and tells us nothing about the landscape impact. It is not until the importance of the Cliff as the dominant landscape is accepted and considered together with the effect of turbines dwarfing the Cliff that the real effect can be ascertained. The appellant considers that such an assessment was inherent within the LVIA but that cannot be right, not least because such assessments are supposed to be transparent and the methodology easily understood. There is no room for inference and it is certainly not explicit in the text.
141. VOCAT's approach takes the sterile conclusions of the appellant's landscape assessment and does something intelligent with them. Nothing is learnt about the landscape impact from the appellant's conclusion that "*The significant effects on landscape character occur up to a distance of up to 3km, with the LVIA for the 8 turbine proposal identifying some moderate (but not significant) effects on local landscape character beyond 3km.*" That does not say what particular elements of the landscape those effects impact on, or whether that effect is harmful or not. There is no sense that the key features and perceptions of the landscape have been taken into account in arriving at the conclusion. This is not to say that general characteristics of an LCA, such as the scale of the landscape, are not relevant to the evaluation of a specific landscape effect.
142. The appellant also failed to properly characterise the elements of the landscape that really matter. That is the importance of the Cliff as a unique and prominent landscape feature, and the role that the Cliff, together with the Edge, plays in forming the skyline both from the east and the west. The appellant's assessment also misses out a number of vital stages promoted by the Guidelines (figure 5.1) which is to identify the specific receptor (the particular element, feature or characteristic of the landscape which will be affected) and then to determine the sensitivity of that specific feature in relation to the development, and the magnitude of change that will arise in relation to the specific landscape

effect – rather than the sensitivity and magnitude of change for the landscape character area as a whole.

143. The Guidelines make good sense in that respect, because if the magnitude of change is assessed by reference to the character area as a whole, then the outcome is unhelpful, and will always be reliant on the simple matter of distance, in other words, the effect decreases the further one moves away from the development. There is nothing qualitative about that judgment. 'Significance' is not simply a function of distance but varies with topography and sensitivity as demonstrated by VOCAT's supplementary VP 3⁴⁴.
144. The same errors in respect of receptors encompassing The Cliff and Till Vale pervade the appellant's assessment of the impact of the development on the Limestone Dip Slope. The fact that the Dip Slope, in the location of the appeal site, forms the skyline in views from the East is not identified as a key characteristic despite it being an obvious element of the landscape and the policy protection offered by policy NBE 10. Because the assessment ignores that crucially important feature of the Limestone Dip Slope, the greatest impact that is identified is "the impact of the turbines on the perceptual sense of scale in the landscape," owing to their largeness. That assessment says very little about the qualitative impact of the development on important landscape features, and is more a statement of fact – the turbines are large, and they will be seen. The appellant's landscape witness admitted that he had not identified and assessed the particular effect on the skyline. That is a large and worrying omission in the landscape and visual evidence that casts some serious doubt on the overall landscape assessment.
145. A feature identified by VOCAT is intrusion into the skyline views and village settings within the Limestone Dip Slope LCA and Clay Vale. On page 6-38 of the ES, in the assessment of effects on key characteristics of the Dip Slope, it is said that "*The proposal will not affect the character of villages within the local landscape. The site is located away from nucleated villages within this character area.*" Mr Welch's supplementary VP 1 demonstrates just the effect that VOCAT identify, that is an intrusion into the skyline and the village setting. The same applies with the intrusion into the skyline in views from the Kelseys landscape area (as well as parts of the Clay Vale and Heathland Belt LCAs) as demonstrated in supplementary VP 2 at South Kelsey. That is not an impact or interaction that was assessed by the appellant.
146. The final effect identified by VOCAT is the impact of the intrusion into the skyline as perceived from the Wolds and demonstrated by supplementary VP 3. The landscape receptor is not the Wolds as a whole, but the interaction that arises between the Wolds and the Edge viewed at some distance from the appeal site. The appellant has failed to grapple with the basis of VOCATs case that it is looking at specific receptors – in this instance, the interaction between the Wolds and the Edge, and determining the landscape effect based on that interaction. VOCATs supplementary VP 3 demonstrates a wide panorama framed by the Wolds to the east and the ridge skyline of the Lincolnshire Edge to the west. Despite the vast area that can be seen, the extensive Edge skyline is unbroken and there is an absence of man-made features in the valley. An assessment of

⁴⁴ Supplementary VPs contained in Mr Welsh's Appendices

the specific landscape effect associated with this view (namely intrusion into the Edge skyline) is not a matter of effects on general characteristics in the vicinity of the viewpoint location, but specifically concerns a perceptual aspect of the view itself. Relevant characteristics in the vicinity of the viewpoint, such as the fact that the viewpoint is on the Viking Way and in an area of high sensitivity on the Wolds western escarpment, contribute to this landscape effect. As the first of its kind in that view, the proposed wind farm will undoubtedly have a significant impact on this landscape receptor (as well as views from the AONB). Given the particular sensitivity and importance of this view for West Lindsey district, VOCAT is correct to assess this landscape effect as significant. The Lincolnshire Wolds Management Plan⁴⁵ notes as a key feature of that designated area that makes it special and contributes to its overall sense of place is the fine panoramic views out to the Central Lincolnshire Vale.

147. It is of course right to note that there is already some development around the appeal site to the south – particularly that which occupies buildings previously used in connection with the airfield. The difficulty in finding viable re-uses for those buildings had been a material consideration in favour of granting permission for the development that is there now. Whatever the impact of that development, the structures would be dwarfed by the proposed turbines and exert nothing like the impact over the landscape that the wind farm would have. The existing buildings at Hemswell Cliff cannot be seen in views from the Till Vale and do not break the skyline in any appreciable sense in views from the east.
148. Another matter worthy of attention is the SNH Guidance on 'Siting and Designing Wind Farms in the Landscape.'⁴⁶ The appellant urged caution as to the applicability of that document, saying that it does not apply to sites such as these, but it does. The aim behind the guidelines, which state at paragraph 3.33 that turbines should be of minor vertical scale in relation to key features in the landscape (typically less than one third), is to ensure that landscape features just like the Cliff are not overwhelmed by large development such as that proposed.
149. The guidance that relies on the identification of key features in the landscape does not confine its reaches or advice to the Scottish Highlands. It demonstrates exactly the situation the guidelines seek to avoid, that is siting wind farms where they are out of all proportion with existing features so as to overwhelm them, as will be the case here (see VPs 10 and 13 in particular).
150. The appellant's judgment is clouded by an overall impression that the landscape is flat and featureless. Quite the contrary, the land is not flat, the proposal is to build on a plateau at the top of the Cliff on some of the highest ground in the area. This has the impact of enhancing prominence of the development from both the east and the west of the site, causing the dynamic structures to intrude into the skyline and overpower the Cliff as a distinctive landscape feature by competing in and winning the contest for dominance. It will not in any sense be perceived as 'in scale' with the Cliff, or being set back from the ridge. Rather, it will appear on top of it.
151. VOCAT also wish to highlight the sheer number of properties that will experience a significant visual impact as a result of the proposals, and the impact

⁴⁵ CD 10.21

⁴⁶ CD 10.11

on the local primary school. In respect of that, it is interesting to consider the extent to which visual receptors on the roads, footpaths, and residential occupiers have been considered and then to compare that to the impact on the school, and the level of thought and detail that has been put into that analysis. It is right to note that:

- (i) There are no other primary schools in Hemswell Cliff, so there is no opportunity for children in the village to choose a school that does not look out onto the wind farm;
- (ii) Almost every recreational area surrounding the school is orientated towards the wind farm. It is likely some classrooms are too; and
- (iii) The children at the school, being of primary age, will spend most of their days at school; and in the winter months, the majority of daylight hours will be spent there.

152. VOCAT would have expected a more detailed assessment on the impact of amenity of school children and the likely daily interference that will be occasioned from the development. Protection of amenity as expressed within STRAT 1, paragraph 17 of the NPPF and page 98 of the GLVIA doesn't discriminate as to who the receptor is, or the nature of the affected building they might be occupying, residential or otherwise. There is no policy support for the "light touch" approach taken by the appellant to such an important group of visual receptors.
153. The designation of the Cliff as an AGLV attracts the policy protection of NBE 10 which promotes the maintenance and enhancement of important landscape features. It is a policy that the appellant accepts is offended as a result of the development. Furthermore, the widespread recognition of the Cliff as an unusual and distinctive feature worthy of protection demonstrates it is a valued landscape and as such, it also attracts the protection of paragraph 109 of the NPPF.

Built heritage

154. VOCAT supports the Council's case in respect of heritage assets. VOCAT observes that the appellant's threshold at which harm occurs is set too high and conflicts with the duty on an assessor to give "great weight" to the conservation of heritage assets in considering the impact of development (NPPF paragraph 132). Given that policy, the threshold for identifying harm is set lower than it would otherwise be, in the same way that harm is more readily identified against designated landscapes because of their heightened sensitivity; the importance of heritage assets requires close and careful scrutiny of any potential impact.
155. Unfortunately the appellant's heritage witness is stuck in the 'Bedford trap' that substantial harm is "something approaching demolition or destruction". The reason why that is an erroneous calibration of the scale of harm is to some extent explained by the evolution of the PPG following that case. Whilst the draft of the guidance included reference to a similar level of harm being required to meet the "substantial" test, the guidance as published, while recognising that "substantial harm" is a "high test" states that "... *in determining whether works to a listed building constitutes substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.*" (emphasis added).

156. A key element might be an important view, an asset's position in the landscape or settlement, or perhaps something in the fabric of the building itself. Buildings might have a number of different elements of significance, some of which may be harmed, and others that will not be. The harm does not have to be to each and every element of significance, but to a "key" element. The knock-on effect of setting the threshold too high for substantial harm, means that it is set too high for any harm, and perhaps goes some way to explaining the gulf that exists between the appellant and the other parties in the assessment of impacts.
157. VOCAT has carried out an assessment of the impact of the development on the Grade II listed Church of St Andrew at Willoughton (see VP 4). The village of Willoughton and the surrounding agricultural land provides the setting. In views from the Church towards the appeal site, the land remains predominantly open. The appellant accepts that the agricultural land makes a contribution to the significance of the church and the photomontage (VP 4) demonstrates that the turbines will be present in that setting and will interrupt the experience of the Church. The modern, rotating structures of a wind farm are at odds with the largely unchanged setting of the church and will disturb the tranquillity provided by the present setting to the asset. Accordingly, the significance of the asset will be harmed.
158. While substantial harm to the Church is not claimed, when combined with all of the other identified harm to many different heritage assets surrounding the site, the total of that harm is arguably greater than the sum of its parts. That was the principle enunciated in the Asfordby Case and applies here because of the harm to "so many and varied assets."
159. There is no hint in the Secretary of State's Decision Letter in that case, that there has to be some special relationship between all of the assets for the principle - which the appellant accepts is right - to apply. In that case, the assets included listed buildings, SAMs, and conservation areas - many of them in different villages. There is no justification whatsoever for limiting the principle in the way the appellant seeks to. The upshot is that where so many different assets in different places are harmed, while the harm may not be substantial in all cases, the individual harms together attract a special weight in they planning balance - it is certainly an indication that such a development in such a location is inappropriate.
160. In terms of decision making, the Barnwell case provides authoritative guidance on the correct interpretation of S66 of the LBCA. Having reviewed the relevant authorities, Sullivan LJ concluded, supporting the findings of Justice Lang in the Court below; *'For these reasons, I agree with Lang J's conclusion that Parliament's intention in enacting S66(1) was that decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. I also agree with her conclusion that the Inspector did not give considerable importance and weight to this factor when carrying out the balancing exercise in this decision. He appears to have treated the less than substantial harm to the setting of the listed buildings, including Lyveden New Bield, as a less than substantial objection to the grant of planning permission. The Appellant's Skeleton Argument effectively conceded as much in contending that the weight to be given to this factor was, subject only to irrationality, entirely a matter for the Inspector's planning judgment'*. (emphasis added)

161. That decision has been followed in the more recent Forge Fields case where, in a key paragraph, Lindblom J said: *'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'* (emphasis added)
162. In the circumstances of a Grade I listed building, the s66 duty applies with particular force. The appellant's heritage witness also identifies "adverse effects" to varying levels in respect of a variety of other assets. In respect of Hemswell Conservation Area, while there is no statutory protection for its setting, the NPPF steps in to plug the gap through the operation of paragraph 132 which applies not just to listed buildings, but to any designated heritage asset.
163. Even if the appellant is right, and the harm is less than substantial, that does not amount to a less than substantial objection to the grant of planning permission; considerable weight attaches to the harm that has been identified and the presumption against the grant of permission applies. That presumption applies with even greater force if the Council and VOCAT are right and it is accepted that the harm caused to at least some of the assets identified is substantial.
164. The appellant readily admitted that the development will not sustain or enhance the significance of any of the identified heritage assets, and will not make a positive contribution to the local character and distinctiveness of the area. Plainly therefore, there is no benefit whatsoever in heritage terms that will arise from the scheme.

Archaeology

165. The environmental information submitted in respect of the archaeology on the appeal site demonstrates a developing understanding of the importance of the area in archaeological terms. That was not originally understood when the application was first submitted because the initial survey – a walkover carried out in summer when the crop was high – was plainly inadequate. Having remedied that with geophysical work and trial trenching, a picture began to evolve of a highly important archaeological resource with evidence of settlement on the appeal site dating back thousands of years. This is a site which yields more in terms of archaeological information every time it is surveyed – it is archaeologically rich. The 2013 evaluation for example announces that there is good evidence of Roman settlement.
166. The trenching that has been undertaken thus far can provide only a snapshot of the site as a whole. While trenching helps to build a picture of what may lie

underneath the ground, it has limitations and cannot paint the full picture. That picture so far tells us that archaeological remains are present throughout the site; there is good evidence of Roman occupation; there is known highly sensitive archaeology present within the red line, as well as the potential for further highly sensitive archaeological sequences to be repeated in the proposed location of the turbine bases.

167. The known area of sensitivity is located underneath the original site for the proposed construction compound. That concentration of archaeology is likely to be repeated across a site like this. Such finds could be in close proximity to trenches that were determined archaeologically sterile through previous investigation. In respect of the compound, the archaeology beneath it is considered to be so important that the compound is being moved to preserve the remains in situ⁴⁷. Preservation in situ is undoubtedly the better approach to conserve sensitive archaeology – it allows not only for it to be examined with better techniques in future, but it allows that archaeology to remain part of the bigger whole to which it belongs and in its original setting where a vivid picture of the historical evolution of a place can be appreciated, rather than in a record in a museum where history is not kept alive in the same way.
168. In this matter the discovery of the archaeological remains is not an end in itself, but a means to erecting a wind farm. Even if every single archaeological feature were recorded, which seems unlikely given the quantity of earth to be removed and the use of mechanical diggers, those features will be physically lost from the site. Many important features are not things that can be recovered from removed soil in the same way that artefacts can, cleaned up and stored for future investigation. Their place in the wider archaeological picture of Hemswell Cliff will undoubtedly be obscured and their significance lost as the archaeological landscape is given over to development.
169. Furthermore, in years to come, if the site were more comprehensively excavated to reveal greater archaeological sequences, the pouring and leaving of concrete in the ground would have destroyed significant parts of the overall whole, potentially interrupting the evidence of settlement and diminishing the value of the site as whole. One particularly interesting feature of the Mitigation Scheme that would have undoubtedly been drafted by the appellant's consultants is the comment that the site is interpreted as of high archaeological significance, and in terms of NPPF, potentially of equivalent significance to that of a Scheduled Monument. That is not just a throw away comment, but a very clear statement of the significance of the findings at Hemswell Cliff by consultants who have worked on the project from the beginning and who have perhaps the best overview of the significance of the site. In that respect, it is frustrating that it is not the author of that report who was present at the Inquiry, but rather another professional who was parachuted in at the last minute to answer the questions.
170. The reason why it is so inconvenient to admit the value of the site now is because of the policy consequences that follow; if the site is of equivalent value to a Scheduled Monument, then paragraph 139 of the NPPF tells us that the site should be considered subject to the policies for designated heritage assets. Accordingly, paragraph 132 says that such assets are among the most significant

⁴⁷ Inspector's note- in the 8 turbine scheme

of heritage assets, and that substantial harm to, or loss should be wholly exceptional.

171. What VOCAT intends for the site is plainly different –excavation to reveal the underlying archaeology. It is not suggested that all the archaeological features be removed from the site, recorded and placed elsewhere. To suggest that a desire for a thorough understanding of Hemswell Cliff will lead to the same level of harm as the appeal proposal is something of a cheap shot. Plainly, an archaeology-led approach to reveal rather than remove the buried archaeology would be more sensitive than a proposal designed to remove earth to make way for concrete that it is intended should be left in the ground once the development itself has expired.
172. The appellant refers to guidance from the DCMS⁴⁸ which (at page 18) sets out the criteria for assessing the national importance of monuments. The criteria are only guidance. It is not necessary to meet all of the individual criteria, and in some circumstances, just one would be sufficient. The appellant acknowledged that VOCAT's theory about the ritual landscape was not a pre-requisite for determining the site to be of such importance as to warrant scheduling. In respect of the specific criteria, the appellant agreed that the site had "potential" – largely based on the additional discoveries that are made each and every time the site is surveyed. However, the matter of the impact of the development and whether or not the site is worthy of scheduling are two discreet issues and the absence of harm identified by the appellant as a result of the development cannot be used to vitiate the potential for further archaeological discovery on site, which is a matter for scheduling.
173. In addition, the site shares a group value with other similar settlements nearby, notably Patchett's Cliff site close to the western boundary of the appeal site. To say that those settlements are not rare examples of their type ignores the fact that rarity is only one factor, and does not have to be met in combination with 'group value' for the site to be considered important. It is certainly right that the site is part of a broader heritage landscape, whether it be ritual or otherwise, and the development will significantly, and negatively alter (irrevocably in the case of its concrete foundations) both the physical characteristics, the setting and the understanding of the site in that historical context.

Business and Tourism

174. VOCAT's case is based on the assertion that the experience for tourists and people visiting businesses around the wind farm site is intrinsically linked to the nature and the quality of the landscape and rural context. There is a serious parting of company between VOCAT and the appellant on that matter, but it is perfectly legitimate to characterise tourists as being about more than just people who visit the area only for its landscape amenity – it encompasses a much broader spectrum of visitors. VOCAT does not take a narrow view of the potential tourism and visitor impacts of the development. The nature of the rural landscape is part and parcel of the experience for people visiting local businesses and contributes to the desire for them to visit the Antiques Centre for example, or the Willows to the east of the site. If people were not drawn to that as part of

⁴⁸ Dr Ottaways rebuttal, appendix 1

the overall experience – if it were adversely impacted by the presence of a wind farm, they could go elsewhere.

175. VOCAT's rural business witness is highly experienced in both the rural economy and economic development and assesses the particular circumstances of the site, using credible data specific to the area to derive a tangible impact on the economy as a result of the wind farm. He was not dealing with the broader economic impacts of wind farm development. He did not refer to the broad DECC Study⁴⁹. The appellant's planning witness did not have regard to the document either, despite concluding that there would be no impact on local businesses and tourism as a result of the scheme.
176. The appellant draws support from the Aitchison Study⁵⁰ to suggest there will be no impact, but that includes evidence from the North Devon study that indicates there will be a small impact on tourism. The Study concludes that the research contradicts the argument that tourists would inevitably view the turbines as having a detrimental impact which is right - not all tourists will - but nonetheless demonstrates that a minority of tourists will be dissuaded from visiting after the wind farm is erected. The point that VOCAT makes is that in the context of the fragile rural economy in this district, that minority will have a severe impact, and that the equivalent loss of 20 jobs is unacceptable.
177. VOCAT is correct to assert that the development will have an impact on tourism. There is no evidence to counter the conclusion that in this particular location, the effect of that will be unacceptable, and accordingly there is a conflict with paragraph 28 of the NPPF; the development will not assist in supporting a prosperous rural economy, the loss of jobs will not be offset by short term employment supported by the development, and conflicts with the existing and emerging economic strategies in the area.

Planning balance

178. It is not for VOCAT to plan wind farm development in the area. The appellant is intent on saying that this site is the right place for development and plainly within the district as a whole, there will be areas that are more able to accommodate development than others. Places where it would not be appropriate would be, for example, next to important landscape features, near settlements involving conservation areas, in close proximity to a high level of heritage assets, and on top of a roman settlement.
179. The NPPF is clear that the proposal should be permitted only if its impacts are or can be made acceptable in accordance with paragraph 98. Having made clear that sustainable development has three dimensions - the economic, social and environmental (paragraph 7) - and that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system, paragraph 11 says that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It is wrong then to simply say the local plan is out of date because it is old, silent or absent because there is not a policy relating to renewable energy.

⁴⁹ CD 5.17

⁵⁰ CD 5.34

There are still development control policies that are relevant and to which regard should be had. The absence of a policy that acknowledges the need for renewable energy which is clear in national policy in any event, does not mean the policies of the plan can be ignored or that its policies in some way become demoted to material considerations only – the duty to determine applications in accordance with the development plan unless material considerations indicate otherwise remains the same.

180. It is important therefore to look at the aims of the policy as well as the wording when considering their consistency with the NPPF. The recent Chase Milton case⁵¹ provides some useful guidance on how policies should be assessed at paragraph 17: *'Further, the impact of the NPPF on the development plan policies can only be on the weight to be considered appropriate by the decision maker to be given to those policies. Such an exercise requires a broader approach than merely giving a particular label to particular policies. The NPPF says due weight should be given to existing policies according to their degree of consistency with the NPPF. It does not ask for a detailed textual comparison or analysis of a policy in the NPPF with a development plan policy leading to a question whether the two are the same or similar or even consistent.'*
181. While it is necessary to consider the consistency of the relevant local plan policies with the NPPF it is VOCATs case that the policies overall are consistent with it for the following reasons.
182. STRAT 1 is a policy about achieving sustainable development. Its aim of securing development that reflects "the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character" finds support in the NPPF, as to the specific matters it says should be taken into account. The policy is plainly and simply a sensible development control policy aimed at ensuring development is appropriate. In respect of policy NBE 8, that has at its heart the conservation of heritage assets. It is correct that it does not permit any harm to the character, appearance, setting or features of historic parks and gardens, but that ignores the fact that it is to be read as part of the development plan as a whole, and in the context of its explanatory text, notably paragraph 6.51, which does allow for a balance. There can be no doubt that the aims of the policy are reflected in the NPPF which also seeks to protect important heritage assets. The appellant is not prevented from arguing that the benefit of renewable energy is a material consideration sufficient to overcome the conflict with the development plan, whatever restriction a particular policy imposes.
183. Policy NBE 10 concerns the protection of landscape character. To dismiss the policy as readily as the appellant seeks to, demonstrates an unwillingness to engage properly with what the policy is seeking to achieve as well as its consistency with the aims and ambitions of the NPPF. There is nothing there to say that the AGLV designation, whilst discouraged nowadays, does not hold validity. Paragraph 109 seeks the protection and enhancement of valued landscapes such as the Cliff landscape character area in recognition that some landscapes (although perhaps not of AONB status) deserve extra protection. The

⁵¹ Doc 36

NPPF goes even further than the development plan policy itself that talks of conservation and maintenance or enhancement.

184. Even if the Secretary of State were to conclude that the development plan were lacking in some way, then the scheme has to be considered against the provisions of the NPPF taken as whole. It is not just a green light for development. The conflict with the policies of the development plan will still have to be considered and weight attributed to it along with other identified harm and the conflicts identified with policies of the NPPF. If that approach is taken, VOCAT remain of the view that the harm identified is significant and demonstrable and outweighs the benefits of the scheme, because like the development plan, the NPPF seeks to achieve a balance between the promotion of renewable energy and protection of the natural and historic environment as well as ensuring a good standard of amenity for those who experience the impact of developments. The NPPF promotes development that makes a positive contribution to character and distinctiveness of the natural and historic landscape. It seeks to protect valued landscapes in particular (see paragraph 109), and gives great weight to the conservation of heritage assets. The scheme offends against all of those principles, is not sustainable, and is thus unacceptable for the purposes of the paragraph 98 test.

Conclusion

185. It is accepted that there are benefits arising out of the scheme. Chief among them is the contribution the scheme makes to the generation of renewable energy and increased energy security that arises from that. There are some short-term economic benefits to be gained from the construction of the wind farm, but they are minor in comparison to the operational lifetime of the scheme. These benefits have to be weighed into the balance with the acknowledgement that there is strong policy support for the generation of renewable energy. That benefit however is significantly and substantially outweighed by the numerous harms that have been identified as arising from the scheme. The adverse impacts of the proposal cannot be made acceptable and permission should not be granted.

Interested parties

186. In this section, where speakers made similar points, they have not necessarily been included in this summary.
187. **Paul Howitt-Cowan** is District Councillor representing the Hemswell Ward. He says the Council is not opposed to the various forms of renewable energy. In 2012 he was made Champion of the Green Agenda and the sub group he led, which was politically balanced, encouraged greater use of solar on buildings under the Council's ownership and explored the possibility of a solar farm under the Community Asset Fund. He has welcomed the many home owners who have installed solar on their roofs and various farmers who have installed anaerobic digesters to increase their green credentials in their commercial activities. In a nutshell he says that all applications must stand on their merits and sites for solar and wind farms must be 'appropriate' and in the case of this proposed development, the Hemswell Cliff location is wholly inappropriate.
188. Hemswell Cliff is an ex MOD site, which has been identified as one for expansion both commercially & residentially. It has good road networks, it is

strategically close to market towns and the cities of Hull & Lincoln. To that end WLDC with the County Council has supported a Master Plan study into the potential commercial expansion in the village. There is strong support to encourage residential expansion alongside commercial expansion. This should help sustain this community for jobs, for shops, for improved community facilities and moreover for the school which is an excellent foundation experiencing a 42% turnover in children. He fears that if this development was to go ahead, the vision for this community would be highly jeopardised especially for existing jobs in Hemswell Antiques which has a footfall of over 250 000 visitors; and for the corporate hospitality providers of the White Heather & Hemswell Court with several bed & breakfast establishments. The proposed development challenges the fragile local economy here.

189. He cannot speak on behalf of WLDC however 'his take' on the reason why WLDC is silent on renewable energy is because it has placed all its hopes on the Joint Planning Unit, which was set up several years ago, to produce a policy on renewable energy. This focused on wind farms to the detriment of all the other forms of renewable energy, which created an avalanche of criticism from residents who had not been properly consulted. Its assessment of total renewable production was skewed for instance by the fact that it had failed to factor in the production of solar energy from the roofs of both industry and domestic users. The Inspector noticed this and the Joint Planning Unit was transformed into the Central Lincolnshire Local Plan which is now producing a policy relating to renewable energy, which will be balanced and evidence based. And it is anticipated that the policy will be holistic taking into regard environmental, archaeological, geological, cultural heritage as well as socio-economical factors. Lincolnshire, both off shore and on shore, is making a unique and impressive contribution towards the production of renewable energy.
190. **Charles Strange** is the Lincolnshire County Councillor for the division of the Ancholme Cliff that covers this area. His personal credentials could be considered as green, as from 2006 till 2012, he was the county councillor responsible for the design and build of the energy from waste facility in Hykeham which feeds electricity into over 20,000 homes on the national grid and not just when the wind blows. He has supported solar panels on all roofs on new build and brownfield and on grade 3 arable land, also anaerobic digesters across the county. He has also supported biomass and strongly supports all sensible alternative energy provision. All planning applications correctly have to be judged on their merits but he cannot support this one whether it is for 8 or 10 huge wind turbines, each one half as high again as Lincoln Cathedral, eight or ten huge erections in an area of greater landscape value, causing immense intrusion and visual impact to all who live nearby or travel down the A15 or the B1398. They would also cause an obvious hazard for drivers. Further objections centre on the view from the South Kelsey Ancholme basin looking to the south west where the Lincolnshire big sky will suffer from visual impact. The view from the west has been much highlighted and here the sunrise over the cliff edge from the plain to the east will be lost. He also draws attention to the Hemswell Cliff school, and the possible medical affects on children with certain conditions.
191. The viability of the turbines, the cost to the exchequer and ultimately the rate payer are not to be considered, neither is the loss of around 20% of a local resident's property value (if that resident can even sell) as these factors are struck out as inadmissible reasons for objection. The whole landscape, much of it

historic with several listed churches and other Grade I/II listed buildings and a landscape also designated as an AGLV, is under threat by an industrial sized development that must also have implications for the radar of several local RAF stations. It should not be forgotten that other and smaller applications locally have failed due to the applicant being unable to satisfy the MoD. Defence of the realm is the first duty of any Government.

192. He says that for thirty miles along the Wold scarp nothing lies between those hills at 400-500 feet and Lincoln Cathedral. A view enjoyed by thousands for 900 years will be changed by turbines which at the end of the day will not deliver a fraction of which the developers claim, and on winters days are often stationary. Parishes and their residents are against this development, as indicated by the numbers of letters of objection from local people.
193. A number of individuals make representations drawing attention to the potential effects of the proposal on wildlife, most frequently birds.
194. **Steffie Shields** is a garden photographer, landscape historian, lecturer and writer living in Lincolnshire since 1995 and Chairman of the National Association of Gardens Trusts. She represents Lincolnshire Gardens Trust, a conservation and educational charity. Adding to previous letters of objection, she wishes to focus on Norton Place, to set its late 18th century designed landscape garden in context as a valuable local asset. With a dearth of designed cultural landscapes of note in Lincolnshire due to WWI, the great depression and WWII, no gardens designed post 1945 have been registered. A mere 29 Lincolnshire sites are listed on the English Heritage Register of Parks and Gardens of National Importance, and of these, only 4 are in West Lindsey.
195. Taken together, the late 18th century development of all these natural landscape settings have much in common. A short distance from Lincoln, motorists driving north along Ermine Street enjoy five rural country seats in relatively quick succession, the designed landscapes at Riseholme, Fillingham, Hackthorn and Norton Place make a charming, memorable enfilade. Lincolnshire Gardens Trust seeks to prevent slow degrading by industrialisation of this area, with disturbing, inappropriately positioned wind turbines, considering its picturesque essence and special views that have endured for more than two hundred years.
196. Only 3 gardens of note open regularly in the West Lindsey district; Brightwater Gardens, Saxby (previously the Garden House); Doddington Hall; and Goltho Gardens. Norton Place, a considerable local cultural and community asset has in the past opened to visits by local amenity groups and on occasion for September Heritage Open Days. Relatively few other private gardens open for charity in the district, none of this scale or quality: two open for the National Gardens Scheme (NGS), and two groups of gardens opening once in Caistor and Claxby. There are strong, surviving design elements relating exactly to Thomas White's (1739 - 1811) existing original ink and watercolour (1772) plan. A surveyor and arboriculturalist, he was former foreman to designer/royal gardener Lancelot 'Capability' Brown (1716 -1783). Brown was improving the larger Brocklesby Park, over the exact same period as Norton Place, over more than ten years 1771-1782, in collaboration with White.
197. White operated, like Brown, with initial preparatory earthwork, suitable drainage works, snaking walled ha-ha ditches, two lakes and approach roads. As

the house was constructed, there followed anything up to ten years or more of planting refinements in due season, making changes, eye-catching buildings or practical additions. He collaborated with architect John Carr. They worked together elsewhere. White set up an independent improvement practice at Retford as demand grew in the area. 45 sites in England and Scotland are attributed to Thomas White Senior⁵².

198. Regarding the horizon opening in the view to the south from the house, this is often an intended design experience for the family to contrast with enclosed, shaded wooded areas and pleasure grounds. Also typical of the era, this allowed, and indeed framed a striking view into the property, showing off the latest fashionably modern, modest-sized country seat of quality and harmony to arriving visitors and passersby. Initial proposals, not set in stone, always changed according to finance and whim. So the south approach, although not part of the initial White proposal, is a typical additional oblique approach road, often a less formal and entertaining experience negotiating a softer grass road, even passing over a 'green bridge', as at Norton: a series of charming, contrived views revealed, hidden by planting, or change of level, then revealed again - the drama of approach. This White setting is comparable to Brown's plan (1765) for Hainton (Grade II) a similar size and for a MP client, with a main approach, and another oblique approach through the park passing by water, icehouse and walled garden.
199. Agriculturalist Arthur Young wrote guides to the county's landscapes and farmers of the county. Young was impressed by Norton Place: '*There is upon the whole, turn which way you will, a finished air; it is complete, and an extraordinary place for 22 years to have effected*'⁵³. It is significant enough to be included in Sir Joseph Banks' commission, a unique collection of views of Lincolnshire by Jean Claude Nattes: (two separate Nattes drawings of 1794 depict a south-west-elevation of the John Carr House at Grade I and Carr's 3- arch stone bridge Grade II* and cascade hiding the dam engineering between the two lakes). A later Thomas Espin painting, a principal view from the south, shows White's planting more established, the house married into its picturesque setting.
200. The Norton Place veteran trees are of real significance⁵⁴, as are surviving examples of rare eighteenth and nineteenth century daffodils, such as *Telamonius Plenus*, a double jonquil daffodil known to have been planted by Brown, almost certainly linked to White's original pleasure ground planting.
201. It would be both an irony, and travesty, with national celebrations planned for a Capability Brown Festival in 2016, that views, enduring for two centuries, "*One of Carr's most beautiful houses... perfect in size and setting*" (Henry Thorold) should be impaired. One of this district's major assets, Norton Place is a Brownian landscape in the true sense of the word: (the lodges and entrance screen, the winding approach drive through woods into open park punctuated with a variety of trees and evergreens, river-like lake, icehouse, three arch bridge, cascade, pleasure grounds, with yew-sheltered Lady Walk and Kennel Walk, edged by a serpentine ha-ha over a mile in length either side of the elegant Carr house in the heart of the design, and 1 acre walled garden discreetly

⁵² Web site ref provided: www.parksandgardensUK

⁵³ From *General View of the Agriculture of the County of Lincolnshire* by Arthur Young, pub 1813

⁵⁴ See tree and daffodil surveys attached to Doc 20

tucked near Ermine Street). Its holistic value exists in both in aesthetic terms, and in practical aspects of land, water and forestry management. Norton Place exemplifies late eighteenth century society's progressive development in family, political, social, economical and creative life to improve their surroundings, whereby not just rich dukes but gentry could buy into the classic rural idyll.

202. Studies have shown that gardens play a major part in rooting us in the real world. Landscape gardens demonstrate the art of the possible and the science of man's striving to feed himself and to better his surroundings. Gardens can have deep meaning, with power to educate informally, to inspire, to affect emotions, bring solace, peace, healing, well-being shared memories, and when occasionally open, are places of retreat that are a pleasure to experience. Landscape gardens add unquantifiable, seasonal beauty to our cultural experience and are about the anticipation of the journey, the road taken towards a calm, secure enclosed oasis in contrast to open, windswept countryside and fields. The enjoyment would be destroyed by gyrating turbine blades in the eye-line. A landscape garden still fit for purpose, today's passers-by may still enjoy a significant period of natural landscape design for which this country is famous, the picturesque combination of elegant classical house nestled in the heart of a park with every capability, and rare late 18th century daffodils. Therefore Lincolnshire Gardens Trust object to this wind turbine farm development.
203. **Victoria Woodward** lives at the Old Rectory in Grayingham, a Grade II listed building dating from around 1840. The rooms at the rear of the house and the garden have a view of the Cliff and the proposed turbines would be very visible⁵⁵.
204. On behalf of the Lincoln Green Party, **Norman Haigh** speaks as a lay person whose background includes 8 years previous service as an elected member of Lincoln City Council Planning Committee. A year ago he became secretary of Lincoln Green Party and as a consequence more involved in the Green Party campaign for greener energy solutions. To this end he attended the West Lindsey Planning Committee On 30th October 2013. From the outset he was surprised by many of the points various councillors were making such as; unviable, inappropriate, expensive and "no consideration given to safety in the event of turbine blade failure." These comments seemed to him to fly in the face of the planning officer guidance which states that "onshore wind is the most well-established and currently the most economically viable source of renewable energy available for future large scale deployment in the UK."
205. Wind turbines are considered by national policy and guidance to be an established form of renewable energy and little weight should be given to claims that the technology is inefficient. Yet the MP for the area says that "Complete reliance on Government subsidy belies wind turbines complete lack of long term sustainability." There is no doubt in his mind that opinion in this area of the county is very polarised. Similar comments have also since been repeated in the intervening period both in local media and people he has met on the streets of Market Rasen, Lincoln and Gainsborough whilst collecting letters of support from the general public. He notes that supporters of VOCAT claim that letters of support for the development should be disregarded because they are from people living outside the area.

⁵⁵ Photographs at Doc 35

206. However much of the debate has been about harm to landscape character and its visual impact from public view points over a very wide area stretching up to 15 kms from the site. He was expecting a great deal more to be said about residential visual amenity of properties in close proximity to a turbine. A visit he made to Sherwood and Newark Council Chamber last year revealed similar problems with visual amenity. In that particular case four councillors who had objected to previous developments in their respective constituencies stated that their constituents had expressed strong opinions before the turbines were installed but afterwards they had not received any complaints. However their colleagues still voted to refuse the application.
207. It must be accepted that turbines cannot be hidden from public view. If viewpoints both long and short are being objected to then it seems to me that there is a clear contradiction of national Government policies and also the Central Lincolnshire Local Plan core strategy of July 2013 which was consistent with the NPPF. However the core strategy has since been rejected by the Planning Inspectorate but not because of the renewable energy element. The new Local Plan says very little about renewable energy despite the fact that the Central Lincolnshire Renewable and Low Carbon Energy Study (2011) considers that North Kesteven and West Lindsey have the greatest biomass and wind technical resource across the Central Lincolnshire Region.
208. He would like to draw attention to the views of Norton Place from the southeast. In a tour of the villages he did some weeks ago he paid particular attention to this view because although he had driven along the A631 many times over the years he had never caught sight of either the house or the bridge over the lake. Having done a Google search he knew that there was a track roughly in line with the house and that point he was able to pull off the road and get out of the car. But he could not see the house or bridge because of rising ground immediately in front. Therefore he came to the conclusion that there is no public view point from the south east.
209. The only place he has been able to even get a glimpse of the house is at Spital-in-the-Street passing by along the A15 and that is only available when there are no leaves on the trees. There is nowhere to stop and admire the view on such a busy road. If a wind farm is not acceptable at Hemswell then the decision will become the yardstick by which other developments will be judged unacceptable across the central Lincolnshire belt and as a consequence the three wind farm manufacturing plants that are proposed for the north and south banks of the Humber estuary may well be withdrawn.
210. **Christopher Padley** cares about the impact on landscape. His case is not so much in favour of the appeal; although he is in favour, for all of the well-known reasons over the need to end the burning of fossil fuel, and the consequences of global warming. He wants the landscape to be considered in terms of what is "true" about landscape - in the sense of "artistic truth" - for in this area one is dealing with emotional reaction as much as objective facts, and much is said in these matters which he believes is untrue, or half truth, or even nonsense. He says that to students of landscape it is well known that context changes our human senses. What people know about a landscape, its history, its function, its natural history, our personal experience and economic relationship with it, all these alter our sense of its beauty, sometimes radically. To give a well known example of this: our most treasured landscapes are the National Parks, most of

which are rugged uplands of mountain and moor. For most of history every traveller who wrote about these did so negatively; "Dreary", "bleak" "forbidding", were favourite words.

211. The context changed. Travellers used to suffer hardship and risk of exposure when crossing moor and mountain. They also were more aware of the connection between landscape and food, and there was no human sustenance in rocks. A later urban society, short of fresh air but able to travel in safety and comfort, began to see first romance and then also pure beauty in these landscapes. People also have genuine nostalgia for the landscape familiar to them, independent of its intrinsic qualities. The poet John Clare mourned the destruction of the open field landscape during the enclosure movement, as happened to this local landscape. Our generation has felt the same sorrow at the loss of the now much-loved patchwork, or chess-board, of enclosure to so-called "prairie" farming.
212. It takes time to see the landscape with understanding, and that understanding changes perception of it. Change is disruptive and even if neutral in its effect in any pure sense of aesthetic rules, makes things less attractive personally. Not only does experience alter our sense, factual knowledge can change it too. Features we know to be ancient take on a warmer gloss, those known to be richer in wildlife likewise. A knowledge of timber makes one appreciate the beauty of a carefully tended, straight growing oak tree. A knowledge of wildlife ecology adds beauty to the wind-torn, ivy clad one. These examples illustrate the context which changes aesthetic sense, and Mr Padley believes they do change that sense, not merely change the detached value put on them. What is known about a landscape and what is personally experienced about it changes what one feels about it, and that changes the very sensation of beauty.
213. For someone who believes global warming is nonsense, and fossil fuels limitless, wind farms seem an unnecessary waste of money. This will not only be for them a conscious argument against wind farms, it will also affect the aesthetic judgement. They will actually feel these things as uglier than they would otherwise. For them, their subjective experience of the appearance will have changed too. Conversely those who are highly concerned about climate change, and believe wind farms are in fact a significant net contributor of non-polluting energy, will see more actual beauty in them than otherwise. Both sides have their aesthetic sense modified by what they believe. So, to a partial extent, the arguments over aesthetics are circular. It is not unreasonable to suppose that as awareness of the reality of climate change sinks deeper into the national consciousness, so the taste in aesthetics about turbines might change too.
214. One witness called this an 'intimate' landscape. The word conveys a sense of small scale, enclosed and limited views. He does not agree. There are a few pockets down the scarp, but the essence of the landscape in question is the opposite. It is expansive, broad, wide open; big Lincolnshire skies, big fields, far-distant horizons in all directions - what this county is famous for. The same witness said that because the scene was all horizontals, vertical features would be intrusive and in conflict with it. Yet it is an axiom of pictorial landscape that one needs verticals to provide a fix for the eye along those horizontals, and upstanding features to provide a focal point for the eye. This does not mean that any such vertical must be good, but there is an artistic truth in the principle, and not in the converse that horizontals must be protected from all vertical addition.

215. This expansive nature does indeed mean that the wind farm would be visible for many miles around. Yes, it should be considered in that wider landscape. From a visual point of view, the limestone ridge should not be regarded as a single landscape area in itself, but only as a feature in a wider landscape. Except on foggy days, it is always seen as part of a greater whole, whose greater views are always present. But it does not follow that such a large feature as the wind farm would dominate over that wider area. The greater the scale of the view, the more the view itself dominates, and the more each feature in it shrinks against that greater scale.
216. It has also been said that this is an inappropriate location because there are no wind turbines here already. This ignores the importance of balance in a landscape. A defined grouping of anything in a landscape usually fits better and pleases the eye than an undefined spread - the latter could be called a "sprawl". If there was already a wind farm in the locality, that would not be an argument that another was more acceptable, but that it was less acceptable. A future landscape "punctuated" by far-separated (say 10 miles apart) and closely defined groupings of turbines would be his vision of an acceptable climax development.
217. A single line of pylons marches across an otherwise lightly featured landscape and achieves a certain grandeur and symmetry derived from the mathematical perfection of their form. This does require a very particular landscape, but the inclusion of second line of pylons at a different angle could have a disastrous effect, destroying that simple symmetry and producing an impression of gross and messy clutter. Some have said the turbines would dominate Lincoln Cathedral, or the view from Walesby old church. Yet, from Hemswell Cliff the Cathedral is just one of three or four tiny blue projections in the far horizon. From Walesby old church the view includes not only the Cathedral, but the Trent vale power stations and the steel works at Scunthorpe. These are big views over a huge area within which even large objects do not dominate at distances. Modern wind turbines are huge and hugely dominating from close to them. The view from the west of the scarp face of the limestone ridge would be the most negative one. As others have pointed out, the ridge is low in absolute terms but in relative ones still dominant, as it looks over the plain - a naturally attractive relationship between hill and lowland, here and there enhanced by the pattern of fields and hedge lines down the slope. A stand of turbines higher than the ridge itself would upset and diminish those proportions.
218. Mr Padley considers this potential change with some misgivings. Those who support wind power cannot and should not pretend otherwise, just as those who oppose it should not pretend that these turbines could overawe Lincoln Cathedral, or be a significant detriment in the view from Walesby. It is a simple fact of human nature that insofar as change is the problem, people do tend to get used to change but only insofar as it is change alone that is the problem.
219. Anyone who believes, or fears, that the county is forested with wind farms, or will be, should travel on the top deck of a double-decker bus from Lincoln to Skegness, or from Lincoln to Grimsby. The views are large and one rarely sees a wind farm, despite the long vistas. Along the Edge, from Lincoln to Hemswell and about the same distance northwards, there were once five RAF airfields and a large limestone quarry and cement works. Some of the airfields have been torn up and have vanished; RAF Hemswell now forms the core of the settlement of Hemswell Cliff. The dominant feature of this landscape is really the A15, with its

almost endless roar of diesel and petrol engines, and rubber on tarmac, audible for miles around. There is continual pressure from the principal local authorities to obtain government funding to dual that road, so that the traffic can increase and go faster. Mr Padley says people should all reflect on these changes, and ask where does true beauty lie in the countryside, where and what is the real countryside, and where is true tranquillity to be found.

220. **Jonathan Lincoln** is a resident of Lincolnshire and speaks as an environmentalist of more than 25 years. He believes that he speaks for the silent majority that fully supports wind power and demands action on climate change. The arguments that man-made climate is happening are compelling. Only recently did the IPCC publish a report calling for a massive shift from carbon intensive fuels to renewables sources such as wind. This they argued must be done as soon as possible and that most of the world's electricity can and must be produced from low carbon sources by 2050. In the report they said that the consequences of not addressing climate change would be pervasive, severe and irreversible. Secretary General, Ban Ki-Moon said: There is no ambiguity in their message. Leaders must act; time is not on our side." Secretary of State John Kerry commented; "Those who choose to ignore or dispute the science so clearly laid out in this report do so at great risk for all of us, for our kids and grandkids."
221. Mr Lincoln points out that wind power is essential as part of the UK power mix and that in October 2014, wind power outperformed nuclear for 11 days and reached a record daily high of 24% of supply on 20 October. He has campaigned in favour of this scheme and draws attention to the large numbers of letters in support including a number from local residents. Any perceived visual impact that the wind farm may have, must be put into context with the impact that climate change will have in the area. The power of the wind has been used since 12th century. Man made climate change is a reality, this is widely accepted as is the need to take action. Actions taken today will be judged not by this generation, but by those that are to follow. It is essential that consent is given for this wind farm.
222. **Sir Edward Leigh MP** is Member of Parliament for Gainsborough. He is impressed by the work put in by VOCAT, by local councillors, and the many other people who have risen up in opposition to this scheme. He adopts the perspective of someone with thirty years' experience of Westminster. The amount of electricity these turbines would produce would be negligible. The only reason why this proposal is being made today and why RWE seeks to build these turbines is because wind energy today is highly subsidised to a remarkable extent.
223. He considers that these subsidies are completely unsustainable in the long term. The financial objections to them are already widespread, and he has pointed out how counterproductive it is to take money from hard working families and individuals and give it to big energy companies and landowners. Wind farm schemes like this operate as Robin Hood in reverse: they take from the hard-working and give to the well-off. RWE is headquartered in the city of Essen all the way in the Ruhr valley of Germany. They will not have to live with these turbines on an everyday basis like people in Hemswell Cliff. It is Lincolnshire people who will be left to deal with them when the subsidy dries up and RWE packs it in.

224. Sir Edward considers that there is an even more fundamental concern at risk here: democracy. The entire thrust of this Government's planning policy has been to ensure decisions are made locally and that they accurately reflect the views and concerns of local people. The residents, workers, and other interested people of the area have been more than clear in raising their voices against this scheme. Their arguments have been reasoned, mild, well-argued, and convincing. They are not hippy environmentalists or ardent reactionaries: they are calm, considered, and reasonable people. That they have been so vocal should make clear that the scheme is not viable, that it is not welcome, and that it would be an interloping invasion upon a much-loved part of the countryside.
225. If this scheme is approved, it would set a dangerous precedent threatening local democracy across the entire country. It would send the message that all big energy companies have to do in order to overrule the wishes of local residents and other stakeholders is to drag out the appeals process in the hopes of wearing down opponents and frightening local authorities wary of the expense. The correspondence he has received from constituents has been overwhelmingly opposed to the scheme. He lives in the Lincolnshire Wolds. Although he would not see these turbines from his home, he often walks around the Ramblers Church at Walesby on the edge of the Wolds.
226. This delightful spot is on the Wolds' famous Viking Way on the edge of an AONB. The view across the flat north Lincolnshire plain to the Lincoln edge is indeed outstanding. This is an historic view. Lincoln Cathedral can be seen 20 miles away. This view should not be ruined in the name of misplaced subsidy of those who do not need it at the expense of those who live here. The arguments against it are sound, while the arguments in favour have quite clearly failed to convince. It is vital that this appeal be rejected and that the wishes of local people are respected.
227. **Elizabeth Williams** is a member of a long standing local family with business interests. She is in favour of the wind farm and believes it is for the greater good. Whilst understanding people's fear of change, they should have a sense of civic pride.
228. **Vicki Dickinson** is clerk to the Blyborough Parish Meeting and has submitted a statement summarising the policy position and urging rejection of the appeal. She points out that half of Blyborough residents who reside on Grange Lane would have their views of the skyline completely interrupted and dominated. She says the appellant ignored the community building in Blyborough, namely St Alkmund's church listed at Grade I, and got the location of the football pitch wrong. She is concerned that there are other discrepancies in the ES. She provided a series of sticks, cut to represent the comparative scale of the turbines alongside the 23m grain silos at Hemswell Cliff, 2 no. 25m turbines at Grayingham Cliff and 2 no. 35m turbines at Grayingham Grange rejected at appeal⁵⁶ (not consented as shown in the FEI at Vol 2 Fig 6.2).
229. Speaking from a personal point of view, Ms Dickinson lives at Blyborough Grange, a Grade II listed building and farmhouse. Due to closely positioned agricultural buildings north of the house, the southerly aspect is of twice the importance than that of most properties and the proposed development would

⁵⁶ Submitted with the documents

hugely impact on this listed property. From all principal rooms both at ground and first floor level a number and in some cases all turbines will be visible. From some of the bedrooms the anemometer mast can clearly be seen. There is some garden landscaping and deciduous planting but sadly, these will not screen nor protect the property from its view of the horizon being completely blighted and the loss of visual amenity.

230. This property is being assessed for its own merits because of its listing but, many more properties along Grange Lane will be equally blighted as much and in some cases more. She is not sure from where the Council and the appellant made their inspection and informed their opinions but it cannot have been from the property itself, as there are no public rights of way other than Grange Lane, from which there is no view other than the northerly roof aspect, and no-one has either sought or been granted permission to come into the property in this regard. She considers that the assessment is incomplete and in her opinion wrong.
231. **Geoff and Rita Boothby** live in Grayingham. They both support renewable green energy generation, provided it is in keeping with the natural appearance and character of the open Lincolnshire agricultural countryside, but consider this will have an unacceptable impact on the character and appearance of the landscape, adversely affecting many heritage assets. They feel the village and in particular the setting of St Radegund's Church (Grade II* Listed) will be spoiled; for example travelling towards the village from the west along the B1205 one can see the panorama of the cliff which is an AGLV, against an unspoiled skyline with the Wolds beyond. However their most serious concern is the implication this development will have for highway safety on roads surrounding the site. This is particularly poignant because about a mile north of this site, a couple were killed in a road accident on the A15. Both the A15 and the A631 are classified red routes, they are two of the 12 most dangerous roads in Lincolnshire. Many accidents occur on each of these roads. According to the Lincolnshire Road Safety Partnership these roads have accident rates higher than average comparable roads, A15 - 130%, B1398 - 210% & the A631 - 265%. They question how much worse these statistics will potentially become with the increase in construction traffic from the HGV movements and turbine deliveries during the construction phase. This will be compounded by the positioning of the two site access points on the A15 and B1398. Post completion, drivers will be faced with the visual distraction from the rotating turbines blades very close to the A15 & opposite a T junction. They have concerns about shadow flicker particularly on drivers travelling south on the A15. At a certain time of the year when the sun is low in the sky behind the turbines to the west, shadow flicker will occur and will inevitably cause a distracting flicker for drivers.
232. The proposed exit route from the site onto the B1398 is less than 130m from the blind bend to the north. They are concerned about the mitigation proposed. Imposing a 40mph speed limit is one thing, but enforcing it is very much another. The appellant recognises that HGVs turning left from the very narrow site access road would need almost the full width of the road to turn, thus blocking traffic flow in both directions & adding to the danger. The proposed site access point with the A15 is only 70m from the Norton Lane junction and its 'safe haven' for northbound traffic waiting to turn right off the A15. In their opinion this is potentially a very dangerous location for an entrance, made even worse with limited visibility caused by the road having dips. The right turn into Norton

Lane from the 'safe haven' is the location of many accidents, with several near-miss head-on collisions.

233. Amongst others, a serious accident took place on 15 December 2014; a local resident was waiting in his vehicle to turn right off the A15 into the Norton Place entrance, a HGV hit the rear of his vehicle pushing it into the path of an oncoming car. This was so serious that the air ambulance attended the scene, landing on the farmland opposite Norton Place that will become the wind farm site. This resulted in the A15 being closed for about 7 hours. When such road closures take place, traffic is generally diverted via the A631 and B1398 making these already dangerous roads very busy indeed.
234. **Brian Everatt** lives in Middle Street, Hemswell and has done for the whole of his life. The front of the house is about half a mile away from and looks out over the site. The house next door is his parents' home and the house after that is where his aunt and uncle live and he speaks for them as well. He feels that the turbines would completely dominate the gardens and front rooms of all 3 houses. He realises there is no right to have the wonderful view across the fields, but he thinks that there's a right not to have ten 400 ft rotating turbines forced on his family. Because the houses are built on the Edge, from the rear he can see right down the hill to Corringham and Willoughton and beyond. He knows that other energy companies want to build wind farms in the Till Vale - if all of these get approved, they would be surrounded by turbines and the lovely countryside will be destroyed.
235. **Judith Alloway** speaks on behalf of herself and her family who have all loved and lived at their home, the Old Vicarage in Bishop Norton, for over thirty years. Her family has lived and worked the land and loved this part of Lincolnshire for generations. She was born within 4 miles of where she now lives. The Vicarage has been renovated over a period of some fifteen years. The home and the view of the open countryside surrounding it have remained unchanged and untarnished for the past 30 years and they rejoice in the open vista which so characterises this part of Lincolnshire. It is hoped it will be the idyllic retirement home and will continue as a family home for future generations.
236. The Old Vicarage was built in 1840 and she has ponies in a paddock adjacent to the house. There's no better sight when drawing back the bedroom curtains each morning than to see them grazing happily in the paddock. She cannot imagine what it would be like to draw back those curtains each morning to be faced with 10 wind turbines. They would be taller than Lincoln Cathedral and would definitely be visible from the west facing bedrooms, the sitting room, and dining room, where the sun sets beautifully at the end of each day. The people of Bishop Norton and surrounding villages deserve the opportunity to continue to enjoy the lovely countryside and they deserve to retain the character of the village and unbroken skyline of the surroundings.
237. **Vicki Kirman** spoke on behalf of the people who live and work in Hemswell Cliff in her capacity as Chair of Hemswell Cliff Parish Council. At the start of this process, the Parish Council canvassed opinion for all households and businesses in the Parish of Hemswell Cliff and of those who replied, 85% were opposed to the application, 5% in favour and the rest, ambivalent. Throughout the process, the village has been informed at each stage, giving details of meetings and the opportunity to express opinions.

238. Hemswell Cliff is not a pretty village. There are no listed buildings or conservation areas. However, the village has a proud aviation history, of serving the country during WWII and beyond, allowing the Americans to be based here during the Cold War, offering a place of sanctuary to the Ugandan Asians when they were evicted from their homes and having one of the hangars converted to house the animal carcasses during the BSE crisis. The untapped archaeology is a source of pride and an indication that Hemswell Cliff has been a home for many thousands of years. About 30 years ago, the MoD started selling off properties — both industrial and residential; and during the ensuing years, a community started to develop. The village could never be accused of not embracing change. Many of the properties on the south of the A631 and all the buildings on what is referred to as the Technical Site, were semi-derelict. It has taken people with vision and very deep pockets to restore these buildings to make them habitable. The business community especially has grasped the potential. The village has always welcomed any new opportunities to create jobs and prosperity for the area.
239. However, there is a perception in the locality that Hemswell Cliff lacks charm. It is derogatively referred to as the "Camp" and with that comes the opinion that it is an area of social deprivation. It is true that there are many rented houses in parts of the village which are regularly patrolled by the local constabulary due to petty theft and anti-social behaviour. It is also true that there are scant facilities in the village; there is no village hall or community centre, but the village was hugely insulted by the approach from the appellant which offered financial inducements in many forms to encourage residents to favour a windfarm. Feelings against the company were polarised into vigorous opposition to their application. In the midst of this sorry state of affairs, the village school is a little gem. One of the greatest concerns is the proximity of the school, particularly the hall and the playing field, to the turbines. From either of these positions, the prominent feature is the anemometer mast. The turbines will dominate the school and they are quite simply too close to the children. There is also concern that children on the autistic spectrum will be excluded from attending the school.
240. Situated very close by are two firework factories and a burning turbine could result in a very lively state of affairs. The triangle of school, turbines and firework factories leaves the community feeling very uncomfortable. The community needs housing more than it needs turbines. There is a health and mental health concern and a fear of reduced road safety. Hemswell Cliff has done its bit for this country, it has a vision for its future; a 25 year plan which does not include a wind farm.
241. **Dr Ernest Hale** is extremely worried by the implications of what he considers is the appellant's public engagement failure with respect to the Equality Act 2010. There are statutory requirements in public consultation to identify, approach and engage with a reliable cross-section of the community, finding those "at risk" and providing them with information, in a suitable format modified to their needs, by "reasonable adjustments". There is an obligation to ensure that the Public Equality Duty is met, but there is no evidence that this has taken place in the public consultation carried out by the appellant. In their document "Public Engagement" for the 10 turbine scheme, the appellant states 5 objectives relating to communication with stakeholders. These remain unchanged in the 8 turbine scheme and the appellant has failed on every one of these in relation to those with disabilities.

242. The appellant recognises that the proposed turbines will be the prominent vertical feature for 3km and there will be significant visual effects experienced from Hemswell Cliff Primary School. However, Dr Hale says that there is no evidence that any of the requirements of the Equality Duty have been satisfied in relation to the following groups, who will all be subjected to the significant visual effects from the turbines on a daily basis:

- i) 5 children on the Autistic Spectrum at Hemswell Cliff Primary school
- ii) 6 residents on the Autistic Spectrum within Hemswell Cliff Housing Estate and Business Park, being 1% of the 600 population;
- iii) 80 residents at Blenheim Care Centre;
- iv) 28 residents at Mount View Independent Hospital, a low-risk psychiatric hospital;
- v) 15 students on the Autistic Spectrum from Warren Wood and Aegir Special Needs Community Schools in Gainsborough, being transported past the site twice daily.

243. This identifies at least 134 individuals. Planning Law and the Equality Duty are clarified by the Court of Appeal in the "Harris" judgement, June 2010. Further guidance comes from *"The Equality Act and its impact on Planning Law"*, December 2010 and *"Engagement and the Equality Duty: A Guide for Public Authorities"*, EHRC, December 2011 - The Equality Act consolidates the positive equality duties found in the Racial, Disability and Sexual Discrimination Acts.

244. Under section 149 of the Equality Act a duty exists, when taking decisions, to have "due regard" to 3 specific needs: 1) The need to eliminate unlawful discrimination, 2) The need to promote equality of opportunity between persons of different groups, and 3) The need to promote good relations between persons of different groups. The Harris Judgment clarifies the key statutory requirements for due regard in consultation in paragraphs 9, 10 and 24. In paragraph 24, two questions are raised: firstly, "Could the policy, or the way the function is carried out, have an adverse impact on an equality of opportunity for some racial groups? In other words, does it put some racial groups at a disadvantage?" and secondly, "Could the adverse impact be reduced by taking particular measures?"

245. Applying these questions to the appellant's public engagement, in relation to disabled people, the disability group are put at a disadvantage, by not only the lack of involvement by the appellant, but the failure to make any effort to identify individuals with disabilities. Further discrimination occurred during the "Community Investment Funding Consultation" by the appellant which was an "invitation only" exercise. There is no evidence that anyone with a disability was invited to this focus group. Further discrimination occurred on the appellant's website, made live in January 2012, designed to target "all stakeholders". Neither the website nor any subsequent documents contain any reference to those with the protected characteristic of disability, nor is there any evidence of any "reasonable adjustments" for disabled people.

246. In conclusion, RWE are guilty of indirect discrimination during the Community Investment Funding Consultation; this was not "accessible engagement", and was in breach of the Equality Act 2010. "Invitation only" shows an effort to exclude. By failing to provide any evidence of reasonable adjustment on their

website, the appellant totally fails to meet the requirements for "due regard" to the need for equality of opportunity to be involved in the consultation process. The appellant's public engagement process shows no evidence of "due regard" for the three requirements of The Equality Act.

247. By discriminating against those with the protected characteristic of disability, within the local community, RWE breached The Equality Act, which is unlawful. In relation to their stated five objectives, by not engaging with those with protected characteristics of disability, RWE have failed on every single objective. Public Engagement by RWE in relation to Hemswell Cliff Wind Farm has unlawfully failed, because there is no evidence of any of the following;

- 1) Reasonable adjustments for disabled people in the methodology of the consultation process, or the application of their findings,
- 2) A conscious approach and state of mind with regards to the equality duty,
- 3) Advance consideration of issues of discrimination during their public engagement,
- 4) Any mechanisms to ensure the fulfilment of the aims of anti-discrimination legislation,
- 5) Reference to the impact of this planning application to those "at risk" neither within the community, nor to the anticipatory duty to others who may be moved into the community in the future.

248. For all these reasons it is respectfully requested that the Inspector and the Secretary of State recognise that the appellant's public engagement is unlawful under the Equality Act 2010. This is a material consideration. The appellant's public engagement should not therefore be given any consideration in the planning balance and overall conclusion⁵⁷.

249. **Andrew Neale** lives at Grayingham Cliff and would have a direct line of sight view of the development. His current outlook is largely unspoilt. Unfortunately he experiences an unsightly high pressure natural gas station directly to the south which apart from its appearance, causes noise pollution day and night. He is forced to make this sacrifice for the greater national good without being allowed to share in that benefit. Despite the gas pipeline passing within yards of our property he personally is refused the benefit of a gas supply. It is common for those who oppose industrial development in their own vicinity to be categorised as "NIMBY's" but in his particular case he already suffers incessant noise pollution from an energy development which although of great public benefit denies him a share of that benefit. Hence he does not think it unreasonable to ask those in favour of placing this wind farm at Hemswell to accept that he is already suffering sufficient degradation of his personal environment for the national good and it is unreasonable to ask him to suffer yet more.

250. His second reason for opposing this development is based on his own personal experience and knowledge as a former chartered engineer who worked in the gas industry on the sale, design and installation of natural gas and associated plant

⁵⁷ Doc 33

to industry. In the right circumstances renewable energy, whether from wind, waterpower or whatever can make a useful contribution to our nation's energy needs. However those in favour of wind farms need to equally freely accept that their installation, particularly on land as opposed to off shore, can blight the surrounding area to such an extent that it overwhelms the relatively trivial energy production that each individual wind farm site contributes. He would strongly argue that the appropriate contribution wind power can make must be assessed in the context of a national energy policy, not on the desire for maximum financial gain of the individual wind farm owner.

251. **David Lee** is Chairman of Bishop Norton Parish Council. In a village poll, 98% were opposed to a wind farm on the proposed site. At a meeting to discuss the application, there was a capacity audience; almost the whole village attended and there was a unanimous vote against the proposed wind farm. Almost all households in Bishop Norton and Atterby wrote letters of objection and reaffirmation of objections and the majority of them highlighted the importance of the skyline and the potential damage to heritage assets including Norton Place and the archaeology of the area. Many also expressed deep concerns over road safety (especially regarding the A15/Norton Lane junction) and air safety. Low-flying aircraft routinely fly at roof-top level over the site and the village.
252. The unprecedented number of letters of objection and the huge volume of reaffirmation letters bears testament to the overwhelming opposition from residents. This is in stark contrast to the support letters which have mainly been signed in towns miles away from the proposed site.
253. The wind farm would cause serious damage to the visual amenity of residents especially the significant number living in properties facing the proposed site. These properties would have their settings seriously impaired and the enjoyment of residents would be seriously harmed to the extent that some of those residents do not feel that they would be able to enjoy their homes and gardens because of the dominance of the huge kinetic structures which they say would be intimidating. The only public green area in the village is immediately opposite the proposed site. This is a playing field used by the children of the village. The green is also used by the villagers for summer events. These include the 'village feast' and the summer fair and one of the attractions for visitors is the setting. The village hall borders the green to the north side and has views to the south and west. The current rural views and big sky with stunning sunsets would be seriously harmed if the appeal was allowed.
254. Bishop Norton nestles between the Edge and the Wolds, the top ridge of each 'bookending' the location. Because of relative distance, neither one nor the other dominates the village. This appeal would destroy that balance and the uniqueness of the village setting and approaches. Almost everyone in the village takes great enjoyment from the big skies which are emphasised by the ridgeline of the Lincoln Edge. At certain times of the year the sunsets are stunning and there are very few places where the views of such amazing inland sunsets are uninterrupted by other landforms in the long view. Scale is important to those views. There has been no structure, either natural or man-made, that has dominated those views. Even mobile phone masts, which dot most landscapes, do not break the skyline. 10 or 8 turbines of the height proposed with the added kinetic nature of these huge industrial machines will ruin the enjoyment and visual amenity of residents and visitors.

255. T5, which would loom up close to the road at the junction of the A15 and Norton Lane would be a monstrous and menacing structure to have to drive towards as people turn out of the lane onto the A15. Residents believe that the 'safe haven' for vehicles turning off the A15 into the lane would become even more dangerous than it currently is. Distracting movement could cause traffic including heavy lorries to veer to the right into stationary traffic. Residents also have serious concerns about the increased potential for flooding. Bishop Norton and Atterby are very susceptible to changes in the level of the water table and to any changes in the volume of water draining from west to east via drainage dykes on Norton Lane and Atterby Beck. There have been several episodes of severe flooding onto property at the junction of Norton Lane and Glenthams Road in Bishop Norton and at Atterby Mill where flooding has been serious enough to cause evacuation of property. The property at Atterby Mill (which is Grade II listed and the site of the remains of a medieval mill dam - not acknowledged by the appellant) is one of the closest to the proposed site. The concern is that changes to drainage, vibration from the turbines into the water table or damage to the aquifer could greatly increase the risk of flooding in Bishop Norton and neighbouring villages such as Glenthams, Snitterby and Waddingham all of which are equally vulnerable. The desk-top analysis and 'walking the site' do not constitute a proper analysis of the risk. No studies by the appellant, or any references to similar situations where there has been proper independent monitoring of effects over time, have been seen, nor has there been any modelling of various possible scenarios and impacts. The risk is real.
256. The historical value of Spital-in-the-Street is largely unrecognised even in local, professional circles. Since early times Spital has been divided between three parishes: Hemswell, Glenthams and Bishop Norton. Very close by, another three parishes converge: Glentworth, Harpswell and Caenby. The tiny settlement of Spital, at the centre of this junction, is bisected by the A15 (Ermine Street), which has been taken as the boundary for a number of civil and ecclesiastical jurisdictions. A well-known quotation from a nineteenth-century resident describes how he woke up in one parish, went to work in another and had his supper in a third, a fair enough comment on the complexity of the place. This also explains why no-one has ever 'owned' Spital; why no-one has taken it very seriously or, until now, bothered much with its history. It often manages an entry in books of England's silliest place names but, in fact, the place name is far from ridiculous and Spital's history is unique in national terms as well as in local history. This is why it deserves to be protected from the domineering encroachments of the Hemswell Cliff Wind Farm.
257. **Dr David Marcombe**⁵⁸ has conducted research since 1995 which indicates that Spital was the focus of an extensive Neolithic hengiform monument which formed the central hub of a ritual landscape: satellite monuments included a long barrow and several round barrows. Much work remains to be done on its extent and ramifications. For a variety of reasons, none of these discoveries are currently available on the Historic Environment Register (HER). Most important for the present purpose, this landscape may well extend into the area under direct threat from the turbines and associated works of the wind farm. The ritual landscape is unlikely to have endured in its pristine form beyond the Bronze Age but archaeological remains of a possible Iron Age shrine have been discovered

⁵⁸ Dr Marcombe sets out the full history of Spital in the Street in his submissions at Doc 30.

beneath St Edmund's chapel, suggesting a significant continuity. Scholars are agreed that once these ritual landscapes established themselves they tended to be reborn in various forms thereafter. This is exactly what happened at Spital and the 'afterlife' of the ritual site is of considerable relevance and importance.

258. The first hospital at Spital, sometimes called the hospital of Herdwic, probably had its origins as far back as the seventh century but in the twelfth century it appears to have been revived and reorganised. The agents responsible for this were the Knights Templar of Willoughton who seem to have coveted the political and economic potentialities of Spital as well as its spiritual aura. The hospital seems to have had three distinct functions: i) A refuge for travellers on Ermine Street, particularly pilgrims; ii) A lodging place for the king's justices when they were in Lincolnshire; and iii) A retirement home for Templar corrodians who had done good service to the order. This is a most unusual, if not unique, combination of functions and they appear to have been carried out on a site surrounding the present Spital Green (now the front garden of Church Cottage) and directly bisected by Ermine Street. Hence the new place name Spital-in-the-Street, the hospital through which the Roman road, literally, passed.
259. This is one of the few locations in which medieval-style requiems, envisaged by their founders to go on 'in perpetuity', continue to this day. The sense of reverence and spiritual calm, commented upon by so many visitors to the chapel, will be nullified by the constant flicker and movement occasioned by the turbines.
260. In the Middle Ages Spital was as well known as a legal and commercial centre as it was for religion and hospitality. Originating with its role in the Saxon administration, Spital was used as a judicial centre from the time of the Norman kings onwards. The Sheriff's Tourn, or county court, met there and when the legal system changed in the fourteenth century, the Quarter Sessions took its place. These courts originally met in St Edmund's chapel but in 1594 Sir William Wray, son of Sir Christopher Wray, Queen Elizabeth's Chief Justice, established a purpose built Sessions House at Spital. Court houses of this type from the sixteenth century are exceedingly rare and the one at Spital is possibly a unique survival.
261. Because of its legal connections, Spital was an obvious location for a whole range of commissions, both civil and ecclesiastical. The Quarter Sessions was transferred to Kirton Lindsey in about 1760 but the Statute Fairs, or Hirings, continued to be held at Spital until well into the nineteenth century. In the Middle Ages and beyond it had the right to hold an annual fair and a weekly market. The position of Spital near an important crossroads ensured that it picked up trade from a wide catchment area and evidence from medieval population statistics and ceramic finds suggest that it attracted traders from many parts of the country and overseas. The legal and commercial privileges of Spital once more suggest the 'afterlife' of this ritual landscape and point to a settlement of specialist function which deserves much more careful research than it has hitherto received.
262. Spital had long been a stopping point for travellers on Ermine Street but after 1660 that route became increasingly dominated by coaches. These were served by two inns, first the Swan to the west of the road and after 1660, by the Ostrich, or Spital Inn, to the east. Gradually business expanded, especially after Ermine Street was turnpiked in 1765. The Ostrich secured a major boost to its

trade when it obtained a contract from the Post Office as one of the staging posts for the Hull Royal Mail. In 1827 it became a Post Town, handling the local mail for a wide hinterland: hence several local villages, such as Owmbly-by-Spital, the names of which still endure to this day. However, with the advent of the railways the prosperity of the Ostrich began to deteriorate and in 1860 the inn was closed, the building was reduced and the surviving portion converted into two houses.

263. Turning to Norton Place, the high status associations of Spital in the Middle Ages were revived in 1776 when John Harrison, MP for Grimsby, commissioned the fashionable architect John Carr of York to rebuild his house at Norton Place. The Harrisons, interestingly, had made their money from the supply of coach horses and Norton Place was designed according to the prevailing conventions of the classical style: indeed the HER describes it as 'one of his best small designs'. With a surrounding Park and a lake fed by water drawn from Spital beck and an ornamental bridge, it has only a few additions by Lewis Vulliamy (c.1830) and is thus a remarkably pure concept.
264. As early as the 1790s visitors to the Ostrich were being directed to Norton Place as a location worthy of a visit. Following Harrison's death in 1811 the house passed to his son-in-law, Sir Montague Cholmeley of Easton, near Grantham. Orchard House, Spital, which overlooks the walled garden, may have been another of Vulliamy's improvements; possibly the house of the head gardener.
265. In 1995 St Edmund's chapel was purchased from the Spital Charity by the Spital Chantry Trust of St Edmund which embarked on a programme of restoration and revival while maintaining its traditional ecclesiastical status. This included repairs to the fabric and extensive research on the history and archaeology of the area. The Spital Chantry Trust has a mailing list of about 500 supporters across the East Midlands and beyond, who regard the chapel as a focus and frequently visit it for lectures, concerts and other events. In 1998 a Physic Garden was set out in the chapel yard and in 2001 a heritage orchard was established containing 22 Lincolnshire varieties of apple. Like the chapel, this is now a popular focus for visitors, which draws people to Spital to enjoy its history, heritage and fascinating environment. The wind farm in the direct line of vision of the Physic Garden and Orchard threatens all of this and jeopardises the hard work which has been done over the last twenty years to revive Spital as a contribution towards heritage and tourism within the region.
266. There are six Listed buildings in Spital, the original functions of which reflect its historical significance. They are:
 - St Edmund's Chapel (Grade II): hospital chapel and church serving the local community. The present building dates from 1616 on earlier foundations.
 - Church Cottage (Grade II): now a house, constructed around the last remains of the old almshouses from 1397.
 - The Sessions House (Grade II): now a house, originally the Quarter Sessions House from 1594.
 - Cromwell House (Grade II): now a house, originally part of the Ostrich from 1660.
 - House adjacent to Cromwell House (Grade II): now a house, originally part of the Ostrich with frontage from c.1830.

- Norton Place (Grade I): a small country house with associated Park by John Carr of York, 1776.
267. Other significant buildings in Spital are not listed. Examples include:
- The Cottage: probably seventeenth century.
 - Orchard House: eighteenth century and probable house of the head gardener, Norton Place.
 - Gamekeeper's Cottage: an estate cottage from 1907.
 - The Paddocks: an estate cottage from 1907.
268. The wind farm will jeopardise views of all of these important buildings which as a group have huge historical significance. The whole of society, from the gentry down to the very poor and dispossessed is represented in these buildings, the society of the Cliff in vivid microcosm: North Lincolnshire effectively brought back to life. The sheer size and overbearing presence of the Hemswell Cliff Wind Farm, its denial of a human scale and its utter incongruity with the Lincolnshire Cliff, with its towering turbines, its sprawling infrastructure and its constant irritating movement, it dwarfs its immediate neighbour - Spital - and robs it of its identity which has been built up over hundreds, nay thousands of years. At a stroke it jeopardises the plans of the Spital Chantry Trust to broadcast Spital to a wider public. This would be 20 years of hard work wasted. In short the wind farm threatens the historical identity of this unique settlement, the visual amenity provided by its unusual mix of buildings and the visitor potential already built up by the chapel and heritage orchard over the last twenty years.
269. **Ann Marcombe** is a Celtic Christian and an associate member of the Iona Community. As a follower of the Northern Saints Columba and Cuthbert and the local saints Hibald and Chad, she speaks for those who have no voice: namely the birds, mammals, insects and the human dead. For the last twenty years she has been custodian of the Chapel of St Edmund, King and Martyr, at Spital-in-the-Street. In that time she has overseen the current restoration and established a small physic garden in the chapel yard which was formerly used for burials. She has also planted a Heritage Orchard of Lincolnshire apples. This has been established for over ten years and it now provides grafting material for future generations of trees, thereby acting as a gene bank for these often scarce varieties. It is an environment which is deliberately beneficial for living creatures, in sharp contrast to the surrounding intensively-farmed land. A future development will be the recreation of a Holy Well, a successor to the wells that existed in the Middle Ages and before.
270. She uses both the chapel and orchard for her own personal prayer and meditation. This continues Christian worship which has existed here since the seventh century as well as the prior use of the land by pagans, evident from the footprint of the prehistoric sacred landscape. In recent years requiem masses for founders and benefactors have been reintroduced, including one for Richard III on the anniversary of Bosworth Field. This represents a revival of the chapel's use as a royal chantry chapel, providing continuity of the site as a place of prayer for the living and the dead. The chapel is also used for events, including the West Lindsey Churches Festival in May. This is a major tourist venture in the District which brings visitors from Lincolnshire and beyond.

271. She fears the wind turbines that have been proposed will be an unsympathetic and industrial desecration of this very special place. Their domineering height and constant movement will be an overbearing presence in this deeply spiritual environment which is used by both herself and other pilgrims as a place of spiritual refuge and renewal. The turbines will be highly visible to the north of St Edmund's Orchard. They will destroy the unique contemplative atmosphere of the place and impact negatively upon it, a landscape which has provided a profound spiritual inspiration for thousands of years.
272. **Margaret Richardson** has lived in Spital-in-the-Street for 34 years. From rural backgrounds, she and her husband come from the local area from three generations of farmers. Wanting to live in a small rural community with good easy access to the road network, they chose and bought The Cottage, which is approximately 250 years old but not listed. The property is assessed by the appellant as having "a large magnitude of change to residential visual amenity" with "overall change to residential amenity would not result in the property becoming widely regarded as an unacceptable place to live." The FEI determines a "medium/high" magnitude of change with "substantial /moderate significant" level of effect from the living room and a "high" magnitude of change with "substantial-significant" level effect being experienced from the garden but states that "the property would still be an attractive place in which to live".
273. She and her husband disagree. At present they have good open views to the south, west and north over the surrounding countryside with views to the north east in the winter of the Grade I listed Norton Place, owned by one of the landowners. The view and setting from and of the property would totally change having a detrimental effect on daily living and activities making them seriously consider moving, if able to sell, if the development is allowed. The unacceptable visual dominance of the huge turbines and moving blades, with six being 1.18 to 1.8km from the property, will make them feel intimidated, overwhelmed and be an oppressive presence. Despite the number of turbines having decreased from 14 to 10 and now possibly 8, all sited south of the anemometer mast, they will see all turbines from the north facing living room window and the west and north part of the garden. They will feature continuously in daily life.
274. Spending a lot of time in the west side of the garden which overlooks open countryside, enjoying the open skies, they decided as retirement approached to build a small wooden wildlife hide which is used for relaxing, reading, watching wildlife of varying species including birds, providing a 180 degree vista over the surrounding rolling fields. They have seen various large birds in flight over the proposed site including swans, geese, various raptors including buzzards, of which one of the resident buzzard family is frequently seen perched on top of a tree opposite the proposed site. Swans and geese traverse the area coming from the reservoir opposite the site and Norton Place lake, onto the lake west of Spital.
275. The huge constructions will overwhelm and dominate the landscape views on local walks and introduce another driver distraction on the busy A15. She considers that turbine and blade noise including the vibration 'thud' noise, which they have heard when staying near other turbines, along with the vibration going through the limestone ridge, not just during construction, could possibly cause structural damage to their home along with disturbance to our sleep, health and well-being. Flood risk is also a major worry. The appellant's Flood Risk/Hydrology ES of August 2012 states "information does not indicate any

historical records of flooding or drainage incidents on the site or in Hemswell Cliff area." This is not true as properties in Hemswell Cliff and Spital flooded on 25 June 2007. Theirs and three other properties and gardens in Spital flooded. The Cottage and Nos. 1 and 2 Bungalows required evacuation for months whilst being dried and repaired. The heavy rain fall caused a large amount of field water run-off to travel from the proposed site towards Spital with the ditches overflowing with the volume of water along with the amount of ground water coming up through the land. The A15 was closed due to the depth and volume of water. In 2012 again due to field water run off from the same direction, the south lower parts of their garden along with the front gardens of the bungalows were flooded. Pumps were required on two separate occasions to remove water from nearby properties. With these incidences occurring and flood risk known to be on the increase, they do not wish to have an additional risk due to the development requiring large areas of hard standing and concrete which increases the area of impermeable ground so affecting land drainage.

276. Finally, low flying military aircraft, civilian aircraft, the Red Arrows display team, the "Battle of Britain" memorial flight, and various helicopters- including Lincolnshire's ambuicopter and the helicopter used whilst checking the two large intermediate and high pressure National Grid gas pipe lines sited in the proposed site adjacent to the A15, are frequently seen. She cannot see how mitigation can be reliably and safely implemented to remove all risks and is sure that something disastrous will occur. This really is a wrong development in a wrong location with the harm caused by the proposed development not being outweighed by the public benefits either in the amount of generated renewable energy or community funding.

277. **Ernest Coleman**, speaking in a personal capacity, said that the general geology of the Lincoln Edge, particularly at Hemswell Cliff, consists of fractured limestone and watered clay. This arrangement has created an aquifer designated as a 'Principle Aquifer of Regional importance', and a 'Groundwater Source Protection Zone'. The combination of the two assets provides a public water supply, along with water for industry and for agriculture. However, it also bears a history of landslides along the western cliff edge and flooding, particularly along the spring-line villages to the east. Through many thousands of years, the geology has evolved into a finely-adjusted and critically-balanced subterranean system which accepts rainwater to its capacity limit which, when reached, discharges its excess water through springs. It is also subjected to chemical erosion caused by the effect of acidic rainwater upon limestone. This has created both faults and fissures in the limestone, and the formation of channels, natural conduits, and other water-flows throughout the system. Inevitably, over time, these features are subjected to increasing stresses leading to collapse, causing large masses of water to seek alternative flow paths. This action can lead to landslides, surface deformation, and flooding, depending on the direction of the newly-created pressures. To allow heavy industry to be established on the top of the Lincoln Edge, particularly one with widely varying and irregular physical consequences, would not only put the subterranean structure at risk, but also the well-being and safety of the surrounding population.

278. **Melvin Grosvenor** represents the Marsh Windfarm Action Group (MWAG) which was formed following calls within the local communities for a public meeting to take place in response to a growing number of planning applications for wind turbines being submitted to East Lindsey District Council Planning

Authority (ELDC). Residents expressed increasing concern over planning applications submitted at Louth Canal and Bishopthorpe Farm adding to those already approved and built at Newton Marsh, Conisholme, Yarburgh, Trusthorpe, Ulceby Cross, the Hollies Croft and Gayton le Marsh, plus a growing number of applications such as Orby, Wainfleet, Bank House Farm Croft, plus those in scoping for large scale wind farms and numerous single turbines proliferating across the whole district, including within the Lincolnshire Wolds AONB.

279. Their growing concern was that the historical, pastoral, rural and agricultural landscape character, with its 'big open skies' for which the coastal marsh of East Lindsey and Lincolnshire as a whole is renowned for, is being subjected to a protracted step by step process, of what appears to be a 'sequential re-designation; utilising the planning and appeals process, to effectively change (recalibrate) Lincolnshire's base line landscape character, by a 'procession' of powerful well resourced wind turbine developers, to one where it is overwhelmingly evident that the proposed outcome, is the proliferation of dominant large scale industrial wind turbines, the impact of which is to, in effect subjugate' vast areas of Lincolnshire's predominantly flat sensitive landscapes. There is also concern with regard to the extensive visual landscape character impacts, from the highly valued long views to and from the Lincolnshire Wolds AONB, both in the east and in the west.

280. Within the section relating to landscape change NE NCA 43 states that: *'Beyond the area itself wind farms that have been constructed in the last 10-15 years and which are currently operational, can be seen from this NCA and visually impact on the landscape character. The visual impact of expanding renewable energy developments is one of the biggest pressures on this NCA because of the impacts on the long, rural, undisturbed views which are characteristic to the area'*. Furthermore, Table I of the Lincolnshire Wolds AONB Management Plan 2013-2018 identifies 'Expansive, sweeping views' as one of the special qualities of the Lincolnshire Wolds AONB. Views from the scarp edge are noted as being particularly dramatic but expansive, sweeping views are considered to be a general component of importance to the natural beauty and they are considered to be present within most of the AONB. The visual impact of offshore turbines are apparent over distances in excess of 40km. VOCAT was concerned there would be visual landscape character impacts at merely 13km. MWAG supports this evidence which can be fully substantiated. Taking the wider cumulative impacts on the long panoramic views to and from the Lincolnshire Wolds AONB, there is a significant threat from large scale wind turbines from the North, South, East and West. In evidence at this inquiry the appellant's landscape witness referred specifically to the Western Escarpment, so without any joined up assessment each wind farm applicant can assert that their individual scheme is justifiable, as each on its own, by default, if approved, adds to the sequential incremental denigration of the panoramic vistas surrounding of the Lincolnshire Wolds AONB, which goes to the heart of one of the key aspects for its National Designation and legal status.

281. MWAG asserts most strongly in this submission that as this almost seemingly 'benign' sequential incremental approval of wind farm schemes continues to impact on the 'visual character nature', of the AONB identified in its original designation, this will ultimately be undermined. Flowing from this, there is a serious and credible threat, that if the AONB is stripped of this key characteristic, the Lincolnshire Wolds statutory AONB designation will be eventually challenged,

as this will be of little value, effectively amounting to nothing more than a worthless historical document, reflecting a bygone age. MWAG for all of the reasons outlined above, concludes that the appellant RWE, has yet again, (this being their 4th consecutive scheme) failed to adequately assess all of the impacts and provide sufficient justification for this proposal on land at Hemswell Cliff, even though they have belatedly (as at Saxby Wold), reduced the number of turbines.

282. **John Sully** is a retired RAF and airline pilot and resident of Hemswell Cliff. He points out that the appeal site is only 6 miles north of RAF Scampton. Civilian aircraft have to avoid it and this creates a choke point east to west across the former Hemswell Cliff airfield which is an easily recognised landmark. Flying under Visual Flight Rules, with the airfield at 200 feet above mean sea level (AMSL), the turbines at 610 feet AMSL, and a possible cloud base of 500 feet, there is, in poor conditions, a good chance of a collision with risks to those on the ground.
283. **Bruce Rowles** is a local businessman with strong farming interests. He points out that onshore wind is the cheapest source of green power. He himself lives in a Grade II* listed building and can see 8 turbines from his bedroom window which causes no concern.

Written representations

284. Written representations are submitted both for and against the proposal. The points made generally fall in line with those made by others at the Inquiry. The following points reflect concerns that are not already summarised above or are of particular interest.
285. A large number of representations draw attention to the risks to a nearby fireworks factory in Hemswell Cliff, a recycling plant and a large petrol station. Others who write in support say that the scheme would not affect their enjoyment of living in or visiting the area and that it has to be seen in the context of the widespread environmental damage which climate change could cause in the area. **Mrs BE Hale** draws attention to the visual impact from The Manor House, Hemswell as well as other matters including highway safety and the effect on the Trent Valley Gliding Club which is based at Kirton Lindsey about 4.5km to the north⁵⁹. **Dr Marcombe** says that St Edmund's Chapel at Spital-in-the-Street has been hit 3 times by vehicles in the last 16 years due to their drivers being distracted, a situation that he feels will only get worse if the development is allowed. A large number of objectors, including **Cllr Jeff Summers**, leader of West Lindsey District Council, refer to planning guidance intended to give much greater weight to the views and wishes of local communities.
286. **English Heritage**, in response to sight of early maps provided by the Council, comment that the southern approach appears to survive in the modern landscape before taking a branch, now lost, to cross the listed bridge over the lake. EH say that the map sources clearly indicate that the montage view looking north towards the house (with turbines) behind⁶⁰ is a key designed historic view from

⁵⁹ Highlighted in Council's consultation bundles.

⁶⁰ Heritage VPs 3 and 4

the start of this formal approach through the park to the house. As such the dominant presence of the turbines in this view represents not an incidental visibility but a direct intrusion into a constructed view supporting the significance of the designated heritage assets. It would therefore be entirely reasonable in the view of EH to consider this to represent substantial harm to the significance of the highly graded listed house and bridge and the wider undesigned designed landscape.

287. **Sir Edward Leigh MP** makes written representations⁶¹ drawing attention to the effect on the view to Lincoln Cathedral amongst other things. The **Campaign to Protect Rural England** say that the development would be in a prominent and elevated rural location, in close proximity to the east of the Lincoln Edge escarpment, identified as an AGLV, and also within the setting of and prominent seen from the Lincolnshire Wolds AONB. This industrial development, equivalent to the height of a 40 storey building, would be totally out of scale with the existing landscape features and would become a new defining characteristic across a vast area of countryside. They say that the development is contrary to environmental dimension of the NPPF objective of achieving sustainable development and would have an unacceptable impact on nearby heritage assets including Norton Place, listed buildings in Spital-in-the-Street, and nearby SAMs.

288. **Steffie Shields** says that the appeal comes at a time when a nationwide festival is being planned in 2016 to celebrate the tercentenary and artistic legacy of the most famous landscape architect in the world ('Capability' Brown). Norton Place is a prime, quality example of Brown's immense design influence and enduring legacy with uplifting views not only for the landowner and his visitors but also passers-by on two high roads. In addition, the individual eye-catching screen is one of a series of three that Carr designed along Ermine Street, the others being at Fillingham and Redbourne. The views of thousands of drivers travelling along the A15 are enhanced by these features that serve as distinctive landmarks on the route to and from Lincoln. A large wind farm, with large rotating blades, would seem inappropriate, odd and out of keeping. This would distract attention and destroy the enjoyment for A15 travellers of Ermine Street landscapes, whether heading north or south. Road users along the A631 would also be distracted and would no longer be able to appreciate the peaceful harmony of designed views to the park and house which have been enjoyed, unspoilt, for over two hundred years.

289. **Caenby Corner Estate Ltd** say that 13 land owners at Caenby Corner strongly object because they feel the turbines will negatively affect their businesses, which depend on being attractive to the public at this very rural site. A number of objectors say that the omission of T4 and T5 in the 8 turbine scheme would have little or no effect on the negative impact of the scheme on the landscape of the Lincolnshire Edge. There are also concerns that approval of either scheme would make it more likely that other proposals would come forward in similar nearby locations.

Conditions

290. The wording of the suggested conditions is generally that agreed at the Inquiry and is covered here without prejudice to my consideration of the issues. I report

⁶¹ Highlighted in bundle of correspondence sent to the Inspectorate

only on conditions that attracted controversy and drew comments at the Inquiry, or because they require explanation or important rewording. All other conditions are necessary and should be imposed for the reasons stated. I have considered the suggested conditions in the light of planning guidance and Appendix A to Circular 11/95 *The Use of Conditions in Planning Permission*. They have been adapted in accordance with the recommendations therein where appropriate, to ensure the wording is precise, necessary, relevant and enforceable.

291. **Condition 1** allows a period of 5 years for the development to commence, in view of the long lead-in time for turbines and the continuing development of radar technical mitigation. **Condition 7A** is added so that the Council is able to contact the developer in order to answer any queries from local people concerning construction and operation of the development. **Condition 20** includes a provision for community involvement in a scheme of archaeological investigation, as discussed at the Inquiry, in the interests of the dissemination of knowledge and openness. **Condition 21** includes provision for mitigating any impact on the radio link used by rural properties to obtain reasonable wi-fi, the antenna for which is located on the Woldgrain storage facility. **Condition 23** indicates the grid co-ordinates of the proposed turbines. In the event that the Secretary of State decides that the 8 turbine scheme should be permitted, then turbines 4 and 5 should be omitted from this schedule. **Condition 25** is altered to include a programme for dealing with any contamination. **Condition 27** specifies the drawing numbers that apply to the 8 or 10 turbine scheme. **Condition 28** is required if the 8 turbine scheme, in the balance of planning considerations, is considered to be preferred to the 10 turbine scheme.

Inspector's conclusions

In this and subsequent sections, numbers in brackets [] refer to the main paragraphs in the Report that are of relevance

292. Following from the reasons for refusal, the main considerations that will be of interest to the Secretary of State are:
- The effect of the proposed development on the settings of designated heritage assets;
 - The effect on heritage assets of significant archaeological interest;
 - The effect on landscape character and visual amenity; and
 - Whether the environmental and economic benefits of the scheme would be sufficient to outweigh any harm that might be caused.

Policy matters

293. The saved policies of the adopted LP are silent on renewable energy. STRAT 1 is the only policy referred to in the reasons for refusal which seeks to protect conservation areas, listed buildings and SAMS. It uses the words 'compromise' and 'safeguard' and acknowledges the need to ensure present demands do not compromise the ability of future generations to meet their own needs. This recognises that development involves impact; by implication, this must include an element of balance. Its definition of sustainable development, taken from the 1987 United Nations General Assembly and repeated several times in the NPPF, is intrinsically a matter of balance. However the last paragraph of the justification

seeks a net gain from development which should positively contribute to the enhancement of local distinctiveness and sense of place. In the case of wind energy, that is difficult to achieve, as explained in EN-1 and EN-3 of 2011.

294. NBE 8 explicitly rejects any level of harm to character, appearance, setting or features of historic parks and gardens. The inclusion of the word 'normally' in the explanatory text does not reflect the firm aim of the wording of the policy itself. NBE 10 also resists any adverse impact on landscape character; where development is to be permitted, the policy says that development needs to respect and enhance local distinctiveness in terms of landscape character. That might suggest a degree of balance needs to be applied, but the justification for the policy then says *'Development proposals within them will be strictly controlled to ensure that such proposals do not in any way result in unacceptable harm to the landscape. Landscape change is necessary but should not be allowed to erode the landscape character and local distinctiveness'*.

295. This is not a case where the LP policy wording is completely inconsistent with up to date national policy. One of the aims and objectives of the LP set out at paragraph 12 says that *'In order to achieve the national sustainability objectives, it is essential that there is a balance between environmental, social and economic factors and that on-going development is sustainable to meet the needs of today's society whilst not harming the chances of future generations to meet their needs'*. However the overall approach is one which does not reflect or account for the unusual characteristics of wind energy projects, which will always have significant landscape and visual effects for a number of kilometres around a site. In this sense it is out of date. The Countryside Design Summary SPG of 2003 provides no assistance except as a background document to understanding of landscape character.[40,41,100,101]

296. It follows that paragraph 14 of the NPPF comes into play. This says that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. Footnote 9 includes designated heritage assets in the list of specific policies that restrict development. Considered in the round, there is a 'restrictive' policy context for proposals which harm heritage assets.[42,88,102,179,180]

The effect of the proposed development on the settings of designated heritage assets

297. VOCAT and individual objectors draw attention to many other heritage assets in addition to those referred to by the Council in the reasons for refusal. I consider initially those included in the Council's statement of case and referred to at the Inquiry.

298. The reasons (and grounds) for refusal refer in a general sense to the effect on the settings of nearby heritage assets to the extent that 'substantial harm' (in the terms of the NPPF) would occur. Specific reference is only made to the Grade I listed Norton Place and its locally designated Historic Park and Garden. Considering that property in the first instance, there is no dispute as to the national importance of Norton Place, which comprises the house (Grade I), coach house (Grade II), entrance gates and lodge (Grade II) and bridge over the lake

(Grade II*). The FEI⁶² in its statement of significance describes the house as *'significant both architecturally and historically on the basis of the age of the property, association with John Carr and John Harrison MP, design quality and extent of survival of original fabric and plan form. The architectural elevations, plan form and quality of the interior fittings and fixtures are of high artistic interest. The setting of the house, including the gardens and garden features such as the entrance gate piers and ha-ha, the wider designed landscape and the associated buildings....positively contribute to the significance of the house as they form a harmonious contemporary ensemble. The house is visible from most vantage points within the designed park and garden and is the historic, architectural, artistic and functional heart of the site.'*

299. Moreover, apart from a new porch entrance at the side by Lewis Vulliamy in 1830, it remains unaltered and is in good condition. Other parts of the ensemble have been altered to an extent but the original layout of the buildings is as it was designed. The entrance lodges retain their original elevations facing the A15. The substantial and attractive stone bridge over the lake remains in place but has lost most of its parapets and is deteriorating due to encroaching vegetation. Increasing woodland has removed the ability to appreciate the house from the bridge and vice versa. Planting in the surrounding park has changed over the years but the open aspect the house enjoys to the south and east and the vista of the house on the main approach from the west are unchanged. Most of the turbines, in 8 or 10 configuration, would be at an angle to the facades of Norton House and would not be seen directly from the windows, though the blades of T4 would be visible above trees seen from small windows on the second floor on the north-north west elevation and from the bay above the door on the west-south west elevation.[201]
300. The first owner of the house appears to have desired privacy and the initial park layout plan of 1772⁶³ prepared by Thomas White (unusually, before the house was built) indicates the perimeter completely planted with trees with woodland walks. The development of the park following the death of John Harrison in the first half of the 19th century is less clear. An unmarked plan⁶⁴ shows an entrance from the south, from what is now the A631, across agricultural land utilising an earlier track and then curving across the bridge towards the house. At the Inquiry, this was considered by all the heritage professionals, who agreed provisionally that it was printed in 1886 but based on information from an 1824 survey. The existence of this access in the early 1800s is supported by the 1819 Brigg map⁶⁵. However in all subsequent records from 1885 onwards, the curved section of track within the Park and Garden has disappeared⁶⁶. There is now no trace on the ground, though the initial course of the track from the A631 across the fields remains as it was in 1772.
301. The house is only visible from outside the park and garden from two places: from a stretch of the A631 looking north through a gap in woodland planting that has existed since at least 1885; and between trees, briefly, from the A15 near Spital-in-the-Street. The latter view is fleeting and likely to be mostly obscured

⁶² FEI Volume 3 Appendix 7.1

⁶³ FEI Appendix 7.1 p7

⁶⁴ SEI Appendix B1

⁶⁵ Mr Brown's Appendix 5

⁶⁶ See regression in FEI Vol 3 App 7.1

when trees are in leaf. The Council's main concern, and that of EH, is the view from the A631 and along the southern approach, which it is suggested is a designed view, in which the turbines would be clearly seen above trees to the rear of the house. Heritage VPs 3 and 4 in the SEI and FEI are relevant along with subsequent correspondence in Inquiry Document 37 which includes Figure 2, a photograph taken on the site visit day indicating the position of the blimp⁶⁷. Taking all the information on relative distance and levels into account, the parties do not dispute the accuracy of heritage VP 3.

302. The suggested southern approach to Norton Place starts in a dip and at a bend in the A631 further to the west than the position chosen for the viewpoint. From this junction, it would be impossible to see Norton Place, which would only come into view gradually on ascending a rise further along the track. There is no trace of any gateway or stone structure at the start of the track that would normally be expected if the route was intended to be a main approach, such as is evident on the A15. Though this does not mean they did not once exist, there is no indication on any of the early maps seen at the Inquiry of any gates or any obvious intention to mark an entrance here. Having said that, the development of the estate in the first 40 years definitely included a southerly access route which on the balance of probabilities, must have existed, for a while. [63,123]
303. The gap in the plantation on the southern boundary, although not a feature of the original White design, has existed since at least 1824⁶⁸. The roof, first floor of the house and part of the ground floor can be seen over intervening vegetation from a short elevated part of the A631. There is a dispute as to whether this is intended to benefit the occupants of the property primarily as a view out rather than a view in for members of the public. The evidence is not conclusive. The Council says that the house was intended to be deliberately remote and separate from nearby settlements and that the parkland landscape provided the opportunity for the owner to create a pastoral picturesque setting to reinforce its aesthetics and existence separate from the reality of rural life. It is that which sums up the contribution of the park and garden to heritage significance. That would not need to exclude an external view of the house at a distance, which would have preserved privacy but made the owner's presence and status obvious. Whilst that may constitute a 'designed' view, it would not be a key view or one that could be considered to contribute greatly to the heritage significance of the asset. This is because the gap in the trees is relatively narrow, not related to any public viewing point or 'pause' point on the A631, not on any recognisable axis or related to any landscape feature in the park, and does not allow any indication of the lake, bridge or other features of the parkland. Moreover, the view of the house is brief, perceived over hedges when they are cut from time to time and only partial, seen across fields from the A631, which has steep verges and no footway.
304. On the other hand, the gap in the perimeter woodland provides a vista looking out from the house towards surrounding agricultural land that lends a sense of scale and proportion to the park and garden and enhances south easterly views across the lake. This would impress visitors emerging from the western approach towards the house from the gates and lodges on the A15. Before woodland had

⁶⁷ The blimp was flying somewhat lower than 126.5m due to the breeze

⁶⁸ SEI Appendix B1

grown to obscure the bridge, this would also have become visible from the west approach and would have provided a focal point directly south. The regressive maps indicate that the bridge would have been visible from the date of its construction until the latter part of the 20th century. In conclusion on this 'designed' view, the heritage significance of the house and garden gains a great deal more from the view out than it does for anyone looking in.
[63,66,69,123,198,208,286]

305. That is not to say that the heritage significance of the house and park and garden would not be affected by the development of the proposed turbines in 8 or 10 format. The woodland surroundings of the house would be dominated by the large aerodynamic structures, seen from a wide area of countryside in the south eastern quadrant. The house itself would be dwarfed when it is visible from the A631 by those who see it as an incidental part of their journey or who wish to look for it; and this is the only place where, in practical terms, any view can be had of Norton Place and its setting from a public location. The turbines would be much higher than the trees and would diminish the historical significance of the overall estate in the landscape as a statement of ownership and influence. VP3, taken at a distance of 2.8km to the nearest turbine (or 3.2km in the 8 turbine scheme) indicates that in terms of visual impact, there is only a marginal difference between the 2 schemes seen from the area around the A631. Seen from closer to the house, the turbines would be lower relative to the trees in the background but the design and detail construction of the house become much more noticeable and prominent. VP4, from the southern side of the lake, indicates turbine blades turning above the trees. T5 would extend above the tree line by about as much as the house is high in this view, and other turbines, particularly T6, would revolve conspicuously just above or in line with it⁶⁹. The effect would be more apparent in winter. This would appreciably detract from and diminish the heritage significance of the house, park and garden.[67,124]
306. The removal of T4 and T5 in the 8 turbine scheme would appreciably reduce the element of distraction and the ability to appreciate the historical and architectural significance of the house and its parkland surroundings, but the revolving blades of T6 and T7 would remain conspicuous from inside the grounds, above the tree line (especially from the opposite side of the lake) and others would be seen when trees lose their leaves. In considering this matter, I have had regard to the fact that much of the original area of the park south of the lake is farmed and excluded from the area designated as historic parkland⁷⁰, but at the site visit and as is evident from the various images, it is all still integral to the experience of Norton Place.[68,69,125,199,200]
307. In neither scheme would the level of harm fall close to the level of 'substantial' in the terms of the NPPF. Only a proportion of the setting would be detrimentally affected, and the setting contributes only a part of overall significance. There is no important, designed public view that would be significantly diminished; that which would be affected is experienced predominantly from vehicles and is fleeting. Nevertheless, the 'less than substantial' harm has to be considered in the overall balance.[155,156]

⁶⁹ Apparent from the wireline on Fig 7.6a, SEI. See also Mr Marcroft's appendix 1 on behalf of VOCAT

⁷⁰ See Mr Brown's appendix ANB-4

308. Turning to the other assets within the Norton Place ensemble, there would be no appreciable impact on the Grade II* listed bridge or the coach house, but the Grade II listed gate lodges would be seen in the same context as the turbines and at much closer range⁷¹. According to the ES visualisation, T5 would be 700m from the gate lodges. This would extend to 1096m to T6 in the 8 turbine scheme. The heritage significance of the wrought iron gates and lodges derives from their contemporary construction with the house, designed by the same architect in the same materials, as part of a designed experience in approaching the property. They form a distinct and attractive barrier and transition separating the estate from the outside environment. Isolated in a long stretch of woodland, which is in itself distinctive along the A15, the gate and lodges are noticeable to passing travellers. 20th century alterations to the rear do not compromise the heritage significance of the buildings seen from the front or affect the experience of passing through into the park and garden.
309. The turbines would be located on flat arable land on the other side of the A15. The A15 is a busy trunk road with a large number of heavy goods vehicles. Because of this and the inward looking nature of the park and garden, the land which would accommodate the turbines contributes only in a limited, circumstantial way to the heritage significance of the entrance lodges and gates. The 10 turbine scheme would be noticed as a very dominant influence on the nearby landscape and would impinge visually and aurally on the experience of entering or leaving Norton Place. The removal of T4 and T5 would improve this situation. The remaining 8 turbines would still be prominent, but would not seriously prevent understanding or appreciation of the heritage significance of the gates and lodges. [70,119]

Hemswell Conservation Area and associated assets

310. Hemswell lies to the west of the appeal site, mostly at the foot of the escarpment but with some houses bordering the B1398 at the top. The 1985 Conservation Area leaflet⁷² states that the character of Hemswell can be attributed to two factors; its landscape setting on the Cliff Edge and the existence of a large number of attractive and well maintained dwellings (principally of stone). There is no reason to suggest these qualities have diminished or changed greatly since that time. VP3 illustrates the visual impact from an area to the west of the village centre and shows that there would be blade tips visible on the skyline above the trees, T10 being the most prominent. Depending on how far a particular viewer was to the west or east of VP3, visibility of turbines would increase or decrease; and there would be greater visibility in winter. However the nearest turbine (T10) would be about 1.4km from VP3 and partly hidden by the crest of the Cliff Edge. From within the village confines, the turbines would not dominate the conservation area. They would introduce a noticeable change to the setting of the conservation area as perceived from within it but would be at most a peripheral distraction and only harmful to a limited degree.
311. The settings of the 5 Grade II listed buildings in the village and the grade II* listed All Saints church in Hemswell do not rely to any great extent on the land above the cliff for their heritage significance. Visibility of the turbines from all of

⁷¹ Most clearly illustrated in ES VP5 and FEI VP5 (ES VP5 includes the gate lodges). See also Figures 7.8-10 in FEI volume 2

⁷² CD9.6

them would be limited because of other buildings, trees or vegetation. The same applies to non-designated archaeological heritage assets within the village. The Manor House lies well to the west of the village centre and outside the conservation area, and from here the numbers and height of turbines would be more obvious. Visualisations have been provided by the occupiers⁷³ which indicate this greater degree of visibility, but this is heavily modified by trees on the top of the scarp, confirmed at the site visit. The impact of either the 8 or 10 turbine proposal would have only a very slight impact on its setting and heritage significance. [125-7]

312. However, further away to the west, VP13 lies on the western approach just over 1 km from the village. Very few buildings (one exception being the Manor House) can be identified amongst the trees which define the settlement in this view at the foot of the slope. The scale of the turbines is much more easily appreciated in contrast to the height of the Edge as a landscape feature, despite several being sited further down the dip slope, hubs out of sight. The Cliff Edge setting of Hemswell is considered to be a key feature of its special interest and as such, the appearance of potentially all the turbine blades revolving immediately above the horizon would seriously diminish appreciation of what would otherwise be a largely unaltered rural village set amongst trees under the scarp edge. Moreover, the turbines would be a more or less constant feature in the approach towards the village from the west on the A631 (VP10 at Corringham providing an indication). The development of 8 or 10 turbines on the top of the ridge would dominate the settlement in this approach, compromising understanding of Hemswell's historic rural setting. The landscape impact is dealt with later in this Report.[71,127-9,162]

Heritage assets at Spital-in-the-Street

313. About 1km south of the appeal site on the A15, Spital-in-the-Street is a long established (since the Roman occupation) settlement straddling the A15 Ermine Street. Although now dominated by a large dairy farm (the home farm for Norton Place) and the traffic on the A15, there are 5 listed buildings including the 16th/17th century Church of St Edmund the Martyr. The heritage significance of the group derives from its previous function as a focus for hospitality, devotion and also legal proceedings in the Sessions House, but these shared purposes are not intrinsically related to the surrounding landscape and the significance of the buildings does not depend greatly on the surrounding fields. The architecture of the buildings is not easily appreciated looking at the settlement from outside it or even passing through, but is intensely interesting at close quarters. VP21 shows that the proposed turbines, in either 8 or 10 format, would be conspicuous features of the fields to the north and would distract attention, more particularly on the northern edge of the group (including the newly planted orchard next to St Edmunds), but they would not seriously compromise appreciation of the historical, architectural or artistic significance of these assets. The heavy passing traffic is the overwhelming and most visually and aurally disturbing element of the experience and far surpasses the potential for turbines to detract, the nearest of which would be about 1.6km away.[72,126,256-268]

⁷³ Highlighted in the bundle of public comments

Heritage assets at Willoughton

314. Willoughton is the next 'spring line' village to the north after Hemswell, again at the foot of the escarpment. Here there are 2 SAMs and a number of other non-designated heritage assets as well as 3 Grade II listed buildings. The heritage value derives from associations with the Knights Templars in the 12/13th centuries. The nearest turbine would be T1 at about 2.3km from the church of St Andrew on the eastern edge of the settlement. VP4 includes the church, the Monks Garth moated site (SAM) and land in agricultural, mainly pastoral use including trees and vegetation. In this attractive prospect, which has changed only a little in many centuries and is now altered only by contemporary agricultural buildings, some play equipment and a football pitch, the blades of T1 and T10 would be visible, turning above trees on the horizon. That situation would be similar elsewhere in the village and at the listed Temple Garth Farm, the site of Willoughton Preceptory (SAM). The contribution made by the surrounding countryside to the settings of these assets is important to understanding the reasons for settlement in Willoughton over many centuries and as the source of income for the Knights Templars, but constitutes only a small part of the overall heritage significance of any of the heritage assets, which are most easily appreciated at close quarters. Whilst a modern distraction, the limited visibility of turbines would constitute only a minor change to the ability to appreciate them.[73,130,157]
315. VOCAT refer to the potential for the sum of harms to individual heritage assets to be more than the sum of their parts, a matter considered by the Secretary of State in the Asfordby case⁷⁴. However the particular circumstances that applied there are not known in detail. Where heritage assets are located together, for instance where a listed building lies within a conservation area, the effect on one element, which has its own individual characteristics, may be calibrated as more or less than other elements, but there are no situations anywhere near this proposal where it is considered that the overall level of harm to heritage significance is greater than the sum of the parts. [158-9]

Heritage assets at Blyborough

316. Blyborough is a small hamlet north of Willoughton, containing the Grade II* listed Blyborough Hall and Grade I listed St Alkmund's church. The ZTV analysis shows potential visibility of turbines from these assets in a fairly tight group to the south east but there would be screening by trees around the settlement. Well to the east on higher land above the escarpment is Blyborough Grange, a Grade II listed high status farmhouse dating from about 1830. The turbine site would be just over 2 km away. Turbines would be distracting and conspicuous features in a wide southerly aspect from all the main windows in the front façade and the grounds, framed by trees. The existence of the farmhouse depends on the surrounding land, and as such (though not in the same ownership), highly visible modern and moving blades would detract from the historic setting of the farmhouse and its heritage significance. Because of the way the farm has developed, ancillary buildings obscure any views in any other direction. The level of harm falls short of 'substantial harm', but needs to be considered in the

⁷⁴ Asfordby, CD 8.14

balance. The removal of turbines 4 and 5 directly to the south would lessen the impact.[74,117,229-30]

Other heritage assets

317. Paragraph 8.24 of VOCAT's heritage evidence, listing heritage assets within 2km of the appeal site, was withdrawn at the Inquiry. Other heritage assets are referred to in paragraph 8.22 and by others. In accordance with the s66 duty referred to in paragraph 33 above, in the preparation of this Report, I have paid special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess, in respect to all the listed buildings of which I have been made aware. I do not list them all, relying on the ES, SEI and FEI information on cultural heritage assets (particularly Figs 7.2 and the SEI at section 7) and on representations at the Inquiry.[75]
318. The turbines would be widely visible to varying degrees from surrounding land, as illustrated by the ZTV diagrams, but because of screening, orientation and distance, the impact on the settings of other heritage assets including conservation areas, listed buildings, SAMs and non designated assets not referred to above, would not seriously impose or prevent understanding and appreciation of their heritage significance. I conclude overall that the impact on the settings of designated heritage assets of the 8 or 10 turbine schemes would be higher than the appellant acknowledges, but 'less than substantial' in terms of the NPPF, on Norton Place and its park and garden and Hemswell Conservation Area. Limited harm to heritage significance at Willoughton, Blyborough Grange and Spital-in-the-Street is not significant in EIA terms but remains to be considered in the balance.

The effect on heritage assets of significant archaeological interest

319. This issue arises from the concerns of VOCAT and others that significant and important archaeology exists on the appeal site itself, which it is suggested would suffer an unacceptable level of harm. VOCAT has put together a thorough analysis of the potential of the area generally for discovering more about the past.
320. The Council considers that unacceptable harm to archaeology included in the reasons and grounds for refusal would only arise to the settings of Monks Garth and Temple Garth SAMs at Willoughton, as considered above at paragraph 312. The SOCG states at section 13 that the Council agrees that in the case of the 10 turbine scheme, if the temporary construction compound is moved to an area between T8 and T9 (or in the 8 turbine scheme, to the site of T5), a mitigation strategy could be put in place to ensure preservation of areas of known archaeological sensitivity and preservation by record of remaining areas. Mitigation, in the form of a Written Scheme of Investigation, would be based on the strategies set out in the 2012 ES and the 2014 FEI at Appendix 7.3, and agreed with the Council in liaison with the Historic Environment Officer for Lincolnshire County Council.
321. There is no dispute that the site, along with many other parts of the area, is potentially of high archaeological importance because of long standing human occupation due to the springs that rise along the Lincolnshire Edge. The existence of Ermine Street as an important line of communication along the Edge that goes

back to pre-history is accepted, along with the evidence that the Romans regarded Lincoln to the south as an important settlement⁷⁵. However, the turbines would occupy a very small proportion of the overall site area. The whole of the site has been ploughed using modern methods, which is likely to have affected most archaeology near the surface, leaving lower layers and features cut into the substrate which are likely to be of interest. There is no reason to suppose that a mitigation scheme agreed with the Lincolnshire County archaeologist would not adequately monitor, identify, record, interpret and appropriately archive any archaeology of interest and any artefacts found during the course of excavation for turbine bases and trenches. Little weight is given to VOCAT's doubts that the County Council officers would be able to carry out this task responsibly. As such, the proposal should be regarded as an opportunity to discover more about the past, as many other developments have successfully done. To leave the area as it is, undisturbed, may preserve heritage intact but the likelihood of a comprehensive and all encompassing archaeological investigation being undertaken is extremely small. In any case, there are many other areas of England with a similar level of archaeological interest, reflecting long periods of human and military occupation.[78]

322. By far the greatest part of the archaeology would be left untouched for future generations. No evidence has been provided to show that there is remaining archaeology of such importance that it should prevent limited development of the site. There is very little to suggest that the site is part of a 'ritual landscape' of the importance claimed by VOCAT or that it is more important than many other parts of England. In conclusion on this issue, there is nothing to suggest that the appellant has failed to properly evaluate the potential for archaeology on the site or that unacceptable harm would occur to heritage assets on the site as a result of either the 8 or the 10 turbine scheme, subject to the locations for the temporary construction compounds being revised. The development would accord with the archaeological preservation aims of LP policy STRAT 1 and the NPPF.[77,80,165-173]

Landscape character and visual amenity

323. The site lies within National Character Area (NCA) Profile 45 *Northern Lincolnshire Edge with Coversands*⁷⁶ which comprises a ridge of Jurassic limestone running north from Lincoln to the Humber estuary. The description in the summary specifically refers to '*the scarp slope rises prominently from adjacent low-lying land, forming the Edge or Cliff, and giving panoramic views out, in particular to the west.*' Lincoln Cathedral, built on top of the Edge, is a prominent landmark about 20km to the south. The scarp slope is a key characteristic, as are also the productive soils on limestone plateau east of the Edge, giving rise to a large-scale landscape of arable cultivation with extensive rectilinear fields and few boundaries. To the west, there is more of a sense of enclosure, with pastures bounded by full hedges, several parklands and estates associated with country houses, and woodlands on the steeper slopes of the scarp. Aerodrome hangars are mentioned as prominent features such as at Hemswell Cliff: '*On the plateau top, some airfields have been put to new uses, and large buildings constructed for grain storage, light industry, warehousing and*

⁷⁵ See FEI Volume 3b Appendices 7.1-3

⁷⁶ Doc 5

retail and communications masts are often very prominent out on the flat open land of the limestone plateau.' 'Other airfields have been restored to agriculture or redeveloped for grain stores, and industrial and retail use, as at Hemswell Cliff with its complexes of large buildings'. A key driver is recognised to be continuing demand for renewable energy which 'may lead to further proposals for wind farms on the plateau'. [113]

324. There are 3 distinct local character areas described in the 1999 West Lindsey Landscape Character Assessment; the lower Till Vale to the west; The Cliff; and the Limestone Dip Slope descending gradually towards the Ancholme valley and the Wolds. All three of the landscape witnesses accept the accuracy and rigour of this document. In general, there is a correlation between the AGLV designation and The Cliff LCA. The AGLV follows the B1398 closely at the top of the scarp. The transitional zones between the 3 LCAs occur at the foot and top of the ridge, with no exact delineation on the ground. The proposed development would be entirely within the Dip Slope LCA which the Assessment describes as a large scale exposed open landscape with redundant airfields in the west. The Assessment does not take account of the need for renewable energy development but the *Low Carbon Energy Opportunities and Heat Mapping for Local Planning Areas Across the East Midlands* by Land Use Consultants⁷⁷ (the LUC Study) and the *Renewable and Low Carbon Energy Study for Central Lincolnshire* of by Aecom⁷⁸ (the Aecom Study) both dated 2011, provide some further guidance. Fig 32 of the Aecom Study indicates that the appeal site is a promising geographical area of opportunity for large scale wind, contributing to an evidence based understanding of the local feasibility and potential for renewable and low carbon technologies. [89,132]
325. A key characteristic of The Cliff and the Dip Slope LCAs is historic halls and associated parkland landscapes. The Aecom plan has insufficient detail to indicate heritage assets such as Hemswell Conservation Area or the Norton Place ensemble. The advice notes that the scale and potential of turbines to visually dominate historic sites need to be considered.[116]
326. It is not disputed that the SNH guidance⁷⁹ is relevant alongside the GLVIA (3rd edition)⁸⁰. The SNH guidance says that wind farms should relate to underlying landscape characteristics of a similar scale and/or prominence. In principle, the simple, large scale, featureless landscape of the appeal site and the western side of the Dip Slope should be able to accommodate wind turbines of the height and number proposed. The turbines would be in a cohesive group and in proportion to the wide open arable fields. However, it is common ground that the turbines in this case, whether 8 or 10 in number, would have a significant landscape impact for at least 3km from the site. That radius extends well into the Till Vale and The Cliff LCAs, where the scale and form of the landscape is very different. The SNH guidance says at paragraph 3.6 that areas of transition between landscape character types are often particularly sensitive, such as the change from a lowland strath (or large valley) to upland foothills or scarp slopes. In this case, the Lincolnshire Edge scarp slope is not only a LCA in its own right and designated as an AGLV, but has clear effects on the character of the adjoining

⁷⁷ CD 4.3

⁷⁸ CD4.4

⁷⁹ *Siting and Designing Windfarms in the Landscape*, Version 2, 2014, Doc 8. Version 1, CD10.11

⁸⁰ CD10.16

LCAs. It provides a strong defining edge to the Till Vale and is perceptible as an edge from much of the Dip Slope, certainly from the A15 (frequently assisted by smoke and steam emissions from power stations in the Trent valley, which rise ethereally above the top of the scarp). It is an important defining element of the NCA. [53,55,104,112,144,148-150]

327. Seen from the Till Vale, the open character of the Dip Slope is unknown; it lies behind the slope. From large parts of the Till Vale, the Edge and the slope beneath it form a conspicuous long skyline feature. The SPG says that in West Lindsey, buildings, trees and ridges which appear in silhouette against the sky always have a striking impact. From any point to the west, the turbines would appear unrelated to the land form. As very large structures with frequently overlapping blades, they would overwhelm and tower above the slope which is only, at the most, about 40m high. The range of effect is most clearly demonstrated in VPs 10, 11, 12, 14, 15 and 22 but would be experienced across a wide area.[94,104,105,110,217]

328. The raised skyline created by the Edge is a particularly distinctive landform and the layout of the turbines, extending back from the crest, would appear arbitrary and would not relate to it. SNH advice at paragraph 3.33 is that a key design objective will be finding an appropriate scale that is in keeping with the landscape; the wind farm should be of minor vertical scale in relation to key features (typically less than one third)⁸¹. Although in scale with the western Dip Slope landscape, both the 8 and 10 turbine schemes would be dominant at the top of the Cliff and a new defining and intrusive feature on the skyline seen from much of the Till Vale, because of the number of turbines, their compact layout and proximity to the Cliff edge. This would extend much further than 3 km. The visual impact approaching the Cliff would be accentuated by its location on the axis of a major route across Lincolnshire, the A631. [54,138,139,140-3,147]

329. The appellant concludes that there would be no significant character effects on The Cliff beyond the B1398, but it is difficult to isolate this LCA in terms of landscape character impacts because it is intrinsically related to the Till Vale in terms of views towards it. VOCAT sought to combine elements of different LCAs, creating new 'receptors'. This is not an incorrect approach, but it unnecessarily confuses the picture when comparing different professional landscape assessments. The LCAs are merely objective descriptions of landscape character and do not prevent consideration of sensitivity bridging 2 LCAs. GLVIA 3 encourages identification and description of the individual elements and aesthetic and perceptual aspects, emphasising those that are key characteristics in the baseline situation.[50,51,106,135-7]

330. The anticipated significance of landscape impacts are summarised by the appellant⁸² as moderate for the Dip Slope, moderate/low for The Cliff, and moderate for the Till Vale (10 turbine scheme); and substantial/moderate for the Dip Slope, moderate/slight for The Cliff, and moderate/slight for the Till Vale (8 turbine scheme). They are considered under different guidelines (GLVIA 2 and GLVIA 3) reflecting different methodology and in each LCA, effects vary with distance and sensitivity. Overall, Pegasus, considering the 8 turbine scheme, find a moderate effect that is considered significant in 2014; whereas RSK,

⁸¹ Advice similar in Version 1 of SNH guidance at para 4.33

⁸² Set out in the FEI p6-92 and Mr Denney's proof from pp43-48

considering the 10 turbine scheme in 2012 find a moderate effect that is not significant⁸³. However both the ES and FEI assessments fail to properly address the sensitivity of the Cliff as a defining landscape feature perceived from the Till Vale and (to a lesser extent) from the Dip Slope. The Cliff is highly sensitive to the scale of turbines 3 times its height. The elevation of the turbines above the Till Vale effectively extends the area that would be significantly adversely affected westwards to at least 5 km from the site and up to 7 km⁸⁴. There would also be a more significant impact locally in The Cliff LCA around Hemswell (acknowledged by the appellant's landscape consultant but underestimated in magnitude) where turbine blades would be intrusive. The consequent level of harm to landscape character is raised commensurately. This would not only diminish the sensitive landscape character of The Cliff but would also affect visual amenity on popular local footpaths south of Hemswell and north to Blyborough, such as Southfield Lane.[106,107]

331. Turning to the Lincolnshire Wolds AONB, the Council states that whilst there would be no significant effect, there would still be a degree of harm. VOCAT regard it as more significant because the Lincolnshire Edge frames the view from the lower parts of the Wolds. ES VP19 shows a typical view from the Wolds at a point near Nettleton Top at a height of 159m AOD. Supplementary VPs have been provided by VOCAT⁸⁵ and the Council⁸⁶ from points further south near Walesby on the Viking Trail, at a similar distance of about 16/17km but at different, lower, heights of 55 and 95m AOD respectively. The Lincolnshire Wolds AONB Management Plan⁸⁷ notes that wind energy is seen as both a threat and an opportunity; policy PP7 seeks to ensure a general presumption against wind energy schemes in any location which could cause significant and demonstrably detrimental effects upon the natural beauty and intrinsic characteristics of the AONB.
332. Expansive, sweeping views are one of the special qualities of the Lincolnshire Wolds AONB identified in the Management Plan. The NPPF advises at paragraph 115 that AONBs have the highest status of protection in relation to landscape and scenic beauty and that great weight should be given to conserving landscape and scenic beauty in them. The Management Plan recognises that pressure is likely to come from alternative energy schemes with a particular potential for intrusion from hilltop or skyline developments. Views from the scarp edge are noted as being particularly dramatic. Both the 8 and 10 turbine schemes would be prominent in the view, particularly in silhouette in the evenings or in bright eastern sunlight, even at 17km; and this would be enhanced at lower levels when the Lincolnshire Edge forms the horizon. However the very broad expanse of the prospect from all parts of the Wolds would only be affected to a minor degree; many other things are seen in the view such as settlements, church towers and power stations and their emissions, much further away. The quality of the experience of visitors to the Wolds AONB would not be compromised at all significantly by this single scheme and the landscape and scenic beauty of the AONB would be unaffected. Neither the AONB Management Board nor East Lindsey District Council object.[50,55,57,110,114,146,278-81]

⁸³ See page 6-101 of the ES Vol 1 and para 7.35 of Mr Denney's proof

⁸⁴ Corringham (VP10) is about 7km from the nearest turbine

⁸⁵ Figs 6, 7 and 8 in Mr Welch's appendix

⁸⁶ Mr Novak's appendices, last page

⁸⁷ CD10.21

333. Although there are conspicuous large buildings at Hemswell Cliff, such as former hangars and the Woldgrain facility, these do not approach the height and prominence of the proposed turbines and are not visible in longer views. They are also firmly related to earlier airfield use and do not provide any kind of comparison or precedent for large turbines. In conclusion on landscape matters I find that there would be a significant adverse impact on landscape character in the Dip Slope and The Cliff LCAs for a radius of about 3km, diminishing after that; but that in the Till Vale LCA, the significant effect would extend for a much greater distance in views east, south east and north because of the pre-eminent influence of the Edge on character and the contrast between the height and movement of the turbines with landscape form, reinforced by their location just behind the ridge. National policy says that an element of harm to landscape is inevitable where wind energy development is concerned, but the area significantly affected in this case is greatly extended and this needs to be taken forward into the balance.
334. With regard to the importance of landscape in the settings of heritage assets, I conclude that there would be an adverse effect on the landscape where it is a characteristic of Norton Place in views from the A631 and to a lesser extent in views of the gate lodges; less in respect of the 8 turbine proposal. The setting of Hemswell Conservation Area would be adversely affected on the westerly approach by turbines dominating the ridge above the village and on local footpaths. These factors do not add any additional weight in the balance to the harm identified to the setting of the heritage assets themselves.[105]
335. With regard to potential cumulative effects, an up to date schedule is attached to the SOCG at Appendix 2. ZTVs are provided in the ES and FEI⁸⁸ with associated cumulative wireline diagrams. These do not take account of any buildings or vegetation. In practice, there are some places from which other wind energy schemes can be seen as well as the appeal proposal along the Edge, but the nearest comparable wind farms in scale are beyond 20km to the north west, between Scunthorpe and Goole. As such, in practical terms, they would never be seen together. The nearest operational turbines are 4/5km away at Grayingham and Waddingham but are significantly smaller at 25/35m. The proposed wind turbines would not, in conjunction with any other planned, constructed or operational wind turbines, have any unacceptable cumulative impact on landscape character or heritage assets.[60]
336. A few further points need to be made on visual amenity as a discrete subject. Visual receptors include local residents, holidaymakers, people working and recreational users such as cyclists, walkers and horse riders. The number of public rights of way is relatively low in the area. I have already referred to the view from the Lincolnshire Wolds and the Viking Way above, and referred to the footpaths around Hemswell. Following the site visits, with two exceptions, the proposed development in 8 or 10 guise would appear as a visual encroachment but no more than a brief experience for people going about their daily lives in Bishop Norton, Willoughton or Spital-in-the-Street or visiting the area; and would not have more than a moderate adverse impact that would conflict with the aims of policy STRAT 1.[58]

⁸⁸ ES Figs 6.30-36; FEI Figs 6.1-8, 6.16-22

337. The first exception is the bridleway passing through Ingham (VP12) through Fillingham and on to Glentworth would have a more or less consistent view of the development on the top of the undeveloped scarp and AGLV that would detract from the experience of the countryside for its users, who are recognised to have a high level of sensitivity. Ingham is about 8km away from the appeal site and the increased visibility of turbines is a direct result of their height above the Till Vale and the Cliff.[59,108]
338. With regard to Hemswell Cliff Primary School, a broad spread of turbines would be visible to pupils and staff using classrooms and the main hall and refectory at a distance of about 1.1km to the nearest, T7. It is likely that all 8 or 10 turbines would be visible to varying degrees from the playgrounds, which face west and north, with T7 just over 1km from the centre of the football pitch⁸⁹. Although appearing lower than the trees on the boundary, which are intermittent and not a strong feature, they would appear above the Woldgrain storage facility which is already prominent to the north north west; and would be pervasive and difficult to avoid. VP1 provides the nearest illustration of the visual impact, in which the school is seen on the right hand side. The appellant's landscape witness considers that these views *'do not require to be considered in the context of residential visual amenity and the planning policy which seeks to protect such amenity. These views are views from a school and its grounds and are not public or publicly accessible viewpoints'*⁹⁰. There is no consideration of them in the appellant's or the Council's planning evidence, but they are a concern of VOCAT and a large number of objectors.
339. The NPPF advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and the PPG says that in assessing the impact on visual amenity, factors to consider include: *'establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views'*. The aspect from a school is not excluded from consideration under policy STRAT 1 nor national policy; and the environment surrounding a school is justifiably of concern for teachers and parents. Although the predicted noise levels would be acceptable, the number, proximity and spread of turbines and their visibility in the 8 or 10 turbine schemes would be prominent and distracting to teachers and pupils in classrooms and the main hall, all of which have large windows. Most pupils at the school will also be residing in the local community which is in the same area with similar views, though more likely to be partially obscured by other buildings. Nevertheless, turbines would be a constant presence in day to day life. There is a responsibility on all communities to contribute to energy generation from renewable or low carbon sources, but the PPG says that protecting local amenity is an important consideration which should be given proper weight in planning decisions. The visual impact on those in the school and residents of Hemswell Cliff would be significantly greater than has been assessed by the appellant⁹¹. [91,151-2,190,239]

⁸⁹ See Mr Denney's appendix 1 Figs 12 & 13

⁹⁰ Mr Denney's proof paragraph 7.128

⁹¹ Assessed in the FEI Main Text at 6.321

Other considerations

340. Third parties express concerns about other aspects of turbine development including shadow flicker, tv and wi-fi interference and the potential for adverse health effects. Shadow flicker is a phenomenon that can be monitored and turbines can be shut down when the sun shines at the particular time of day that the problem arises⁹². This is the subject of a suggested condition. Similarly, radio and tv transmissions, and provision of wi-fi using a network based on the Woldgrain facility, are the subject of a suggested condition that would provide technical solutions if necessary.

341. Recognising that there is a great deal of material available on the health impact of wind turbines, there is no firm evidence to show that in the United Kingdom, any unacceptable health effects have been experienced as a result of a wind energy development. Whilst anxiety about health itself can be a material consideration, there is no evidence available to suggest that such a fear has had any harmful effect on anyone living in the vicinity of an existing turbine in the UK.

The equality duty

342. Dr Hale alleges indirect discrimination and a breach of the Equality Act 2010. The appellant carried out public consultation on the original 10 turbine proposal as summarised in the ES at paragraphs 2.25- 2.41 and the 8 turbine scheme was properly publicised and comments submitted⁹³. Indirect discrimination is alleged because the locations used by the appellant for two focus group sessions were not 'accessible engagements' because they were 'invitation only'. This is not for the Secretary of State to consider, but a matter for any aggrieved person(s) to pursue against the applicant.

343. As for the public sector equality duty, this does not apply to private organisations such as the applicant company. The Council, and the Secretary of State, are required to comply with the duty. The duty is to have due regard to the need to a) eliminate discrimination (direct or indirect), harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The duty is not an absolute duty to advance equality, eliminate discrimination or foster good relations in every case at the expense of all other considerations; it is a duty to have due regard to the need to take these steps where possible. Essentially, the duty requires consideration of any negative impact the decision may have as regards equality principles and, where the negative impact is significant and mitigation is possible, steps should be taken to mitigate the negative impact and/or advance equality of opportunity.

344. There is the potential for an adverse effect on people with autism due to the disability leading to a fixation with spinning objects, which could potentially result in the rotating turbine blades causing distress to persons with autism within the visual vicinity of the turbines. Dr Hale does not attempt to identify any individuals with autism but deduces that within the local population and those

⁹² Shadow flicker diagram at ES Fig 16.1 and FEI Fig 16.1

⁹³ As required by Sections 61W and 61X of the Town and Country Planning Act 1990 and Article 3B of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

who pass through the area there is likely to be a number who suffer this disability, in the region of 134. I accept that it is likely that there are people with a disability on the autism spectrum who live in the locations and travel on the routes identified by Dr Hale. There are likely to be pupils and others that travel along the A631 to special needs community schools in Gainsborough. The windfarm will form a small part of the overall view from the A631, which at its closest, is about 1.2km from the appeal site. Turbines will often be screened by buildings and vegetation and it would be a very brief experience; it would also be brief travelling on the B1398. I give this aspect only limited weight.

345. The interests of vulnerable people are an important consideration but one that must be balanced against the public benefits of the proposal in the form of tackling climate change and the supply of renewable electricity. The particular circumstances of people with autistic spectrum disorder have been important considerations in previous wind energy appeals⁹⁴. However, there is no evidence before me of any specific negative impacts that the proposed turbines would have on any person with autism in the vicinity of the appeal site, only the general concerns that I have discussed.

346. There is no evidence that the Council failed to pay due regard to their duties under equality and diversity legislation; it is reasonable to assume that those who suffer a disability sensitive to revolving objects, or their carers, would have been aware of the extensive publicity carried out⁹⁵ and would have made representations. At the site visit, the visibility of turbines from the Blenheim Care Centre 1.3km away was limited to a small north facing upper floor lounge, kitchen and dining room, through relatively small windows. Whilst some residents would be able to see revolving objects from time to time, they would not be a prominent feature of their lives. As expressed above, there remain concerns that the number and proximity of turbines to Hemswell Cliff Primary School would distract. That would be more serious for those who might have sensitivity to revolving objects because the large windows make turbines hard to avoid. No mitigation has been proposed. As a result, there is the potential for a negative impact on a person with a protected characteristic. This is a material consideration which needs to be put into the balance. Should the Secretary of State disagree with the recommendation to dismiss the appeal on other grounds, then it is recommended that the Secretary of State consider whether further evidence is required to establish the extent and nature of any negative impact, such as that suggested in the appellant's letter of 24 March⁹⁶. [86,103,241-248]

Aviation/radar

347. There is potential for the proposal to introduce 'clutter' to primary radars at Robin Hood Airport Doncaster and by National Air Traffic Services at Claxby; and a detrimental effect is identified on Ministry of Defence radars used for Air Traffic Control and Range Control. Following discussions between the parties, conditions have been agreed which make provision for technical solutions to the identified issues⁹⁷. Whilst not currently available, the evidence is that the solution is likely

⁹⁴ APP/D0840/A/13/2203226 referred to by Dr Hale (his appendix 20)

⁹⁵ Summary of applicant's public engagement at tab 6 of Appeal Documents Vol 1

⁹⁶ Doc 40

⁹⁷ See Doc 3 and Appendix KC3 to Mr Cradick's proof

to be tested and available within a 5 year period, which is the suggested life of any permission.

348. Objections made by Trent Valley Gliding Club and the British Gliding Association were withdrawn by letter⁹⁸. An Aerodrome Safeguarding Plan is to be prepared. The letter advises that the proposed development does not present insuperable difficulties or create a significant danger for pilots operating from Kirton-in-Lindsey airfield. The observations of interested objectors including Mr Coleman and Mr Sully are noted but on the basis that the appropriate authorities are satisfied that with conditions, the development does not present an unacceptable risk, there is no remaining persuasive objection on the grounds of radar or air safety.[85,282,285]

Business/tourism

349. VOCAT's main point is the potential loss of up to 20 jobs in a vulnerable area that needs them, due to a deterrent effect on tourists and commercial visitors. However, it has not been convincingly shown that visitors to the various businesses in the area mentioned such as Hemswell Antiques, food businesses such as Uncle Henrys, and The Willows, a rural shopping outlet, would be so affected by wind turbines as to go elsewhere. The evidence from studies such as the Anglesey Study of 2012⁹⁹, which is not a study so much as a literature review, is not conclusive; amongst other varying observations, it suggests that visitors are not necessarily unfavourably disposed towards wind turbines, especially outside AONBs and national parks. It is speculation that the many dealers going to the Hemswell Antiques business in the old RAF airfield, for instance, would be put off a particular bed and breakfast establishment simply because turbines could be visible from the window - it would not be the main purpose of their visit and they may be in favour of renewable energy schemes in principle. The DECC study of 2012¹⁰⁰ looks at direct and wider economic impacts and as well as identifying positive effects for local employment and businesses due to the existence of a wind farm, says at 6.6 '*...objectors to wind farm (sic) cite negative impacts to tourism as an example of the negative economic impact a wind farm can have. However, there has been no evidence of actual negative impacts on tourism and recent research by VisitScotland¹⁰¹ has confirmed earlier research that found that the presence of wind farms had no influence on decision making of the vast majority of tourists*'. The evidence of local business owners at the Inquiry was mixed. I do not find convincing arguments that the impact of the scheme on business, tourism and employment should weigh heavily against the proposal.[82,174-7,188]

Noise

350. The Council does not object on grounds of noise and the predicted noise levels set out in the ES at Chapter 11 and expanded in the 2013 SEI indicate that there would be no properties where the ETSU¹⁰² limits would be exceeded¹⁰³. ETSU

⁹⁸ In Questionnaire folder, dated 1 October 2013

⁹⁹ Mr Annibal's Appendix 3

¹⁰⁰ CD5.17

¹⁰¹ Cited as VisitScotland, *Windfarm Consumer Research*, April 2012

¹⁰² ETSU-R-97: The Assessment and Rating of Noise from Wind Turbines (September 1996) CD11.1 and subsequent Good Practice Guide at CD11.2

¹⁰³ Summarised at SEI Vol 1, Tables 11.5 and 11.6 on p54. Noise contour map at Appendix C Figure C8

seeks to achieve a level of noise which is reasonable and which would allow the nearest neighbours acceptable living conditions. What it does not seek to do is reduce wind farm noise to a level which would always be inaudible to local occupiers or such that no-one will ever be disturbed by it. It may be that from time to time, turbine noise might be heard in properties such as Norton Place Cottages, but this would be in between periods of noise generated by heavy lorries on the A15. Similarly on the top of the ridge at Hemswell, in an easterly breeze, there may occasionally be turbine noise on quiet evenings heard by local residents, but this area is on the edge of the 35dB zone and close to the 30dB zone; the anticipated noise level would not cause undue disturbance. I have taken into account all the observations made by the Council and the resulting discussions, which have resulted in a set of noise limits which are enforceable and ensure reasonable living conditions for local occupiers. Turbine noise is not a reason to refuse either of the suggested schemes.[84]

Residential amenity

351. Residential amenity was not a reason for refusal. The appellant carried out Residential Visual Amenity Studies¹⁰⁴ and a number of properties were visited after the Inquiry. It is an accepted principle in planning that there is no 'right to a view' in the way that a particularly cherished view from a private property can be protected from development that would have an adverse effect on it. In this case, wind turbines would be visible from a large number of private properties to a greater or smaller extent dependant on distance and orientation. Residents are assessed as having a high level of sensitivity in their homes, generally higher in main living and outdoor relaxation areas than utility rooms or hallways. In some cases, a direct view from a bed head or bath could be significant, as could a focussed view through a stair window. Whether the wind turbines would be unacceptably intrusive or overbearing is a matter of fact and degree at each property.
352. Due to a combination of room use together with screening by buildings or vegetation, orientation and distance, there would be no properties where the visual impact of the turbines would make any property an unpleasant place to live or where the turbines would have an unacceptably overbearing presence. That is not to say that some occupiers will not find their outlook significantly altered. Occupiers at The Cottage (property reference 13) in Spital-in-the-Street would find their view from the sheltered lookout point in the garden looking north substantially altered because of the range of turbines visible from 1187m to 2552m, occupying all of the open land that they value in the view¹⁰⁵. The rear view from 3 Spital Lane and 4 New Bungalow (20,21) would be affected because of a similar outlook northwards. There would be a significant change in the eastern view from houses on the top of the ridge near Hemswell (37-39), but there are intervening trees and the main aspect for these properties is westwards across the Till Vale below. Some windows at the Manor House, Hemswell (40) would have turbines in the view eastwards towards the scarp, partially screened, but the main aspect of the house and the main accommodation is orientated south across a large garden. At the former Grayingham Rectory (unnumbered, as beyond 2km), turbines would be visible above the scarp in the context of

¹⁰⁴ FEI Vol 3 Appendix 6.2 (10 turbine scheme) and FEI Vol 3a Appendix 6.5 (8 turbine scheme)

¹⁰⁵ See FEI Vol 3 Fig A6.2.70

agricultural buildings. Whilst as moving objects, they would draw the eye in views from the main windows of living areas and bedrooms, they would be too far away at about 4km to seriously compromise outlook. At the former Vicarage at Bishop Norton (unnumbered), from where the turbines would be just over 2km away in the 10 turbine scheme, moving blades would be a prominent distraction to the west from 4 main living areas and a hallway but would be seen in the context of other buildings and power lines. A beech hedge screens the view to some extent from the ground floor. The situation is appreciably worse at Blyborough Grange (unnumbered) where the arrangement of main rooms and the garden all looking south towards the development just over 2km away would mean that the occupants would be aware of turbines most of the time. This would represent a significant adverse change, but there are some trees which partially screen the view. The effect would not be so overwhelming as to make the house an unpleasant place to live. [44,61,272-6,285]

Hydrology and ground water

353. There is evidence of flooding to the east of the site in the Anchombe valley from several interested parties. There is unquestioned evidence of landslides on the scarp. However, providing conditions are attached that ensure pollution control measures are introduced and groundwater and surface water drainage controlled, the Environment Agency does not object to the scheme on the grounds that the development would lie over a principal aquifer and or over a Source Protection Zone (SPZ). Moreover, the Construction Method Statement would include measures to control pollution during construction, protection of the water environment and the construction of hard surfaces and tracks. The measures proposed would be under the control of the planning authority.
354. Knowledge of the underlying geology has led to concerns by some that introducing large concrete foundation structures may interfere with the way water percolates through and discharges from the substrate, resulting in increased flooding and unpredictable ground movement. The propensity of the soil to chemically attack concrete is mentioned along with the possibility of vibration causing unknown effects. In response to these, the appellant provided submissions from Peter Rippon and Aine Martin of Mott MacDonald with background papers. These demonstrate that the concerns identified by Mr Coleman and others would be managed in a proportionate way. No development is completely without risk; but providing the suggested conditions are imposed and complied with, the risks associated with this scheme would be properly minimised and managed. The hydrology and ground water concerns do not weigh against permission being granted.[83,255,277]
355. I have had regard to all the other matters raised including the effect on highway safety, views of Lincoln Cathedral and an alleged lack of meaningful discussion with local parish councils and the public. The Highway Authority has no objections, providing certain conditions are imposed; and whilst any increase in traffic movement and road complexity represents an increased risk, it is not an unacceptable one. Lincoln Cathedral is over 18km from the appeal site and its setting would not be affected to any significant extent. It is clear that some felt that pre-application consultations were ineffective and that there were important misconceptions on behalf of the applicant company. Whatever lies behind these concerns, there is no doubt that the Public Inquiry provided a full opportunity for

all to put their views. Full representations have been made by all the parish councils on the implications of the 10 and 8 turbine schemes.[231-233]

356. Some objectors raise the Government's approach to renewable energy subsidies, the likely wind energy capacity on the site and the principle of using wind as a resource, but the Government has set out in policy the manner in which it intends to address the need to mitigate for climate change and reduce CO₂ emissions. These are not matters to which I can ascribe any significant weight.

Whether the environmental and economic benefits of the scheme would be sufficient to outweigh any harm that might be caused

357. There is no dispute from the main parties that there is strong support at all levels of policy for large scale renewable energy development. Onshore wind is a key technology in the development of the renewable energy sector. Supporting the transition to a low carbon future in a changing climate is one of the core planning principles of the NPPF. Whilst the current pipeline of development has the potential to fulfil the Government's ambition for onshore wind, there is no certainty and at the present time there is still no lessening in the desire to increase onshore wind capacity. There are no technology specific targets, only illustrative 'central ranges' which do not restrict the Government's ambition.

358. The NPPF says that it is the responsibility of all communities to contribute to energy generation from renewable sources. The Written Ministerial Statement from the Secretary of State for Energy & Climate Change in June 2013 says that the Government is determined that the UK will retain its reputation as one of the best places to invest in wind energy and renewables more generally. The thrust of the Statement is the further encouragement of onshore wind to provide certainty for developers and as an important sector that is driving economic growth. There is a need for new renewable energy including onshore wind projects in order to reach the level necessary for energy security and renewable energy goals. In principle, new renewable energy proposals are to be welcomed. The proposed energy generation of the 10 turbine scheme of between 69,850 and 79,530 megawatt hours per year equivalent to the total electricity demand of 13,400 and 15,000 homes (dependant on the final turbine chosen)¹⁰⁶ would contribute substantially to the supply of electricity as part of a mix of renewable resources in West Lindsey. The ongoing saving of between 215,700 and 241,700 tonnes¹⁰⁷ over the lifetime of the project and consequent contribution to combating climate change for the life of the scheme adds is an important consideration. The equivalent figures for the 8 turbine scheme are 55,880-63,624 megawatt hours per year, equivalent to the total electricity demand from between 10,720 and 12,000 homes. This would equate to a carbon dioxide emissions saving of between 172,560 and 193,360 tonnes over the lifetime of the project. Added to that is the potential to provide some economic stimulus to the local area through jobs in construction and maintenance over the project's lifetime.[102]

¹⁰⁶ Figures extracted from Mr Kradick's proof as the latest available

¹⁰⁷ Dependant on the type of electricity generation using conventional fuels displaced. This figure can vary and will decline over the lifetime of the project

359. Moreover, the development would be sustainable in principle, according to the definition of sustainability in the introduction to the NPPF and at paragraph 93. Very significant weight attaches to these benefits. However, paragraph 7 of introduction to the Framework states that the environmental dimension of sustainable development includes contributing to protecting and enhancing the natural and historic environment. In the process of making decisions, the impacts must be acceptable, or capable of being made acceptable.

360. Against the positive factors, the development would cause harm, as follows:

- Harm to landscape character that would be very significantly accentuated by the location of the development near the edge of a key defining feature in Lincolnshire; this factor is unaffected by the proposal to remove turbines 4 and 5;
- Harm to visual amenity, again accentuated by the prominent location and unaffected to a significant extent by removing turbines 4 and 5; and a significant degree of harm by reason of visual impact on pupils and staff at Hemswell Cliff Primary School, for whom the visual impact cannot be avoided and no effective mitigation has been identified;
- Less than substantial harm to the setting, and therefore significance, of heritage assets at Norton Place and its park and garden, and Hemswell Conservation Area. The harm to the setting and heritage significance of Norton Place would be lessened by the omission of turbines 4 and 5 in the 8 turbine scheme. The potential for harm to archaeological deposits of interest would be lessened by relocation of the temporary construction compound in the 8 turbine scheme. Whilst falling lower than the threshold of 'substantial harm' as set out in the NPPF, considerable importance and weight attaches to any harm to the heritage significance of listed buildings. These also include those at Willoughton, Blyborough Grange and Spital-in-the-Street. Where harm to listed buildings is identified, there is a strong statutory presumption in S66 of the LBCA against permission being granted. Special attention should be paid to the desirability of preserving or enhancing the character of those conservation areas whose settings would be affected by the appeal scheme.

361. An important aspect of this proposal is the extent of involvement of the local population and the volume of representations. The PPG says that it is important that the planning concerns of local communities are properly heard in matters that directly affect them; and protecting local amenity is an important consideration which should be given proper weight in planning decisions. It is noticeable that most objectors live in local villages and communities (though not all) and most supporters live in surrounding towns further away such as Gainsborough and Market Rasen (though not all). Whilst local views are a very important consideration, it is unusual for public views to override the relevant planning policies; and this application is considered on its planning merits.

362. The adverse impacts of the proposal in 8 or 10 turbine form on the setting of Norton Place, together with the impact on the setting of the Hemswell Conservation Area, which would not be preserved or enhanced, constitute differing levels of harm to heritage significance in this case that are 'less than substantial', but nevertheless attract considerable importance and weight. The harm to landscape character, particularly as perceived from the Till Vale and to

and from the AGLV is a very significant factor. Harm to visual amenity, as perceived from the area around Hemswell but also particularly that which would be experienced from the school at Hemswell Cliff, adds further to that harm. The harm identified cannot be made acceptable. The reversibility of the proposal needs to be taken into account but carries little weight in view of the adverse effects of the turbines on visual amenity in particular, which would last for a generation. Taking all the proposed benefits into account and balancing them against the disadvantages, I conclude that the adverse impacts would significantly and demonstrably outweigh the benefits. The scheme, in 10 or 8 turbine format, would not comply with the relevant parts of LP policies STRAT 1, NBE 8 and NBE 10; national planning policy in the NPPF or policy guidance.

Formal recommendation

363. I recommend that the appeal should not be allowed to succeed in 10 or 8 turbine format. Should the Secretary of State disagree, then I recommend that the conditions set out in Annex 2 to this Report should be attached to any permission, as adjusted in accordance with the conditions section above.

Paul Jackson

INSPECTOR

Annex 1

APPEARANCES

FOR WEST LINDSEY DISTRICT COUNCIL:

Richard Kimblin	Of Counsel, instructed by the Senior Solicitor- Planning, Legal Services, Lincolnshire
He called	
Michal Nowak MA Pol Sci MA EPM MSc Spud (Dist) AIEMA	Associate, Influence Environmental Ltd
Sarah Harrison BA (Hons) BA (Hons) MA	Senior Area Development Officer (Heritage) for West Lindsey District Council
Russell Clarkson BA (Hons) Dip TP MRTPI	Principal Development Management Officer, West Lindsey District Council

FOR RWE Innogy UK Ltd:

David Hardy	Barrister and Solicitor, instructed by Eversheds Solicitors
He called	
Brian Denney BA (Hons) DIPLA CMLI CENV MIEMA	Landscape and Environmental Planning Director, Pegasus Group Ltd
Andrew Brown BA BArch MSc MRTPI IHBC	Woodhall Planning & Conservation
Dr Patrick Ottaway MCIFA FSA	PJO Archaeology
Karl Cradick BSc (Hons) MSc MRTPI	Planning Director, Savills

FOR VOCAT:

Thea Osmund-Smith	Of Counsel, instructed by Nurainatta Katevu, Lincolnshire Legal Services
She called	
Stephen Welch BA (Hons) MA (CMLI)	Welch Design
Eric Marcroft Dip TP	
Ernest Coleman FRGS	
Ivan Annibal BA (Hons) MA FIED FRSA	
Barry Dutton	

INTERESTED PERSONS:

Cllr Paul Howitt-Cowan	District Councillor for Hemswell
Cllr Charles Lewis Strange	County Councillor
Mrs S M Ellis	Resident of Glentham
Steffie Shields LRPS	Lincolnshire Gardens Trust
Norman Haigh	Lincoln Green Party
Victoria Woodward	Resident of Grayingham
Christopher Padley	Resident of Lincoln
Jonathan Lincoln	Resident of Horncastle

Sir Edward Leigh MP	Statement read by Barry Dutton
Elizabeth Williams	Local resident
Vicki Dickinson	Clerk to Blyborough Parish Meeting and local resident
Geoff & Rita Boothby	Residents of Grayingham
Brian Everatt	Resident of Hemswell
Judith Alloway	Resident of Bishop Norton
Vicki Kirman	Chair of Hemswell Cliff Parish Council
Dr Ernest Hale	Resident of Hemswell
Mrs J Beevers	Resident of Hemswell Cliff
Andrew Neale	Resident of Grayingham
Edward Norton	Local business owner
David Lee	Chair of Bishop Norton Parish Council
Dr David Marcombe	Trustee of the Spital Chantry Trust of St Edmund
Ann Marcombe	Custodian of the Chapel of St Edmund, Spital-in-the-Street
Margaret Richardson	Resident of Spital-in-the-Street
Melvin Grosvenor	The Marsh Windfarm Action Group
John Sully	Resident of Hemswell Cliff
Bruce Rowles	Local business owner
Ernest Coleman	Local resident, speaking in a personal capacity on groundwater, hydrology, aviation and radar

DOCUMENTS

- 1 Legal submissions from the appellant in relation to cultural heritage
- 2 DECC 'The Aviation Plan: 2015 Update' in respect of the interaction of wind turbines and aviation interests, supplied by the appellant
- 3 Letter from Robin Hood Airport Doncaster dated 22 January 2015, supplied by the appellant
- 4 P133 from NE publication 'NCA 45/47 Northern Lincolnshire Edge with Coversands/Southern Lincolnshire Edge', supplied by the Council
- 5 NE publication 'NCA Northern Lincolnshire Edge with Coversands' as published in 2014, supplied by VOCAT
- 6 Corrections and Note from VOCAT
- 7 Requested viewpoint locations, from VOCAT
- 8 Scottish Natural Heritage 'Siting and Designing Wind Farms in the Landscape' Version 2 issued May 2014 (supersedes CD10.11)
- 9 Extract from High Court Case ref [2014] EWHC 3979 (Admin) supplied by the Council (South Lakeland/Old Brewery (Ulverston))
- 10 Comments on the cultural heritage section of the FEI by Ernest Coleman
- 11 VOCAT response to Dr Ottaway's rebuttal
- 12 Paper on aviation and radar from Mr Coleman
- 13 Lincolnshire County Council Wind Energy Position Statement of June 2012
- 14 LP policy SUS 11 (not saved) supplied by the Council
- 15 Statement from Margaret Richardson
- 16 Statement from Vicki Dickinson
- 17 Statement from Ann Marcombe
- 18 Statement from Andrew Neale
- 19 Statement from Norman Haigh
- 20 Statement from Steffie Shields
- 21 Statement from Mrs S Ellis
- 22 Statement from Cllr Strange

- 23 Statement from Jonathan Lincoln
- 24 Statement from Cllr Howitt-Cowan
- 25 Statement from Christopher Padley
- 26 Statement from Sir Edward Leigh MP
- 27 Statement from Brian Everatt
- 28 Statement from Geoff & Rita Boothby
- 29 Statement from Judith Alloway
- 30 Statement from Dr David Marcombe
- 31 Statement from Vicki Kirman
- 32 Statement from Jan Beevers
- 33 Bundle of submissions from Dr Ernest Hale
- 34 Statement from Melvin Grosvenor
- 35 Photographs from Victoria Woodward
- 36 High Court judgement ref [2014] EWHC 1213 (Admin) supplied by VOCAT (Milton Energy)
- 37 Bundle of submissions and responses to questions raised by Inspector at site visit on viewing the blimp
- 38 Statement from David Lee
- 39 Statement from Ernest Coleman on Geology and Flood Risks
- 40 Appellant's response to Inspector's query concerning the Equality Act 2010

Annex 2

Schedule of suggested conditions

No.	Condition	Notes
	Time Limits and Site Restoration	
1.	The development hereby permitted shall be commenced before the expiration of five years from the date of this permission. Written confirmation of the commencement of development shall be provided to the Local Planning Authority no later than 14 days after the event.	
	Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.	
2.	This permission shall expire no later than 25 years from the date when electricity is first exported from the wind turbines ("First Export Date"). Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.	
	Reason: In recognition of the expected lifespan of the wind farm and in the interests of safety and amenity once the plant is redundant.	
3.	Not later than 12 months before the date of expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall	

	make provision for the removal of the wind turbines, removal of the turbine foundations to a depth of at least 1 metre below the finished ground level; and removal of the associated above ground works approved under this permission including the substation and control building, substation compound, and anemometer mast, and shall also provide for the removal of wind farm access tracks. The scheme shall include details of the management and timing of any works, a traffic management plan to address likely traffic impact issues during the decommissioning period, location of material laydown areas, and an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats and details of site restoration measures. The approved scheme shall be fully implemented within 24 months of the expiry of this permission. The approved scheme shall be fully implemented within 12 months of the expiry of the 25 year period, or from the date of Local Planning Authority approval, whichever is the later.	
	Reason: To ensure the development is decommissioned and the site restored at the expiry of the permission.	
4.	If any wind turbine generator hereby permitted ceases to export electricity for a continuous period of 9 months then, unless otherwise agreed in writing with the Local Planning Authority, a scheme for its repair or removal shall be submitted to the Local Planning Authority within 3 months of the end of that 9 month period. The scheme shall include either a programme of remedial works where repairs to the turbine are required, or a programme for removal of the turbine and associated above ground works approved under this permission and the removal of the turbine foundation to a depth of at least 1 metre below finished ground level and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.	
	Reason: To ensure appropriate provision is made for repair or decommissioning of the turbines.	
	Construction Method Statement	
5.	Development shall not commence unless and until a Construction Method Statement ("CMS") has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved statement. The CMS shall include: <ul style="list-style-type: none"> a) Details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development; b) Details of the proposed storage of materials and disposal of surplus materials; c) Dust management; d) Pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and 	

	<p>discharge of foul drainage;</p> <p>e) Temporary site illumination during the construction period including proposed lighting levels together with the specification of any lighting;</p> <p>f) Details of the phasing of construction works;</p> <p>g) Details of surface treatments and the construction of all hard surfaces and tracks;</p> <p>h) Details of emergency procedures and pollution response plans;</p> <p>i) Siting and details of wheel washing facilities;</p> <p>j) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;</p> <p>k) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;</p> <p>l) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant equipment and vehicles;</p> <p>m) Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound;</p> <p>n) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009; and</p> <p>o) Details of construction works, including HGV trips to and from the site, associated with the pouring of concrete to form the wind turbine bases.</p>	
	Reason: To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process.	
	Construction Traffic Management Plan and highway safety	
6.	Development shall not commence unless and until a Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for the routing of construction traffic, scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, arrangements for any necessary temporary speed limits on the A15 and/or B1398, temporary removal and replacement of highway infrastructure/street furniture and the reinstatement of any signs, verges or other items displaced by construction traffic.	
	Reason: In the interests of highway safety.	
6A	The gradient of the vehicular access onto the A15 (Ermine Street) shall be no steeper than 1 in 40 metres for the first 10 metres from the nearside edge of the carriageway of the A15 and thereafter no steeper than 1 in 20 for a further 30 metres.	

	Reason: To ensure safe access to the site in the interests of convenience and safety.	
6B	Prior to the commencement of any construction works relating to any turbines, access tracks and ancillary infrastructure approved pursuant to this permission, a scheme setting out the details of the improvements to be made to the vehicular accesses to the A15 & B1398 shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the visibility splays to be implemented and maintained at the site and shall provide details on how obstructions exceeding one metre in height shall be cleared from land between the highway boundary and the approved visibility splays. The scheme shall be implemented as approved.	
	Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.	
	Construction Hours	
7.	Construction work shall only take place between the hours of 0700 – 1900 hours Monday to Friday inclusive and 0800 – 1300 hours on Saturdays with no construction work on Sundays or Public Holidays. Works outside these hours shall only be carried out (a) with the prior written approval of the Local Planning Authority, or (b) in the case of an emergency, provided that the Local Planning Authority is notified by telephone and writing as soon as reasonably practicable (and in any event within 48 hours) following the emergency first being identified, such notification to include both details of the emergency and any works carried out and/or proposed to be carried out, or (c) dust suppression.	
	Reason: In the interests of amenity to restrict noise impact and the protection of the local environment.	
7A	Development shall not commence unless and until contact details (including an out of hours telephone number) of an appointed person at the developer undertaking the construction of the development granted pursuant to this planning permission have been submitted to the local planning authority.	
	Reason: In the interests of minimising disturbance to local residents during the construction process.	
	Delivery Hours	
8.	The delivery of any construction materials or equipment for the construction of the development, other than concrete material for turbine foundations and turbine blades, nacelles and towers, shall be restricted to the hours of 0700 – 1900 on Monday to Friday inclusive and 0800 – 1300 hours on Saturdays. Exceptions for deliveries outside these hours may be carried out with the prior written approval of the Local Planning Authority.	
	Reason: In the interests of minimising disturbance to local residents during the construction process.	

	Appearance	
9.	The blades of all wind turbine generators shall rotate in the same direction. The overall height of the wind turbine shall not exceed 126.5m to the tip of the blades when the turbine is in the vertical position and 80m to the hub as measured from ground levels immediately adjacent to the wind turbine base.	
	Reason: In the interests of the character and appearance of the area.	
10.	Prior to the erection of the wind turbines, anemometer masts and transformer units, details of the colour and finish of the towers, nacelles and blades, anemometer masts and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign or logo shall be displayed on the external surfaces of the turbines, anemometer masts or any external transfer units other than those required to meet health and safety requirements. The approved colour and finish of the wind turbines, anemometer masts and any external transformer units shall not be changed without the prior consent in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details.	
	Reason: In the interests of the character and appearance of the area.	
10A	<p>The turbines and anemometer mast shall not carry any form of external illumination, and there shall be no permanent illumination on the site other than:</p> <p>a) lighting required for the safety of aircraft in accordance with condition 16;</p> <p>b) a movement sensor-operated external door light for the electricity substation;</p> <p>c) during the construction period as agreed in connection with condition no. 5(e) above; and</p> <p>d) lighting required for maintenance or emergencies.</p>	
	Reason: In the interests of the character and appearance of the area.	
11.	Prior to commencement of the construction of the substation and control building, details of the design and the external appearance, dimensions and materials for the building and any associated compound or parking area and details of surface and foul water drainage from the substation building shall be submitted to and approved in writing by the Local Planning Authority. The development of the substation and control building and any associated compound or parking area shall be carried out in accordance with the approved details.	

	Reason: In the interests of the character and appearance of the area.	
12.	All electrical cabling between the individual turbines and between the turbines and the substation and control building on the site shall be installed underground.	
	Reason: In order to ensure a satisfactory appearance in the landscape.	
	Ecology	
13.	Development shall not commence unless and until a scheme providing for checking surveys of breeding birds (including the identification of any nests on the site) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.	
	Reason: In the interests of nature conservation.	
14.	Development shall not commence unless and until an Ecological Enhancement and Management Plan ("EMP") has been submitted to and approved in writing by the Local Planning Authority. The EMP shall include the mitigation and enhancement measures referred to in the Ecological Enhancement and Management Plan dated August 2013 (Supplementary Environmental Information; Volume 1; Appendix D)), including details of pre-construction badger and reptile surveys and provide full details of the means by which the mitigation measures will be both secured and delivered as well as the mechanism for their long term management and monitoring. The EMP shall be implemented as approved. The developer shall appoint an independent and suitably qualified ecologist as an Ecological Clerk of Works ("ECOW") for the site at its own expense. The ECoW shall oversee the implementation of all ecology related planning conditions throughout the construction of the wind farm.	
	Reason: In order to make appropriate provision for natural habitat within the approved development and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and The Conservation of Habitats and Species Regulations 2010.	
	Aviation Safeguarding	
15.	Development shall not commence unless and until written confirmation has been provided to the Local Planning Authority, the Ministry of Defence (MOD) and Civil Aviation Authority (CAA) of the proposed dates of commencement of the development and of the erection of the anemometer mast and wind turbines; and the maximum extended height of any construction equipment to be used on site.	
	Reason: In the interests of aviation safeguarding.	

15A	<p>No later than 14 days after the First Export Date the developer shall inform the local planning authority, the MoD and the CAA in writing of:</p> <p>a) the date of completion of construction;</p> <p>b) the height above ground level of the tallest permanent structure; and</p> <p>c) the position of the turbines in latitude and longitude.</p>	
	Reason: In the interests of aviation safety	
16.	Each turbine shall have installed infrared warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point on all turbines. Each turbine will be erected with this lighting installed and the lighting will remain operational throughout the lifetime of the development.	
	Reason: In the interests of aviation safeguarding and in accordance with the advice of the Ministry of Defence.	
17.	<p>No development shall commence unless and until the Developer has agreed a Primary Radar Mitigation Scheme ("PRMS") with the Operator which has been submitted to and agreed in writing by the Local Planning Authority in order to mitigate the impact of the development on the Primary Radar Installation at Claxby. The development shall thereafter be operated fully in accordance with such PRMS.</p> <p>For the purpose of this condition:</p> <p>"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).</p> <p>"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to mitigate at all times the impact of the development on the Claxby primary radar and air traffic management operations of the Operator.</p>	
	Reason: To mitigate the impact of the development on the Primary Radar Installation at Claxby and associated air traffic management operations.	
18.	No development shall commence unless and until an Air Traffic Control Radar Mitigation Scheme to address the impact of the wind farm upon	

	<p>air safety has been submitted to and approved in writing by the Local Planning Authority. The Air Traffic Control Radar Mitigation Scheme is a scheme designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radars at RAF Coningsby, and RAF Waddington ("the Radars") and the air traffic control operations of the Ministry of Defence (MOD) which is reliant upon the Radars. The Air Traffic Control Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radars and shall be in place for the operational life of the development provided the Radars remain in operation.</p> <p>No turbines shall become operational unless and until all those measures required by the approved Air Traffic Control Radar Mitigation Scheme to be implemented prior to the operation of the turbines have been implemented and the Local Planning Authority has confirmed this in writing. The development shall thereafter be operated fully in accordance with the approved Air Traffic Control Radar Mitigation Scheme.</p>	
	Reason: To mitigate the impact of the development on the Primary Surveillance Radars at RAF Waddington and RAF Coningsby and associated air traffic management operations.	
19.	<p>(a) The development hereby permitted shall not be begun unless and until a wind farm mitigation scheme, which is designed to mitigate at all times the impacts of the development on the operation of Robin Hood Airport Doncaster Sheffield primary surveillance radars and associated air traffic management operations has been submitted to and approved in writing by the local planning authority.</p> <p>(b) No turbine hereby permitted shall be operated unless and until all the measures required by the approved wind farm mitigation scheme to be completed before operation of the turbines have been completed.</p> <p>(c) The development hereby permitted shall not thereafter be operated otherwise than in strict accordance with the approved wind farm mitigation scheme.</p> <p>(d) The wind farm mitigation scheme shall be in place for the operational life of the development provided the radars remain operational.</p>	
	Reason: To mitigate the impact of the development on the civil aviation interests at Doncaster Sheffield Airport.	
	Archaeology	
20.	No development shall commence unless and until a written scheme of archaeological investigation and mitigation, to include provision for local community involvement, has been submitted to and approved in	

	writing by the Local Planning Authority. The scheme shall be implemented as approved.																			
	Reason: In order to protect and/or record any features of archaeological importance.																			
	Telecommunications																			
21.	Prior to the First Export Date a scheme providing for the investigation and alleviation of any electro-magnetic interference to any television signal or wireless radio signal caused by the operation of the wind turbines shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide for the investigation by a qualified engineer, within a set timetable of any complaint of interference with television reception or wireless radio signal at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C2, C3 and C4 of the Use Classes Order) which existed or had planning permission at the time permission was granted, where such complaint is notified to the developer by the Local Planning Authority within 12 months of the First Export Date. Where impairment is determined to be attributable to the wind turbines hereby approved, mitigation works shall be carried out in accordance with a scheme which has first been agreed in writing by the Local Planning Authority.																			
	Reason: To address any issues relating to television interference.																			
	Shadow Flicker																			
22.	Prior to the First Export Date a written scheme shall be submitted to and approved in writing by the Local Planning Authority setting out a protocol for the assessment of shadow flicker in the event of any complaint to the Local Planning Authority from the owner or occupier of any building which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to alleviate any shadow flicker attributable to the development and a timetable for its implementation. Operation of the turbines shall take place in accordance with the approved protocol, subject to any variations approved in writing by the Local Planning Authority.																			
	Reason: In the interests of amenity for nearby residents.																			
	Micro-siting – Original Submission Scheme																			
23.	The wind turbines and anemometer masts hereby permitted shall be erected at the following grid co-ordinates: <table border="1" data-bbox="571 1783 1075 2002"> <thead> <tr> <th>Turbine</th><th>Easting</th><th>Northing</th></tr> </thead> <tbody> <tr> <td>1</td><td>494645</td><td>391885</td></tr> <tr> <td>2</td><td>495230</td><td>391937</td></tr> <tr> <td>3</td><td>495706</td><td>391837</td></tr> <tr> <td>4</td><td>496220</td><td>391927</td></tr> <tr> <td>5</td><td>496265</td><td>391400</td></tr> </tbody> </table>	Turbine	Easting	Northing	1	494645	391885	2	495230	391937	3	495706	391837	4	496220	391927	5	496265	391400	
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	Hydrology																												
25.	If, during construction , contamination not previously identified is found to be present at the site then no further development (unless																												

	otherwise agreed in writing with the Local Planning Authority) within 50 metres of the identified contamination shall be carried out until a remediation strategy including a programme has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved in accordance with the approved timetable.	
	Reason: To prevent potential migration of contaminants to underlying groundwater.	
	Drainage	
26.	The development hereby permitted shall not be commenced until a drainage scheme including a programme to manage surface water run-off and non-mains drainage at the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved in accordance with the approved programme.	
	Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site.	
27.	The development hereby permitted shall be carried out in accordance with the approved plans: Indicative Turbine Elevation (Figure 3 – drawing RSK/MA/660248/3) Indicative Turbine Foundation (Figure 4 – drawing RSK/MA/660248/4) Indicative Crane Pad (Figure 5 – drawing RSK/MA/660248/5) Indicative Anemometer Mast Plan and Elevation (Figure 6 – drawing RSK/MA/660248/6) Construction Compound Indicative Layout (Figure 7 – drawing RSK/MA/660248/7) Control Building/Substation Elevations (Figure 8 – drawing RSK/MA/660248/8) Indicative Control Building/Substation Floor Plans (Figure 9 – drawing RSK/MA/660248/9) Indicative Access Track Construction Detail (Figure 10 – drawing 289490-HE01-ACC-017) A15 Site Access Design – General Arrangement Plan (Figure 11 – drawing 289490-HE01-ACC-015) B1398 Site Access Design – General Arrangement Plan (Figure 12 – drawing 289490-HE01-ACC-016)	
	Reason: For the avoidance of doubt and in the interests of proper planning.	
	8 turbine scheme	
28.	The development hereby approved shall not be constructed with turbines 4 and 5. The temporary construction compound shall be located on the site of turbine 5 and in no other location.	
	Operational Noise	
29.	The rating level of noise immission from the combined effects of the	

	<p>wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 attached to these conditions and:</p> <ul style="list-style-type: none"> (A) Prior to the First Export Date, the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed qualified acousticians who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority. (B) Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an qualified acoustician approved by the Local Planning Authority to assess the level of noise immission from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph (B), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (H) to the Local Planning Authority in the format set out in Guidance Note 1(e). (C) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the qualified acoustician considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Local Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the qualified 	
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	<p>acoustician. The rating level of noise immission resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.</p> <p>(D) Prior to the commencement of any measurements by the qualified acoustician to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Local Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.</p> <p>(E) Prior to the submission of the qualified acoustician's assessment of the rating level of noise immission pursuant to paragraph (F) of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:</p> <ul style="list-style-type: none"> (i) the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) over which the assessment of rating level of noise immission will be carried out. (ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. <p>The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Local Planning Authority under paragraph (B), and such others as the qualified acoustician considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immission shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority and the attached Guidance Notes.</p> <p>(F) The wind farm operator shall provide to the Local Planning Authority the qualified acoustician's assessment of the</p>	
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	<p>rating level of noise immission undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the qualified acoustician's assessment of the rating level of noise immission.</p> <p>(G) Where a further assessment of the rating level of noise immission from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the qualified acoustician's assessment pursuant to paragraph (F) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Planning Authority.</p> <p>(H) The wind farm operator shall continuously log wind speed, wind direction at the permanent meteorological mast erected in accordance with this consent and shall continuously log power production and nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine and the permanent meteorological mast shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Local Planning Authority on its request within 14 days of receipt in writing of such a request.</p> <p>Note: For the purposes of this condition, a "dwelling" is a building within Use Class C3 or C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.</p>	
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Table 1 - Between 07:00 and 23:00 – Free-field Noise Limit, dB L_{A90}, 10-minute

Location (easting, northing grid coordinates)	Standardised Wind Speed at Ten Metres Height, m/s, within the site averaged over 10-minute periods									
	3	4	5	6	7	8	9	10	11	12

	L _{A90} Decibel Levels									
Cliff House Farm Cottages (494788/393108)	38. 0	38. 0	38. 0	38. 0	40. 0	43. 2	47. 6	47. 6	47. 6	47. 6
Willoughton Cliff (493559/392391)	38. 0	38. 5	39. 7	41. 4	43. 7	46. 9	51. 2	51. 2	51. 2	51. 2
Patchett's Cliff (493724/ 392181)	38. 0	38. 5	39. 7	41. 4	43. 7	46. 9	51. 2	51. 2	51. 2	51. 2
Norton Place Cottages (497033/391037)	40. 3	40. 3	41. 1	42. 9	45. 7	49. 1	52. 6	55. 3	56. 1	56. 1
Capper Avenue (495210/ 389983)	38. 0	38. 0	38. 0	38. 0	39. 2	41. 5	44. 9	49. 8	49. 8	49. 8
Farm House (495495/393066)	38. 0	38. 0	38. 0	38. 0	40. 0	43. 2	47. 6	47. 6	47. 6	47. 6
Windy Ridge (493295/ 391100)	38. 0	38. 5	39. 7	41. 4	43. 7	46. 9	51. 2	51. 2	51. 2	51. 2
Hemswell outskirts (493352/390932)	38. 0	38. 5	39. 7	41. 4	43. 7	46. 9	51. 2	51. 2	51. 2	51. 2

Table 2 - Between 23:00 and 07:00 – Free-field Noise Limit dB L_{A90}, 10-minute

Location (easting, northing grid coordinates)	Standardised Wind Speed at Ten Metres Height, m/s, within the site averaged over 10-minute periods									
	3	4	5	6	7	8	9	10	11	12
	L _{A90} Decibel Levels									
Cliff House Farm Cottages (494788/393108)	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	46. 2	48. 8	48. 8	48. 8
Willoughton Cliff (493559/392391)	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	45. 9	46. 4	46. 4	46. 4
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Windy Ridge (493295/391100)	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	45. 9	46. 4	46. 4	46. 4
Hemswell outskirts (493352/ 390932)	43. 0	43. 0	43. 0	43. 0	43. 0	43. 0	45. 9	46. 4	46. 4	46. 4

Note to Tables 1 & 2: The geographical coordinate references set out in these tables are provided for the purpose of identifying the general location of dwellings to which

a given set of noise limits applies. The wind speed at 10 metres height within the site refers to wind speed measured directly at hub height and standardised to 10 metres height using roughness value of $z = 0.05$ m.

Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immission from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

- (a) Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics – sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.
- (b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind

direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s) and arithmetic mean wind direction in metres from north in each successive 10-minutes period at the permanent meteorological mast erected in accordance with the planning permission on the site. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. Unless an alternative procedure is previously agreed in writing with the Planning Authority, wind speed data measured directly at hub height by the meteorological mast shall be used as the basis for the analysis. It is these standardised wind speed data which are correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall also continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.
- (e) Data provided to the Local Planning Authority in accordance with paragraphs (E) (F) (G) and (H) of the noise condition shall be provided in comma separated values in electronic format except for audio recordings which shall be supplied, if required, as .WAV files.
- (f) A data logging rain gauge shall be installed in the course of the qualified acoustician undertaking an assessment of the level of noise immission. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The wind farm operator shall submit details of the proposed location of the data logging rain gauge to the Local Planning Authority prior to the commencement of measurements.

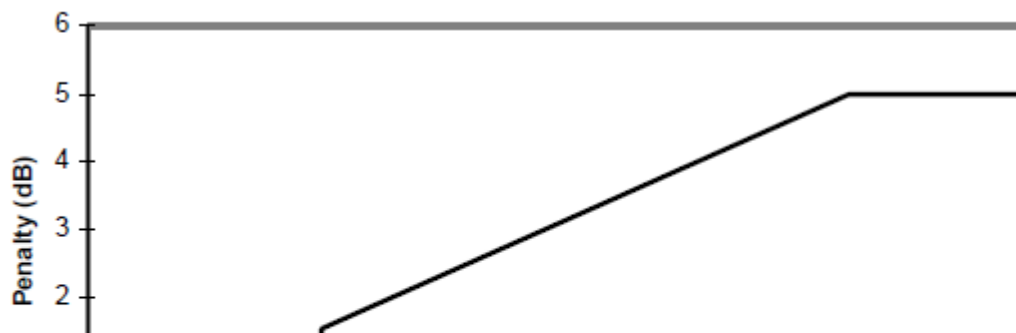
Note 2

- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- (b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Local Planning Authority under paragraph (E) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f).
- (c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed

appropriate by the qualified acoustician (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

- (a) Where, in accordance with the approved assessment protocol under paragraph (E) of the noise condition, noise immission at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immission during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- (d) The average tone level above audibility shall be calculated for each integer wind speed bin. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



Note 4

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.

- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) If the rating level at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (C) of the noise condition, the qualified acoustician shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the qualified acoustician requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
 - i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved noise assessment protocol under paragraph (E) of this condition.
 - ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then the development fails to comply with the conditions.

Annex 3

Core Documents List

Adopted Development Plan Policies

- | | |
|-----|--|
| 1.1 | Saved Policies of the West Lindsey Local Plan (First Review) (2006) (Extracts only) |
| 1.2 | Direction under Paragraph 1(3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004 (11 June 2009) |

2 National Planning and Energy Policy

- | | |
|-----|---|
| 2.1 | DCLG: National Planning Policy Framework (March 2012) |
| 2.2 | Overarching National Policy Statement for Energy EN-1 (July 2011) |
| 2.3 | National Policy Statement for Renewable Energy Infrastructure EN-3 (July 2011) |
| 2.4 | Written Ministerial Statements relating to Local Planning and Onshore Wind issued by the Department of Energy and Climate Change and the Department for Communities and Local Government on 6 June 2013 |
| 2.5 | National Planning Practice Guidance (online resource accessed 9 December 2014) (Extracts) |

3 Other Local Planning Authority Documents

- | | |
|-----|---|
| 3.1 | West Lindsey Countryside Design Summary Supplementary Planning Guidance (December 2003) |
| 3.2 | West Lindsey Landscape Character Assessment Supplementary Planning Guidance (August 1999) |
| 3.3 | Central Lincolnshire Local Development Scheme (LDS) 2014-2016 (March 2014) |
| 3.4 | Preliminary Draft Central Lincolnshire Local Plan (October 2014) |

4 Regional Spatial Strategy and Evidence Base Documents

- | | |
|-----|--|
| 4.1 | Regional Strategy for the East Midlands (Revocation) Order 2013 |
| 4.2 | Faber Maunsell and AECOM: Reviewing Renewable Energy and Energy Efficiency Targets for the East Midlands (12 June 2009) |
| 4.3 | Land Use Consultants, Centre for Sustainable Energy and SQW: Low Carbon Energy Opportunities and Heat Mapping for Local Planning Areas Across the East Midlands (March 2014) |

- 2011)
Renewable and Low Carbon Energy Study for
Central Lincolnshire (2011)
- 4.4

5 Planning, Renewable Energy and Climate Change Documents

- 5.1 DTI Energy White Paper "Meeting the Energy Challenge" (2007) (Extracts)
- 5.2 Directive 2009/28/EC on the Promotion of the Use of Energy from Renewable Sources
- 5.3 Decision No 406/2009/EC of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:140:0136:0148:EN:PDF>
- 5.4 DECC: The UK Renewable Energy Strategy (2009)
- 5.5 National Renewable Energy Action Plan for the United Kingdom pursuant to Article 4 of the Renewable Energy Directive 2009/28/C
- 5.6 DECC: The UK Low Carbon Transition Plan White Paper (July 2009) (Executive Summary)
- 5.7 UNITED NATIONS. 2009. Copenhagen Accord - United Nations Framework Convention on Climate Change
http://unfccc.int/files/meetings/cop_15/application/pdf/cop15_cph_auv.pdf
- 5.8 The Coalition Government: Our Programme for Government (2010)
- 5.9 Letter to Lord Turner re: "Increasing the Target for Energy from Renewable Sources" dated 29 July 2010 and Letter to Rt Hon Chris Huhne "The Level of Renewable Energy Ambition to 2020" dated 9 September 2010
- 5.10 Committee on Climate Change: Renewable Energy Review (May 2011)
- 5.11 DECC: UK Renewable Energy Roadmap (July 2011)
- 5.12 DECC: White Paper – Planning our Electric Future – a White Paper for Secure, Affordable and Low Carbon Electricity (July 2011) (Extracts)
- 5.13 National Infrastructure Plan (November 2011)
- 5.14 The Carbon Plan: Delivering our Low Carbon Future (December 2011)
- 5.15 UNITED NATIONS. 2011. Durban United Nations Framework Convention on Climate Change PART 1 and PART 2:

	http://unfccc.int/resource/docs/2011/cop17/eng/09.pdf
	http://unfccc.int/resource/docs/2011/cop17/eng/09a01.pdf
5.16	UNITED NATIONS. 2012. Doha - United Nations Framework Convention on Climate Change PART 1 and PART 2: http://unfccc.int/resource/docs/2012/cop18/eng/08.pdf http://unfccc.int/resource/docs/2012/cop18/eng/08a01.pdf
5.17	DECC: Onshore Wind, Direct and Wider Economic Impacts (May 2012)
5.18	DECC: Special Feature – Renewable Energy in 2011 (June 2012)
5.19	DECC: Special Feature – Sub-national renewable electricity, renewable electricity in Scotland, Wales, Northern Ireland and the regions of England in 2012 (September 2013)
5.20	DECC: Electricity Market Reform: Policy Overview (November 2012)
5.21	DECC: Annual Energy Statement (November 2012)
5.22	DECC: Press Notice 'Government Agreement on Energy Policy sends clear, durable signal to investors' (November 2012)
5.23	Annual Energy Statement – Oral Statement by Edward Davey (29 November 2012)
5.24	DECC: UK Renewable Energy Roadmap Update (December 2012)
5.25	Committee on Climate Change: Next Steps on Electricity Market Reform – securing the benefits of low carbon investment (May 2013)
5.26	DECC: Energy Trends (June 2013)
5.27	DECC: Onshore Wind Call for Evidence: Government Response to Part A (Community Engagement and benefits) and Part B (Costs) (June 2013)
5.28	DECC: Digest of UK Energy Statistics (DUKES) (July 2013)
5.29	DECC: UK Renewable Energy Roadmap Update (November 2013)
5.30	DECC: Community Energy Strategy – Full Report (27 January 2014)
5.31	Council of Europe, 2004. European Landscape Convention CETS No. 176. http://conventions.coe.int/Treaty/en/Treaties/Html/176.htm [Accessed 10 December 2014]. Annual Energy Statement by the Secretary of State for Energy and Climate Change, October

- | | |
|------|--|
| 5.32 | 2014 |
| 5.33 | Climate Change 2014 Synthesis Report – United Nations Intergovernmental Panel on Climate Change, November 2014 |
| 5.34 | Tourism Impact of Wind Farms - report by Professor Cara Aitchison, University of Edinburgh, submitted to the Scottish Government's Renewable Inquiry in April 2012 |

6 Primary Legislation and Statutory Instruments

- | | |
|-----|---|
| 6.1 | Climate Change Act 2008 |
| 6.2 | The Promotion of the Use of Energy from Renewable Sources Regulations 2011/243 |
| 6.3 | The Renewables Obligation Order 2009 as amended by the Renewables Obligation (Amendment) Order 2013 |
| 6.4 | Energy Act 2013 |

7 High Court and Court of Appeal Decisions

- | | |
|-----|---|
| 7.1 | R (Hulme) v Secretary of State for Communities and Local Government [2010] EWHC 2386 (Admin) |
| 7.2 | Michael William Hulme v Secretary of State for Communities and Local Government and RES Developments Limited [2011] EWCA Civ 638 |
| 7.3 | R (Lee) v Secretary of State for Communities and Local Government, Maldon District Council, Npower Renewables [2011] EWHC 807 (Admin) |
| 7.4 | Bedford Borough Council v Secretary of State for Communities and Local Government, Nuon UK Ltd [2013] EWHC 2847 (Admin) |
| 7.5 | (1) East Northamptonshire District Council (2) English Heritage (3) National Trust v (1) Secretary of State for Communities and Local Government (2) Barnwell Manor Wind Energy Limited [2013] EWHC 473 (Admin) |
| 7.6 | Barnwell Manor Wind Energy limited v East Northants DC, English Heritage, National Trust and Secretary of State for Communities and Local Government [2014] EWCA Civ 137 |
| 7.7 | The Forge Field Society, Martin Barraud and Robert Rees v Sevenoaks district council and west Kent Housing Association (2014) EWHC 1895 (Admin) |

8 Appeal Decisions

- | | |
|-----|--|
| 8.1 | Church Farm, Southoe (Common Barn)
(APP/H0520/A/12/2188648) |
| | Burnthouse Farm (APP/D0515/A/10/2123739 & |

8.2	APP/D0515/A/10/2131194)
8.3	Cleek Hall (APP/N2739/A/12/2172629)
8.4	Carland Cross (APP/D0840/A/09/2103026)
8.5	Earls Hall Farm (APP/P1560/A/08/2088548)
8.6	Treading (APP/D0515/A/12/2181777 and APP/A2525/A/12/2184954)
8.7	Gayton le Marsh (APP/D2510/A/12/2176754)
8.8	Nun Wood (APP/YO435/A/10/2140401, APP/K0235/A/11/2149434 & APP/H2835/A/11/2149437)
8.9	Turncole (APP/X1545/A/12/2174982, APP/X1545/A/12/2179484 & APP/X1545/A/12/2179225)
8.10	Poplar Farm, Sedgemoor (Black Ditch Wind Farm) (APP/V3310/A/12/218162)
8.11	Land to the east of Hawton, Newark-on-Trent (APP/B3030/A/12/2183042)
8.12	Holme-on-Spalding-Moor (River Valley) (APP/E2001/A/13/2207817)
8.13	Saxby Wold (APP/Y2003/A/12/2180725)
8.14	Asfordby Business Park (APP/Y2430/A/13/2191290)
8.15	Baumber (APP/D2510/A/10/2121089)
8.16	Starbold (APP/J3720/A/13/2193579)
8.17	Batsworthy Cross (APP/X1118/A/11/2162070)
8.18	Enifer Downs (APP/X2220/A/08/2071880)
8.19	Beech Tree Farm (APP/K1128/A/08/2072150)
8.20	Burnham-on-Sea (APP/V3310/A/06/2031158)

8.21	Sixpenny Wood (APP/E2001/A/09/2101851)
8.22	Masters Pit (Alaska Wind Farm) (APP/B1225/A/11/2161905)
8.23	Chelveston Renewable Energy Park (APP/G2815/A/11/2160077)
8.24	Watford Lodge (APP/Y2810/A/11/2153242)
8.25	Streetwood Wind Farm (Busseys Loke) (APP/L2630/A/13/2207755)
8.26	Thornholme Fields, Burton Agnes (APP/E2001/A/13/2190363)
8.27	Lane Head Farm (APP/G0908/A/13/2191503)
8.28	Long Furlong, Catesby, Daventry (APP/Y2810/A/13/2203312)
8.29	Land to the north of a14 trunk road and the village of Blyton (APP/H0520/A/13/2197548)
8.30	Hill Farm, Haversham (Orchard Way) (APP/Y0435/A/12/2186522)
8.31	Fenrother (APP/P2935/A/13/2194915)

9 Cultural Heritage Documents

9.1	English Heritage: Wind Energy and the Historic Environment (October 2005)
9.2	English Heritage: Climate Change and the Historic Environment (January 2008)
9.3	English Heritage: Conservation Principles, Policies and Guidance (April 2008)
9.4	English Heritage: The Setting of Heritage Assets (October 2011)
9.5	Historic Environment Planning Practice Guide
9.6	Hemswell Conservation Area Appraisal
9.7	Norton Place list entry 1359423
	Gateway, gates and Gate Lodges at Norton Place

9.8	list entry 1359424
	Cromwell House list entry 1359430
9.9	
	House adjacent to Cromwell House
9.10	
	Church of St Edmund list entry 1063353
9.11	
	Spital Almshouse list entry 1308942
9.12	
	Barn at Spital Almshouse list entry 1359815
9.13	
	Site of medieval preceptory and settlement remains, Temple Garth list entry 1007689
9.14	
	Monks Garth moated site list entry 1011456
9.15	
	Blyborough Grange list entry 1359826
9.16	

10 Landscape and Visual

10.1	Scottish Natural Heritage: Guidelines on the Environmental Impacts of Windfarms and Small Scale Hydro Electric Schemes (2001)
10.2	The Landscape Institute, Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment, Second Edition (2002)
10.3	Produced for Scottish Natural Heritage by the University of Newcastle: Visual Assessment of Wind Farms: Best Practice (2002)
10.4	The Countryside Agency: Landscape Character Assessment: Guidance for England and Scotland (2002)
10.5	Scottish Natural Heritage and Countryside Agency: Landscape Character Assessment Series: Topic Paper 9 Climate Change and Natural Forces – the Consequences for Landscape Character (2003)
10.6	Scottish Natural Heritage: Visual Representation of Wind Farms – Good Practice Guidance (2006)
10.7	Landscape Institute: Landscape Architecture and the Challenge of Climate Change (October 2008)
10.8	Natural England: Sustainable Energy Policy (2008)
10.9	Natural England: Climate Change Policy (2008)

10.10	Natural England: Position on Wind Energy (2009)
10.11	Scottish Natural Heritage: Siting and Designing Windfarms in the Landscape, Version 1 (December 2009) See Doc 8
10.12	Natural England: Making Space for Renewable Energy (2010)
10.13	Natural England: All Landscapes Matter (2010)
10.14	Landscape Institute: Photography and Photomontage in Landscape and Visual Impact Assessment, Advice Note 01/11
10.15	Scottish Natural Heritage: Guidance Assessing the Cumulative Impact of Onshore Wind Energy Developments, Version 3 (March 2012)
10.16	The Landscape Institute, Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013)
10.17	Natural England: Countryside Character Volume 4 – The East Midlands (1999)
10.18	Natural England: The East Midlands Regional Landscape Character Assessment (April 2010)
10.19	West Lindsey District Council: The West Lindsey Landscape Character Assessment (1999)
10.20	North Lincolnshire District Council: The North Lincolnshire Landscape Character Assessment (1999)
10.21	The Lincolnshire Wolds Area of Outstanding Natural Beauty Management Plan 2013-2018 http://www.lincswolds.org.uk/looking-after/lincolnshire-wolds-aonb-management-plan
10.22	Highland Council, 2013, Visualisations Standards for Wind Energy Developments http://www.highland.gov.uk/download/download_s/id/1026/the_highland_council_visualisation_standards
10.23	Peter D. Hunter and Duncan F. Livingstone, 2012, The Effect of Focal Length on Perception and Depth in Landscape Photographs
10.24	Alan MacDonald, 2012, Windfarm Visualisation: Perspective or Perception? Whittles Publishing: Dunbeath, pp-38-39, 69-71, 77-78, 81-82
10.25	Influence, 2012. Landscape and Visual Impact Assessment Review. Hemswell Cliff Wind Farm. Ref INCLA_N0158 LVIA Review
10.26	Influence, 2013. Supplementary Landscape and Visual Impact Assessment Review. Hemswell Cliff Wind Farm. Ref INCLA_N0158 SLVIA Review
10.27	Lincolnshire Wolds Countryside Service and Lincolnshire Wolds Joint Advisory Committee (AONB Partnership), 2013. Lincolnshire Wolds

Area of Outstanding Natural Beauty Management
Plan 2013-2018

11 Noise Documents

- | | |
|------|--|
| 11.1 | ETSU-R-97: The Assessment and Rating of Noise from Wind Turbines (September 1996) |
| 11.2 | Institute of Acoustics: A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise (May 2013) |
| 11.3 | Noise Policy Statement for England (March 2010) |
| 11.4 | IEC 61400-11 'Wind Turbine Generator Systems – Part 11: Acoustic Noise Measurement Techniques |
| 11.5 | ISO 9613-2 |
| 11.6 | British Standard BS5228 |
| 11.7 | Wind Turbine Noise and Health Study Summary of Results - Environmental and Workplace Health - Health Canada |
| 11.8 | McCunney et al |

12 Planning Application and Appeal Documents

- | | |
|------|---|
| 12.1 | Planning Application and Supporting Documents [provided in the Appeal Bundle] |
| 12.2 | Environmental Statement (June 2012) [provided separately] |
| 12.3 | Supplementary Environmental Information (June 2013) [provided in the Appeal Bundle] |
| 12.4 | Report to the Special Planning Committee – 30 October 2013 |
| 12.5 | Minutes of the Special Planning Committee Meeting 30 October 2013 |
| 12.6 | Decision Notice dated 1 November 2013 |
| 12.7 | Appellant's Statement of Case |
| 12.8 | Council's Statement of Case |
| | Rule 6 Party (VOCAT) Statement of Case |

12.9

Final Statement of Common Ground

12.10

12.11

Further Environmental Information – 10 wind turbines (April 2014) [provided separately]

12.12

Further Environmental Information – 8 wind turbines (April 2014) [provided separately]

12.13

Planning Officer's Report of the 8 Turbine Scheme September 2014

12.14

RES, 2014. Brown's Holt Wind Farm EIA Scoping Request. 14 February 2014

13 Archaeology Documents

13.1

Lincolnshire Historic Environment Records. (Pages 1-4, 8-9,12, 20-21, 24-25)

13.2

Archaeological Watching Brief of Improvements to A15 Bishop Norton/Norton Lane (BNNL06). Report for Lincolnshire County Council by Katie Murphy BA (hons), MA. November 2006. (Pages 2-4)

13.3

Great Sites, David Hinton on the 7th Century Royal Site at Yeavinger. Published in British Archaeology, Issue 58, April 2001. (Pages un-numbered). (2 pages un-numbered)

13.4

The 'Ritual Landscape' concept in Archaeology by John G. Robb. Published in 'Landscape Research' Volume 23, No.2, 1998. (Taylor & Francis Online – Abstract). (Page 1)

13.5

Lincolnshire. An Archaeological Resource Assessment of the Later Bronze and Iron Ages (First Millennium BC) in Lincolnshire by Steven Membury. Published by East Midlands Archaeological Research Framework: Resource Assessment of 1st Millennium BC Lincolnshire. 2002. (Page 1)

13.6

Letter from Humberside Archaeologist Ben Whitwell of Humberside County Council Archaeology Unit to Graeme Paterson. 4th July, 1992. (Pages 1-2)

13.7

Undated letter from Mrs Karen Waite, Historic Environment Officer, Lincolnshire County Council, to Mr R Clarkson, Planning Officer with West Lindsey District Council. (Page 1)

13.8

Paper by Paul Everson MA, FRA in Viking Settlement in Lindsey. Published by City of Lincoln Archaeology Unit, Lincoln. 1993

13.9

Standard and Guidance for archaeological advice by historic environment services. Published by the Institute for Archaeologists, University of Reading. August 2012. (Page 1)

13.10

The EAA Principles of Conduct 2000-08-16 for Archaeologists involved in Contract Archaeological Work. European Associations of

	Archaeologists. 26 September 1998
13.11	English Heritage 2006. Management of Research Projects in the Historic Environment (MoRPHE), The Project Manager's Guide
13.12	English Heritage 2008, Geophysical Survey in Archaeological Field Evaluation
13.13	Francis, K.D. 2013 Archaeological Evaluation Report: Land at Old Street Farm, Hemswell Cliff, Lincolnshire, Pre Construct Archaeology
13.14	Updated Archaeological Geophysical Survey by RSK dated December 2014
13.15	Archaeological Geophysical Survey for proposed Wind Farm Access Route by RSK dated January 2015
14 Hydrology	
14.1	Supplementary Flood Risk and Drainage Assessment by Mott MacDonald, January 2015



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.