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AGENDA

For a meeting of the

DEVELOPMENT CONTROL COMMITTEE

to be held on

FRIDAY, 25 SEPTEMBER 2009

at

10.30 AM

(THE LATE REPORT WILL BE AVAILABLE IN THE BALLROOM FROM 9 AM)

*****PLEASE NOTE DAY AND TIME OF MEETING*****

in the

THE BALLROOM, GUILDHALL ARTS CENTRE, ST PETERS HILL, GRANTHAM

IN THE EVENT OF THE BUSINESS OF THE MEETING NOT BEING CONCLUDED BY 4 PM, IT IS LIKELY THAT THE CHAIRMAN WILL CALL FOR A MOTION TO ADJOURN.

IF NECESSARY, IT IS PROPOSED THAT THE MEETING WILL RESUME AT 2 PM ON TUESDAY 6TH OCTOBER 2009 IN THE COUNCIL CHAMBER, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM

Beverly Agass, Chief Executive

Committee Members:	Councillor Bob Adams (Vice-Chairman), Councillor Mike Exton, Councillor Mrs Joyce Gaffigan, Councillor John Harvey, Councillor Bryan Helyar, Councillor David Higgs, Councillor Trevor Holmes, Councillor Reginald Howard, Councillor Sam Jalili, Councillor Mrs Maureen Jalili, Councillor Mrs Rosemary Kaberry-Brown, Councillor Albert Victor Kerr, Councillor Benjamin Newcombe-Jones, Councillor Alan Parkin (Chairman), Councillor Trevor Scott, Councillor Frank Turner and Councillor Avril Williams

Committee Support Officer: Malcolm Hall Tel: 01476 406118
E-mail: m.hall@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. MEMBERSHIP

The Chief Executive to notify the Committee of any substitute members

2. APOLOGIES

3. DECLARATIONS OF INTEREST

Members are asked to declare an interest in matters for consideration at the meeting

4. PLANNING MATTERS

To consider the following application for the grant of planning permission:-

S09/1661 – Erection of 6 wind turbines (maximum height 125m from base to tip) together with ancillary development including a control building and compound, on-site cabling, on-site access tracks, temporary storage/construction compound, hard standing areas, permanent meteorological mast, associated habitat enhancement and access from Neslam Road, Neslam Farm, Sempringham Fen

Report prepared by the Case Officer

(Enclosure)

Agenda Item 4

Development Control Committee
25 September 2009

JJ1 **S09/0296/EIAFP** Target Decision Date: 26-May-2009

Applicant	**Fiona Mackinnon, Scottish Power Renewables (UK) Limited** 4th Floor, 1, Atlantic Quay, Glasgow, G2 8JB
Agent	
Proposal	**Erection of 6 no wind turbines (maximum height 125m from base to tip), together with ancillary development including a control building and compound, on-site cabling, on-site access tracks, temporary storage/construction compound, hard standing areas, permanent meteorological mast, associated habitat enhancement and access from Neslam Road.**
Location	**Neslam Farm, Sempringham Fen, Sleaford, NG34 0NH**
App Type	FP Environmental Impact Assessment
Parish(es)	Pointon & Sempringham

REPORT

Application Category

This application is categorised as a major application.

Reason for Referral to Committee

The application has been referred to Committee because it is a major application.

The Proposal

This application comprises:

1. 6 No. Wind turbines with a maximum height to the tip of the blade of 125m
2. Crane hardstandings
3. Control building and compound housing switchgear
4. On site access tracks and watercourse crossings
5. Permanent meteorological mast
6. On-site underground cables
7. Temporary construction compound

Turbines

The development proposes the erection of 6 No. three bladed horizontal axis turbines with a maximum height to the tip of the blade of not more than 125 metres. The turbines would

have a maximum height to the nacelle (hub) of 80m. The rotor diameter would measure a maximum of 90m.

The towers would be of tapering tubular steel construction, with the blades made from fibrereinforced epoxy. The nacelle houses the gearbox and generator. The applicants have indicated that subject to agreement with the Council the proposed finish and colour of the turbines is likely to be semi-matt and pale grey.

Turbines are typically of a variable speed type, so that the turbine rotor speed would vary according to the energy available in the wind. They have a rotational speed of between approximately 9 and 14.9 revolutions per minute (depending on variations in wind speed), generating power for all wind-speeds between 4 and 25m/s. At wind-speeds greater than 25m/s, the turbines would shut down for self-protection.

The turbines are computer controlled to ensure that at all times, the turbine faces directly into the wind to ensure optimum efficiency. The rotors of all 6 turbines will rotate in the same direction.

When operating, the rotational speed of the blades is transferred and increased through the gearbox, to drive the generator. This produces a three-phase power output typically at 690 Volts (V), which is transferred from the generator to the turbine transformer. There may be a requirement for a transformer kiosk at the base of each turbine which converts the electrical output from the turbine at 690V up to the appropriate higher voltage (typically 33kV) for grid connection purposes.

The actual type of turbine is not specified and the accompanying Environmental Statement (ES) has been based on a set of parameters which form the bases of an assessment of the likely significant environmental effects of a turbine. For some areas of assessment within the Environmental Impact Assessment, specific data relating to a turbine, such as the Vestas V90 2MW turbine, has been assessed to provide an example of a turbine that would operate within such parameters. There are a number of turbines that fall within the above parameters and the applicant has indicated that the final choice of turbine within this height envelope would be the subject of a tendering process involving detailed technical and commercial appraisal and based on turbines commercially available at the time of construction.

The foundation design for the proposed turbines would vary depending on the ground conditions at each turbine location. However in general terms the construction of the turbine would require a piled design foundation, with 2m diameter piles bored to 30m depth, subject to local conditions and cast in-situ with steel reinforced concrete.

The piles would be capped with a concrete pedestal approximately 15m by 15m and finished just below existing ground level and the turbine tower will be subsequently lifted into position and bolted into the reinforced base.

On completion of the turbine installation, the foundations would be backfilled and compacted with excavated arising's to cover over the concrete base up to the original ground level. Surplus excavated material may be used for soil restoration, landscaping and dressing to the access track side slopes.

Crane Hardstandings

Each turbine requires an area of hardstanding adjacent to the turbine foundation to provide a stable base on which to site the turbine components and erection equipment. The final detail of the crane hardstanding will depend on the exact specification of the cranes chosen by the contractor.

Typical dimensions for an end of track crane hardstanding would be 40m x 44m. For an intermediate hardstanding (i.e. where the turbine is situated adjacent to a track the dimensions would be 60m x 30m.

Control Building and Compound

A control building and compound for ancillary electrical equipment surrounded by security fencing would be constructed to the south of the existing agricultural buildings at Neslam Farm. The control building would comprise of a 15m by 20m single storey building with an overall pitched roof height of 6.85m. It would house the switchgear and metering, protection and control equipment, a single toilet facility for visiting maintenance staff, an office, and oil storage. Rainwater would be collected from the roof of the building via a gutter and inlet pipe to fill a header tank. Waste would be held in a closed system and removed at regular intervals. The building would be constructed in keeping with the local vernacular. The area for ancillary electrical equipment would be approximately 15m by 20m adjacent to the control building.

To safeguard the Development, the control building, compound and access tracks will be raised above the 1 in 100 year flood level with an additional freeboard allowance of 300mm. To achieve this, Development infrastructure would be set at a minimum elevation of 0.6m above the existing minimum ground level of 1.8m Above Ordnance Datum (AOD).

On-site Access Tracks and Turbine Delivery Route

Access to the site would be taken from the existing farm access on Neslam Road. This access would be modified and upgraded to accommodate turbine delivery vehicles and would provide a permanent access point for the wind farm during its operation. The Development would require the construction of new access tracks within the site and also the upgrading of existing tracks. The site has been laid out in order to maximise the use of existing farm tracks where possible. New tracks have been designed to follow the field boundaries to minimise visual effects and allow land to remain usable for agricultural purposes. The new access track to the permanent meteorological mast would unavoidably cross the footpath running south to north across the site.

The access tracks would be approximately 6m wide with passing places as required by the contractor. Approximately 3km of track, either upgraded existing tracks or new tracks, would be required.

Three un-named watercourses (field drains) will be crossed by new access tracks. The watercourses will be culverted, using a drainage pipe of appropriate size, and the access track laid over the top of the culvert.

To minimise disruption to existing land use, new access tracks will be laid adjacent to field boundaries. This will require that lengths of new track will run adjacent to drainage ditches. New tracks will be located at least 9m away from drainage ditches.

The access tracks will be retained throughout the operational life of the Development to enable maintenance of the turbines. The edges of the tracks will be allowed to revegetate.

During the 9 month construction period there would be an increase level of traffic on local roads, abnormal loads associated with the turbines would be delivered over a 2 month period. Although the incoming material and equipment would approach the development from a variety of directions depending on their point of origin, the applicants have indicated that vehicles would access the development via the shortest route from the main highway network, namely via the A52, B1177 and Neslam Road.

The applicants have indicated that the delivery of the turbine components (abnormal loads) would be from the Port of Boston. Vehicles would be directed to the development via the A16 to Sutterton and the A17 towards Swineshead. At Swineshead the vehicles would leave the A17 and then travel westbound along the A52. From the A52 vehicles would access the development via Mill Lane, the B1177 and the unclassified Neslam Road.

Permanent Meteorological Mast

A permanent meteorological mast would be installed towards the south-eastern corner of the site. The mast would be used to provide ongoing measurement of wind speed to provide information for the control and monitoring of the Development. The location of the permanent mast has been selected on the basis of the uninterrupted prevailing wind flow around this location.

The permanent meteorological mast would be the same height as the turbine hub, i.e. up to 80m. The mast would be of galvanised steel lattice construction and would replace the existing meteorological mast which has temporary consent.

On-site Cabling

Underground cabling would link the turbines to each other and to the on-site control building. Construction and trenching specifications would depend on ground conditions encountered. Typically cables would be buried in trenches approximately 1.1m deep and 1.2m wide. Cables would be laid following construction of the access tracks and turbine base construction. Where practicable, cables will be run adjacent to the access tracks to minimise disturbance. Approximately 3km of 33kV cabling will be required.

A Supervisory Control and Data Acquisition (SCADA) system will be installed to gather information from the turbines and to enable the turbines to be controlled from a central location. A fibre optic communications cable will be laid adjacent to the power cables to link the turbines to the SCADA system. The SCADA system allows remote monitoring of the turbines via a communication link.

Temporary Construction Compound

A temporary construction compound would be required for the construction and decommissioning phases with an adjacent laydown area for receipt and storage of delivered materials. The compound would have maximum dimensions of 50m x 100m. Space would be provided for car/van parking, temporary portacabins for site offices and welfare facilities for contractors, diesel storage and generators, containers for tool and equipment storage, and Storage of materials and infrastructure components.

The compound would be located to the south of the existing agricultural buildings and dwelling. The location has been selected to minimise environmental effects. The precise location and size of the compound within this area will be determined by the Contractor. Additional mobile sanitary facilities may be required, closer to more remote working areas. These facilities will be located adjacent to access tracks at suitable points as the work progresses.

The compound area would be stripped of topsoil, which will be stored for future reinstatement. A geogrid base or similar would then be laid, followed by a layer of suitable material, then a further geogrid prior to the top surface of blended fines. The total depth from base to top surface is approximately 600mm.

There would be a bunded area lined with an impermeable membrane to store fuel and oils. This would prevent contamination of the surrounding soils, vegetation, and surface and ground waters. Any contaminated run-off within the bund would be removed to a licensed waste management facility. Water for construction activities would be sourced from a water bowser. No connections to mains sewers or water systems are proposed.

The compound would be fenced and lit for security at night when in use.

There may be additional temporary storage of materials on the turbine crane pads. These would not require any additional hard-standing areas.

Following completion of construction, the compound would be removed and the area fully restored in accordance with an approved method statement.

Grid Connection

The Development would require connection to the regional electrical distribution network which has the capacity to accommodate this Development. Although not part of this application, based on studies undertaken to date by Central Networks, the current preferred location for the point of connection is at the Dowsby Fen substation (NGR 516160, 329480). Electrical power from the turbine transformers will be transferred to the electricity distribution system through a switchgear unit housed in the on-site control building.

Decommissioning

Consent is sought for a period of 27 years, comprising the 25 year operational life of the Development plus 9 months for construction, and following the 25 year operational life, 6 months for decommissioning. At the end of this period, the development will either be decommissioned, or a new application made to extend its operational life. If decommissioned, all above ground structures would be dismantled, but only the top layer (less than 1m) of below ground structures would be removed. The applicants consider that this approach will result in fewer environmental effects than seeking to remove all development infrastructure completely. The proposed decommissioning would ensure that the disturbed areas are re-instated to their former use (agricultural land).

Contribution to Meeting Identified Targets

The applicants' supporting planning statement indicates that the development will contribute to meeting renewable energy targets in the following ways:

- Reduce emissions of carbon dioxide through the displacement of electricity that would otherwise be generated through the burning of fossil fuels or via a mix of generation types. The annual emission saving for the proposed development is calculated to be 13,560 tonnes CO2 per year and a saving of this magnitude will contribute to International, European, National, and Regional policies and targets relating to climate change and the reduction of CO2 emissions;
- Deliver installed renewable electricity capacity of approximately 12MW. This generation will directly contribute to the level of installed capacity within the Region and, in turn, contribute towards targets set for the generation of renewable energy, specifically through onshore wind; and
- Contribute to the increasing need for diversity in supply of electricity within the UK, increasing future security of supply.

Environmental Impact Assessment:

The application falls to be considered under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. An Environmental Impact Assessment (EIA) has been undertaken and an Environmental Statement (ES) has been submitted with the application. The ES considers the impact of the development and contains the following chapter headings:

1. Introduction
2. Assessment Methodology and Significant Criteria
3. Site Selection and Development Design
4. Project Description
5. Planning Policy Context
6. Ecology and Nature Conservation
7. Landscape and Visual
8. Noise and Vibration
9. Vehicle Movement Assessment
10. Human Environment and Land Use
11. Cultural Heritage

12. Hydrology and Surface Water Quality
13. Geology and Groundwater
14. Other Issues
    a. Air Quality
    b. Aviation and Communication Networks
    c. Shadow Flicker

All of the application and ES documents are available to view on the Council's website or on the planning application file.

The application site and its surroundings

Neslam Farm is located within the Lincolnshire Fens approximately 2km east of Billingborough, 2.5km northeast of Pointon, and 6km southwest of Donington. The farm occupies an area of some 108.9 hectares and is currently managed for arable agricultural purposes, a prominent land use with the surrounding area. The application site includes some 72.5 hectares of the overall farm holding.

The application site currently comprises Neslam Farm House, a two storey residential property, and associated farm structures, a disused grass airstrip, and a temporary meteorological mast associated with the proposed wind farm development. The closest inhabited properties outside of the development site include Dove Cottage, northwest of the site, Neslam Fen Farm to the northeast, Church Farm to the south of the site, and Gosdale Farm, Gosdale Farm House, Gosdale House to the south west of the site respectively.

The application site occupies an area of fen land which is characterised by flat terrain and incorporates networks of artificial drainage ditches. The land surrounding the application site comprises open farmland, again generally flat in character. Across the site ground elevations are up to 2 to 3 metres above ordnance datum (AOD). The topography rises to the west and the nearby villages of Billingborough and Pointon stand on more elevated ground that has not been subject to the same processes of inundation and reclamation as the application site
.
The application site is accessed on its northern boundary, off Neslam Road. To the west, Neslam Road connects to the B1177, Pointon Road which runs into nearby Billingborough. A Public Right of Way (PRoW) runs through the south-east corner of the site. This Right of Way (Footpath 6) would need to be temporarily stopped up for a short period during the construction phase of the development.

Site History

S03/0041 – In April 2003 planning permission was granted for a replacement dwelling on the site. This relates to Neslam Farm House as constructed on-site

S06/0487 – In November 2006 planning permission was granted to temporarily site a 50m high meteorological mast on the site in order to collect wind speed data.

S08/1279 – In January 2009 planning permission was granted to retain the temporary meteorological mast for an additional 2 year period.

Representations Received

East Midlands Regional Assembly: has drawn attention to the policies in the RSS and the regional targets for renewable energy production. In general EMRA has advised that the proposal is consistent in principle with existing and emerging regional planning policy.

EMRA has made reference to specific policies relating to the protection and enhancement of the regions cultural heritage and to the grade I listed churches at Sempringham and Billingborough.
(A full copy of the consultation response is contained within annex A of this report)

East Midlands Development Agency (EMDA): EMDA supports the application and recommends approval on the condition that potential negative impacts can be suitably mitigated.
(A full copy of the consultation response is contained within annex A of this report)

Anglian Water: has advised that the wind farm has the potential to affect Anglian Water Services business microwave and UHF radio communications links. They have therefore objected to the development subject to detailed analysis and possible mitigation.
(A full copy of the consultation response is contained within annex A of this report)

Orange: No objections raised.
(A full copy of the consultation response is contained within annex A of this report)

Council's Landscape Consultants (FPCR):

The Council's landscape consultant has advised that overall in landscape terms, the nature of the local landscape is more appropriate than most at accommodating wind turbines. The flat open nature of the landscape, and the general lack of scale indicators make it a generally appropriate location. There would however be some significant landscape and visual impacts. This is always the case, when new structures the scale of wind turbines are introduced. These significant effects would need to be balanced against the other benefits of the scheme.

There are particular issues in relation to the turbines and the local church spires and tower. In general these features would be seen at some distance from each other, and as separate elements able to maintain their own identity in the view. From a limited number of locations however there would be a direct comparison, and the turbines would replace Sempringham Church tower and Billingborough Church Spire, as the most prominent vertical elements in the views. This should be considered alongside any heritage impacts arising from effects to the setting of these features.
(A full copy of the consultation response is contained within annex A of this report)

Environmental Protection Officer: The Council's Environmental Protection Officer has advised that the ES stated that the wind speed data was corrected for a height of 80

metres, however, the corrections made by Hayes McKenzie assumed a height of 60 metres. Therefore the data which has now been submitted corrects that error.

The Environmental Protection Officer is satisfied that this has not made a material difference to the derived noise limits and that it does not affect her previous comments in relation to the development.

The Environmental Protection Officer has raised concerns in relation to the predicted noise level at Dove Cottage (referred to as Drove Cottage in the ES) as it is in relation to a specific turbine operating in a particular mode, and the actual turbine for this project has not yet been confirmed. If a condition was set to limit noise to the greater of 38dB LA90,10mins (the predicted level at Dove Cottage) or 5dB(A) above the background for quiet daytime hours this may not be achievable in practice when the actual turbine is selected.
(A full copy of the consultation response is contained within annex A of this report)

Environment Agency: The Environment Agency has withdrawn their objection to the proposed development subject to the following condition being imposed on any consent:

The development hereby permitted shall not be commenced until such time as a scheme for the design and layout of the roads has been submitted to, and approved in writing by, the Local Planning Authority.

(A full copy of the consultation response is contained within annex A of this report)

Highways Agency: No objections
(A full copy of the consultation response is contained within annex A of this report)

Lincolnshire County Council (Highways): The local highway authority has raised concerns with regard to the access arrangements to the site, in particular with regard to the width of Neslam Road. The highway authority are particularly concerned that the applicants have not provided details of how vehicles, particularly those carrying the turbine units will negotiate this road where there are constraints to movement and manoeuvrability in the form of third party hedges, ditches and tight bends, and where overrun of verges is likely to cause damage to both the verge and failure of the carriageway edges.

The applicants have been in direct negotiation with the local highway authority in relation to there concerns and any additional comments will be reported in the late background papers document.

(A full copy of the consultation response is contained within annex A of this report)

Lincolnshire County Council (Planning and Conservation):

LCC has advised that the proposal will be very prominent in a wide, open, natural and mostly undeveloped flat landscape. The landscape in this area is also very flat and the turbines by their nature will be prominent. Whilst it is acknowledged that the number of turbines which form part of this application is limited to six, the cumulative impact of this proposal combined with other existing turbines in this part of Lincolnshire, such as those close to Bicker and the proximity of the six turbines to settlements such as Billingborough

and Horbling, does give cause for concern. In these circumstances careful evaluation of the Environmental Assessment is considered important.

As such, the County Council would not wish to support the proposal unless the District Council is satisfied, through their detailed local evaluation, that the adopted Regional Plan and emerging Local Development Framework criteria are met.
(A full copy of the consultation response is contained within annex A of this report)

Lincolnshire County Council (Conservation Services):

Has raised concerns with regard to the detail supplied in the ES and requested additional information. The additional information has been provided and any revised comments will be reported in the late background papers document.
(A full copy of the consultation response is contained within annex A of this report)

Campaign to Protect Rural England: the CPRE considers that the insertion of 6 wind turbines and their associated infrastructure into the landscape of the Fen Edge and open Fen would materially and seriously conflict with the hierarchy of policies at National, Regional, County and District levels for protecting the countryside for its own sake.

Concerns have also been raised in relation to the detrimental impact the development would have on cultural and heritage assets including, local churches and the site of Sempringham Priory.

(A full copy of the consultation response is contained within annex A of this report)

RSPB: The RSPB has no objections to the proposed development of Neslam Wind Farm provided that:

- Additional surveys are conducted to assess the use of the site by migrating waders.
- Additional nest sites for barn owl are created further from the wind farm, with measures put in place to limit the suitability for foraging within the site, and enhancement of foraging areas adjacent to the site.
- No construction takes place between April and September inclusive
- A comprehensive biodiversity enhancement package is developed to mitigate for farmland bird disturbance and/or displacement.
- The site monitored for use by waders, barn owl, raptors and other notable species, both during construction and post-construction.

(A full copy of the consultation response is contained within annex A of this report)

Council's Conservation Officer: Agrees with the conclusions of the ES, that the impact on individual buildings in adjacent Conservation Areas close to the site will not be significant, as the designated areas comprise the older, central parts of settlements that are already surrounded by modern development.

The Environment Statement acknowledges that two listed buildings will be adversely affected and identifies these as the Grade I listed churches of St Andrew's at Billingborough and St Gilbert's in Sempringham. The former is located in the heart of the village to the north-west of the site and the latter stands isolated on rising ground in a direct line to the west. Their grade I listing status identifies them as being of National importance. The Statement concludes that the impact on these two Grade I buildings to be only "moderately adverse".

It is the Conservation Officers considered opinion that it is primarily the setting of these two buildings that will be adversely affected by the proposed development and that the impact will be particularly adverse on St Andrew's at Billingborough. The severity of impact is, of course, variable depending on weather influenced lighting conditions.

The EA states that the listed description for these buildings does not mention their landscape context. 'Setting' does not form part of the list descriptions as they are only for the purpose of identification, so the absence of any reference to landscape context should not be construed to say that there is none.

The existing wind farm at Bicker gives some indication of the likely impact of that proposed for the Neslam Farm site. The turbines at Bicker are readily visible from various viewpoints in the locality, particularly the elevated land of the Kesteven Uplands to the west. From here the existing turbines already impact on the setting of several settlements and the tallest buildings, their churches.

The turbines proposed for Neslam Farm will have a significantly greater impact on their immediate locality, particularly as they will be taller than those at Bicker. Any adverse visual impact on the churches at Sempringham and Billingborough would therefore be exacerbated by the combined impact of both the Bicker and the Neslam Farm turbines.
(A full copy of the consultation response is contained within annex A of this report)

Spectrum Planning Group: No objections
(A full copy of the consultation response is contained within annex A of this report)

English Heritage: Has raised objections to the proposed development. The concerns raised relate to the impact the development will have on the heritage assets in the area. English Heritage has advised that the development will have an adverse impact on the setting of a number of Scheduled Ancient Monument sites in the area and on the setting of several listed buildings, including the churches at Sempringham and Billingborough.
(A full copy of the consultation response is contained within annex A of this report)

South Lincolnshire Area Ramblers' Association: It would appear that there will be a temporary closure of the Public Right of Way if this project goes ahead.
(A full copy of the consultation response is contained within annex A of this report)

The Joint Radio Company Limited: JRC acting on behalf of both the Gas and electricity industries scanning telemetry service, have no objection to this development.
(A full copy of the consultation response is contained within annex A of this report)

Community Archaeologist:

The fieldwork and report, indicates that no remains of national importance were uncovered and therefore not worthy of scheduling under the AMAA Act 1979. For this reason, I am able to advise that should planning permission be granted - a scheme of works condition (H101) should be applied in order to fully record any archaeological remains uncovered before/during development.

I would advise South Kesteven District Council to consider the application also in accordance with policies/guidance relating to the Historic Environment outlined in:

Adopted Lincolnshire Structure Plan 2006 - BE4 (Archaeological Heritage - paragraph 2).

East Midlands Regional Plan - Policy 26 Protecting and Enhancing the Region's Natural and Cultural Heritage

These policies/guidance refer to the setting of archaeological sites (whether scheduled or non-designated). The setting of a monument is generally considered to be what can be seen and heard, to and from a monument. With regards to the setting of Scheduled Ancient Monuments I would concur with English Heritages' comments about the setting of Sempringham Priory and Church. The wind farm will be visible from both sites. The site as a priory and church was/is a site of contemplation, reflection and peace, and therefore depending on your personal feeling about wind farms, a peaceful presence may or may not exist, if a wind farm could be seen from the site. Bicker wind farm is not quite so visible from the site and its height is lower than those proposed. The view towards Bicker wind farm is also largely restricted by tree cover.

The wind farm will also be visible from the moated medieval grange (LI61), Bronze Age saltern (LI302), and the Roman settlements at Fen Farm and Poplar Farm. The nature of these sites are different from that of Sempringham Priory in that they were related to agricultural activity, or industrial (salt making) activities in case of the Bronze Age saltern.

Consideration should be made by SKDC on the cumulative effects of this application and the Bicker wind farm together, on a landscape which is primarily arable and rural. The construction of another wind farm in this area further industrialises the rural setting. In addition, Policies NE7 (in relation to Protection of the Historic Landscape) and NE14 (Protection of the Waterside Environment- in relation to the South Forty Foot drain) of the Lincolnshire Structure plan may be relevant.
(A full copy of the consultation response is contained within annex A of this report)

Planning Policy: The Council's Planning Policy Team have provided advice and guidance on the relevant policies under which this application should be considered. The policies are outlined in the Policy Considerations section of this report. They have not raised any objections to the proposed development.
(A full copy of the consultation response is contained within annex A of this report)

Ofcom: have been consulted and provided details of fixed link frequency bands and the operators that may be effected by the development. All of the listed companies have been consulted directly.
(A full copy of the consultation response is contained within annex A of this report)

NATS: No objections
(A full copy of the consultation response is contained within annex A of this report)

Black Sluice Internal Drainage Board: Has not raised a specific objection to the proposed development they have however advised that the proposed control building and construction compound, as indicated on the plans submitted with the application, contravene their 9m bylaw distance and may not proceed unless the Boards consent is given.
(A full copy of the consultation response is contained within annex A of this report)

Civil Aviation Authority: The CAA has not raised objections to the proposed development. They have however advised that the MoD and NATS should be consulted along with 3 local, privately operated aerodromes including Decoy Fen, Pointon and Sempringham Fen.
(A full copy of the consultation response is contained within annex A of this report)

Defence Estates: have objected to the proposed development on the following grounds:

Air Traffic Control (ATC) radar

The turbines will be 28km from; in line of sight to; and will cause unacceptable interference to the ATC radar at RAF Cottesmore, and 22km from the ATC radar at RAF Cranwell.

Precision Approach Radar (PAR)

The turbines will be 28km from; in line of sight to; and will cause unacceptable interference to the PAR at RAF Cottesmore. In late 2008, the PAR at RAF Lossiemouth was repositioned to observe targets of opportunity over the Rothes wind farm. This has shown that wind turbines affect the detection of aircraft by the PAR. Due to this, the RAF would be unable to provide a full air traffic service in the area of the proposed wind farm.

Currently, the MOD is not aware of any acceptable technical mitigation for the interference that will be caused to the PAR by your wind farm proposal. The MOD is currently working towards a full trial to better understand the effects of wind turbines on the PAR. It is the aspiration of the MOD to have this work complete by the end of 2009. The unclassified results of these trials will be provided to the wind energy industry

Squadron Leader Gavin Pattinson, SO2 ATC Wind Farms HQ Air Command, (MOD Subject Matter Expert for air traffic control and wind farms) has provided the following information in support of our objection:

1. The proposed Wind farm at Neslam Farm has been proven by ADATS that it will show on the Watchman Radars at RAF Cottesmore, RAF Cranwell, RAF Coningsby, and RAF Waddington. Furthermore, the turbines will be seen by the Precision Approach Radar at RAF Cottesmore.

2. Airborne Trials have shown that Wind Turbines can affect the performance of the Watchman radar. In essence, the presence of the turbines reduces the sensitivity of the radar and can produce "false aircraft" returns on the radar. Watchman radar is

used to provide Air Traffic Control Services to aircraft flying in the vicinity of RAF Aerodromes. The aim of the services is to ensure that adequate separation is maintained between aircraft, whilst providing approach control services to aircraft operating from the aerodrome. To provide these services it is vital that the integrity of the radar system is maintained at the highest possible level. Any degradation of radar performance could affect the ability of the radar to detect aircraft, and therefore increase the possibility of an airborne incident.

3. Air Traffic Control must treat these "false aircraft" returns as aircraft. When aircrew request Deconfliction Service (DS), Air Traffic Control use the radar to look for other aircraft and will provide the pilot with information on how to avoid unknown aircraft by 5nm. This service is normally requested when aircraft are flying in cloud and are unable to visually avoid other aircraft. As the wind turbine can appear to be an aircraft the controller must aim to avoid it by the specified amount. The position of Neslam Farm would mean a great number of aircraft may need to be diverted around the area, having a significant impact on Military flying in the area. It should be noted that aircrew could request a Traffic Service (TS), in which the controller will tell the pilot about other aircraft but will not aim to avoid it by 5nm (collision avoidance is the pilot's responsibility). In this circumstance the aircrew could fly over the turbine site, through the area of decreased radar coverage and possibly hit an aircraft that Air Traffic Control could not see.

4. Wind turbines in Line-of-Sight to Precision Approach Radar have been shown to have a serious affect on radar. Observations have shown that the larger radar-reflections caused by turbines can seriously degrade the tracking performance of the radar, leading to loss of aircraft contact and ATC personnel terminating the service. This is not a fault of the radar system, which is performing as designed, it is the impact that turbines have.

5. The proposed site will have significant impact on operations at RAF Cranwell and RAF Cottesmore and therefore HQ Air ATC must raise concerns.

(A full copy of the consultation response is contained within annex A of this report)

Lincolnshire Wildlife Trust: Has not objected directly to the proposed development but has raised concerns about the impact on the local wildlife and suggested that conditions relating to mitigation measures should be imposed on any consent. They have also raised concerns about the cumulative impact of wind farm developments in the area.
(A full copy of the consultation response is contained within annex A of this report)

The National Trust: No objections to the proposed development
(A full copy of the consultation response is contained within annex A of this report)

Lincolnshire Bat Group: The risk to the local bat population would appear to be low.
(A full copy of the consultation response is contained within annex A of this report)

Natural England: Natural England has withdrawn their objections to the proposed development subject to conditions relating to mitigation measures to protect wildlife and ecology during the construction phase of the development and ongoing monitoring of the site.

(A full copy of the consultation response is contained within annex A of this report)

North Kesteven District Council:

Has advised that SKDC should consider the proposal against the relevant national, regional, and local planning policies with regard to renewable energy generating projects and addressing climate change. This includes the policy references in the PPS on Planning and Climate Change, PPS22 on Renewable Energy, and PPS22 Companion Guide, and in East Midlands Regional Plan 2009 (RSS8) and relevant Local Plan Policies. The criteria for assessing onshore wind energy proposals includes considering impacts and effects on: landscape (informed by local Landscape Character Assessments), biodiversity, built environment, and its positive contribution to renewables targets and climate change objects.

With reference to North Kesteven they consider the main consideration is the potential landscape and visual impact. However, as the centre of the proposed development is almost 5km away from the centre of the nearest defined residential settlement with North Kesteven (Swaton) they consider the proposal to have minimal visual impact on these residents, and have no objections to the proposal.
(A full copy of the consultation response is contained within annex A of this report)

South Holland District Council: Given the proximity of the site to the Council's boundary it is considered that the proposed turbines would constitute a visually intrusive feature, detrimental to the open character of the landscape. Given the proximity of the site to other wind farms the Council also object on the grounds of cumulative visual impact, such impact having a detrimental effect on the wider character of the locality.
(A full copy of the consultation response is contained within annex A of this report)

Lincolnshire Police: No comments
(A full copy of the consultation response is contained within annex A of this report)

Morton and Hanthorpe Parish Council: The Parish Council has raised the following concerns about the proposed development:

- Concerns about visual impact from the development
- Impact on local wildlife, in particular the local bird population
- Concerns that wind turbines have a limited life span and are unproven on efficiency
- Concerns about potential health impacts from noise, ultrasound and vibrations.

(A full copy of the consultation response is contained within annex A of this report)

Rippingale Parish Council: Whilst the Parish Council does not object to the principle of wind turbines, it is extremely concerned at the potential for expansion of the number of schemes, either being planned or in the future. There is the danger that the total impact on the environment and surrounding communities will be overlooked if and when individual applications are made.
(A full copy of the consultation response is contained within annex A of this report)

Pointon & Sempringham Parish Council: The Parish Council has raised the following concerns with regard to the proposed development:

- Concerns relating to the existing meteorological mast on-site
- Concern that the scale and number of turbines would have a significant impact on the landscape character of the surrounding area
- That the development would result in significant harmful impact on the living conditions of nearby residential properties
- The development would be harmful to the amenities of users of the public footpaths, bridleways etc in the area
- Concerns about the impact on the setting of listed buildings including Sempringham Church and Billingborough Church. Concern has also been raised about the impact on the setting of Sempringham Priory and other scheduled ancient monuments in the area.
- The Council do not accept that removal of the turbines in 25 years as satisfactory mitigation against the impact of the development
- Concerns relating to the impact of construction traffic and highway safety issues
- Concerns that there has been no consideration on how to mitigate the landscape and visual impacts of the development.
- No assessment of how the turbines will connect to the national grid.
- Concerns about blades over-sailing adjacent land and health and safety issues from turbine failures.
- Concerns relating to ice throw
- Concerns relating to noise and potential impact on adjacent residential properties.
- The applicants have not considered direct drive machines, which are said to be quieter.
- Concerns relating to shadow flicker
- Concerns relating to reflected light from the turbines.
- Concerns relating to security lighting of the construction compound.

The Parish Council Conclude that their local knowledge leaves them in no doubt that, given the height of the proposed turbines, harm to the historic qualities of the landscape would result of such significant and unacceptable magnitude as to outweigh the electricity generation benefits of this scheme in its entirety.

The Parish Council has also commented on the information contained within the addendum to the ES and raised concerns with the lack of information contained within the original ES.

Concerns have also been raised in relation to the proposed conditions recommended by the Council's Environmental Protection Officer.
(A full copy of the consultation response is contained within annex A of this report)

Gosberton Parish Council: no objections

(A full copy of the consultation response is contained within annex A of this report)

Dunsby Parish Council: has raised the following concerns:

- Turbines too near to residential properties
- Concerns that vibrations will disturb local residents
- Concerns relating to noise
- Concerns relating to shadow flicker
- Concerns relating to the site access arrangements and highway safety
- Concerns that the proposals will only generate minimal electricity
  (A full copy of the consultation response is contained within annex A of this report)

Billingborough Parish Council: objects to the proposed development for the following reasons:

- Operational noise and the threat of vibro-acoustic disease
- Heavy construction traffic through Billingborough
- Ruining a 600 year old historic landscape
- Urbanisation of the countryside
- Threat to birds
- Loss of quality wheatlands
- Possible groundwater and geological effects
- Specific threat to Sempringham Abbey
- Unconvincing benefits – contribution from wind farms to the national power supply is greatly exaggerated
- Energy suppliers consider Lincolnshire to be a 'soft target' for wind farm developments
- Concerns that the applicants have been allowed to provide additional information
- The development control committee should take the right decision based on the interests of the communities affected and not make a political decision based on the fact that their wards may be to the west of the District.

(A full copy of the consultation response is contained within annex A of this report)

Bourne Town Council: felt unable to comment as this will not directly affect Bourne and the Parishes, but would give support to the residents of the area as they will be most affected by this proposal.
(A full copy of the consultation response is contained within annex A of this report)

Horbling Parish Council: objects to the proposal for the following reasons:

- Too close to homes
- Noise
- Impact on peoples health
- Danger to military aircraft practising low flying
- Doubt that they are economically viable
- The traffic supplying these turbines and concrete, etc, will cause incalculble congestion in the villages it passes through
- Difficulty of accessing the site
- Destruction of the environment in making access
- Destruction of public rights of way
- Loss of amenity – views, etc
- Too close to villages
- Too much disruption caused by traffic
- Concerns relating to shadow flicker

(A full copy of the consultation response is contained within annex A of this report)

Clough and Risegate Resident's Association: object to the proposed development on the following grounds:

- Cumulative impact on the landscape – if planning permission is granted this will be the third wind farm (others being at Bicker and Market Deeping) clearly visible from Gosberton Clough.
- Visual impact on landscape – we strongly object to the height of these turbines. At 125m they are 25m higher than any other wind farm developments in the area and impossible to screen. They will have an obstructive impact for at least 2km in all directions and are totally out of character with the surrounding landscape.
- Site unsuitable for this type of development – Firstly the road access to this site is poor and currently incapable of supporting the development of this site. Work will have to be carried to widen and strengthen the existing highways. Secondly neither is it close to existing grid lines and further planning applications will have to be made

to connect this site to the grid and thirdly there are a number of occupied homes less than half a mile from this site which will suffer a significant negative impact from this proposal.

Spring Wells Heritage Group: Has raised objections to the proposed development in relation to the following areas:

- That the development will injure the setting, tranquillity and spirituality of the enormously important 'Sempringham Heritage Site'
- That the development will irreparably damage the 700 year old historic landscape of the array of Spring Line villages and their medieval 'beacon' churches

The Spring Wells Heritage Group have also provided significant correspondence in relation to the addendum. Their concerns remain in relation to the impact on the historic landscape and heritage assets in this area.
(A full copy of the consultation response is contained within annex A of this report)

Action Group Against Sempringham Turbines (AGAST):

AGAST have submitted a significant objection to the proposed development containing 3 volumes of supporting documentation. The preface to there objection states.

"AGAST is an Action Group formed specifically to oppose a planning application (reference S09/0296) submitted by ScottishPower Renewables ("the Applicant") (and other inappropriately sited wind farms in the area) for a proposed wind farm located at Sempringham Fen in Lincolnshire in the area bounded by the villages of Billingborough, Pointon, Gosberton and Donington.

AGAST opposes the proposed wind farm because:

- The proposed development is totally out of scale with the surrounding villages and rural landscapes and will intrude unacceptably on the landscape and on a large number of properties. It will alter the existing landscape character adversely.
- The scheme will have significant visual impact up to at least 5km, it will therefore have an adverse impact on the setting of listed buildings and Scheduled Ancient Monuments. Its size means that its visual impact will compromise the objectives of these designations and, hence, will be in conflict with national and regional planning policies. English Heritage have objected.
- The site is a Source Protection Zone for borehole users and within Flood Zone 3a. The ES has not assessed the potential impacts sufficiently rigorously as shown by the objection of the Environment Agency.
- There is strong evidence that local residents would be adversely affected by shadow flicker and various types and levels of noise.
- There is a strong and well used network of public rights of way in the immediate area, valued by locals and visitors alike. The enjoyment of the countryside will be

compromised by the presence of massive wind turbines in such close proximity to many of these PROWs.

- This is an area of high ecological value and the ES has not followed best practice guidelines in its assessment. There will be adverse impacts that are currently unquantified.
- Traffic access along Neslam Lane and the villages on route will cause considerable adverse impacts as shown by the dissatisfaction of the County Council with the quantity and quality of the information in the ES.
- Lincolnshire has already achieved double its 2010 onshore wind renewable energy targets in terms of operational and already consented schemes and the East Midlands Region is also forecast to achieve 2010 targets. There is no pressing need for this scheme.
- Aviation issues have not been clarified prior to the submission of the planning application.
- The wind farm proposal contravenes a wide range of national, regional and local planning policies.

These are just some of the factors that would unacceptably degrade the quality of life in the affected villages and the amenities that local residents derive from their rural environmental if this wind farm were to be constructed.

The Government, although encouraging wind farm developments, is very clear in PPS22, Key Principle (i), that:

“renewable energy developments should only be approved where the environmental, economic and social impacts can be addressed satisfactorily.”

It is our strong contention that, in this specific case, the adverse impacts have not been addressed satisfactorily and that this is a scheme in a totally inappropriate location. As such we ask that this planning application is rejected.”

The conclusion to AGASTs objection states:

“The proposed location for this wind farm is totally inappropriate for such a massive, intrusive development due to:

1. Visual intrusion on local residents and the setting of local villages

2. Industrialisation of a designated rural landscape and change of landscape character

3. Adverse impact on the setting of listed buildings and parks, supported by objections from English Heritage

4. Reduction of amenity for users of the extensive public rights of way system

5. Noise and health impacts on local residents

6. Conflict with national, regional and local planning policies

7. Adverse impact on the ecology of the area, particularly bats and barn owls

8. TV. reception degradation

9. Potential impact on air safety

10. Lack of need

11. Potential danger of flooding and adverse impact on potable borehole abstraction

A number these issues (e.g. landscape and historic buildings) would be sufficient on their own to warrant rejection, consequently the cumulative effect is overwhelming.

- Public opinion is implacably opposed to this development.
- The Environmental Assessment produced by the Applicant has been shown to be flawed, inaccurate and lacking the rigour and objectivity required for such a large scheme. It underplays negative impacts and exaggerates potential benefits.
- There is no authoritative assessment of potential alternative sites in mitigation that would have fewer negatives than this proposal.

The overall balance between the positives and the negatives for this site has been shown to be unequivocally negative."

AGAST have also submitted additional comments in relation to the addendum to the ES. The objections provide additional information in relation to the concerns outlined above.
(a full copy of the objection submitted by AGAST is available for viewing on the planning file and on the Council's website)

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. 424 letters of objection have been received from local residents and businesses. The objections can be summarised as follows:

1. Concerns raised about statements in the Statement of Community, in particular, Pointon and Sempringham Parish Council have never produced a weekly magazine. No advert has ever been placed about the wind farm in any magazine produced by Pointon and Sempringham Parish Council. The magazine is not delivered to approximately 500 homes. For the avoidance of doubt, Pointon and Sempringham Parish Council publish 'The Parish Matters' which is published bi-monthly and delivered to approx 230 households.
2. These machines are ugly and noise, and generate no power at all when the wind isn't blowing.
3. Several countries who have invested heavily in wind turbines before the UK are now acknowledging that this is not the answer.
4. Leading environmentalists are not behind this form of energy, and many conservations condemn it outright.
5. Concern relating the damage that turbines do to the landscape and wildlife.
6. The development would have a detrimental impact on the site of Sempringham Abby, a place of national historical importance.
7. The development will result in sustained increases of heavy traffic, which would have a detrimental impact on highway safety on some of the most dangerous roads in the country and in locations close to schools and local shops.
8. Concerns raised about the loss of property value and the impact this would also have on people to re-locate or move up the property ladder.
9. Concerns about noise pollution.
10. Concerns about the impact that shadow flicker would have on the properties nearest to the site.
11. The development is too close to local villages and will irrevocably alter the local environment.
12. Concern about lack of detailed noise data in the Environmental Statement.
13. Concern about use of photos of private residences in the Environmental Statement without the owner's consent.
14. Concern that large companies have influence in government and can therefore build in the countryside without regard for the general public.
15. The turbines will have an overpowering visual impact and effect on the landscape, especially given the close proximity of the local villages and the nearest residential properties that are only several hundred metres from the site.
16. Concerns about noise and health issues. Specific cases of the Davis family at Deeping St Nicholas and the Rashlieghs at Bicker have been referred to illustrates this. There is a definite wind turbine related health problem which has been investigated by Dr Nina Pierpoint and she called this 'Wind Turbine Syndrome'.
17. The development will have a negative effect on cultural heritage and archaeology.
18. Concerns that vibration and dust from construction vehicles may have an adverse impact on listed buildings located adjacent to the proposed access route.
19. Concerns that alterations may be required to widen and straighten local roads which may require ancient hedgerows to be removed.

20. Concerns about health and safety from blades braking and ice being flung from turbines.
21. Concerns about risk to aviation from both collisions and interference with radar.
22. Concern about impact on low level flight training undertaken by the MOD in this area.
23. Changes to hydrology and groundwater.
24. Threat to nature conservation and local wildlife. Concerns that local wildlife will be driven away from the area if the development is approved.
25. Concerns relating to birds striking the blades of the turbines.
26. Loss of uninterrupted views from properties.
27. SKDC should adopt a policy that turbines should not be closer than 2km from the nearest dwelling. This would save the Council, developer and tax payer a considerable amount of time and money.
28. Serious doubt that the generation of electricity from the turbines will be efficient and value for money within the concept of renewable energy.
29. The turbines will have an efficiency rate of something less than 30%. This efficiency will further drop given the distance the electricity will have to travel before it can connect to the national grid at Dunsby.
30. Inconceivable that turbines can be considered at a distance nearer than 10km from any dwelling. How can any credible Government or Council not set appropriate guidelines for this type of development.
31. Acceptance would spoil the peace and quiet of beautiful open countryside.
32. Turbine close to homes will result in sleepless nights due to the noise from the turning blades.
33. The amount of electricity produced compared to that produced by a traditional or nuclear power station is negligible and the adverse effects do not justify their construction.
34. The Bicker wind turbines can be seen from almost all country walks from Billingborough and the cumulative impact of this development would further harm the landscape.
35. Billingborough, Sempringham, Dowsby and Pointon all have very old, historic buildings which add to the rural charm of the area. Visually and structurally these would be damaged if these turbines are constructed.
36. Wind power is too unreliable.
37. We live at a property noted as a property which will be affected by shadow flicker and I suffer from migraine with aura. The development could therefore have a serious impact on my health.
38. There are 30 houses within the 2km guidelines used by most other countries as a safe separation distance. We live within 800m of the turbines.
39. Noise pollution.
40. Impact on wildlife.
41. Visual impact.
42. Cumulative impact with other wind farms.
43. Effect of construction on the landscape.
44. Impact on ancient hedgerows and mature trees.
45. Detrimental impact on unique Fen landscape.
46. Detrimental impact on footpaths.
47. Inadequate access to the site trough Billingborough.
48. Extra heavy vehicles going past residential properties.

49. We already have another wind farm in Bicker which can be seen from miles around, what will the area look like if we keep adding these eyesores to the landscape. It's not as though you only intend to add an odd 1 or 2, your proposal to add 17 at Billingborough and 6 at Sempringham is outrageous.
50. During construction badger and fox setts are going to be disturbed.
51. The wind farm would be visually intrusive and take my entire field of vision from the front of my property.
52. 21 days to respond to such voluminous ES is unreasonable and gives an unjustified advantage to the applicant.
53. Concern about the impact of noise, vibro-acoustics and flicker, arising from the massive rotary motion, will have on the health of people within the sphere of influence of the turbines. None of these are proven to be discountable, but effect could be irreversible. Best not to experiment with people.
54. Concern relating to the divisive effect on the local community, setting neighbour against neighbour, in evil ruination of rural life.
55. Broad views of Bourne hills and church spires will be ruined for ever when viewed from the east.
56. The cost of the structures without government subsidy would be uneconomical.
57. In a quiet rural area the high pitch wine created by turbines will be a noise we cannot escape from and our peaceful way of life will be changed forever.
58. Turbines too close to residential properties.
59. Already noise problem in the area from bird scarers going off all the time any further noise will be completely unacceptable.
60. Low flying aircraft nearby given close proximity of Cranwell which teaches people to fly.
61. Billingborough is a growth village and also with the proposed Aveland Academy the village should thrive. However the close proximity of the wind farm will detract from this.
62. There are health concerns relating to wind farms and there a 4 schools in close proximity. Whilst there is a doubt, there should be no wind farms constructed close to people especially children.
63. Whilst walking a Horbling Nature Reserve noise from the Bicker wind farm could be heard. How much greater will this be if this application is allowed.
64. Turbines have an industrial character would appear out of character in this countryside location.
65. Contrary to government structure plan and local plan.
66. Inadequate access to the site.
67. Turbines will have a dominant and oppressive affect on area for miles around.
68. Approval of this development would set a precedent for further approvals of wind farm developments in this area.
69. Cumulative visual impacts from potentially two wind farms proposed at Neslam Farm and Billingborough Fen and the existing site at Bicker Fen.
70. Concern about impact of number of wind farm developments on the unique Fen landscape with wind farm developments at Bicker, the proposed site and Deeping St Nicholas.
71. The development would destroy limited footpaths, hedgerows and mature trees. The loss of the footpaths would force horse riders, ramblers and dog workers on to busy roads.
72. Impact on historic setting.
73. Impact on listed buildings.

74. Safety concerns.
75. Concerns relating to 53% increase in traffic during the construction period. Such an increase would have a detrimental impact on the Conservation Area and historic buildings and on the lives of people living and working in Billingborough.
76. It would be like having the Berlin Wall around us.
77. Concerns relating to impact of construction on the landscape.
78. I am in favour of renewable energy but it must be located sensitively. The proposal to build industrial turbines less than 700m from residential properties is beyond belief and shows a lack of consideration for the people that live in the area.
79. In Scotland the Regulations state that wind turbines must not be located within less than 2km of a dwelling. Why are people in Scotland looked after better in this regard than people in England.
80. The Scoping study for the proposed wind farm at Billingborough Fen should be ruled out immediately to stop residents having to go through up to three years of worry as in the Neslam case.
81. The road leading to the site is not remotely adequate for the construction or maintenance traffic involved in the development.
82. The foundations and access roads will remain in perpetuity, long after the turbines have gone. This will severely prejudice the productive capacity of this Grade 1 & 2 farmland.
83. The generation of electricity will inevitably require pylons and conductors to link with the existing distribution network.
84. There is now clear evidence that wind turbines lead to lower electricity prices.
85. The views of two Grade I churches in the area will be materially affected.
86. A number of recognised archaeological sites exist in the immediate area of the proposed development.
87. Concerns relating to radio interference.
88. Concerns relating to radar “scatter”.
89. Concerns that the development will result in the land been taken out of food production at a time when we rely heavily on food imports.
90. Concerns that the development may impact on the safety of horse riders using adjacent bridleways. This may result in insurance claims against the developer and the Council.
91. Vibrations from heavy goods vehicles may cause structural damage to properties.
92. Road surfaces will be damaged by increase in traffic.
93. In the winter months when it is dark there is insufficient lighting in the street areas for safety.
94. No consultation has been made to the communities affected.
95. The impact on the surrounding farmland and wildlife demands the most comprehensive study – none has been undertaken.
96. We have a duty to our children to manage and protect the surrounding environment sensibly – no consideration along these lines has been undertaken by the applicant.
97. Concern re impact on local aquifer which supplies water to Billingborough and surrounding area.
98. Concerns about impact / disturbance of the delicately balanced drainage system.
99. The 125m high turbines are taller than the ones at Bicker and will dominate the countryside for miles around.
100. Because of the flatness of the fens there will be no escaping the impact of the development as there are no hills to hide the views of block the noise that they produce.

101. Turbines are efficient for approximately 27% of the time but locals will have to live with their presence for 100% of the time. The value of such developments benefits the land owner and the businesses which are given government handouts however little power they produce.
102. Serious questions about the wisdom of wasting money on wind farms at the expense of funding more efficient and reliable power sources.
103. Scottish Power's presentation and artists impressions of the development at Pointon were not a true reflection of the development as they indicated that the development would be less obtrusive than the turbines at Bicker. They also indicated that residents could not complain about noise as we already get noise from farm machinery, dogs and other rural noises. Surly we can complain if the turbines cause noise nuisance and make our lives miserable especially if the noise is produced at night and long lasting.
104. Wind turbines are unreliable and uneconomical and need backing up by power stations so why have them in the first place.
105. A better solution is in wave and tidal power which has been proven to work in France. We also have an abundance of coal so why not use it.
106. The government is now supporting the development of nuclear power stations.
107. The access to the site is limited and unsuitable for the large transporters carrying turbine components.
108. Concerns relating to health and safety relating to the health impacts on people living close to the turbines to the physical dangers of debris being thrown off in the event of a failure.
109. Rather than creating new wind farms turbines should be added to the existing farms.
110. Wind farms should be distributed evenly across the country.
111. Concerns about large amount of concrete to be used in the development which will not be removed and the impact this will have on the water table.
112. Concerns about ice being thrown from the blades of the turbines in winter.
113. The development will bring no lasting economical benefits to the area and the reduction in property values associated with such a development could result in rebanding and a reduction in Council Tax revenue.
114. There is confusion between "capacity" and the actual amount of electricity wind produces. The Government's own figures show, wind turbines generate on average only 25 to 28 per cent, barely a quarter, of their "capacity". In other words, far from producing the 12 megawatts (or 105,000,000 kWhrs per year) that Scottish Power Renewable claim, the proposed development will in fact manage only an average of 3 megawatts (or 26,200,000 kWhrs per year), far less than the output of a single small sized conventional power station.
115. Wind energy is only possible due to hidden subsidy through the Renewables Obligation.
116. The proposed development has hidden CO2 costs. The primary reason for this is that for every Megawatt of wind power that is generated there has to be the equivalent power available from a conventional power station, thereby doubling up the embedded CO2, for generation of the same power.
117. Although the development of 6 turbines might in theory reduce CO2 emissions by approximately 14,000 tonnes per year, the actual C02 that will be emitted during their manufacture and installation will be in the region of 50,000 tonnes and this does not include maintenance and replacement parts.

118. Although planning has been granted for the erection of a wind test tower, this has not been erected yet and therefore no data is available to show that Neslam Fen even has enough wind to make the site viable.
119. The development would have a negative impact on the regions tourism, inward-relocation and investment, and local property values.
120. Concerns that the proposal would have a detrimental impact on local archaeology in the area.
121. Concerns about impact on farm livestock.
122. The proposed sub-station would need security lighting which would cause light pollution.
123. More wind farms should be constructed at sea.
124. Concerns that a community trust would be setup, which would be tantamount to bribery.
125. Are there any rules in place if the wind farm fails to produce a set level of energy? Can the turbines be removed?
126. Risk of structural damage from drilling of piles to adjacent and nearby listed buildings.
127. If company goes bust who will pay for the removal of the turbines.
128. TV. interference.
129. Will existing double yellow lines in Billingborough be extended.
130. Can it be ensured that no vehicular traffic will use West Road Pointon?
131. Will this set a precedent for further developments in the area?
132. Concerns relating to the impact on bats from fluctuations in atmospheric pressure.
133. Loss of fertile agricultural land.
134. Lack of information relating to the proposed connection to the national grid.
135. Concerns about the enforceability of any noise conditions imposed.
136. There should be a more structured approach to the siting of turbines around the country.
137. Concerns re impact on HAM radio communications.
138. SKDC's Landscape Character Assessment is flawed as it has not been tested by an Inspector and therefore be given no weight.
139. The submitted photomontages give a false impression of the development.
140. Applicants should not have been allowed to submit additional information to counter local objections.

Five letters of support have been received and can be summarised as follows:

1. This is a strategically important renewable energy application.
2. SKDC responsibility to positively decide on renewable energy applications cannot be understated.
3. Government is encouraging planning decisions to be made at local level but this will be removed if decisions on renewable energy applications are not made in an unbiased and professional manner.
4. Members should visit the Bicker Fen wind farm.
5. Concerns at how Thackson's Well committee meeting was handled.
6. Whatever the decision for this and any other renewable energy applications in the future, of which there will be needed many more to reach our target in less than 10 years to reduce our carbon emissions let alone produce enough indigenous power for our own needs.
7. I have a wind farm of 8 turbines on my farm and from my experience over the past two years I would recommend that this wind farm should go ahead.
8. The site at Sempringham is not on a known migration route for birds.
9. Some birds may get caught up in the turbines but most of us kill a bird a year with our cars and we are using energy then so we should excuse the turbine if they kill a bird a year as they are actually producing energy.
10. In my experience the turbines have not devalued houses.
11. Turbines are not ugly monsters spoiling the fen vista, they are actually quite attractive but this is a matter of opinion.
12. The turbines do make a noise which does annoy one family in the parish but no one else as far as I know.

AGAST have undertaken a survey of local residents asking the question do you support the Neslam wind farm development.

117 people responded as follows:

2 – Yes
1 – Not sure
114 – No

Councillors Andrea Webster and Tom Webster have objected to the proposal stating:

“The scale, number of turbines and their proximity to residential properties would result in an unacceptable and significant harmful impact on the living conditions of the nearby residential properties.

The scale and number of turbines will be conspicuous and out of place in the rural landscape and would result in a significant harmful impact on the landscape character (The Fens, The Fens Margin and The Kesteven Uplands) and also will result in a significant harmful impact on the setting of the Schedule ancient Roman Settlement by Fen Road, south of Poplar Farm.

I feel that the development at the proposed site will pose many ecological and habitat implications and problems. It goes without saying that during construction and subsequent running of the proposed development significant damage will be caused to the wildlife – it

is unfair that the environment and natural habitats should be compromised in order to build a wind farm that, in this part of the United Kingdom, will be of limited value.

The promity, scale and number of turbines will result in significant harmful impact on the setting of listed buildings. I would draw your attention to the impact on Sempringham and Billingborough churches, not to mention the adverse impact the development will have on the appearance and setting of the historic surrounds of Sempringham Priory.

The development and running of the proposed wind turbine site will create unnecessary and destructive visual and aural pollution that will have a permanent effect on the area.

There will be high levels of noise pollution that will occur as result of turbines working as has already been demonstrated at various sites thus far developed.

I believe that the proposal conflicts with local planning guidelines and that such a development would be contrary to the Council's statutory duty to preserve and enhance the countryside.

This development will create an industrial site in unspoilt rural countryside.

There will be significant impact on the recreational activities of horse riders, cyclists and walkers."

Lincolnshire County Councillor Martin Hill OBE (Leader of the Council & Member of Folkingham Rural) has made the following comments in relation to the application:

"As the county councillor representing Pointon and district, I wish to strongly object to the above proposal.

1. The landscape, heritage and culture of the Fen Margin along B1177 with associated villages is a very special example of the relationship of communities with the surrounding open unspoilt Fen countryside which has a special and unique charm. The historic character of the area including listed buildings and uninterrupted vistas will undoubtedly be detrimentally altered by the 400' high industrial turbines. The nearby Bicker Wind Farm only 8km away gives a vivid demonstration of the visually intrusive nature of the turbines which can be seen for many miles and at less the 10km distance are oppressive. The proposed development will fundamentally impair the amenity value and character of the area and landscape.

2. Detriment to listed and historic buildings in the area, in particular Billingborough Church and Sempringham Abbey – the latter having significant historical value. These two grade listed buildings rise triumphantly above the Fens, close proximity of invasive turbines will without doubt destroy their visual impact to and from most elevations. There are also many other listed and historic buildings and scheduled ancient monuments in the vicinity which will be adversely affected.

3. The Cumulative Impact

There are already several wind farms in this part of Lincolnshire – Gedney, Deepings, St Nicholas, and Bicker with potentially many others in the offing. To add another 6 huge turbines will create an unacceptable over loading of the landscape. The previously mentioned (smaller) Bicker turbines can be seen for many miles. On the higher ground to the west it is already possible to see with the naked eye a developing line of many turbines on the horizon. From such a vantage as the road between Kirkby Underwood and Aslackby it is apparent that this part of Lincolnshire has contributed significantly especially as Lincolnshire has already comfortably exceeded its Renewable Energy targets and indeed East Midlands region is nearing its 2010 target already.

Health & Safety

There are many recorded instances of health and safety including shadow flicker, sound modulation, flying materials such as ice and construction failure. When turbines are built so close to properties, highways, and rights of way and indeed each other it puts an unacceptable and unnecessary level of rise and disruption which has been barely addressed or even acknowledged in the application. Particularly as the ambient noise levels are low and it is currently a quite rural location.

4. Damage to the local environment

The importation of thousands of tonnes of concrete to the Fens, building of associated sheds and potential damage to the aquifer by 30' pile high driving underground in addition to associated traffic and material investment will have major environmental implications. There is also the issue of the destruction of ancient hedgerows to gain access via Neslam Fen.

5. Traffic

There will be major disruption and inconvenience as construction traffic travels through Billingborough and Horbling. The access to and along Sempringham Fen Road is totally inadequate and unsuitable for the necessary volumes of HGVs and other traffic. There are major highway safety issues outside Billingborough primary school and the High Street which has a vibrant local shopping centre which already causes concern locally regarding conflict between pedestrians and vehicles.

In conclusion there are many significant problems with this application which surely outweighs the small variable amount of renewable energy which will be produced against a local target already achieved.

I believe that the application is in conflict with the Lincs County Council structure plan policy PE 11 in terms of the effect of :-

- Sustainability
- Landscape impact

- Local amenity and quality of life
- Cultural and built environment
- Traffic generation and vehicular access
- Cumulative impact and decommissioning

I also believe that the application is also in conflict with the Regional Spatial Strategy Policy 39 in terms of:-

- Landscape and visual impact
- Natural and cultural environment
- Built environment including noise intrusion
- Size of turbines
- Cumulative impact and intervisibility
- Contribution to wind energy targets

I respectfully urge this planning authority to reject this opportunistic application."

Roger Helmer MEP has made the following comments:

"I am writing as an MEP representing Lincolnshire, to add my voice to those protesting the siting of a wind farm at Neslam Farm, Sempringham Fen.

The placing of these turbines on farmland will bring them within 2km of residential properties, with clear negative effects on the residents who live there. Low level noise emanated by the turbines has been shown to have adverse effects on health. There are health and safety risks in winter associated with turbine blades shedding ice. And there are also risks to local bird populations, particularly in this open landscape.

I would urge that you do not grant planning permission to Scottish Power to build these turbines at Sempringham Fen."

Policy Considerations

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development throughout the planning system. The PPS places an emphasis

on ensuring the prudent use of natural resources and encourages the use of renewable forms of energy.

PPS - Planning and Climate Change: supplement to Planning Policy Statement 1

This PPS on climate change supplements PPS1 by setting out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. Paragraphs 19 and 20 provide advice on renewable and low carbon energy generation. Paragraph 20 states:

"In particular, planning authorities should:

- Not require applicants for energy development to demonstrate either the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such developments must be sited in a particular location;

- Ensure any local approach to protecting landscape and townscape is consistent with PPS22 and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances;

- Alongside any criteria-based policy developed in line with PPS22, consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure development of such sources, but in doing so take care to avoid stifling innovation including by rejecting proposals simply because they are outside areas identified for energy generation; .."

PPS7 – Sustainable Development in Rural Areas

PPS7 sets out key principles and policies on development in rural areas. It provides statements on sustainable rural communities, economic development, the countryside, agriculture, farm diversification, equine-related activities and forestry, and tourism and leisure.

Paragraphs 15 and 16 deal with countryside protection and development in the countryside. Paragraph 16 advises that when local planning authorities are determining planning applications for development in the countryside they should take into account five specific criteria. The last two of these criteria require LPAs to provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22; and conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations.

PPS 9- Biodiversity and Geological Conservation

This PPS sets out the Government's planning policies on the protection of biodiversity and geological conservation. The main aim of this policy document is that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.

The document contains the following 6 key principles which regional and local planning authorities should adhere to in order to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered.

(i) Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics local authorities should assess the potential to sustain and enhance those resources.
(ii) Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
(iii) Plan policies on the form and location of development should take a strategic approach to the conservation, enhancement and restoration of biodiversity and geology, and recognise the contributions that sites, areas and features, both individually and in combination, make to conserving these resources.
(iv) Plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.
(v) Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted.
(vi) The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

PPG15 – Planning and the Historic Environment

This PPG sets out the Government's policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment.

Paragraph 2.16 confirms the requirement under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 for authorities considering applications for planning permission or Listed Building Consent for works which affect a Listed Building to have special regard to certain matters, including the desirability of preserving the setting of listed buildings.

Paragraphs 2.16 and 2.17 set out guidance on the setting of listed buildings. Paragraph 2.16 advises that the setting is often an essential part of the buildings character, especially

if a garden or grounds have been laid out to complement its design or function. The paragraph goes on to state that the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, e.g. by new traffic routes, car parks or other development.

Paragraph 2.17 advises that a proposed high or bulky building may also affect the setting of a listed building some distance away, or alter views of a historic skyline. In some cases, setting can only be defined by an historical assessment of a building's surroundings.

Paragraph 6.40 provides guidance on the wider historic landscape and advises that the whole of the landscape, to varying degrees and in different ways, is an archaeological and historic artefact, the product of complex and historic processes and past land-uses.

PPG16 – Archaeology and Planning

PPG16 sets out the Government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside. Section A of the guidance sets out the importance of archaeology. Paragraph 6 advises that archaeological remains should be seen as a finite and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction.

Paragraph 8 advises that where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed developments, there should be a presumption in favour of their physical preservation.

Section B of the PPG provides advice on the handling of archaeological matters in the planning process. Paragraph 18 advises that the desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications whether that monument is scheduled or unscheduled.

Paragraph 27 advises that where nationally important archaeological remains are affected by proposed development there should be a presumption in favour of their physical preservation in-situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

PPS22 – Renewable Energy

PPS22 sets out the Government's policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions. PPS22 refers to the Government's energy policy set out in the Energy White Paper. It refers to the Government's targets of generating 10% of UK electricity from renewable energy sources by 2010 and to double this to 20% by 2020. It goes onto advise that increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitment on both climate change and renewable energy.

Paragraph 1 of the PPS sets out the following eight key principles local planning authorities should adhere to in planning for renewable energy:

(i) Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily.

(ii) Regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources. Regional planning bodies and local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, locational requirements and the potential for exploiting them subject to appropriate environmental safeguards.

(iii) At the local level, planning authorities should set out the criteria that will be applied in assessing applications for planning permission for renewable energy projects. Planning policies that rule out or place constraints on the development of all, or specific types of, renewable energy technologies should not be included in regional spatial strategies or local development documents without sufficient reasoned justification. The Government may intervene in the plan making process where it considers that the constraints being proposed by local authorities are too great or have been poorly justified.

(iv) The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.

(v) Regional planning bodies and local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects (eg identifying generalised locations for development based on mean wind speeds). Technological change can mean that sites currently excluded as locations for particular types of renewable energy development may in future be suitable.

(vi) Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.

(vii) Local planning authorities, regional stakeholders and Local Strategic Partnerships should foster community involvement in renewable energy projects and seek to promote knowledge of and greater acceptance by the public of prospective renewable energy developments that are appropriately located. Developers of renewable energy projects should engage in active consultation and discussion with local communities at an early stage in the planning process, and before any planning application is formally submitted.

(viii) Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

Paragraph 3 advises that targets expressed in Regional Spatial Strategies for renewable energy capacity in the region should be expressed as the minimum amount of installed capacity for renewable energy in the region. It goes on to state that the fact that a target has been reached should not be used in itself as a reason for refusing planning permission

for further renewable energy projects.

Paragraphs 9-17 of the PPS deal with locational considerations. Paragraphs 11 and 12 deal with national designations. Paragraph 11 advises that in sites with nationally recognised designations (including scheduled monuments and listed buildings) planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of the designation of the area will not be compromised by the development and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.

Paragraphs 19-21 deal with landscape and visual effects of renewable energy developments. Paragraph 19 advises that landscape and visual effects of particular renewable energy developments will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development. Some of these effects may be minimised through appropriate siting, design and landscaping schemes, depending on the size and type of the development proposed.

Paragraph 20 acknowledges of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. It goes on to advise that in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.

Paragraph 21 advises that planning authorities should also take into account the cumulative impact of wind generation projects in particular areas. Such impacts should be assessed at the planning application stage and authorities should not set arbitrary limits in local development documents on the number of turbines that will be acceptable in particular locations.

Paragraph 22 deals with issues relating to noise and advises that renewable technologies may generate small increases in noise levels (whether from machinery such as aerodynamic noise from wind turbines, or from associated sources - for example, traffic). Local planning authorities should ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels. PPS22 specifically states that the 1997 report by ETSU for the Department of Trade and Industry should be used to assess and rate noise from wind energy development.

With regard to wind turbine developments paragraph 25 states that regional spatial strategies should not include specific policies relating to the impact of wind turbines on airport operation, radar and aircraft, and neither they nor local development documents should include policies in relation to separation distances from power lines, roads, and railways. It is the responsibility of developers to address any potential impacts, taking account of Civil Aviation Authority, Ministry of Defence and Department for Transport guidance in relation to radar and aviation, and the legislative requirements on separation distances, before planning applications are submitted. Local Planning Authorities should satisfy themselves that such issues have been addressed before considering planning applications.

Planning For Renewable Energy: A Companion Guide to PPS22

The companion guide to PPS22 provides practical advice as to how the policies in PPS22 can be implemented. The guide provides advice on planning policy issues at regional and local levels, development control issues, and renewable energy in the built environment. A range of technical annexes are provided, including annex 8 which deals with wind energy.

PPS23 Planning and Pollution Control

PPS23 sets out the Government's policies on the control of pollution and aims to ensure that the planning and pollution control regimes complement each other, indicating that the planning system should focus on whether the development itself is an acceptable use of the land, and that the impacts of the development are acceptable. The PPS advises that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Authorities should not therefore seek to duplicate controls covered by other legislation.

PPG24 – Planning and Noise

PPG24 provides guidance to local authorities on the use of their planning powers to minimise the adverse impacts of noise. The PPG advises that noise can be a material planning consideration. The PPG confirms that the planning system has the task of guiding development to the most appropriate location. In exercising their planning controls the PPG advises that local planning authorities should consider whether it is practical to control or reduce noise levels, or to mitigate the impact of noise, through the use of planning conditions.

The PPG advises that a number of measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be proportionate and reasonable and may include one or more of the following:

(i) engineering: reduction of noise at point of generation (eg by using quiet machines and/or quiet methods of working); containment of noise generated (eg by insulating buildings which house machinery and/or providing purpose-built barriers around the site); and protection of surrounding noise-sensitive buildings (eg by improving sound insulation in these buildings and/or screening them by purpose-built barriers);
(ii) lay-out: adequate distance between source and noise-sensitive building or area; screening by natural barriers, other buildings, or non-critical rooms in a building;
(iii) administrative: limiting operating time of source; restricting activities allowed on the site; specifying an acceptable noise limit.

PPS25 Development and Flood Risk

Planning Policy Statement 25 (PPS25) sets out Government policy on development and flood risk. It's aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

Development Plan

The East Midlands Regional Plan (RSS8) provides a broad development strategy for the East Midlands up to 2026. It identifies the scale and distribution of provision for new housing and priorities for the environment, transport, infrastructure, economic development, agriculture, energy, minerals and waste treatment and disposal.

Policy 1: Regional Core Objectives

This is a general policy which sets out the core objectives which all strategies, plans and programmes across the East Midlands should meet in order to help secure the delivery of sustainable development across the region. The 11 core objectives are:

a) To ensure that the existing housing stock and new affordable and market housing address need and extend choice in all communities in the region.
b) To reduce social exclusion
c) To protect and enhance the environmental quality of urban and rural settlements
d) To improve the health and mental, physical and spiritual well being of the Region's residents
e) To improve economic prosperity, employment opportunities and regional competitiveness
f) To improve accessibility to jobs, homes and services
g) To protect and enhance the environment
h) To achieve a 'step change' increase in the level of the Region's biodiversity
i) To reduce the causes of climate change
j) To reduce the impacts of climate change
k) To minimise adverse environmental impacts of new development and promote optimum social and economic benefits

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage

This policy advises that sustainable development should ensure the protection, appropriate management and enhancement of the Region's natural and cultural heritage.

Policy 27: Regional Priorities for the Historic Environment

This policy advises that the historic environment should be understood, conserved and enhanced, in recognition of its own intrinsic value, and its contribution to the Region's quality of life. The policy goes on to state that across the Region and particularly in areas where growth or regeneration is a priority, development should promote sensitive change to the historic environment.

Policy 31: Priorities for Management and Enhancement of the Region's Landscape

This policy states that the Region's natural and heritage landscapes should be protected and enhanced by:

- the promotion of the highest level of protection for the nationally designated landscapes of the Peak District National Park and the Lincolnshire Wolds Area of Outstanding Natural Beauty;
- the promotion of initiatives to protect and enhance the particular character of the Sherwood, Charnwood and Rockingham Forests; the establishment of criteria-based policies in Local Development Frameworks to ensure that development proposals respect intrinsic landscape character in rural and urban fringe areas, including, where appropriate, recognition of the value of tranquillity and dark skies; and
- the identification in Local Development Frameworks of landscape and biodiversity protection and enhancement objectives through the integration of Landscape Character Assessments with historic and ecological assessments.

Where not already in place, Local Authorities should prepare Landscape Character Assessments to inform the preparation of Local Development Frameworks. These can also be used to develop Supplementary Planning Documents.

Policy 35: A Regional Approach to Managing Flood Risk

This policy advises that Local Development Frameworks and the strategies of relevant public bodies should take account of the potential impact of climate change on flooding and land drainage. The policy goes on to advise that Development should not be permitted if, alone or in conjunction with other new development, it would:

- be at unacceptable risk from flooding or create such an unacceptable risk elsewhere;
- inhibit the capacity of the floodplain to store water;
- impede the flow of floodwater in a way which would create an unacceptable risk elsewhere;
- have a detrimental impact upon infiltration of rainfall to ground water storage;
- otherwise unacceptably increase flood risk; and
- interfere with coastal processes.

However, such development may be acceptable on the basis of conditions or agreements for adequate measures to mitigate the effects on the overall flooding regime, including provision for the maintenance and enhancement of biodiversity. Any such measures must accord with the flood management regime for that location.

Policy 40: Regional Priorities for Low Carbon Energy Generation

This policy sets out, amongst other things, that in establishing criteria for onshore wind energy, Local Planning Authorities should give particular consideration to:

- the effect on the natural and cultural environment (including biodiversity, the integrity of designated nature conservation sites of international importance, and historic assets and their settings);
- the effect on the built environment (including noise intrusion);
- the number and size of turbines proposed;

- the cumulative impact of wind generation projects, including 'intervisibility';
- the contribution of wind generation projects to the regional renewables target; and
- the contribution of wind generation projects to national and international environmental objectives on climate change

Paragraph 3.3.89 advises that within the Eastern Sub-area there are some sites available for large wind developments and more for smaller scale wind developments at farm/settlement level.

Appendix 5 of the East Midlands Regional Plan 2009 (RSS8) sets out a table of renewable energy targets for the region. This table identifies current capacity (2006) for onshore wind in the East Midlands of 54 MWe and a target of 122 MWe by 2010, 175 MWe by 2020 and an indicative target of 175 MWe by 2026.

Saved Policies of the South Kesteven Local Plan 1995

The Saved Policies of the South Kesteven Local Plan do not contain any specific policies relating to renewable energy. There are however a number of policies relating to the environment and conservation which are relevant to the determination of this application.

Policy EN1: Protection and Enhancement of the Environment

This policy states that the visual quality and amenity of the built and countryside environments of the plan area will be conserved and enhanced. The policy advises that development proposals should comply with the following criteria:

i) incorporate appropriate landscaping and tree planting where appropriate;
ii) conserve and enhance, wherever possible, woodland, trees, hedgerows, wetland and other wildlife habitats, watercourses and other natural features, known archaeological sites and features of heritage significance;
iii) in respect of buildings, reflect the general character, of the area through layout, siting, design and materials;
iv) not intrude into the setting of important buildings, landscape features or prominent views;
v) where appropriate, help to achieve the improvement of derelict, degraded and underused land;
vi) be located where the highway system can adequately and safely accommodate the volume and nature of traffic likely to be generated or incorporate suitable proposals for all necessary improvements; and
vii) avoid pollution of their surroundings by noise, toxic or offensive odour or by release of waste products.

Policy EN2: Development in the Countryside

This policy states that planning permission will not normally be given for the development in the open countryside beyond the confines of settlements. The policy sets out seven

criteria where exceptions may be made. Criteria 4 advises that certain utility installations requiring a rural location may be an exception. Policy EN2 goes on to state: “Any development considered appropriate to the countryside shall be sited and landscaped so as to minimise its impact on the environment.”

Paragraph 5.21 of the plan advises that the provision of utilities, principally water, electricity, gas and telecommunications, can on occasions involve the development of installations in the countryside. These should however be sensitively located to minimise their impact on the environment.

Policy C1: Sites of Archaeological Interest

This policy states that planning permission will not normally be given for development which would destroy or adversely affect the historic value and setting of scheduled monuments and sites of major archaeological importance as shown on the proposals map.

Paragraph 7.10 of the supporting text goes on to state that scheduled monuments and important archaeological sites, whether in the form of standing remains or buried deposits, provide tangible evidence of the way of life or past generations. They are limited in number, and once destroyed or mutilated, cannot be authentically replaced. It is therefore a major priority to ensure that such features, together with their historic settings, are not threatened by the effects of new development.

Policy C2: Archaeology

This policy relates to the protection and recording of archaeological material and states that in areas where development proposals affect other known sites of archaeological significance or where there is an indication that archaeological material may exist, the district council will include conditions to allow archaeological investigations to take place prior to development.

South Kesteven Landscape Character Assessment (January 2007)

This document is a tool used to define areas in the landscape which are distinctively different from one another. The main objectives of the assessment are:

- To identify the Landscape Character Areas within the District.
- To provide guidance that can be used to develop policy that will encourage landscape character and local distinctiveness to be reflected in new development.

The application site is located within the Fens character area but is also close to the Fen Margin character area. The Landscape Character Assessment describes the landscape sensitivity of the Fen character area in paragraphs 4.169 – 4.172.

Paragraph 4.169 states that the large-scale of the fen landscape, and the lack of trees and woodlands, creates a very distinctive landscape. The features of value in this landscape include the ditches and watercourses and the wide open views. There is little settlement and few well used roads and lanes.

Paragraph 4.171 states that landscape sensitivity to wind proposals in this area would be low to medium. The scale of the landscape, and the lack of features of intrinsic landscape value, would mean that some wind turbines may be accommodated.

Paragraph 4.172 goes on to state that wind turbines are relatively visually permeable, and a limited development would allow the overall character of the landscape to be maintained. Acceptability in the landscape would, however, depend on the detailed siting and design, and overall cumulative impact with any other proposals within the district or surrounding areas. Locations close to existing large-scale human influences such as electricity lines, are likely to be most appropriate. Locations near to large settlements are not likely to be appropriate.

The Fen Margin character area is described in paragraph 4.151 which states that the Fen margin comprises a narrow triangle wedge of land extending north from near Baston to Horbling and Folkingham, between the Kesteven Uplands and the Fens. This is a transitional zone with a landscape borrowing characteristics form very different landscapes that exist to the east and west.

Paragraph 4.153 states that the landscape sensitivity to wind energy proposals would be medium. Whilst the landscape in the Fen margin contains relatively few features of intrinsic landscape interest, the scale of the landscape and the relative proximity of settlements are likely to make it difficult to find locations to successfully accommodate wind turbines.

Key Issues

The key issues in the consideration of this case are considered to be:

1. Landscape and Visual Impact
2. Visual Effects on Residential Receptors
3. Impact on the Historic Environment
4. Noise
5. Ecology and Nature Conservation
6. Hydrology and Drainage
7. Public Rights of Way
8. Safety
9. Shadow Flicker and Reflected Light
10. Traffic and Access Arrangements
11. Interference with Electromagnetic Transmissions
12. Capacity and Need for the Development

13. Air Safety and Radar

Officer Evaluation

Landscape and Visual Impact

PPS 22 acknowledges at paragraph 20 that of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. It goes on to advise that in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.

As outlined in the proposals section of this report, the development relates to the erection of 6No three bladed turbines with a maximum height of 125m and a hub height of 80m and associated equipment housing and access tracks etc. The proposed development would have an estimated operational life of approximately 25 years after which time the site would either be decommissioned or a new application to extend the operational life of the site would be submitted to the Council.

In assessing the impact of this development a major factor is its potential impact on the landscape. The District Council has employed Faulks Perry Culley & Rech (FPCR) as consultants to undertake a critical appraisal of the landscape and visual elements of the application and supporting ES. Following an assessment of the submitted ES the FPCR review raised concerns with the location and position of a number of the photomontages provided. The review also noted that a particular feature of the landscape around the site, are church towers and spires, which provide important focal points. The FPCR review therefore recommended that additional photomontages should be prepared from locations to the west of Billingborough and that the locations chosen should enable views of the spires/towers to be seen in context together with the turbines at Bicker Fen. FPCR also stated that the montages should be provided before an overall conclusion on the likely landscape, visual heritage impacts is reached.

In view of the review undertaken by FPCR and at the request of Officers the applicants have undertaken a further review of the Landscape and Visual section of the ES and have provided an addendum to the ES which provides further information to address the issues and concerns raised by the Council's consultants.

The Landscape and Visual element of the addendum to the ES specifically provides a number of additional viewpoints as agreed with FPCR including:

- Retake of three viewpoints presented in the ES from alternative locations to provide a more helpful view of the Development.
- Photography of six additional views of the wind farm in conjunction with spires and towers of churches, including Billingborough Church and Sempringham Church, and with Bicker Fen wind farm.

- Review of the landscape and visual assessment in the context of the South Kesteven Landscape Character Assessment.
- Further consideration of the sensitivity accorded to public Rights of Way.
- Further consideration of the methodology used to assess the effects on Neslam Levels and Fen landscape character area.

FPCR have undertaken a review of the addendum and have confirmed that it addresses the concerns they raised with the original ES.

FPCR have advised that the overall conclusion in the addendum is that there would be a medium/high magnitude of landscape change in the Fen character area immediately around the site of the turbines reducing with distance. There would be a significant landscape effect for approximately 1.5 – 2km around the turbines but beyond this the impact would not be significant. FPCR have confirmed that this is a fair assessment.

With regard to the Fen Margin character area, at its closest, there would be a medium-high magnitude of change, for part of the area, leading to a significant effect. Over the wider part of the character area the effect would be less and would not be significant. This is considered to be a fair assessment of the impact on the immediate landscape character areas referred to in the South Kesteven Landscape Character Assessment.

With regard to the Neslam Levels and Fens landscape character area as outlined in the ES the landscape and visual assessment assesses the sensitivity of this character area to be low, the magnitude of change on the landscape character of this receptor to be medium, and the effect to be significant. FPCR raised concerns with this evaluation as it did not accord with the information given in Table 1-4 of the ES which suggests that the combination of a low sensitivity and medium magnitude of change would result in a not significant effect.

However paragraph 2 of section 7.2.3.3 of the ES states that “The matrix however is not a ‘prescriptive’ tool and the analysis of potential significant effects must make allowances for the exercise of professional judgement.”

The addendum to the ES confirms that in respect of the landscape character of the Neslam Levels and Fens, the effect of the wind farm has been assessed as significant in the landscape and visual assessment due to the proximity of the development, and its location within the landscape character area, although the sensitivity is assessed as low and the magnitude for change as medium. In this case, due to the specific circumstances, professional judgement has been exercised to assess the effect as significant, despite the deviation from the advisory matrix.

The Council’s consultants have confirmed that in their opinion the assessment that the development would have a significant impact on the Neslam Levels and Fens character area is appropriate.

The Council’s consultants have also advised that the addendum sets out the reasons why public rights of way have been considered as both “high” and “medium” sensitivity receptors. Although this is not in accordance with the Guidelines for Landscape and Visual

Impact Assessment (GLVIA) which suggest that public rights of way are “high Sensitivity“ receptors, it is accepted that the GLVIA is guidance and that the advice is not prescriptive and professional judgement must be used. The addendum clearly defines how the assessment has been undertaken and FPCR have advised that this is an acceptable approach which enables decision makers to be able to draw their own conclusions on the overall impact, from the evidence provided.

The Council’s consultants have advised that a particular feature of the landscape around this site, are the church towers and spires, which provide an important focus point. The relationship with Billingborough Church and Sempringham Priory Church are particularly relevant.

The addendum to the ES included a number of new view points from the west of the site. The Council’s consultants have, with regard to these views some difference of opinion on the likely effects of the development to those views expressed in the ES and its addendum. It is accepted that generally the views from the higher ground to the west provide a wide and expansive panorama. The turbines would be one group of elements, within the overall panorama. The wide open landscape, would be more appropriate than many types of landscape at accommodating the wind turbines. However from some locations the turbines would become the dominant vertical element in the view, and would compete with Sempringham Church tower and Billingborough Church Spire as features punctuating the skyline. The Council’s consultants have advised that the effect of this has, in their opinion, been underplayed in the addendum to the ES.

The Council’s consultant has advised that overall in landscape terms, the nature of the local landscape is more appropriate than most at accommodating wind turbines. The flat open nature of the landscape, and general lack of scale indicators makes it a generally appropriate location. There would however be some significant landscape visual impacts. This is always the case, when new structures the scale of wind turbines are proposed. These significant impacts therefore need to be balanced against the other benefits of the scheme.

Visual Effects on Residential Receptors

The supporting ES includes a broad approach to the assessment of the impact of the development on the visual amenity receptors including residential properties. The extent of visibility of the development, has been calculated to blade tip and hub height and this has been illustrated on figures 7.20 and 7.21 in the ES. These two figures show the Zone of Theoretical Visibility (ZTV). The ZTV’s are based on landform data only and do not take into account screening provided by, vegetation and buildings.

Within the broad study area (35km) the development will be visible over a wide area, focused to the east. However at this distance the impact of the development would be significantly reduced and local vegetation and buildings will further help to reduce the visual prominence of the turbines.

Within the detailed study area (10km) the ZTV indicate that the development will be visible over most of the area. This is however based on a worst case scenario and existing vegetation and buildings will provide some screening of the development when viewed at distance.

The summary contained in section 7.6 of the ES confirms that during the operational period, the development will be visible and perceived over a relatively large area. The significant operational effects are summarised in table 7.13 of the ES reproduced below:

DURING OPERATION				
Receptor	Sensitivity	Magnitude of Change	Significance of Effect	Nature of Effect
Neslam Levels and Fens landscape area	Low	Medium	Significant	Adverse
Area of Great Landscape Value Study Area only)	Medium	Medium	Significant	Adverse
Neslam Farm, Dove Cottage, Neslam Farm	High	High	Significant	Adverse
Public right of way (within site)	High-Medium	High	Significant	Adverse
Neslam Road	Low	High	Significant	Adverse
Public right of way to the north and Billingborough Drove; Public right of way Ouse Mere Lode: Public right of way Waterway Link) along South Forty Foot	Medium-High	Medium	Significant	Adverse
Residential properties Billingborough Drove, Horbling Fen B1177	High	Medium	Significant	Adverse
Various public rights of way including right of way adjacent to Fen Road; of way adjacent to Dunsby Drove, Drove and along South Forty Foot Drain Fens Waterway Link)	Medium-High	Medium	Significant	Adverse
Residential properties along Fen Road, Millthorpe Drove, Long Drove, Dunsby Haconby Drove, Morton North Drove, Forty Foot Drains	High	Medium	Significant	Adverse
Residential properties on the fringes of Horbling, Billingborough, Pointon, Rippingale, Dunsby, Haconby settlements	High	Medium	Significant	Adverse

The ES acknowledges that the development would have the greatest impact within the detailed study area in close proximity to the development. The ES states that relatively few visual amenity receptors within this area will have close distance views of the towers and blades and that some of these views will be obscured by localised screening and vegetation, subtle variations in land forms and adjacent development.

Overall the ES concludes that the expansive landscape has the potential to accept vertical structures. With few 'scale-indicators' in the landscape to compare the size and location of the development, it will be 'absorbed' within the large scale landscape. The expansive skies underpin a strong landscape capacity to accept the development, even when perceived in combination with other existing or proposed wind farms.

The local opposition group AGAST has raised concerns about the way in which the ES assesses the impact on residential receptors. It raises a particular concern with the fact that rather than an assessment of individual dwellings the ES provides a general overview

grouping dwellings and areas together. AGAST have also pointed out that a number of the closest residential properties are not directly referred to in the ES.

The proposed development would be visible from dwellings on the outskirts of the nearest settlements including Horbling, Billingborough and Pointon. However given the separation distances it is considered that the resulting reduction in the quality of outlook would not be such that it would result in such an adverse impact to cause unacceptable harm to the amenities of the occupiers of the properties.

Within the immediate vicinity of the application site AGAST has advised that there are 11 properties as listed below:

Property	Approximate Distance (m)	Turbine
Dove Cottage	580	T3
Gosdale Farm House	630	T3
Neslam Fen Farm	640	T1
Heron Lodge	715	T3
Church Farm	730	T5
Crown Farm	800	T6
Gosdale Farm	890	T3
1 Forty Foot Cottages	975	T6
2 Forty Foot Cottages	975	T6
Aslackby Decoy Farm	1150	T5
Gosdale House	1160	T3

With regard to Dove Cottage this property's primary elevations face north and south. The rear elevation and garden would therefore look out towards the general direction of T3. There is significant planting and screening along the rear and side boundaries of the property which would help to screen the development although given the close proximity to the site. The turbines especially T3 would appear to be dominant features within the landscape, especially the moving blades of the turbines.

Gosdale Farm House is orientated such that it's residential amenity space and primary windows facing away from the site. It is however located very close to the proposed development. It is considered that the proposed turbines would appear particularly prominent when viewed from the private amenity space around the dwelling, such that it would be detrimental to the residential amenities of the occupiers of the property.

Gosdale Farm is located to the approximately 890m to the southwest of the site the dwelling has some planting on the boundaries but would still have views out across the site. It is considered that given the close proximity to the development the proposed turbines would be a dominate feature in the landscape when viewed from this property.

Neslam Fen Farm is orientated such that its primary windows face north south. The windows on the rear elevation and the rear amenity space would also be screened from the proposed development to some extent by an existing agricultural building which is located directly to the west of the property. Notwithstanding this screening the proposed turbines

would still be a dominant feature especially when viewed from the rear amenity spaces of the dwelling.

Herron Lodge is located to the west of the application site and has primary windows on the southern and eastern elevations, including a conservatory, which face towards the site. The turbines when viewed from this property would appear to be particularly prominent and dominant features in an otherwise flat landscape. Whilst there is some screening along the boundary of the property it would not screen the moving blades of the turbines.

Church Farm is located directly to the south of the application site on Pointon Fen. The property has a number of principal windows on the northern elevation facing directly onto the site. Although the development would be largely screen by existing mature planning along the sites northern boundary the occupiers would still have some views out across the site, especially in the winter months. It is therefore considered, given the close proximity of this dwelling (730m) to the development that the proposed turbines would appear to be a dominant and overbearing feature in the landscape and would be detrimental to the residential amenity of the occupiers of this property.

Crown Farm and 1 & 2 Forty Foot Cottages are orientated such that the principal windows do not face directly out onto the proposed development. The separation distances to the nearest turbine would be approximately 975m. Notwithstanding this is considered that from the outdoor amenity areas of these properties the turbines would still appear dominate features but to a lesser extent than the properties outlined above..

Aslackby Decoy Farm and Gosdale House are located over 1km away from the nearest proposed turbine. Given the orientation of these dwellings and the separation distances it is considered that the proposed development would not have significant detrimental impact on the outlook from these properties.

Taking the above into account it is considered that because of their height, and the movement of the blades the proposed turbines would appear intrusive and oppressive in the outlook from Dove Cottage, Herron Lodge, Neslam Fen Farm, Gosdale Farm House, Gosdale Farm and Church Farm. It is considered that this would have a significantly detrimental impact on the residential amenities of the occupiers of these properties.

Impact on the Historic Environment

The ES indicates that there are a total of 30 Scheduled Ancient Monuments (SAMs) and 358 Listed Buildings within a 10km study area. The closest SAM is approximately 0.8km from the proposed development, and the nearest Listed Building is approximately 1.75km distance.

The summary of the ES advises that the indirect visual effects of the development on SAM's, Listed Buildings and Conservation Areas have been considered. The assessment concludes that the effect of the development on the historic setting of SAMs will be neutral. The historic setting of 6 of the 358 Listed Buildings will be affected, but only 2 of these significantly. There will be moderate adverse effects on the historic setting of two Grade I Listed churches, at Billingborough and Sempringham, and there will be minor adverse effects on the historic settings of four Grade II Listed Buildings. The ES also concludes that there will be no indirect visual effects on Conservation Areas. The impacts on the

historic settings of the two Grade I Listed churches, located at Billingborough and Sempringham are considered to be significant. However the ES concludes that these impacts are fully reversible and will cease to exist when the development is decommissioned.

With regard to the impact on local conservation areas the Council's Conservation Officer is in agreement with the conclusions of the ES, that the impact on individual buildings in the Conservation Areas would not be significant, as the designated areas comprise the older, central parts of settlements that area already surrounded by modern development.

The Council's Conservation Officer has advised that the ES acknowledges that two listed buildings will be adversely affected and identifies these as the Grade I listed churches of St Andrew's at Billingborough and St Andrew's at Sempringham. Their Grade I listing status identifies them as being of National importance.

The Council's Conservation Officer has advised that it is the setting of these buildings that will be particularly affected by the development. He has advised that the existing wind farm at Bicker gives some indication of the likely impact of that proposed for the Neslam Farm Site. The turbines at Bicker are readily visible from various view points in the locality, particularly the elevated land of the Kesteven Uplands to the west. From here the existing turbines already impact on the setting of several settlements and the tallest buildings, their churches.

The turbines proposed for Neslam Farm will have a significantly greater impact on their immediate locality, particularly as they will be taller than those at Bicker. Any adverse visual impact would therefore be exacerbated by the combined impact of both the Bicker and Neslam Farm turbines.

English Heritage has been consulted and raised objections to the proposed development on the grounds that it would have an adverse impact on the setting of a number of scheduled ancient monuments in the area. They have also advised that the proposed development would have an adverse impact on the setting of the churches of St Andrew's Sempringham, St Andrew's Billingborough and St Andrew's Horbling. English Heritage also advised that the development would have an adverse impact on the setting of the Grade I church of St Mary and Holy Rood at Donington, and have a lesser but noticeable impact on the Grade I listed churches of St Mary at Pinchbeck and St Mary and St Nicholas at Pinchbeck.

The applicants have undertaken a further assessment of the heritage assets in the immediate area adjacent to the site in order to address English Heritages concerns. The review includes a number of photomontages in order to show a visual representation of the development and its potential impact, particularly on the churches at Sempringham and Billingborough.

The addendum concludes that the additional material presented supports the conclusions of the ES in that other than the two churches at Billingborough and Sempringham, none of the SAMs or Listed Buildings about which English Heritage have expressed concern is subject to an effect upon its historic setting.

Notwithstanding the addendum to the ES English Heritage remains of the opinion that the development should be refused because of the damaging effect on the setting of nationally significant heritage assets.

The Council's Community Archaeologist has advised that the setting of a monument is generally considered to be what can be seen and heard, to and from a monument. With regards to the setting of Scheduled Ancient Monuments the Community Archaeologist concurs with English Heritages' comments about the setting of Sempringham Priory and Church. She notes that the site as a priory and church was/is a site of contemplation, reflection and peace, and therefore depending on your personal feeling about wind farms, a peaceful presence may or may not exist, if a wind farm could be seen from the site.

The Community Archaeologist has also noted that the wind farm will also be visible from the moated medieval grange (LI61), Bronze Age saltern (LI302), and the Roman settlements at Fen Farm and Poplar Farm. The nature of these sites are different from that of Sempringham Priory in that they were related to agricultural activity, or industrial (salt making) activities in case of the Bronze Age saltern.

The Community Archaeologist has advised that consideration should be given to the cumulative effects of this application and the Bicker wind farm together, on a landscape which is primarily arable and rural. The construction of another wind farm in this area further industrialises the rural setting.

The ES at section 11.7 paragraph 5 states "The historic setting of two Listed Buildings will be significantly affected. This is an extremely small proportion of those identified within 10km study area: the vast majority are not within the Development's visual envelope, and in any case most do not have a visual or historic setting that extends beyond their immediate locality. The two significantly affected buildings are both Grade I Listed churches, at Billingborough and Sempringham. In both cases there will be some shared views which include the church and the Development, although the turbines will not be a dominant feature for either. Many other views that take in the churches will be unaffected. The assessment identifies a Moderate adverse impact on the historic setting of these buildings.

Paragraph 8 goes on to state that "in terms of the EIA Regulations, there are two impacts on cultural heritage resources which may be considered as significant. These are the indirect visual impacts upon the historic setting of Billingborough church and Pointon and Sempringham church, which are predicted as Moderate Adverse. These impacts are fully reversible and will cease to exist when Development is decommissioned. No other significant impacts, either direct (physical) or indirect (visual) have been identified."

The proposed wind farm has an operational life of approximately 25 years and over this period the turbines would become an established feature of the landscape. The proposed turbines would therefore effectively form a significant feature in the landscape for an entire generation. In view of the length of time that the turbines would be in place, and the concerns raised by English Heritage, the Council's Community Archaeologist and Council's Conservation Officer it is considered that the proposed benefits of the development do not outweigh the significant harm that the development would have on the heritage assets in the area. The adverse impacts that the development would have on the heritage assets in

the area would be exacerbated when the cumulative impacts of the proposed development and the existing Bicker Fen wind farm development are taken into consideration.

Noise

Debate relating to noise from wind turbines is extensive. However, turbines, especially modern turbines are not inherently noisy machinery. This is supported by the companion guide to PPS22 which advises that under most normal operating conditions: turbine noise is likely to be completely masked by wind-generated background noise. Wind generated background noise increases with wind speed, and at a faster rate than the wind turbine noise increases with wind speed. The difference between the noise of a wind farm and the background noise is therefore liable to be greatest at low wind speeds. Varying the speed of the turbine in such conditions can, if necessary, reduce sound output from modern turbines. This is an accepted response if noise limits set by a planning condition are exceeded.

Noise from turbines is measures in accordance with a specific methodology ETSU - R – 97 'The Assessment and Rating of Noise from Wind Farms' 1997. The recommendations of this report established accepted background noise levels and the extent to which they may be reasonably exceeded. This methodology is not intended to result in no noise effects on neighbouring occupiers. It is designed to ensure that a satisfactory living conditions for those exposed to it are maintained. This is achieved by setting a 5 dB (A) level above background levels (at both day and night) at the nearest noise sensitive properties. This methodology has formed the basis of the submitted noise assessment in the Environmental Statement.

The validity of ETSU –R-97 methodology has been questioned by objectors to this development, and other similar schemes throughout the country. Specifically, in that it does not address low frequency sound and other noise/health implications. However, this methodology has been supported by a letter from the Department of Communities and Local Government sent to all planning authorities in England dated 23 November 2007. It says:

"The Hayes McKenzie report, on low frequency noise, was commissioned by the DTI and issued in May 2006. It investigated claims that infrasound or low frequency noise emitted by wind turbine generators was causing health effects. It concluded that there is no evidence of health effects arising from infrasound or low frequency noise generated by wind turbines. The report, however, has been quoted as recommending a total review of ETSU–R-97 (this is the methodology planning authorities are advised to use when assessing and rating noise from wind energy developments). This is not the case. The advice in PPS22 and its Companion Guide that ETSU-R-97 should be used for the assessment and rating of noise from wind farms is unchanged."

With regard to the operational noise from the proposed turbine the Council's Environmental Protection Officer has undertaken a review of the data contained within the ES and the additional noise data provided. The Environmental Protection Officer has also provided comments based on the concerns outlined in the objections from AGAST.

The Environmental Protection Officer has advised that the turbine make and model have not yet been selected and the noise predictions in the ES have therefore been based on a candidate turbine of a Vestas V90 2MW wind turbine operating in Mode 2.

The ES indicates that the ETSU-R-97 upper limits for daytime and night time noise will not be breached. However, there is some concern that as the predicted levels are relatively close to the upper quite daytime limit (within 2dB(A)) at Dove Cottage during the day, that there is the potential that when the turbines are installed and local conditions are taken into account that this upper limit may be breached.

The Environmental Protection Officer has suggested that if, a condition was imposed to limit noise to the greater of 38dB LA90,10mins (the predicted level at Dove Cottage) or 5dB(A) above the background for quiet daytime hours, this would leave no margin for any increase due to actual local conditions after installation.

ETSU –R-97 suggests that the actual level chosen (between 35-40sB(A)) should depend upon a number of factors. If it was justifiable to select the lower limit (between 35-40dB(A) as a condition, the predictions have shown that this level could not be achieved at any of the measured locations.

The factors include;

- Number of dwellings in the neighbourhood of the wind farm (ETSU-R-97 suggests that if only a few dwellings are affected, then the environmental impact is less and noise limits towards the upper end may be appropriate)

- The effect of noise limits on the number of kWh generated (ETSU-R-97 suggests that a single turbine causing noise levels of 40dB(A) would have less planning merit than 30 wind turbines creating the same amount of noise)

- Duration and level of exposure (ETSU-R-97 suggests that this approach is difficult to formulate, however, a property which experienced background noise levels below 30dB(A) for a substantial proportion of the time in which the turbines would be operating could be expected to receive tighter noise limits than a property at which the background noise levels soon increased above 35dB(A)).

When considering these factors in relation to this development, it would suggest that a limit of 35dB(A) may not be appropriate in this instance, nor would the upper limit of 40dB(A).

In relation to the monitoring positions the Council's Environmental Protection Officer has advised that it is intended that measurements should be made in "free-field" conditions, however, ETSU-R-97 states that it may be appropriate to undertake background noise measurements in sheltered locations close to a property if they are often used for rest and relaxation.

In respect of the monitoring period of 15 days, this is more than the minimum of 1 week's measurements as required by ETSU-R-97 and in this case was carried out in November/December. The time of the year can have an effect on measurements, as detailed in ETSU-R-97, summer months may be expected to give higher ambient noise

levels due to leaves on trees but lower levels due to reduced rainfall. Winter months may result in lower ambient noise levels due to no leaves but higher levels due to rain. The submitted rainfall data does not indicate excessive rain during the monitoring period.

Details of wind direction during background noise measurements are not apparent, although modelling in the assessment has used downwind conditions in an attempt to represent worst case conditions.

The Environmental Protection Officer has advised that it is important to stress that her comments relate to the particular turbine (Vestas V90-2MW) used in this assessment, with an 80m hub height, used in Mode 2. Any deviation from this choice will result in changes to noise levels and further assessment would therefore be required.

The Environmental Protection Officer comments, based on the information provided in the ES and addendum, indicate that it is not possible for the development to meet the lower ETSU-R-97 daytime noise limit of 35dB(A) at any of the properties where monitoring was undertaken. The greatest level of noise during the daytime period is predicted to be 38dB(A) at Dove Cottage. If this level is conditioned as part any planning approval it will leave no margin for increase on the ground when the turbines are installed. The Environmental protection Officer has confirmed that she does not considered it appropriate for the upper limit of 40dB(A) to be used in this instance.

As already stated this application is based on a candidate turbine (the Vestas V90 2MW wind turbine) and the date related to the noise assessment has been based on this candidate turbine. The Inspectors report into the Thackson's Well Farm wind farm development at Long Bennington (S07/1661) raised some concerns with the ability to satisfactorily condition a development based on the use of a candidate turbine. The Inspector did however in that case also have concerns with regard to the background noise data submitted with the application.

In view of the concerns raised by the Inspector in the Thackson's Well case officers have written to the applicants to seek their views on this position. The applicant's have responded and made the following comments:

> "In relation to Thackson's Well, you refer in your letter to what you perceive is a procedural difficulty in formulating a suitable noise limit condition at this stage in the planning process before both background noise levels have been re-validated and final turbine choice has been made. You state that in the interests of public confidence in the decision-making and enforcement process, it is in your view necessary for the noise limits and choice of turbine to be founded upon data which has, and can be seen to have been, carefully and accurately compiled before full permission has been granted, rather than afterwards.
>
> Your approach, of course, is seeking to echo that taken by the Inspector at Thackson's Well. However, it is fundamental to appreciate the clear distinction between this case and that at Thackson's Well where the particular concern for the Inspector at Thackson's Well was that he considered there would be likely to be some difficulty in formulating a suitable noise condition before both

background levels had been re-validated and final turbine choice had been made, as was made clear in his decision.

In this case, background noise levels have been established through detailed survey work. Further, at Thackson's Well, the turbine model proposed was an unusual gearless model where as Neslam the turbine noise parameters used in the assessment will also more typical geared turbine choices to be made within those parameters.

In general, the Inspector at Thackson's Well considered that adequate control could be secured by planning conditions that specify particular limitations such as turbine type for later approval and which incorporate requisite and specific environmental mitigation measures. He recognised that predictions of turbine noise are necessary to provide the developer and local people with assurance, before turbines are purchased and installed, that ETSU noise limits are capable of being met. This has been demonstrated for Neslam in the ES and is not disputed by the Council's EHO in this case.

Indeed the Council's EHO in her response has not raised an issue in this respect. She has agreed that the assessment of noise at Neslam is in accordance with ETSU-R-97, that this is the appropriate approach and that the noise assessment demonstrates that the wind farm could operate within the derived limits in all locations. She considers the application of noise limit conditions to be appropriate here where the actual turbine to be used has not been selected.

We note the approach to a condition you have outlined in your letter which offices some flexibility in future turbine choice, it does however remain restrictive irrespective of whether one or a number of turbines are assessed at this stage. It pre-empts the competitive tender process to select the optimal turbine available at that time. This process is appropriately conducted post-permission when there is some certainty on a project progressing. This has, of course, been the generally accepted approach for wind farms to date and the Thackson's Well decision does not alter that.

You state in your letter that the assessment approach does not assess the impact over the range of parameters which might result if an alternative turbine was selected and would therefore be inconsistent with the approach adopted by the Inspector in the Thackson's Well case and could give rise to similar difficulties.

However, the noise assessment contained in the ES is based on noise data for a Vestas V90 2MW turbine which has been chosen as it is representative of typical commercially available turbines within the model turbine parameters and which can be operated in variable modes to enable particular noise limits to be achieved as is indicated in the ES. The noise assessment carried out and reported in the ES specifically does give confidence that the turbine development can operate with a noise impact which would come within the parameter limits. There are no particular circumstances at Neslam (unlike

> Thackson's Well) that would justify deviating from the usual approach on this issue.
>
> We therefore suggest that the turbine selection issue can be appropriately dealt with by a condition along the following lines:
>
> "The turbines installed and operated shall be Vestas V90 2MW type turbines unless otherwise approved in writing by the Local Planning Authority, with any approved changes constituting non material changes which do not materially change the significance of the environmental effects assessed in the Environmental Statement in respect of Vestas V90 2MW type turbines"
>
> A separate condition requiring compliance with ETSU limits would cover any specific noise limitations with the Council wish to see specifically dealt with."

The purpose of the Environmental Impact Assessment is to ensure that the environmental impacts of the development are fully assessed. The submitted ES is based on a candidate turbine (Vestas V90). If an alternative turbine was used this would inevitably have different noise characteristics. Whilst the submitted ES demonstrates that the candidate turbine would comply with the ETSU limits, the Councils Environmental Protection Officer has advised that at Dove Cottage there would be no margin for increase. The use of an alternative turbine could therefore result in the development having an adverse impact on the occupiers of nearby properties, in particular the residents of Dove Cottage.

Officers have sought counsel's opinion on the use of conditions and the issue of the use of a candidate turbine. Counsel has advised that the applicants could provide additional information before the application is determined relating to a number of alternative turbines. This would enable the Council to impose a condition allowing the applicant to select from a number of turbines which have been demonstrated to comply with the relevant guidelines. The applicants have not provided any additional information, Counsel has therefore advised that the best course of action would be to condition any consent to the candidate turbine used in the ES (Vestas V90). It would then be open to the applicant to make an application under s73 of the Town and Country Planning Act 1990 to carry out the development otherwise than in accordance with the condition. In other words the applicants could apply to vary the condition in order to use an alternative type of turbine.

Concerns have been raised in relation to the way in which noise data has been collected and the sites chosen. The Council's Environmental Protection Officers is satisfied that the noise data submitted has been collected in accordance with the ETSU guidelines. There has been some confusion with the addresses of properties. It has however been established that the noise data has been collected from Dove Cottage and Gosdale Farm House (not Drove Cottage and Gosdale Farm as indicated in the ES). It is considered that the data has been collected from the properties most likely to be affected by the proposed development.

The Council's Environmental Protection Officer has raised concerns that the ES demonstrates that the candidate turbine would only just fall within the upper daytime limits of 38dB(A). The Council's Environmental Protection Officer is particularly concerned that the submitted noise data is based on calculations for a candidate turbine operating in a quite mode (mode 2). The noise data contained within the ES indicates that the candidate

turbine would only just be able to meet the ETSU upper daytime limit of 38dB(A) at Dove Cottage. Given that alternative turbines may be installed on site the actual noise levels from the development may well exceed the limits indicated for the candidate turbine in the ES. It is therefore considered that the proposed development could result in significant noise complaints from the residents of Dove Cottage. Given the lack of any tolerance in the noise data provided and the recommended upper daytime limit of 38dB(A), it is considered that the development could not be satisfactorily controlled by way of condition. Of particular concern is the ability of the Council to enforce any noise condition which is likely to be tested on a regular basis.

With regard to operational noise and disturbance during construction the Council's Environmental Protection Officer has advised that this can be satisfactorily controlled by conditions.

A significant number of objectors including AGAST have raised general health and safety concerns relating to the proposed wind turbines. AGAST have also submitted a significant amount of data in relation to recent studies which have been carried out in relation to the health implications of wind farms. Notwithstanding the sufficient information submitted it is considered that the research in this area is inconclusive. It is therefore considered a reason for refusal on these grounds could not be substantiated.

Ecology and Nature Conservation

The companion guide to PPS22 states that the impact on local ecology of a wind farm should be minimal. A typical wind farm will usually leave the land between the turbines totally unaffected.

PPS9 Biodiversity and Geological Conservation gives advice on nature conservation and development control. It advises that apart from the movement of the blades, the development of wind turbines warrants no different approach in terms of ecological considerations from any other development. Applications to harness wind energy may be made in areas designated as of ecological importance, and such applications should be rigorously examined. Evidence suggests that the risk of collision between moving turbine blades and birds is minimal both for migrating birds and for local habitats.

Some of the most common concerns with regard to wind turbine developments relate to bird strikes, loss of habitats and hedgerow removal. The Council has undertaken consultations with the Lincolnshire Wildlife Trust, Natural England and the RSPB. English Nature and the RSPB have confirmed that they have no objections to the proposed development subject to conditions being imposed on any consent. It is therefore considered that any potential impacts from the development can be satisfactorily mitigated.

Hydrology and Drainage

The Black Sluice Internal Drainage Board have raised no objections to the proposed development. They have however advised that the proposed control building and construction compound, as indicated on the plans submitted with the application, would contravene their bylaw distance of 9m. They have therefore advised that the development

as shown could not proceed without the Boards consent. The applicant has confirmed that it is their intention to comply with the Boards requirements as such there may be a requirement to re-site the proposed control building and compound. It is considered that this would only require a relatively minor alteration which could be controlled by way of a condition requiring precise details of the siting of the building and compound to be agreed by the LPA prior to any development taking place.

The site is also located within an area shown to be at risk of flooding on the Environment Agency's flood plans. The Environment Agency has raised no objections to the proposed development it is therefore considered that acceptance of the proposal will not result in any increase risk of flooding in the area.

Public Rights of Way

Concern has been raised regarding the impact of the development on the users of the nearby public rights of way and the distance to Public Rights of Way.

The British Horse Society has suggested a 200 metre exclusion zone around bridle paths to avoid wind turbines frightening horses. Whilst this is considered to be desirable, it is not a statutory requirement. The supplementary guide to PPS22 advises that there is no statutory separation distance between a wind turbine and a public right of way. Often, fall over distance is considered acceptable separation, and a minimum distance is often taken to be that the turbine blades should not be permitted to over-sail a public right of way.

None of the proposed turbines would over-sail any of the public rights of way. It is considered that whilst the users may experience a short period of inconvenience during the construction phase, it is not considered that refusal of planning permission could be justified.

Safety

The companion guide to PPS22 advises that experience indicates that properly designed and maintained wind turbines are a safe technology. The very few accidents that have occurred involving injury to humans have been caused by failure to observe manufacturers' and operators instructions for the operation of the machines. There has been no example of injury to a member of the public.

The only possible source of danger to human and animal life from a wind turbine would be loss of a piece of the blade or, in most exceptional circumstances, of a whole blade. Many blades are composite structures with no bolts or other separate components. Blade failure is therefore most unlikely. Even for blades with separate control surfaces on or comprising the tips of the blade, separation is most unlikely.

The proposed turbines would be monitored on a regular basis it is therefore considered that there would be no significant health risk from turbine failure.

Concerns have also been raised with regard to ice forming on the blades. The companion guide to PPS22 advises that the build-up of ice on turbine blades is unlikely to present a problem on the majority of sites in England. For ice to build up on wind turbines particular weather conditions are required, that in England occur for less than one day per year.

Based on this guidance and the fact that turbines generally contain safety devices which protect against vibration and imbalances in the turbine blades it is not considered that this can be sustained as a justifiable reason for refusal.

Shadow Flicker and Reflected Light

Concerns have been raised with regard to the potential impact from shadow flicker. The companion guide to PPS22 advises that under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a narrow window opening. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the site. Although problems caused by shadow flicker are rare, for sites where existing development may be subject to this problem, applicants for planning permission for wind turbine installations should provide an analysis to quantify the effect.

The companion guide goes on to advise that Shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected. Flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore if the turbine has 80m diameter blades, the
potential shadow flicker effect could be felt up to 800m from a turbine.

Around 0.5 % of the population is epileptic and of these around 5 % are photo-sensitive. Of photo-sensitive epileptics less than 5 % are sensitive to lowest frequencies of 2.5-3 Hz, the remainder are sensitive only to higher frequencies. The flicker caused by wind turbines is equal to the blade passing frequency. A fast-moving three-bladed machine will give rise to the highest levels of flicker frequency. These levels are well below 2 Hz. The new generation of wind turbines is known to operate at levels below 1 Hz.

The document entitled Onshore Wind Energy Planning Conditions Guidance Note : A report for the Renewables Advisory Board and BERR published in October 2007 provides guidance on the use of conditions and states that where wind turbines lie within the geographical range which may be affected by shadow flicker it will not be possible to determine whether or not shadow flicker effects will actually be felt until an assessment has been made of window widths, the uses of the rooms with potentially affected windows and the effects of intervening topography and other vegetation. Where it has been predicted that shadow flicker effects may occur in theory, a local planning authority may consider it appropriate to impose a planning condition to provide that wind turbines should operate in accordance with a shadow flicker mitigation scheme which shall be submitted to and approved by the Local Planning Authority prior to the operation of any wind turbine unless a survey carried out on behalf of the developer in accordance with a methodology approved in advance by the local planning authority confirms that shadow flicker effects would not be experienced within habitable rooms within any dwelling.

The ES contains as section relating to shadow flicker and has been assessed on a 'worst case scenario'. The conclusions state that:

> "The assessment has identified five receptors where shadow flicker may occur within the study area. All of the receptors within the study area, to varying degrees, have the potential to be affected by shadow flicker. There will be no effects on human health.
>
> The majority of receptors will be affected by shadow flicker for less than 30 hours over the year. This has been calculated during the optimum conditions for shadow flicker effects to occur, with the exception of considering average sunshine conditions. The effects on the majority of receptors will not be significant.
>
> Receptor 3, Neslam Farm, has potential to be affected by shadow flicker for more than 30 hours over the year, when assessed against the optimum conditions for shadow flicker effects to occur, with the exception of considering average sunshine conditions. In addition, the effects on Neslam Farm are likely to be reduced by localised screening. The effects on Neslam Farm will be significant.
>
> While assessed in accordance with the guidance proposed here, the impact on Neslam Farm would be judged to be significant, the owner of Neslam Farm is also the landowner who has given permission for development of the wind farm at this site. As such he has no concerns and no objections regarding shadow flicker."

Whilst noting the comments in the conclusions to the ES the evidence is based on a 'reduction' factor which has been applied to the predicted duration of shadow effects, based on the average amount of sunshine that occurs in the 'Eastern England Region' (Cambridge station) as defined by the Met Office between 1998-2007. Sunrise and sunset times, to outline the maximum potential hours of sunshine, have been obtained from US Naval Almanac website for 2008. From this analysis, the ES states that a more accurate prediction of shadow flicker effects, based on realistic hours of sunshine, would be approximately a third (33%) of the total hours balanced over the year.

Taking into account the fact that this correction factor is quite significant and the fact that even without the correction factor a number of properties would still be affected by shadow flicker to some extent it is considered appropriate that if the development were to be approved a condition should be imposed requiring a shadow flicker mitigation scheme to be submitted to an agreed in writing by the local planning authority.

Turbines can also cause flashes of reflected light which can be visible from some distance. It is possible to ameliorate the flashing but not completely eliminate it. Careful choice of colour and surface finish can help reduce the effect. Light grey semi-matt finishes are often used for this. The applicants have indicated that the development will have such a finish.

Socio Economics, Tourism and Recreation and Land Use

It is considered that the proposed development may generate some short term employment opportunities during the construction and decommissioning phases of the development.

Concerns have been raised about the impact that the development will have on tourism and the local economy. It is considered that the development would have a minimal impact on the tourism activities in the area and on the local economy.

Concern has be raised in relation to the designation of the land to the effect that the development would form an industrialisation of this countryside location and gain 'brownfield' status allowing further industrial development. Clearly the areas around the turbines would remain in agricultural use. On decommissioning the land would be reverted back to its original agricultural use. It is therefore considered that the development will not result in a significant loss of agricultural land or provide the possibility that the site could be deemed to be previously developed land ('brownfield') where further industrial development might be allowed.

Traffic and Access Arrangements:

Significant concerns have been raised in relation to the proposed access arrangements. The main concerns relate to the use of Neslam Road given its limited width, the impact on additional traffic on Billingborough, safety concerns about increase traffic close to Billingborough primary school, and concerns that the increase traffic would have a detrimental impact on the structural safety of the listed buildings on the proposed access route.

The Highways Agency has raised no objections to the proposed development it is therefore considered that the main access route along the trunk roads is considered to be acceptable.

The Local Highway Authority has however raised some concerns in relation to the use of Neslam Road. The applicants have been in direct contact with the local highway authority in relation to these issues and any additional comments will be reported in the late background papers document.

With regard to the impact on adjacent listed buildings along the proposed access route, it is considered that the increased vehicle movements will only be for a limited period during the construction and decommissioning phases of the development. It is therefore considered that this would not be so detrimental to warrant refusal of the application on these grounds.

Interference with Electromagnetic Transmissions

Concerns have been raised that the proposed development will have a detrimental impact on TV. and radio reception in the surrounding area. The submitted ES has indicated that the analogue television transmitters of Waltham and Belmont could potentially be affected by the development. The ES indicates that the television reception at up to 100 homes may be affected by the development.

The applicants have indicated that should the development have an adverse impact on television and radio reception in the area this can be resolved through technical solutions. It is considered that this issue could be control by way of a planning condition requiring mitigation measures to be undertaken if the development does impact on local TV. and radio signals.

Capacity and Need for the Development

Concerns have been received in relation to the inefficiency of wind turbines in general and the unsuitability of this particular site in terms of its estimated wind resource. PPS-Planning and Climate Change advises that applicants should not be required to demonstrate either the overall need for renewable energy and its distribution, nor should they have to justify why a proposal should be located in a particular location.

PPS22 advises that targets for renewable energy capacity in the region should be expressed as a minimum. It then goes on to state that the fact that a target has been reached should not be used in itself as a reason for refusing planning applications for further renewable energy projects. It is therefore considered that it would be inappropriate to refuse this application on the grounds that the regional targets could be met by other developments.

Matters relating to the inefficiency of a particular technology are clearly matters for central government to address as part of any future policy reviews in the event that current generation targets are not met.

Air Traffic Safety and Radar

Concerns have been raised in relation to the proposed developments impacts on air safety. The Civil Aviation Authority has not objected to the proposed development but has advised that the MoD and local aerodrome operators should be consulted.

NATS have raised no objections to the proposed development.

Two local aerodrome operators based at Decoy Farm and Pointon aerodromes have raised concerns about the proposed development and the potential for it to increase risks of midair collisions and to adversely impact on local radar readings.

The Defence Estates has been consulted and has undertaken a detailed assessment of the proposed development. They have advised that the proposed development will cause unacceptable interference to the Air Traffic Control (ATC) radar at RAF Cottesmore, and at RAF Cranwell.

The Defence Estates has also advised that the turbines will have an adverse impact on the Precision Approach Radar (PAR) at RAF Cottesmore. The RAF have confirmed that this would result in them been unable to provide a full air traffic service in the area of the proposed wind farm.

In view of the objections from the Defence Estates and the additional risk caused due to the location of two privately operated aerodromes in the area it is considered that the proposed development would be detrimental to air safety.

Precedent

Concern has been raised that if this application is approved it will result in further developments for wind farms been approved in the area. All applications for planning

permission are assessed on their own individual merits. In addition any application for wind farm development would also have to take into account the cumulative impact of the development taking into consideration any existing or approved wind farms in the area. Acceptance of this proposal would not therefore set a precedent for the approval of similar applications.

Property Prices

Concerns have been raised that acceptance of the proposal would have a detrimental impact on the prices of properties in the surrounding area. This matter is not a material planning consideration and cannot therefore be considered in the determination of this application.

Other Issues

Concern has been raised that the applicants would be trying to 'buy planning permission' by offering a community fund. A community fund is not considered to be necessary to make this application acceptable. Furthermore the applicants have not proposed to provide a community fund.

Conclusion

In considering any application for renewable energy developments it is necessary to balance the need to provide energy from renewable sources against the potential environmental impacts of the development. Wind farms by their very nature are likely to cause some harm wherever they are sited and it is therefore the function of the planning system to balance any significant harm to the countryside and ecology etc against the wider environmental benefits that renewable sources of energy provide.

It is considered that, on balance, the proposed benefits of this development would fail to outweigh the potential adverse impacts the development would have on the significant heritage assets in this particular area, the potential noise and disturbance that would be cause to the occupants of Dove Cottage, the detrimental and over bearing impact that the development would have on the residential amenities of the nearest occupied properties, and the potential adverse impact the development would have on air traffic safety in the area.

The proposed development therefore fails to comply with the relevant Development Plan Policies and is accordingly recommended for refusal.

Crime and Disorder Implications

This application raises no significant crime and disorder implications.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

CASE OFFICER RECOMMENDATION: That the development be Refused for the following reason(s):

1. The Defence Estates have advised that the proposed development would have a detrimental impact on the Air Traffic Control radar at RAF Cottesmore, and RAF Cranwell. The proposed development would also adversely affect the Precision Approach Radar at RAF Cottesmore, to such an extent that the RAF would be unable to provide a full air traffic service in the area of the proposed wind farm. There are also two locally operated aerodromes in the area and it is considered that any degradation of the radar systems in this area would be detrimental to air traffic safety. Acceptance of the proposed development would therefore be contrary to the advice contained within Planning Policy Statement 22 (PPS22).

2. It is considered that the erection of six 125m high wind turbines at Neslam Farm, would have significant and detrimental impact on the setting and visual amenity of a number of heritage assets in the area including St Andrews Church Sempringham, St Andrews Church Billingborough, and Sempringham Priory. The proposed development is therefore considered to be contrary to the guidance contained within PPG15, PPG16 and PPS22, and policies 26, 27 and 40 of the East Midlands Regional Plan 2009, and policies EN1, C1 and C2 of the saved policies of the South Kesteven Local Plan. Consideration has been given to the wider environmental and economic benefits of the proposal but it is considered that they do not outweigh the harm which would be caused to the setting of the heritage assets in this area.

3. The proposed development would be located within 580m of Dove Cottage a residential property on Neslam Road. The noise assessment contained within the submitted Environmental Statement (ES) is based on a candidate turbine (Vestas V90 2MW turbine operating in mode 2). Based on the guidance contained within ETSU-R-97 it is considered that an appropriate upper daytime limit would be 38dB(A) given that the site is located within a tranquil rural location. The noise assessment contained in the ES indicates that the candidate turbine could only just achieve this level operating in a quite running mode. Given that the assessment is based on a candidate turbine and this may not be the final turbine used the Council is concerned that the proposed development would be unable to comply with any conditions restricting the noise output to 38dB(A). Given the lack of certainty in the ability of the development to comply with the necessary noise conditions it is considered that the proposed development would result in an adverse impact on the residential amenity of the occupiers of Dove Cottage due to increase noise disturbance. It is therefore considered that the proposed development would be contrary to the guidance contained within PPS22, policy 40 of the East Midlands Regional Plan 2009, and policy EN1 of the saved policies of the South Kesteven Local Plan.

4. The proposed 125m high turbines would because of their height, and movement of the blades appear intrusive and oppressive in the outlook from Dove Cottage, Herron Lodge, Neslam Fen Farm, Gosdale Farm House, Gosdale Farm and Church Farm. It is considered that the proposed development would have a significantly detrimental impact on the residential amenities of the occupiers of these properties. The proposed development is therefore considered to be contrary to the Guidance contained within Planning Policy Statement 22 (PPS22)

* * * * * *

APPENDIX A

1. Spectrum Planning Group:

Thank you for providing us with the opportunity to comment on the above proposed wind farm development.

Based on the information that you provided, our analysis shows the proposed development is unlikely to affect any of our UHF Re-Broadcast feeds and hence we would not wish to object.

We would strongly recommend that your contact Ofcom with respect to all microwave links (including ours) at windfarmenquiries@ofcom.org.uk

Both the BBC Research Department and Ofcom are interested in the effects of wind farm interference on domestic reception for BBC, ITV, Channel 4 and five. The BBC have launched a web-based tool so that wind farm developers can carry out assessments of interference to domestic reception for themselves. Any wind farm enquiries to the BBC or Ofcom now result in the enquirer being directed to this web-based tool. The wind-farm assessment tool can be found at: http://windfarms.kw.bbc.co.uk

2. English Heritage:

Summary

The application is for a wind farm of 6 turbines to the south and east of Neslam Farm, Sempringham Fen, in Sempringham and Pointon. The application site lies in the decayed peat fen at about 4m OD, which means the turbines will be visible over a considerable distance, particularly to the north, east and south.

English Heritage Advice

The application lies in a highly sensitive area in terms of the historic environment as is clear from Chapter 11 of the Environmental Impact Assessment, in terms of nationally significant listed buildings and scheduled ancient monuments. The development will directly impact on the setting of five scheduled ancient monuments, the closest of which are the Bronze Age Saltern (County Monument L1 302) 800m to the north west, which stands to a height of 0.5m above the surrounding ground surface and the Moated Site North East of Sempringham Hall Farm (County Monument L1 61), now known to be a grange of Sempringham Priory that survives as well-preserved earthworks within 1.2km west of the application site. Further to the west are two standing Bronze Age barrows, the Bowl Barrow 220m South of the Limes (National Monument 20810) and the Bowl Barrow 210m SSW of The Limes (National Monument 21471) will also be moderately affected. To the north east and south east are two areas of Roman settlement, the Roman Settlement and Drove at Fen Farm (National Monument 20812) and the Roman Settlement by Fen Road South of Poplar Farm (National Monument 20814). These sites are in cultivation and scheduled to represent a greater area of Roman fen edge settlement. To the south is the scheduled Decoy Pond 350m south of Aslackby Decoy Farm (National Monument 31614), the only one surviving of five formerly located within a radius of 2km in the nineteenth century. Though under cultivation, it is

clearly visible as a crop mark and is restorable. To the west, in the shallow valley of the Marse Dyke, is Sempringham Priory (County Monument LI188), a site where the designation is currently under review. Again largely under cultivation, the EIA claims that the site has no surface remains. Recent survey for English Heritage by Archaeological Project Services indicates that the earthworks, though eroded survive sufficiently well to be seen. The site is the mother house of the Gilbertine Order, which makes it of international significance. It lies below a major Tudor House (not mentioned in the EIA) which is itself of national significance. Not all of the site is scheduled at present, but should be adequately protected by PPG16. The only view out from the site is to the east, in the direction of the application site.

The EIA admits that the application site would have a moderately adverse effect (the expression *significantly affected* is also used) on the setting of Grade I churches of St Andrew, Sempringham and St Andrew Billingborough. To these I would add the church of St Andrew, Horbling. Mitigation offered is that the affect on the setting will only be for the 25 year period of the planning consent, and thus only a temporary inconvenience, which we consider to be unacceptable. A noted feature of churches in this area is tall towers with or without spires ranged along the fen edge, and their verticality will undoubtedly be compromised by this development. It is unfortunate that the Bicker wind-farm to the east was allowed to intrude into this significant landscape. Unfortunately English Heritage was not consulted by the planning authority in that case.

Screening is offered in mitigation, but that screening consists of hedges and trees against turbines standing to a tip height of 125m. While this will screen the necessary cabins it will have a minimal affect on the turbines, which in our view seriously compromise an area of high historic environmental significance.

Recommendation

Because of the effect of this proposed on a significant area of historic environment assets, English Heritage recommends that you refuse this application because of the unacceptable affect on the setting of nationally important scheduled monuments and listed buildings.

3. English Heritage:

Thank you for your letter of 13 February notifying English Heritage of the above application. We have considered the proposal and offer the following additional advice.

Summary

The proposed wind farm at Neslam Farm, Sempringham and Pointon, will have a substantial affect on the setting of a significant number of highly graded heritage assets in South Kesteven District as our letter of 17 February 2009 has detailed. There are, additionally, a number of highly graded churches and scheduled ancient monuments in South Holland District, the setting of which will be similarly compromised, that you should also consider and discuss with officers there.

English Heritage Advice

We consider that the proposed development would seriously impact the setting of the Grade I church of St Mary and the Holy Rood at Doddington, and have a lesser but noticeable effect on the Grade I churches of St Mary at Pinchbeck and St Mary and St Nicholas at Pinchbeck. It will also materially affect the setting of four scheduled monuments on the east side of the South Forty Food Drain: the Moated Site of a Monastic Grange with Adjacent Earthworks at Rigbolt House, Gosberton (national Monument 20816); the Moated Site of Newhall Grange, Pinchbeck (National Monument 20818); the Medieval Moated Site and Post-medieval Gardens at Cressy Hall, Gosberton (National Monument 31616); and the Medieval Field System 250m North of Church End Farm, Donnington (National Monument 20815).

Recommendation

English Heritage recommends that you should include the above heritage assets in any case you make for the refusal of this application in addition to the advice we have already given.

4. English Heritage – East Midlands Region:

We have received amended proposals for the above scheme.

Summary
English Heritage commented on the Neslam Wind farm planning application in respect of its likely effect on the setting of a number of heritage assets on 26 February 2009 and subsequently provided South Kesteven with further information on the significance of the area involved in terms of the historic environment. This latter advise does not appear to have been forwarded to the applicant, though it was provided as clarification of our original planning advice and we are hap[py that it is disclosed. The applicants, Scottish Power Renewables, have provided further information in respect of the likely significant effects of the proposed Neslam Wind farm upon cultural heritage assets, and have commented specifically on individual assets.

English Heritage Advice
The original Cultural Heritage chapter of the Environmental Statement and the Addendum on which we are currently providing advice were both prepared with a very narrow definition of setting, both direct and indirect, and the mistaken presumption that the degree of decay of an asset is directly relatable to its significance. English Heritage gives advice on the presumption that the setting of a historic place, be it a building, monument, park and garden, or battlefield, relates to the relationship between the asset and its surroundings in both the present and the past. It also takes account of the way in which the asset may be perceived, experienced and valued. In practical terms this means that the setting of a historic asset includes those parts of its surroundings that have a relationship with it capable of affecting either its significance or the ability of people to appreciate its significance. Nowhere in statute or Government Planning Policy Advice is there any requirement for there to be public access to an asset in order that it might acquire ‘setting’ or ‘significance’. Decay or modification through time is as much a part of the asset’s significance as the perception of what it was originally, and it is perfectly possible for a site known only from aerial photography in modern farmland to have both a historic and present day setting.

The starting point of our original advice was that the application would affect a highly sensitive area in terms of historic assets, the most significant of which were the internationally significant Sempringham Priory, founding house of the Order of Sempringham otherwise called the Gilbertines), the only purely English monastic order, and the churches of Sempringham, Billingborough and Horbling, all of which were directly related to it. Additionally, there are a further 7 scheduled ancient monuments the settings of which will be compromised, ranging in date from the Bronze Age to the post-medieval period. All of these assets lie in an area which is historically significant because it is recorded on the 'Pinchbeck Fen map' an early fifteenth century map of the fen produced at Spalding Priory and now a part of the duchy of Lancaster Deposit (MPCC 7) in the National Archives at Kew and was published in *Imago Mundi* 51, p 40-50 and plates 1-4 (1999). Incidentally, the author of the Cultural Heritage section of the Environmental Assessment does not appear to have seen this map which includes *inter alia* drawings of the church of Sempringham Priory, and the parish churches of Billingborough and Horbling (these last two notable for their accurate depiction). St Andrew's Church at Sempringham, though it lies within the precinct of Sempringham Priory, is not shown in this map.

The post-enclosure landscape of the fen edge, an area which has traditionally been cultivated since the Roman period, has, of course, been modified through time. Lidar photographic survey undertaken for the Environment Agency and currently being plotted by Archaeological Project Services grant-aided by English Heritage indicates that the underlying ladder-pattern of Roman fields and settlements still survives as slight earthworks in spite of cultivation, and that the Anglo-Saxon and medieval settlements and field systems are related to this underlying land use. Though the landscape features are eroded, they are still recoverable and demonstrate the inter-connectivity of the assets that English Heritage identified as being compromised and detailed in my letter of 17 February. The suggestion in the Addendum that the modern landscape has effectively replaced any historic setting for these assets is not tenable. I would also dispute the lack of inter-visibility in some cases – the Bicker Wind farm is visible from most of the assets I consider would be affected by the Neslam development, and that is at a considerably greater distance.

The Addendum addresses three specific sites which I deal with below:

Sempringham Priory (County Monument L1 188)
Sempringham Priory was originally developed as a nunnery on the north side of the parish church of Sempringham (not the standing church but an earlier structure on the same site) and moved to a new site in the shallow valley of the Marse Dyke in 1139. Its historic setting is thus the medieval village of Sempringham around the parish church and then the valley floor itself, which has open views only to the east, which was largely open fen to the east of the Car Dyke. The priory was suppressed in 1538 and its site granted to Edward Fiennes, Lord Clinton, who build a three-courtyard house on the site. This house, one of the greatest Tudor mansions in Lincolnshire, only slightly smaller than Hampton Court on which it is probably based, was demolished in the mid eighteenth century. The site of both remained as earthworks under grass until 1940 when King George VI ordered that the site be cultivated as part of the War Effort. It remains in cultivation with two exceptions: a mill-pond on the west side of the monastic precinct (now full of scrub but perfectly recoverable), and the outer court of Tudor mansion which lies over the double nave and crossing of the monastic church. The site retains clear if eroded earthworks, principally of the garden terraces associated with the mansion, which are easily seen after harvest from the public footpath that crosses the site of the great and privy courts of the house. The house had two historic view-points, to the south

across garden terraces, and to the east along the valley into the drained fen between the Car Dyke and the South Forty Foot Drain across the privy gardens. To the west of the house the outer court of the priory with its great barns was retained into the post medieval period, a home farm was established to the north-east of the house, and a parsonage was built to the north west of the parish church.

English Heritage contends that the whole of this site is of national significance although only a small part of the whole area is currently a scheduled ancient monument. Survey in 2004-5 referred to in the Addendum to the Environmental Statement has identified the form and extent of both pre- and post-suppression structures. Damage to the site is surprisingly light with limited exceptions, and the earthworks of the medieval village, which was incorporated into the outer court of the priory by the mid twelfth century, are still clearly visible. There are indications that St Andrew's Church is on the site of a Middle-Saxon (probably monastic) church at the centre of a large, square enclosure which is still readable in the landscape.

The Addendum appears to deliberately discount the survival of significant surface features of this site (*i.e. Sempringham Church, therefore, stands in isolation as the sole historic element in the immediate landscape that is readily identifiable).* The whole of the site is perfectly readable from the evidence of survey quoted by the Addendum, from surface inspection between crops, and from the air. Sempringham Priory, like the 109 other medieval monasteries in Lincolnshire, no longer exists in a medieval landscape, but in the same way that its site can be recovered intellectually, so can its wider setting. It is its near wider setting, the eastern view along the valley of the Marse Dyke, that will be compromised by the array of turbines which are accepted to have a *moderately adverse* impact on St Andrew's Church.

The Addendum notes that the survey of the site makes no recommendations about on-site interpretation for visitors. This is true, because there is currently no public access to the farmland and interpretative material is provided within the church for the wider site. Had the author actually read the survey report he would have understood that the purpose of the survey was to provide information to enable effective management of the site which is currently at major risk. It would not be helpful at present to suggest to the Crown Estate or their tenant that the site should be publicly accessible. As noted above, there is no requirement for public access for a site to have a setting.

Scheduled monument LI 61, the Moated Site North East of Sempringham Hall Farm, is a known grange of Sempringham Priory with well-preserved earthworks. Its connection with the monastery site is self evident. From personal experience, I know it is visible from the site of Sempringham Priory and especially that area of the site that is currently scheduled in spite of the Addendum's claim to the contrary. It lies within 1.2km of the proposed wind farm, and the hedge around the site is hardly likely to mitigate the effect the turbines will have on its setting.

St Andrew's Church, Sempringham (isted Grade I)

The original Environmental Statement admitted both a *significant* and a *moderately adverse* effect on the setting of St Andrew's Church, though the Addendum seeks to lessen the effect. The setting of the church is the Anglo-Saxon and early medieval village of Sempringham, and from the time of its rebuilding in the 1160s the precinct of Sempringham Priory and latterly the park of Sempringham Hall. That narrow views from the churchyard are restricted by mature trees overlooks the fact that the turbines will be clearly visible in eastern views

towards the church, and because the turbines are considerably higher than the tower the church will effectively lose its dominance of the local landscape. Again, the Addendum wrongly assumes that there has to be public access for the church to have a setting, and restricts viewpoints to those areas which are publicly accessible.

St Andrew's Church, Billingborough (listed Grade I)

The original Environmental Assessment admitted a *moderately adverse* effect on the setting of this church which it claims not to be a prominent landmark. The issue here is perfectly clear – this is a fen-edge church designed to dominate the landscape and that domination will be seriously challenged by the proposed development.

Recommendation

In spite of the Addendum to the Environmental Statement, English Heritage remains of the opinion that it originally provided and still recommends that this application should be refused because of the damaging effect on the setting of nationally significant heritage assets. In particular, South Kesteven District Council needs to examine the very narrow interpretation that the developer's consultants have placed on setting and assure themselves that this is not contrary to the advice of PPGs 15 and 16 and their own robust planning policies.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

5. Ministry of Defence:

I am writing to confirm that we have the following objections to the proposal. This has been assessed on the 6 grid references below (as submitted by the developers) for turbines of 125m above ground level to blade tip height.

100km Square letter	Easting	Northing
TF	14802	33068
TF	14825	32747
TF	14109	32494
TF	14395	32469
TF	14496	32229
TF	14837	32396

Air Traffic Control (ATC) radar

The turbines will be 28 km from; in line of sight to; and will cause unacceptable interference to the ATC radar at RAF Cottesmore. Another site affected in the same way is RAF Cranwell which is 22 km from the turbines.

Following trials carried out in 2005, it has been concluded that wind turbines can affect the probability of detection of aircraft flying over or in the vicinity of wind turbines.

Due to this, the RAF would be unable to provide a full Air Traffic Radar service in the area of the proposed wind farm. Research is on-going to identify possible solutions that may be applied to the radar to mitigate effects of wind turbines in the future.

If the developer is able to overcome the issues stated above, the MoD may recommend the turbines be fitted with aviation lighting.

I hope this adequately explains our position on this matter. If you require further information or would like to discuss this matter further please do not hesitate to contact me.

6. Ministry of Defence:

Thank you for your letter dated 20 July 2009 regarding additional information in respect of the above planning application. Please accept my apologies for the delay in responding.

I am writing to confirm that we have the following objections to the proposal. This has been assessed on the grid references below (as submitted by the developers) for 6 turbines at 125m above ground level to blade tip height.

Turbine	100km Square letter	Easting	Northing
1	TF	14802	33068
2	TF	14825	32747
3	TF	14109	32494
4	TF	14395	32469
5	TF	14496	32229
6	TF	14837	32396

Air Traffic Control (ATC) radar

The turbines will be 28km from; in line of sight to; and will cause unacceptable interference to the ATC radar at RAF Cottesmore, and 22km from the ATC radar at RAF Cranwell.

Precision Approach Radar (PAR)

The turbines will be 28km from; in line of sight to; and will cause unacceptable interference to the PAR at RAF Cottesmore. In late 2008, the PAR at RAF Lossiemouth was repositioned to observe targets of opportunity over the Rothes wind farm. This has shown that wind turbines affect the detection of aircraft by the PAR. Due to this, the RAF would be unable to provide a full air traffic service in the area of the proposed wind farm.

Currently, the MOD is not aware of any acceptable technical mitigation for the interference that will be caused to the PAR by your wind farm proposal. The MOD is currently working towards a full trial to better understand the effects of wind turbines on the PAR. It is the aspiration of the MOD to have this work complete by the end of 2009. The unclassified results of these trials will be provided to the wind energy industry

Squadron Leader Gavin Pattinson, SO2 ATC Wind Farms HQ Air Command, (MOD Subject Matter Expert for air traffic control and wind farms) has provided the following information in support of our objection:

1. The proposed Windfarm at Neslam Farm has been proven by ADATS that it will show on the Watchman Radars at RAF Cottesmore, RAF Cranwell, RAF Coningsby, and RAF Waddington. Furthermore, the turbines will be seen by the Precision Approach Radar at RAF Cottesmore.

2. Airborne Trials have shown that Wind Turbines can affect the performance of the Watchman radar. In essence, the presence of the turbines reduces the sensitivity of the radar and can produce "false aircraft" returns on the radar. Watchman radar is used to provide Air Traffic Control Services to aircraft flying in the vicinity of RAF Aerodromes. The aim of the services is to ensure that adequate separation is maintained between aircraft, whilst providing approach control services to aircraft operating from the aerodrome. To provide these services it is vital that the integrity of the radar system is maintained at the highest possible level. Any degradation of radar performance could affect the ability of the radar to detect aircraft, and therefore increase the possibility of an airborne incident.

3. Air Traffic Control must treat these "false aircraft" returns as aircraft. When aircrew request Deconfliction Service (DS), Air Traffic Control use the radar to look for other aircraft and will provide the pilot with information on how to avoid unknown aircraft by 5nm. This service is normally requested when aircraft are flying in cloud and are unable to visually avoid other aircraft. As the wind turbine can appear to be an aircraft the controller must aim to avoid it by the specified amount. The position of Neslam Farm would mean a great number of aircraft may need to be diverted around the area, having a significant impact on Military flying in the area. It should be noted that aircrew could request a Traffic Service (TS), in which the controller will tell the pilot about other aircraft but will not aim to avoid it by 5nm (collision avoidance is the pilot's responsibility). In this circumstance the aircrew could fly over the turbine site, through the area of decreased radar coverage and possibly hit an aircraft that Air Traffic Control could not see.

4. Wind turbines in Line-of-Sight to Precision Approach Radar have been shown to have a serious affect on radar. Observations have shown that the larger radar-reflections caused by turbines can seriously degrade the tracking performance of the radar, leading to loss of aircraft contact and ATC personnel terminating the service. This is not a fault of the radar system, which is performing as designed, it is the impact that turbines have.

5. The proposed site will have significant impact on operations at RAF Cranwell and RAF Cottesmore and therefore HQ Air ATC must raise concerns.

Furthermore, Sqn Ldr Pattinson and Mr Stephen Speke, Air Defence and Air Traffic Systems Subject Matter Expert, will be attending the Development Control Committee Meeting on 25th September in order to present our objection in more detail and answer any questions the Members may wish to ask.

I hope this adequately explains our position on this matter. If you require further information or would like to discuss this matter further please do not hesitate to contact me.

7. Scottish Power:

Ofcom have found that within the assessed fixed link frequency bands (see table below), the following fixed link end(s) are within or have path(s) that cross a 1000 m radius coordination area for the stated turbine location as given above. This assessment is based on the Ofcom fixed links database status as of 16 February 2009 which may vary before the windfarm project implementation.

Link No:	Licence No.	Company	Contact	Telephone	Email
1	0501323/2	Airwave Solutions Ltd	Angela Cooper	0	wind.farms@airwavesolutions.co.uk
1	0501323/2	Airwave Solutions Ltd	Angela Cooper	0	wind.farms@airwavesolutions.co.uk
2	0475483/1	Bt	Mike Redwin	1479345514	mike.redwin@bt.com
2	0475483/1	Bt	Mike Redwin	1749345514	mike.redwin@bt.com
3	0414696/1	Lincs Ambulance & Health	Mark Rushton	1522832629	mark.rushton@lincolnshire
		Transport Service Nhs Trust			ambulance.nhs.uk
4	0391384/1	Bt	Mike Redwin	1749345514	mike.redwin@bt.com
4	0391348/1	Bt	Mike Redwin	1749345514	mikeredwin@bt.com

Link No:	Licence No.	Company	Contact	Telephone	Email
1	0501323/2	Airwave Solutions Ltd	Angela Cooper	0	wind.farms@airwavesolutions.co.uk
1	0501323/2	Airwave Solutions Ltd	Angela Cooper	0	wind.farms@airwavesolutions.co.uk
1	0501323/2	Airwave Solutions Ltd	Angela Cooper	0	wind.farms@airwavesolutions.co.uk
2	0475483/1	Bt	Mike Redwin	1479345514	mike.redwin@bt.com
2	0475483/1	Bt	Mike Redwin	1749345514	mike.redwin@bt.com
2	0475483/1	Bt	Mike Redwin	1749345514	mike.redwin@bt.com
3	0414696/1	Lincs Ambulance & Health	Mark Rushton	1522832629	mark.rushton@lincolnshire
		Transport Service Nhs Trust			ambulance.nhs.uk
3	0414696/1	Lincs Ambulance & Health	Mark Rushton	1522832629	mark.rushton@lincolnshire
		Transport Service Nhs Trust			ambulance.nhs.uk
3	0414696/1	Lincs Ambulance & Health	Mark Rushton	1522832629	mark.rushton@lincolnshire
		Transport Service Nhs Trust			ambulance.nhs.uk
4	0391384/1	Bt	Mike Redwin	1749345514	mike.redwin@bt.com
4	0391348/1	Bt	Mike Redwin	1749345514	mikeredwin@bt.com
5	0428046/1	Orange Pcs	Yvonne McCalla	87030764438	windfarms@orange-ftgroup.com
5	0428046/1	Orange Pcs	Yvonne McCalla	87030764438	windfarms@orange-ftgroup.com
6	0741282/1	Orange Pcs	Yvonne McCalla	87030764438	windfarms@orange-ftgroup.com
6	0741282/1	Orange Pcs	Yvonne McCalla	87030764438	windarms@orange-ftgroup.com

The fixed link operator(s) identified in the table above should be contacted directly if further information is required.

This response to your co-ordination request is only in respect of microwave fixed links managed and assigned by Ofcom within the bands and frequency ranges specified in the table below. Contact details for scanning telemetry systems operating in the 457-458 MHz paired with 465-464 MHz band are given below:

CSS Spectrum Management Services Ltd, Mark Carney 01458 273789
mark.carney@css.gb.com

Joint Radio Company (JRC). Peter Swan 020 7953 7142 windfarms@jrc.co.uk

For self coordinated links operating in the 64-66 GHz, 71-76 GHz and 81-88 GHz bands a list of current links can be found at:
http://www.ofcom.org.uk/radiocomms/ifl/licensing/classes/fixed/

Please note other organisations may require coordination with regard to your request. More information regarding windfarm planning is available on the British Wind Energy Association website www.bwea.com.

Table of assessed fixed links bands and frequency ranges

Band (GHz)	Frequency Range (MHz)
1.4/1.5	1350 – 1375
	1450 – 1452
	1492 – 1530
1.6	1672 – 1690
1.7	1764 – 1900
2	1900 – 2690
4	3600 – 4200
6	5925 – 7110
7.5	7425 – 7900
11	10700 – 11700
13	12750 – 13250
14	14250 – 14620
15	14650 – 15350
18	17300 – 19700
22	22000 – 23600
25	24500 – 26500
28	27500 – 29500
38	37000 – 39500
50	49200 – 50200
55	55780 – 57000

8. Mrs Yvonne McCalla, Orange UK:

I confirm that I have passed your application to our Network Planners and as soon as they have completed their assessment of the proposed windfarm, I will advise you accordingly.

9. Orange-ftgroup:

There are no Orange m/w links affected by this application.

10. NATS:

The proposed development has been examined by our technical safeguarding teams. In the time frame given to us we have been unable to thoroughly investigate the effects of the proposed development on our Operations, however, the relevant teams are being consulted.

Based on our preliminary technical findings, the proposed development does conflict with our safeguarding criteria. Accordingly NATS (En Route) Plc objects to the proposal.

We will notify you within 8-10 weeks of the results of our operational assessment. Only if this assessment shows the impact to be acceptable will we be able to withdraw our objection.

We would like to take this opportunity to draw your attention to the legal obligation of local authorities to consult NERL before granting planning permission for a wind farm. The obligation to consult arises in respect of certain applications that would affect a technical site operated by or on behalf of NERL (such sites being identified by safeguarding plans that are issued to local planning authorities). In the event that any recommendations made by NERL are not accepted, local authorities are further obliged to notify both NERL and the Civil Aviation Authority ("CAA") of that fact (which may lead to the decision made being subject to review whether by the CAA referring the matter for further scrutiny or by appropriate action being taken in the courts). As this further notification is intended to allow the CAA sufficient time to consider whether further scrutiny is required, we understand that the notification should be provided prior to any granting of permission. You should be aware that a failure to consult NERL, or to take into account NERL's comments when deciding whether to approve a planning application, could cause serious safety risks for air traffic.

11. Nerl Safeguarding (NATS):

The proposed development has been examined by our technical and operational safeguarding teams and although the proposed development is likely to impact our electronic infrastructure NATS (En Route) Plc ("NERL") has no safeguarding objection to the proposal.

Details of the NERL assessment are outlined in the attached report TOPA W(F)8452.

Please email NATSSafeguarding@nats.co.uk with the results of the planning application process for this development. NERL assessments take into account both existing and previously assessed wind farm developments and knowing the results of the planning application process significantly assists NERL with the assessment of other developments.

Technical and Operational Assessment of Proposed Development at Neslam Farm

1. BACKGROUND

1.0.1 NATS En Route Plc ("NERL") is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility NERL has a comprehensive infrastructure of radars, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a windfarm. In this respect NERL is responsible for

safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC). In order to discharge this responsibility NERL assess the potential impact of every proposed windfarm development in the UK, this document defines the assessment of the potential impact of the proposal as detailed in section 2.

2. WIND-FARM DETAILS

2.0.1 NERL have been requested by South Kesteven District Council to assess the potential impact of a 6 turbine development at Neslam Farm, Sempringham Fen, Sleaford, NG34 0NH.

Turbine Locations

Designator	Easting	Northing	Hub Height	Tip Height
1	514802	333068	80	125
2	514825	332747	80	125
3	514109	332494	80	125
4	514395	332469	80	125
5	514496	332229	80	125
6	514837	332396	80	125

Turbine Characteristics

Feature	Detail
Turbine Manufacturer and Model	-
Rotor Diameter (m)	90
Rotation Rate (rpm)	-
Tower base diameter/dimensions (m)	-
Tower top diameter/dimensions (m)	-

3. ASSESSMENT OF EFFECT ON NERL NAVIGATIONAL AIDS

3.0.1 No impact on NERL Navigational Aids

4. ASSESSMENT OF EFFECT ON NERL AIR-GROUND VOICE COMMUNICATION SYSTEMS

4.0.1 No impact on NERL Air-Ground Voice Communication Systems

5. ASSESSMENT OF EFFECT ON NERL RADAR

5.1 Sites Potentially Effected

5.1.1 The proposed development falls within the operational range of the following NERL Radar systems:

Potentially Effected Radar Radar	Easting	Northing	Range (nm)	Bearing (true)
Claxby Radar	512440	396150	34.4	179.9º
Clee Hill Radar	359440	277980	88.6	70.1º
Cromer Radar	625330	340030	60.2	268.8º
Debden Radar	555540	234840	57.3	338.8º
Great Dun Fell Radar	371030	532210	132.5	144.0º
Heathrow Radar (10cm)	508200	175970	84.6	3.4º
Heathrow Radar (23cm)	507500	176030	84.6	3.6º
Heathrow Radar (RSS 10cm)	508410	174700	85.3	3.3º
Pease Pottage Radar	525170	133080	107.8	358.2º
Stansted Radar	553090	222710	62.9	342.2º

5.2 Predicted Effect on Clee Hill

5.2.1 The effect on Clee Hill has been assessed as negligible.

5.3 Predicted Effect on Cromer

5.3.1 The effect on Cromerl has been assessed as negligible.

5.4 Predicted Effect on Debden

5.4.1 The effect on Debden has been assessed as negligible.

5.5 Predicted Effect on Great Dun Fell

5.5.1 The effect on Great Dun Fell has been assessed as negligible.

5.6 Predicted Effect on Heathrow (10cm)

5.6.1 The effect on Heathrow (10cm) has been assessed as negligible.

5.7 Predicted Effect on Heathrow (23cm)

5.7.1 The effect on Heathrow (23cm) has been assessed as negligible.

5.8 Predicted Effect on Heathrow (RSS 10cm)

5.8.1 The effect on Heathrow (RSS 10cm) has been assessed as negligible.

5.9 Predicted Effect on Pease Pottage

5.9.1 The effect on Pease Pottage has been assessed as negligible.

5.10 Predicted Effect on Stansted

5.10.1 The effect on Stansted has been assessed as negligible.

5.11 Predicted Effect on Claxby

5.11.1 Using the theory as described in Appendix A and the specific propagation profiles to the turbines it has been determined that at a range of only 34.4nm and with insufficient terrain screening available to attenuate the signal, turbines of this size are likely to cause false primary plots to be generated.

5.11.2 A reduction of the primary radar's ability to detect small aircraft at low altitude in the airspace residing directly above the windfarm is also anticipated.

5.11.3 The effect on the co-mounted Claxby SSR has been assessed as negligible.

5.12 Summary of Potential Effect

The radar safeguarding assessment reveals that the windfarm development is located within an area where there is insufficient terrain shielding from the Primary Radar Service at Claxby. Due to the large dimension of the wind turbines and the distance from the radar it is anticipated that the reflected power from the wind turbines will be of adequate value to be detected by the radar and consequently generate false plots. A reduction in the radar's probability of detection, for real targets, is also expected.

6. OPS REVIEW PROCESS

6.1 Required Reviewers of TOPA and their response

TOPA Responses

Unit or Role	**Comment**
RDP Asset Management	No objection
Civil ATC	No objection
London Military ATC	No objection

6.2 Output of Windfarm Assessment Group

6.2.1 It has been assessed that this application does not impact on NERL at the present time and is therefore the WAG recommends not raising an objection to the proposed development.

7. CONCLUSIONS

7.0.1 The proposed development has been examined by NERL's technical and operational safeguarding teams and although the proposed development is likely to impact our electronic infrastructure NERL has no safeguarding objection to the proposal.

8. APPENDIX A – RADAR BACKGROUND THEORY

8.1 PSR False Plots

When radar transmits a pulse of energy with a power of Pt the power density, P, at a range of r is given by the equation;

8 Appendix A – Radar Background Theory

8.1 PSR False Plots

When radar transmits a pulse of energy with a power of Pt the power density, P, at a range of r is given by the equation;

$$P = Gt.Pt/(4\pi r^2)$$

Where Gt is the gain of the radar's antenna in the direction in question.

If an object at this point in space has a radar cross section of σ, this can be treated as if the object re-radiates the pulse with a gain of σ and therefore the power density of the reflected signal at the radar is given by the equation;

$$Pa = \sigma.P/(4\pi r^2) = \sigma.Gt.Pt/((4\pi)^2 r^4)$$

The radar's ability to collect this power and feed it to its receiver is a function of its antenna's effective area, Ae, and is given by the equation;

$$\mathrm{Pr} = Pa.Ae = Pa.Gr.\lambda^2/(4\pi) = \sigma.Gt.Gr.\lambda^2.Pt/((4\pi)^3 r^4)$$

Where Gt is the Radar antenna's receive gain in the direction of the object and λ is the radar's wavelength.

In a real world environment this equation must be augmented to include losses due to a variety of factors both internal to the radar system as well as external losses due to terrain and atmospheric absorption. For simplicity these losses are generally combined in a single variable L.

$$\mathrm{Pr} = \sigma.Gt.Gr.\lambda^2.Pt/((4\pi)^3 .r^4.L)$$

8.2 SSR Reflections

When modelling the impact on SSR the probability that an indirect signal reflected from a wind turbine has the signal strength to be confused for a real interrogation or reply can determined from a similar equation;

$$\mathrm{Pr} = \sigma.Gt.Gr.\lambda^2.Pt/((4\pi)^3 .rt^2.rr^2.L)\,]$$

Where rt and rr are the range from radar-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

$$rr = (\lambda^2/(4\pi)^3)^{1/2}.(\sigma.Gt.Gr.Pt/(rt^2.\mathrm{Pr}.L))^{1/2}$$

8.3 Shadowing

When turbines lie directly between a radar and an aircraft not only do they have the potential to absorb, or deflect, enough power such that the signal is of insufficient level to be detected on arrival it is also possible that azimuth determination, whether this done via sliding window or monopulse, can be distorted giving rise to inaccurate position reporting.

8.4 Terrain and Propagation Modelling

All terrain and propagation modelling is carried out by a software tool called ICS Telecom (version 6.99). All calculations of propagation losses are carried out with ICS Telecom configured to use the ITU-R 526 propagation model.

12. Black Sluice Internal Drainage Board:

The Board has received the above planning application and has the following comments:

Rainfall Runoff

Any soakaways of infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code.

Access to Watercourses

The Board's Byelaw states:

"No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall, or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure"

The proposed control building and construction compound, as indicated on the plans submitted with the application, contravene this distance byelaw and may not proceed unless the Boards consent is given.

Filling in or Culverting Watercourses

If any dyke or watercourse, whether a Board or private drain, is to be piped or filled then the Boards consent will be required before any works commences.

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14. Black Sluice Internal Drainage Board

Thank you for your letter with the associated CD dated 20 July 2009 reference the above.

After reviewing the information provided, the Board have no further comment to make, other than those already indicated in our letter dated 23 February 2009.

15. Additional Information from Glyn Coppack:

I promised to let you have some background information on the Neslam Farm area. By far the most important thing I had overlooked is the medieval map of the area that actually covers the whole of the area likely to be affected by the wind farm. The other significant element is Sempringham Hal and its part in the settlement of Massachusetts.

THE SIGNIFICANCE OF THE AREA IN TERMS OF THE HISTORIC ENVIRONMENT

Neslam Farm lies 0.9km to the east of the Roman Car Dyke and 1.375km west of the South Forty Foot Drain, as an area which was on the edge of the open Fenland. It lies in an area which was producing salt from at least the late Bronze Age (there is a scheduled Bronze Age saltern close to the proposed development site), with settlements on slightly raised islands from at least the Roman period. Neslam has produced evidence of Middle-Saxon occupation. This is an area of dendritic creeks surviving as roddons which are being clearly identified from analysis of lidar photograph survey conducted for the Environment Agency. At present, the plotting only extends as far south as Horbling Fen, but Archaeological Project Services has a contract with English Heritage to complete the analysis of the southern and south-eastern fen. The area was included in the Fenland Survey and has been extensively field-walked and subjected to archaeological evaluation. The whole area within a 5km radius from Neslam Farm can be characterised as archaeologically significant. The higher than average number of scheduled monuments still standing as earthworks in a heavily farmed landscape is a certain indicator of significance.

We are very fortunate in having a mid-fifteenth century map of this area, extending from the line of the present A52, bounded by Mareham Lane on the west and Spalding on the east, and extending to Crowland in the south east. This map (National Archives MPCC7) is

pictorial and shows the location of places by accurate drawings of their churches which are still comparable with the surviving churches of the fen edge at Horbling, Billingborough, Dowsby and Dunsby. It also sows Neslam as an area of woodland. Shown on the map but missing today are a few chapels and the monastic churches of Sempringham and Spalding which were demolished in the 1540s. Otherwise, and allowing for the drainage and enclosure of the fen, this landscape is little altered from the 1450s. Most of the scheduled monuments are medieval sites associated with the two monasteries that dominated this part of the fen, Spalding Priory and Sempringham Priory.

Sempringham Priory, which lies in the shallow valley of the Marse Dyke slightly south of west from Neslam Farm, is a site of international significance as the mother house of a monastic order, the Gilbertines. Established by St Gilbert of Sempringham and Gilbert II de Gant, one of the greatest landowners in twelfth century Lincolnshire (his local *caput* was at Folkingham Castle), it is where the Gilbertines, the only English monastic order were first established between 1130 and 1139. The surviving parish church was the first site of the monastery which moved down onto the valley floor in 1139, and it is one of the churches that will be significantly affected by the proposed wind farm. The site of the priory which encompassed the village of Sempringham is under cultivation but still retains eroded but recognisable earthworks. The southern part of the site was scheduled in the early 1970's, but English Heritage is currently reviewing the area designated. The whole site comprises some 24 ha. To establish the site's international significance, all that needs to be said is that it is of equal significance to the French monasteries of Citeaux (the first house of the Cistercian Order), Premontre (the first house of the Premonstratensians or Norbertines), or the Grande Chartreuse (the first house of the Carthusians). All of these orders currently hve a presence in England, the Gilbertine Order has been revived by the Cistercian abbey of Mount St Bernard in Leicestershire as a lay order.

The building that replaced Sempringham Priory in the 1540s was a three-courtyard Tudor mansion built by Edward Fiennes, Lord Clinton, who married Elizabeth Blount (an ex-Royal mistress) at the time Henry VIII was trying to marry Ann Boleyn. The king was generous, the new house was probably the largest Tudor house in Lincolnshire. Historically, it is most significant for being the place where the settlement of Massachusetts was planned (i.e. the voyage of the Mayflower exporting Lincolnshire puritans). Part of the house, its outer court, stands as a very impressive earthwork. Currently, the site of the house is not scheduled, but is of schedulable quality and included in English Heritage's review of the whole site.

The wealth of the fen edge and the settled islands within the fen is clearly demonstrated by the quality of the churches that survive. They are all listed as grade I or II*. The face that they are all drawn accurately on a late medieval map makes them particularly significant. Common to most are tall steeples, with or without spires, which dominate the landscape and which were designed to do just that. Horbling and Billingborough (both Grade I) belonged to Sempringham Priory.

16. Ron White – Area Footpath Officer, South Lincs Area Ramblers' Association:

It would appear that there will be a temporary closure of the Public Right of Way if this project goes ahead.

I would expect that the necessary procedure to temporary close a Public Right of Way will be followed. Any disturbance of the surface will have to be reinstated.

17. Planning Policy:

The South Kesteven Local Plan does not contain any policies related to the erection of wind turbines. The development of policies on renewable energy generation through the Core Strategy Development Plan document is not at such an advanced stage that any weight can be given to them. There are, however, saved Local Plan policies on the impact of development that will be relevant and these are referred to later.

In the absence of up to date local development plan policies, the principle of any application should be decided on the basis of national planning policy, in this case PPS22 (Renewable Energy), and policies contained in the Regional Spatial Strategy (RSS) and Structure Plan.

The applicant's Planning Statement has set out a comprehensive analysis of the policy context but in summary, both the approved East Midlands RSS8 (2005) and the Lincolnshire Structure Plan (2006) contain policies which seek to promote the development of renewable energy resources (Policies 41 and NE1 respectively). The principles of the RSS8 policy on renewable energy have been taken forward into the emerging East Midlands Regional Plan (Policy 39), which is expected to be approved shortly. As this Plan has reached an advanced stage of preparation, its policies can be given some weight.

Both the RSS and Structure Plan policies are subject to criteria relating to the environmental, economic and social impacts of a development proposal being satisfactorily addressed. These criteria are reflected by saved Policies EN1, EN2 and EN8 of the South Kesteven Local Plan. It is noted, that the Environmental Statement submitted with the application has assessed the main impacts likely to arise from the proposed development, which cover the policy criteria, and shown that, with appropriate mitigation measures, there are not expected to be any significant impacts.

The South Kesteven Landscape Character Assessment (LCA) (2007) identifies the application site as being within the Fens Character Area, which is a landscape of low to medium sensitivity to wind energy development. In particular the LCA states that the scale of the landscape and relative lack of features of intrinsic landscape value would mean that some wind turbines may be accommodated (paragraph 4.171). However, it goes on to state that acceptability would depend on detailed siting and design and cumulative impact with any other proposals in the surrounding area, including those outside of the District (paragraph 4.172). This will be a key issue to be satisfied, although it is noted that though the Environmental Assessment has identified the additional cumulative impact arising from this development with the existing Bicker Fen development as being an issue; it has concluded that the resultant effects would not be significant.

18. Morton and Hanthorpe Parish Council:

In response to your recent letter Morton & Hanthorpe Parish Council has considered the application submitted for the erection of six wind turbines in Sempringham Fen and wishes to comment as follows.

If these turbines are erected they will be less then 10km from our parish and will make a considerable impact on the open views across the local fens. The turbines in Bicker Fen and at Deeping St Nicholas are already clearly visible on the fenland horizon. Whilst not beautiful in the accepted sense the fens have their own vast open-sky character and distant horizons, which are treasured by many of the local inhabitants.

Some years ago, and possibly since, a pair of very rare Montagu's Harriers *Circus pygargus* nested in the fens within a kilometre or so of the proposed site. Other harrier species do pass through the fens, and often spend some time locally as do Red Kites, Buzzards are present in the fens throughout the year. These large birds of prey do fly and soar at the blade height of turbines.

It should also be noted that there are already reports of birds being killed by the turbine blades of the Deeping St Nicholas machines, as they are unable to allow for the downward motion as they fly by.

Councillors understand that the turbines have a limited life, are unproven on efficiency and very little is known about the effects of turbine noise, ultrasound and vibrations.

The Parish Council urges the South Kesteven District Council not to approve the erection of these turbines.

19. Lincolnshire Police:

I refer to your recent correspondence relating to the above. I have studied the said plans (pdf) and in this instance I have no comments to make.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Officer nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

20. Lincolnshire Police – Architectural Liaison Officer:

I refer to you recent correspondence relating to the above. I have studied the said plan and state that I have no observations or comments to make regarding this application.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

21. Rippingale Parish Council:

Thank you for your letter of 13 February 2009 regarding the above. Rippingale Parish Council regrets the limited amount of time you have allowed for its comments, and has asked that I reply that:

Whilst the Parish Council does not object to the principle of wind turbines, it is extremely concerned at the potential for expansion of the number of schemes, either being planned or in the future. There is the danger that the total impact on the environment and surrounding communities will be overlooked if and when individual applications are made.

In view of the limited time to consider the above application, I am asked to advise that the plans are still being looked at by Councillors who may wish to comment further.

22. Rippingale Parish Council:

Additional information regarding the above application was received on 23 July 2009. The representations of the Parish Council cannot be conveyed to you within the time period specified in the notice.

However, the supplementary information has been considered by several Parish Council Members, with no interests to declare, and I am asked to re-iterate the opinion of the Parish Council, as recorded in Council Minutes 23.02.09, Minute Reference 14.1:-

- Council must make representative comments. No response has been received from request via Newsletter, for residents' comments.
- Aesthetic appearance is controversial – turbines either liked or loathed.
- Question of noise interference and effect on local community.
- Believed that another application for 17 turbines at Billingborough is pending, question as to how many more are planned?
- Proposal that "Concern is felt for the potential for expansion of the number of turbines in the area and the resultant visual impact on the environment and surrounding communities" was seconded and carried unanimously.

The Parish Council requests that the above comments be taken into consideration when considering this application.

23. Civil Aviation Authority:

Thank you for your recent correspondence relating to the subject planning application. You have sought related Civic Aviation Authority (CAA) comment. Firstly however I should highlight that whilst you have forwarded documentation stored upon a CD, I have been unable to view said documentation, which presumably included an Environmental Statement (ES). Indeed, it has caused an element of frustration that the CD or material stored thereon caused computer systems to 'crash'. Suffice to say that I have been unable to view any supporting documentation. That said, I trust the following is useful.

The Neslam development (like any wind turbine development) has the potential to impact upon aviation operations and activities in a number of ways; the Department for Trade and Industry (DTI – now the Department for Business, Enterprise and Regulatory reform) – sponsored document 'Wind Energy and Aviation Interests' and Civic Air Publication 764 refer.

I can advise that the CAA has been previously involved in consultation related to the subject proposal. As far ago as April 2005 we advised potential developers that the development might have the potential to impact upon operations associated with the privately operated Sempringham Fen Aerodrome. We recommend that the developer initiate consultation with the aerodrome operator to establish a related viewpoint. Without sight of the ES I cannot say whether such consultation has taken place. Consequently, we believe it essential that the Council ensures that the operator of Sempringham Fen Aerodrome is provided the opportunity to comment upon the application. Appropriate point of contact details are as follows:

Sempringham Fen
Mr A J Cooke
Manor House
Pinchbeck
Spalding
Lincs PE11 3UB
Telephone 01529 240122

Additionally, upon review, in addition to the Sempringham Fen Aerodrome issue, I should add that similar consultation should be undertaken with the operators of 2 other local, privately operated aerodromes, namely Decoy Farm and Pointon. Appropriate point of contact details are as follows:

Pointon
Mr Anthony Paterson
Timberleigh
42 West Road
Pointon
Sleaford
Lincs NG34 0NA

Decoy Farm Lincolnshire
Mr Roger Callow
Aslackby Decoy Farm
Aslacky Fen
Sleaford
Lincs NG34 0LE

Moreover it is recommended that both the Ministry of Defence (MoD) and NATS are provided the opportunity to comment upon the application and that any concerns expressed are taken into account during any related future planning deliberations.

Additionally, from a more generic perspective, all parties should be aware that:

- There might be a need to install aviation obstruction lighting to some or all of the associated wind turbines should this windfarm development be progressed.

  This comment was made specifically if there were concerns expressed by other elements of the aviation industry; i.e. the operators. For example, if the MoD or a local aerodrome had suggested such a need, the CAA (sponsor of policy for aviation obstruction lighting) would wish, in generic terms, t support such a claim. We would do so if it could reasonably be argued that the structure(s), by virtue of their location and nature, could be considered a significant navigational hazard. That said, if the claim was clearly outside credible limits (i.e. the proposed turbine(s) was/were many miles away from any aerodrome or if/they were of a height that was unlikely to effect even military low flying) the authority would play an 'honest-broker' role. Whilst it is the responsibility of the developer to undertake associated consultation, I can advise that, in isolation, the CAA would not make any case for lighting.

- An anticipated amendment to internal aviation regulatory documentation will require that the rotor blades, nacelle and upper 2/3 of the supporting mast of wind turbines that are deemed to be an aviation obstruction should be painted white, unless otherwise indicated by an aeronautical study. It follows that the CAA advice on the colour of wind turbines would align with these international criteria. As with the potential need for lighting, in isolation, the CAA would make no special case for marking.

- The number of pre-planning enquiries associated with windfarm developments has been significant. It is possible that the proliferation of wind turbines in any particular area might potentially result in difficulties for aviation that a single development would not have generated. It is, therefore, not necessarily the case that, because a generic area was not objected to by the aviation industry, future, similarly located potential developments would receive the same positive response.

- There is a requirement in the UK for all structures over 300 feet high to be charted on civic aviation maps (the military use, I believe, a lesser threshold). Should this proposed wind turbine development progress, to achieve any charting requirement, developers will need to provide details of the development to the Defence Geographic Centre.

- Due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would also be sensible to establish the related viewpoint of local emergency services air support units.

Without sight of the ES I cannot say whether the issues bulleted above have been considered or whether any related concerns have been mitigated.

Whilst none of the above negates any requirement to consult in line with ODPM/DFT Circular 1/2003, I hope this information matches your requirements. Please do not hesitate to get in touch if the Council requires any further comment or needs clarification of any point.

24. Civil Aviation Authority:

Thank you for your most recent correspondence relating to the subject planning application. You have sought related Civil Aviation Authority (CAA) comment in respect of the additional Environmental Impact Assessment material made available. Given the content of this latest documentation, it will perhaps come as no surprise that the CAA position related to the Neslam development remains as previously described (ERM/DAP/Wind/Neslam dated 2 March 2009).

25. South Holland District Council:

Thank you for your consultation dated 13 February 2009 in respect of the above development. The application was reported to the Development Control Chairman's Panel on 27 February. The Panel agreed that a letter objecting to the development be sent. The grounds of objection being as follows:

Given the proximity of the site to the Council's boundary it is considered that the proposed turbines would constitute a visually intrusive feature, detrimental to the open character of the landscape. Given the proximity of the site to other windfarms the Council also object on the grounds of cumulative visual impact, such impact having a detrimental effect on the wider character of the locality.

The question of the potential for noise disturbance has also been considered but this was not thought to be an issue providing suitable noise conditions are imposed in the event of permission being granted.

26. Pointon and Sempringham Parish Council:

Your notice regarding this application was collected from you on 9 February 2009. Members of this Council have studied the application and its accompanying documentation as best we may in the time available and at a meeting held on 3 March 2009 the Council agreed unanimously to object strongly to the application for a multitude of reasons some of which we attempt to explain below as lay persons whose duty is to endeavour to protect that which we consider to be at great risk for no substantive benefit, namely the character and heritage of our parish and the well-being of its inhabitants and of visitors to its area.

1. S08/1279 (Neslam Farm, Sempringham Fen: extension of planning permission for a further two years, 50m tall steel meteorological mast) was approved by your authority on 28 January 2009 upon conditions including that it be limited to the period to obtain the necessary wind data for the preparation of the Environmental Statement for the development, following clarification by your planning officer during the debate that DERR requires two years meteorological data in respect of windfarm applications. That the meteorological mast remains in place in conclusive evidence that the Environmental Statement accompanying this application cannot incorporate the said **necessary** wind data.

2. The scale and number of turbines will be conspicuous and out of place in the rural landscape and would result in a significant harmful impact on landscape character

(The Fens, The Fen Margin and The Kesteven Uplands) and the Area of Great Landscape Value (The Kesteven Uplands).

3. The scale, number of turbines and their proximity to residential properties would result in an unacceptable and significant harmful impact on the living conditions of the nearby residential properties.

4. The scale, number of turbines and their proximity to public footpaths, bridleways, waterways and public rights of way would result in an unacceptable and significant harmful impact on the users of these networks reducing their value as a recreational asset and their function to provide enjoyable access to the countryside.

5. The proximity, scale and number of turbines will result in significant harmful impact on the setting of listed buildings. We would particularly draw attention to the impact on Sempringham Church and Billingborough Church. The proposal will also have an adverse impact on the setting and appearance of the historic surrounds of Sempringham Priory.

6. The Council rejects the applicant's suggestion that removal of significant harmful impacts by decommissioning after 25 years constitutes mitigation of those impacts. In any event, the applicant has explicitly reserved the option to extend the lifetime of the development by further applications for planning consent.

7. The proximity, scale and number of turbines will result in a significant harmful impact on the setting of the scheduled ancient roman Settlement by Fen Road south of Poplar Farm.

8. Construction and decommissioning traffic generated by the development will result in significant harmful impact on a number of listed buildings in Billingborough and on the safety of users of Billingborough Primary School.

9. The applicant intends that all construction traffic will access the site from the B1177 via Neslam Road, and suggest that "some minor modifications along the public highway may be required". This road enshrines the quintessential nature of a narrow English country lane, with tight bends and established hedgerows. At widths varying between 5m and 7m approximately there is generally insufficient width to permit vehicles to pass one another. The construction traffic required by the proposed development will lead to an increased incidence of manoeuvring of passing vehicles which would lead to vehicles over running the carriageway edge and adjoining verge causing an unacceptable level of damage to both and possible structural failure of the carriageway edges. Such conditions are contrary to the interests of highway safety and contrary to Policy EN1 of the South Kesteven Local Plan, as upheld by your authority in the refusal of S07/0957 at Mill Farm, West Street, Barkston (Change of use of part of farmyard to caravan storage).

10. The Council does not agree with the applicant that modifications to Neslam Road to accommodate abnormal load vehicles would be minor. We refer you to the applicant's Neslam Windfarm Environmental Scoping Report which asserted that details would be provided in the Environmental Statement on off-site access roads, with consideration given to the potential impacts associated with any improvements or modifications to

the local road network, the requirements of the Hedgerow Regulations 1997 and appropriate mitigation measures such as reinstatement. No such details have been provided.

11. The area around Neslam Farm is devoid of existing large-scale infrastructure such as roads power lines or railways to help integrate wind turbines into the landscape, these being the relevant landscape elements espoused by your authority's Landscape Architect in recommending approval of S07/1661 (Thacksons Well Farm, Long Bennington: Erection of 10 no. wind turbine generators).

12. There has been no attempt to mitigate landscape and visual impact by following the "grain" of the artificial landscape by alignment of turbines along field boundaries or to minimise the field of view from the nearest homes even though "topography was not considered (by the applicant) a significant restraint as the Development is located in a low-lying fens landscape" which "allowed flexibility in the location of turbines". The Planning Inspectorate's appeal decision APP/E2525/A/02/10992738 (Vine House and Worths Farm and Porters Farm, Deeping St Nicholas) stresses at length the importance of such mitigation.

13. The applicant has not provided any assessment of the additional impact that will be required to effect connection to the National Grid, nor any assessment regarding the efficiency of such connection as required by your authority's emerging Local Development Framework.

14. PPS22 propounds a distance of at least turbine height (fall-over distance) as a minimum safety distance. Some of the turbines are closer than turbine height to neighbouring land(some of the blades may even oversail neighbouring land during normal operation), preventing neighbours from safe access to their land.

15. The Conisholme incident of 4 January 2009l in which turbine parts were scattered over a wide area, evidences the inadequacy of PPS22 in protecting neighbours from turbine failure.

16. The applicant has failed to address the issue of ice throw, particularly in relation to the proximity of turbine 1 to Neslam Road. PPS22 admits ice throw may occur. The linear speed of the rotating blade tips may reach 156 miles per hour in normal operation.

17. The Conisholme windfarm operator has attributed the incident of 4 January 2009 as possibly due to action by extra-terrestrial visitors. The Council would request that no further windfarm applications are approved whilst this issue is pending.

18. Reports from neighbours of operational windfarms increasingly complain of unacceptable noise intrusion from turbines, as turbines become larger and are erected closer to dwellings. The Council is aware of serious and ongoing problems at Deeping St Nicholas, Bicker and Conisholme; all of these operational windfarms are in flat, open landscape as is Neslam Farm. The turbines proposed at Neslam Farm are significantly larger than those causing complaint, and the complaints come from persons residing at greater distances than will be the case at Neslam Farm. The planning condition at Deeping St Nicholas intended to protect neighbours from unacceptable noise and established in accordance with the PPS22 Companion Guide

has been found by the Local Government Ombudsman to be “vague, immeasurable and therefore unenforceable” whilst the Planning Inspectorate has suggested that the use of such a condition could constitute maladministration. This Council regards promptly enforceable and medically approved noise conditions upon the use of any mechanical apparatus as vital for the protection of neighbours, with especial regard to enforcement where operation may give rise to sleep disturbance as would be the case with wind turbines operated at night. This Council is particularly concerned that such conditions should not rely on PPS22 alone, which lists no medical advisors amongst its consultants, and welcomes the precautionary principle adopted by your Authority in refusing S07/1661 (Thacksons Well Farm, Long Bennington: Erection of 10 no. wind turbine generators) on the grounds of conflicting medical evidence where applicants propose erecting turbines closer than 1.25 miles to human habitation.

19. The applicant has failed to consider the use of direct drive machines. Direct drive turbines are much quieter than gearbox machines, they are said not to cause mechanical or tonal noise (one of these Swaffham, Norfolk installed September 1999). The Council requests that your authority require that only Direct Drive machines are installed at any permitted windfarm in its area.

20. Shadow Flicker is a readily predictable intrusion upon windfarm neighbours which can readily be avoided through appropriate stand-off distances. The applicant states that “there is no established guidance on the interpretation of the significance of effects in the UK, as a result of shadow flicker on receptors”. However PPS22 makes clear that shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected, whilst BERR confirms that within the zone of potential shadow flicker (said to be a distance of 10 rotor diameters from the turbine) “normally there are no habitable buildings in these zones”. Regrettably the Council is aware of ongoing shadow flicker complaints from neighbours of the Bicker operational windfarm, where the effect is reported at unacceptable levels for periods exceeding one hour at approximately 800m from the nearest turbine. The Council is alarmed that the applicant’s proposal will inflict shadow flicker on Neslam Fen Farm from three turbines (closest 650m) on up 156 days per year, on Dove Cottage from three turbines (closest 620m) on up to 130 days per year; on Heron Lodge from one turbine (at 760m) on up to 86 days per year; on Gosdale Farm House from one turbine (at 630m) on up to 67 days per year and on Neslam Farm itself from five turbines on up to 266 days per year. The Council rejects and refutes the methodology adopted by the applicant to downgrade the significance of shadow flicker impact, relying as it does entirely on an alleged report in a volume of unknown publication of an alleged rule in an unknown case with unknown circumstances in an unknown court on an unknown date somewhere in Germany, further downgraded and deeply flawed by eliminating (for the second time) that portion of the day when the sun is set.

21. The applicant has failed to address the issue of reflected light, which PPS22 states can be visible for some distance and whilst it is possible to ameliorate the flashing it is not possible to eliminate it.

22. The applicant proposes that the construction compound will be lit at night, contrary to your authority’s policy for the open countryside.

This Council recognises that the applicant's proposal will if permitted generate some electricity, albeit unpredictably. It has been widely reported that during the periods of peak demand in January 2009 the contribution to the National Grid from all of the then operational wind turbines was 0.14% of demand. The Planning Inspectorate's upholding of your Authority's refusal of S07/1661 (Thacksons Well Farm, Long Bennington: Erection of 10 no. wind turbine generators) has established that the electricity generation benefit must be balanced against the harm to the historic qualities of the landscape. Our local knowledge leaves us in no doubt that, given the height of the proposed turbines, harm to the historic qualities of the landscape would result of such significant and unacceptable magnitude as to outweigh the electricity generation benefits of this scheme in its entirety.

27. Pointon and Sempringham Parish Council:

We have made representations strongly objecting to the above planning application previously, by letter dated 4 March 2009. Your letter of 20 July 2009, with enclosures containing "additional information" provided by the applicant, also relating to the above application was received on 22 July 2009. The Council will not be meeting to agree a formal response to this "additional information" within the time period available. However, available Councillors without a prejudicial interest have been contacted by me for their views and wish your authority to note the following:

No explanation has been provided either by your authority or by the applicant as to why this "additional information" was not incorporated within Environmental Statement with the original statement. A Scoping Report dated December 2005 was prepared by the applicant to document the key environmental issues to be reported in the Environmental Statement, viz. to ensure its effectiveness. In our opinion, any "additional information" to be provided subsequently should have been founded upon a clearly stated and comprehensive enumeration of all the shortfalls of the Environmental Statement against the Scoping Report, along with an explanation of the selection criteria used in determining which consultee responses to the Environmental Statement were to be commented upon and why others were to be disregarded. Instead, the applicant appears to have been given a considerable length of time and a free hand to put forward counter arguments to such consultee responses as the applicant considers will best serve its interest, without putting forward any material alterations to the proposal by way of mitigation.

Therefore the "additional information" only reinforces our unanimous opposition to the proposal. We conclude that those consultee issues omitted cannot be mitigated. We have drawn attention to shortcomings in the Environmental Statement in our response of 4 March 2009; these are still not dealt with by the "additional information".

We note that the applicant has not taken this opportunity to correct any errors of fact, even where these have been pointed out in consultee responses. For example, the applicant continues to assert that the width of Neslam Road varies between 5m and 7m whilst Highways have drawn attention to the actual variation between 2.8m and 3.2m. There remains no explanation as to how hedges, ditches and bends are to be negotiated even though this requirement was recognised in the Scoping Report.

We are concerned that the applicant has been allowed to retake many viewpoints, and add others, from positions apparently entirely of the applicant's own choosing. We would point

out that the impact of the Bicker windfarm, even at 10km from the village of Pointon, has a dominating and incongruous impact on all views where it is not obscured by local factors, yet its turbines are 25m less in height than the Neslam proposal. We cannot accept the applicant's opinion that the presence of "few scale indicators" in an "expansive landscape" provide the potential to accept the proposed development. Such development will inevitably inappropriately transform, dominate and industrialise the landscape, even when the turbine blades are stationary. Furthermore, the very expanse of the landscape ensures that such intrusions are visible at much greater distances, as the Bicker and Deeping St Nicholas developments, both of which are clearly visible within this parish, demonstrate. It should be recalled that earlier this year the proposed White Horse of Kent was widely applauded for its demonstrated capability to dominate the Kent landscape and be visible for 60 miles, yet the White Horse will be only 50m tall. The applicant's statements are often in direct conflict with those of your consultants FPCR, yet no explanation is given. For example, Billingborough Church from viewpoint A1 is aid to be "not a noticeable or immediately apparent focal point" whilst FPCR correctly state its spire is "an important vertical element in the view across the flat landscape".

We are disturbed to note that the consultation response from the acoustic engineer proposes the same form of stock noise condition, should the proposal be permitted, as has been found by the local government ombudsman in the case of Deeping St Nicholas to be "vague, immeasurable and therefore unenforceable". Given the very close proximity of several dwellings within this parish to the proposed development, and the ongoing unresolved noise issues at various nearby windfarms, to which we have referred to our previous letter, it is with relief, therefore, that we are reminded that it has been clarified by your officers that your authority will refuse applications within 2km of occupied buildings, following the precedent set by precautionary approach adopted in your refusal S07/1161, this having been upheld by the inspector on appeal.

28. Gosberton Parish Council:

Following the meeting of Gosberton Parish Council on 2 March 2009, we write to advise you that the above mentioned application was discussed.

The Parish Council has not received any objections from the residents of the Parish and therefore advise that as we represent the views of the Parish, Gosberton Parish Council must report that they have no objections to the above proposals.

29. Lincolnshire Bat Group:

Thank you for sending this report to Lincolnshire Bat Group for comment.

The findings of the survey correspond largely with our own records for the immediate area – i.e. that bat numbers here are low, records consisting mostly of one or two foraging pipistrelles at any one time, although brown long-eared bats, a low-flying species, have also been recorded in the area.

There is still a great deal to learn about bat behaviour and how high they fly out in the open. This is difficult to ascertain with the equipment currently available, and although some

research is now underway, in the light of present knowledge we would concur with the conclusions of the report that the risk to the local bat population from the turbines in their present positions would appear to be low.

30. The National Trust:

Thank you for notifying the National Trust of the above planning application and for providing a copy of the submitted documents.

Many National Trust properties are already experiencing the impacts of climate change, such as flooding, storm damage, rainwater incursion, vegetation change and habitat changes. This makes the conservation of the natural and historic heritage increasingly complex and it underlines the need to reduce greenhouse gas emissions as much as possible to limit the extent of future detrimental impacts; on both the environment and on local communities Appropriate renewable energy development, in addition to energy conservation, will help to reduce the damage to our properties from further climate change, and bring long-term benefits to society by reducing the risk of severe impacts in future.

Accordingly, the Trust strong supports an increase in renewable energy generation nationally for heat and power in appropriate locations, and a significant expansion in microgeneration. The location and design of all energy schemes should take account of the full range of environmental considerations at the site, including the protection of valued landscapes, biodiversity, the historic environment and safeguard local peoples' well-being.

The Trust has considered this application and concluded there not to be a significant impact upon Trust interests. Particular consideration has been given to the potential impacts upon Tattershall Castle, the Belton Estate, Woolsthorpe Manor and Priest's House at Easton-on-the-Hill.

Though there will be other issues for the Council to consider, the Trust recognises the need for increased provision of renewables to be made, and we do not object to this application.

31. East Midlands Regional Assembly:

Thank you for your consultation on this planning application.

The accompanying Planning Statement provides an accurate summary of Regional Planning Policy. In particular, RSS8 Policy 41 seeks to encourage ".. renewable energy proposals in locations where environmental, economic and social impacts can be addressed satisfactorily." The Planning Statement also refers to the emerging Draft Regional Plan, September 2006 (Draft RSS). Policy 39 of the latter sets out the Regional Priorities for low carbon energy generation, and criteria to be taken into account by Local Planning Authorities when considering planning applications for wind farm development. Appendix 5 contains Renewable Energy targets for the East Midlands region. I am sure you will also be aware of the Secretary of State's (SoS) Proposed Changes to the Draft RSS which have been published and the subject of public consultation. These make specific changes, for example in relation to climate change, Policy 39 and its supporting text, and Appendix 5 which are material considerations in the determination of planning applications. The SoS is

recommending one change to Policy 39 with regard to the criteria for onshore wind energy, which relates to the effects on the integrity of designated nature conservation sites of international importance. Paragraph 3.3.74, as proposed to be changed, states that 'At present renewable energy sources make a minor contribution to the Region's capacity (approximately 2%) and the East Midlands lags behind the other English Regions. The Regional Targets and Scenarios for Renewable Energy Report indicates that a 20% renewable energy mix by 2020 can only be achieved by adopting energy efficiency improvements and challenging micro-generation targets as well as a mix of large scale grid connected renewable energy.' The revised indicative targets for renewable energy generation in Appendix 5 set out a target of 23% of 2020 with an indicative target of 26% by 2026. This is indicatively split into targets by technology, including onshore wind, for which the targets are 122MW by 2010 and 175MW by 2020 against up to over 100MW of installed wind capacity at the end of 2008. It also states that these targets should be treated as a minimum.

The Region has seen much increased interest in wind development, including development of the first offshore turbines in the region and the number of installations is expected to increase markedly in the near future. The 2010 target for onshore wind seems likely to be met, but as illustrated above there is still some way to go to the 2020 target. Lincolnshire remains the main focus for development, but other areas of the region are beginning to see activity. Planning approvals are comparable with other areas of the country, so there is no evidence that any technology is disadvantaged within the Region. There is evidence that the regional targets are being used positively to support renewable developments.

In October last year the Assembly launched a public consultation on proposals for a further Partial Review of the regional spatial strategy, looking at key regional spatial planning issues through to 2031. This directly follows the close of the Government's consultation on final changes to the current Draft RSS. The key issues to be considered include dealing with the causes and effects of climate change by generating more power from renewable sources and managing the potential impacts of sea level rise on the Lincolnshire Coast. In relation to renewable energy targets the project plan for the Partial Review refers in paragraph 4.1.2 to the Draft RSS EiP Panel's view that they were 'sceptical that much higher targets for 2020 could be achieved due to an over-reliance on 'micro-generation' technology which has not been proven the market place.'

The further development of renewable energy infrastructure is therefore consistent in principle with existing and emerging regional planning policy. Given the uncertainty from initial site identification to actually bringing new projects to the power generation stage, new projects will be vital in meeting the national and regional targets, subject to local planning considerations and conditions. It is noted that the installation is planned for 25 years, with full remediation of the site afterwards, which could provide a suitable timescale for the development of other longer term solutions, without permanent impact on local amenity.

It appears from the documents made available with the application that the main potential impacts of this proposal are on landscape within the immediate vicinity of the site, and on views of the Grade I listed churches at Billingborough and Sempringham, although these are considered by the applicants to be relatively limited in extent. Policy 26 of the Draft RSS seeks to ensure the protection, appropriate management and enhancement of the Region's cultural heritage, and Policy 27 provides the priorities for the historic environment. Policy 31 sets out the priorities for management and enhancement of the Region's landscape, with the

emphasis on local authorities to prepare landscape character assessments to inform criteria based policies in local development frameworks. In this instance it is believed that the consideration of potential impacts on the landscape and environment are matters that would most appropriately be considered at the local level, in the context of the above over-arching policy frameworks. No doubt you will be seeking the views of English Heritage, particularly in relation to the two churches, and the Assembly will be guided by the views on other key stakeholders on issues such as biodiversity, highways, flood risk and so on.

I trust this letter is helpful to you but if you have any questions about conformity, please do not hesitate to get in touch with me by email at steve.bolton@emra.gov.uk or telephone on 01664 402960, or my colleague Helen Chadwick who deals with energy issues at Helen.Chadwick@emra.gov.uk (telephone 01664 402576). I would be grateful if you could inform us of your Council's decision on the application in due course.

32. East Midlands Regional Assembly:

Thank you for your consultation on the additional information submitted in relation to this application and the environmental impact assessment.

We do not wish to add to our comments on the application made on 6 March 2009 other than to emphasise that, in establishing criteria for onshore wind energy, Local Planning Authorities should give particular consideration to the matters set out in Policy 40 the East Midlands Regional Plan March 2009 (Regional Priorities for Low Carbon Energy Generation).

33. Environment Agency:

Thank you for referring the above application, which was received on 13 February 2009. We note that this application is for Essential Infrastructure.

Environment Agency Position – Sequential Test
We **OBJECT** to this application because the flood risk Sequential Test submitted with the application fails to demonstrate that the Sequential Test has been adequately applied.

Reasons
The application site lies within Flood Zone 3a defined by Planning Policy Statement 25 (PPS25) as having a high probability of flooding. Paragraph D.5 of PPS25 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. The email sent by Justin Johnson highlights that "the availability of other possible alternative sites for wind farm developments in the district would be limited", but gives no assurance that these other sites are not reasonably available.

Environment Agency Position – Part c) Exceptions Test
We **OBJECT** to this application because it has failed to meet the requirements of part (c) of the flood risk Exception Test for the following reasons:

Reasons
Planning Policy Statement 25 (PPS25) requires the Exception Test to be applied in the circumstances shown in tables D.1 and D.3. Paragraph D.9 of PPS25 makes clear that all

three elements of the Test must be passed for development to be permitted. Part (c) of the Test requires the applicant to demonstrate that the developments will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall. Paragraph D13 requires that compliance with each part of the Exception Test is openly demonstrated.

The application site lies in within Flood Zone 3a defined by Planning Policy Statement 25 as having a high probability of flooding. Development classified as Essential Infrastructure is only appropriate in these areas following application of the Sequential Test and where the Exception Test has been applied in full and has been passed. In this instance the submitted Flood Risk Assessment (FRA) fails to:

- Demonstrate that the raised roads will not increase the flood risk to third parties. The FRA will need to assess and quantify the potential increase in flood levels by the displacement of water. It should also consider the effect on flow paths of floodwater and whether any third parties would be affected by these impacts. Third party impacts cannot be ignored even if the windfarm is temporary, as the effects will be felt for the period of time that the site is operational.

Should you wish to discuss the above in any detail, please contact Steven Coe in our Development Control team on 01522 785343.

Please note that our advice has not considered the risk of flooding from other sources, such as ground water, drainage systems, reservoirs, canals, or ordinary watercourses. Your Authority will therefore need to be satisfied that the proposed development is also in accordance with other requirements of PPS25 “Development and Flood Risk”.

Land Drainage Consent
Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, any works in, over, under or within 9 metres of the landward toe/brink of any Main River requires the prior written permission from the Environment Agency by way of a Land Drainage Consent.

Under the terms of the Land Drainage Act 1991, any culvert or works that may impede the flow of water on any ordinary watercourse, which falls outside an Internal Drainage Board District will require the prior written permission of the Environment Agency by way of Land Drainage Consent.

The applicant is advised to contact Steven Coe in Development Control on 01522 785343 for further information.

Please note that Environment Agency formal consent is required irrespective of any Town and Country Planning Act approvals/permissions. Consent is not implied by these comments and it is therefore imperative that early contact is made with the above team for advice regarding the Agency’s byelaw requirements.

Informative
The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

If you are minced to approve the application contrary to this advice, we request that you contact use to allow further discussion and/or representations from us as advised in Planning Policy Statement 25 paragraph 26.

Please could you forward a copy of the Decision Notice to the Environment Agency for the purpose of monitoring in line with Defra High Levels Targets.

34. Environment Agency:

I refer to our previous response dated 2 March 2009 in which we objected to the proposed development on the following grounds:

1. The application failed to demonstrate that the Sequential Test had been adequately applied.
2. The application failed to meet part (c) of the flood risk Exception Test.

I can confirm that we have since received further information in support of the application.

1. Sequential Test
We have assessed the additional information submitted in relation to the Sequential Test and consider that this adequately addresses our concerns. Accordingly, we **WITHDRAW** our objection on these grounds.

2. Flood Risk
In our previous response we asked for information to demonstrate whether the raising of the roads at the site would have an impact on potential flood flows resulting from a breach in the defences of the Billingborough Lode. Following further discussions with the applicant we are prepared to **WITHDRAW** our objection subject to the following condition being attached to any subsequent approval of planning permission:

Condition
The development hereby permitted shall not be commenced until such time as a scheme for the design and layout of the roads has been submitted to, and approved in writing by, the Local Planning Authority.
Reason
To ensure that the passage of floodwater is not obstructed as a result of the development and therefore that the risk of flooding to third parties is not increased.

As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 'Use of Conditions on Planning Permission'. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Please note that our advice has not considered the risk of flooding from other sources, such as groundwater, drainage systems, reservoirs, canals, or ordinary watercourses. Your Authority will therefore need to be satisfied that the proposed development is also in accordance with other requirements of Planning Policy Statement 25.

Please could you forward a copy of the Decision Notice to the Environment Agency for the

purpose of monitoring in line with Defra High Level Targets.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact Chris Hayes on the number below.

35. Conservation Officer, RSPB:

Thank you for consulting the RSPB regarding the Environmental Statement (ES) for the Neslam Farm Wind Farm, Lincolnshire. Having reviewed the plans, we are pleased to be able to provide comments.

Background
Our understanding is that Scottish Power is planning to develop a wind farm comprising six turbines with a control building and compound, permanent meteorological mast, and associated infrastructure at Neslam Farm, Lincolnshire; c. 2km east of Billing borough. The proposed turbines will have a blade diameter of 90m and a maximum overall height of 125m.

The RSPB's position on wind technologies
The RSPB is supportive of renewable energy projects providing that adverse impacts upon wildlife are avoided by appropriate siting and design. Renewables offer an opportunity to modify or reverse the deleterious changes associated with climate change arising from an over-reliance upon fossil fuels.

The available evidence suggests that wind farms can pose three main problems for birds: disturbance, habitat loss or damage, and collision. Birds may be scared away by construction noise, vehicle movements, or the presence of operating turbines. The wind farm itself may physically destroy bird's feeding, breeding or roosting sites. In addition, birds may fly into the turbine tower or blades and be killed or injured; storms or conditions of poor visibility will increase the likelihood of this occurring.

Surveying for migratory species, especially waders
Whilst the surveys conducted were generally satisfactory, there was limited coverage of the migration period September through to November. Monthly visits to the site from November onwards for Vantage Point (VP) surveys are considered inadequate during this period to assess fully the use of the site by migrating species such as lapwing and golden plover. During October and November 2005, flocks of 500 lapwing and a flock of 250 golden plover were recorded, suggesting that the period September to November may be when the highest numbers of waders use the site. A second year of winter surveys during September to mid-March is recommended to accurately assess the site's importance for migrating birds. A **minimum** of 36 hours surveying should be undertaken for the VP watches. During the key migration period (September to November), it is recommended that **two surveys per month** should be conducted to catch as many of the migration movements as possible, in accordance with SNH guidelines.

Barn Owl
Barn Owl has been confirmed breeding and foraging within the vicinity of Neslam Farm. Barn owl is protected under Schedule 1 of the Wildlife and Countryside Act. Whilst adult owls do not exhibit the higher display flights of harrier's, they occasionally fly at high levels when carrying prey items back to nest sites Juvenile owls may also fly at higher levels. A

potentially suitable mitigation measure would be the provision of nest boxes away from the turbines, close to good feeding habitat, in an attempt to attract owls to nest and forage away from the turbines. Additionally good quality foraging habitat for barn owl away from the turbines should also be created, to attract them away from the area of collision risk. Ideally, grassland areas should be created along existing farm features such as hedges or ditches, c. 6-12m wide, at a suitable distance (1km or over) from the turbines, and as close to known nest sites as possible. These grassland areas should be specially managed for small mammals, a principal food item for barn owl. The intra-turbine area must not, because of development, become more attractive to birds. This sounds paradoxical, but it is possible that following development the areas around or between the turbines may, in unmanaged, provide good habitat for small mammals and hence become more attractive to barn owl. This is clearly undesirable. Farming operations should therefore continue, as far as practicable, throughout the entire wind cluster. These measures would also encourage harriers and other raptors to feed away from the wind cluster should they occur within the area.

UP Bap species and Red List species
Surveys recorded twelve UK Biodiversity Action Plan (UP BAP) species to be breeding on, or adjacent to, the proposed development site. Nine of these species are also red-listed. These were typically farmland bird species. Table 6.1 in the ES (p.6 of Appendix 6.1) outlines the conservation status of notable species located during the surveys. The UK BAP status of species recorded at Neslam Farm (listed in Table 6.1) does not appear to be up to date. Notably, yellow wagtail does not appear on the list, despite potentially breeding within the vicinity of the site. An updated list is attached as an Annex to this letter.

The RSPB accepts that current knowledge indicates that farmland bird species are not affected significantly by the operation of a wind farm, although current knowledge on this subject is still rather limited. Nevertheless, the RSPB is of the opinion that the construction of the wind farm would be significantly disruptive to breeding birds and therefore recommends that a condition for planning permission being granted is that no construction takes place within the main breeding season of April to September.

Strategies to mitigate for the displacement of these species from the proposed site are likely to be an essential component of this project. Consequently a biodiversity enhancement package should be established containing measures to contribute to BAP targets and conservation measures for these farmland birds of conservation concern, and that this package be agreed with RSPB and Natural England. This should be determined prior to consent being given, and not as an add-on afterwards. Our Farmland Conservation Officer would be happy to undertake a free site visit and advise on proposed management to jointly develop a robust package of enhancement measures for these species.

During and post-construction monitoring
The RSPB would like to see a commitment, should this proposal go ahead, for continued ornithological monitoring during the construction period, and for a suitable time (recommended by SNH as 15 years) post-construction. This will be particularly important regarding the future use of the site by waders, barn owl, raptors and other notable species. Both waders and raptors have a high potential risk of colliding with the turbines if they use the site regularly. The RSPB would be happy to advise on any mitigating action to be taken at this site.

Conclusion
The RSPB has no objections to the proposed development of Neslam Farm provided that:

- Additional surveys are conducted to assess the use of the site by migrating waders.
- Additional nest sites for barn owl are created further from the wind farm, with measures put in place to limit the suitability for foraging within the site, and enhancement of foraging areas adjacent to the site.
- No construction takes place between April and September inclusive.
- A comprehensive biodiversity enhancement package is developed to mitigate for farmland bird disturbance and/or displacement.
- The site is monitored for use by waders, barn owl, raptors and other notable species, both during construction and post-construction.

We trust that these comments are helpful. If you have any queries on the issues discussed above, please do not hesitate to contact me.

36. CPRE – Lincolnshire Branch:

CPRE has considered the above-mentioned Planning Application within the context provided by the key policy objectives set out at national and regional levels, and further developed at County and District levels, respectively for the protection of the appearance and content of the countryside and for the development of sources of renewable energy supplies.

These broad objectives are not prioritised and inevitably, therefore, are frequently in conflict, one with the other. The critical task is thus to assess the extent to which there is conflict and, if there is, to determine which objective should prevail.

In the case of this application, CPRE considers that the insertion of 6 wind turbines and their associated infrastructure into the landscape of the Fen Edge and the open Fen would materially and seriously conflict with the hierarchy of policies at National, Regional, County and District levels for protecting the countryside for its own sake.

The application site comprises an area of quiet and unspoiled countryside offering tranquillity and repose and possessing little of an industrial character. Whilst the locality has no specific landscape protection designation, CPRE considers that its unspoiled appearance represents a valuable asset of this part of South Kesteven, which would be unacceptably depleted if the application was permitted.

The landscape is characterised by the dominance of horizontal elements and open skies. Vertical elements are few and are represented by valued cultural assets, such as the churches of Sempringham, Billingborough, Pointon and Horbling. Industrial structures of 125 metres in height would intrude upon a rural scene much appreciated by most local residents and would be overbearing. The associated infrastructure would further erode the rurality of the area and there would be additional, inevitable but intrusive development in order to link the wind farm to the national power network. Within the proposed site, the insertion of 3 km of site access roads, raised above ground level, would comprise an alien feature.

Although the locality is not generally regarded as a major tourist destination, nevertheless there are churches of great architectural and historic interest contributing to a skyline appreciated by many people. Of particular importance is Sempringham Priory, a site in open country whose significance in the monastic history of Britain and its connections relative to the unifying of England and Wales gives it a national significance; its wider setting should be protected from the intrusiveness of a wind farm.

A major initiative to open up the waterway network of Lincolnshire to boaters and those wishing to walk alongside waterways is currently under way and involves the opening of the South Forty Foot Drain adjacent to the application site. This major projects lays great stress upon opportunities to enjoy quiet, unspoiled countryside; the visual and noise impacts of the proposed turbines will detract from the quality of the new recreational and tourism asset.

CPRE considers that the minor road extending from the B1177 to the site will lose its rural character as a result of the work needed to upgrade it. This work and the on-going disturbance arising from the additional traffic in an area where currently there is very little, can only result in a diminution of wildlife (aside from the unknown degree of risk to birdlife resulting from the turbine blades).

It is considered that the application seeks to minimise the negative effects of the proposals, dismissing them variously as “minimal”, “slight”, “marginal” etc. CPRE however, considers that for the above reasons this is an unacceptable conclusion. Furthermore, the application should also be considered in the context of the 2 existing wind farms near Bicker and Deeping Fen, since both are visible from the application site. Intensification of the industrialisation of the fenland landscape is considered to be strongly at variance with protecting the key natural assets of the locality and protecting the amenities of the many rural communities affected by the schemes.

Finally, the District Council is asked to bear in mind the fact that within the East Midlands Region, Lincolnshire accounts for the overwhelming majority of existing and approved capacity for the generation of electricity from on-shore wind sources. National and Regional policies call for a mix of renewable energy sources to be developed – but so far in the East Midlands and in Lincolnshire itself, the mix of sources is not evident and Lincolnshire has accommodated a disproportionate extent of the renewables allocation, virtually all in the form of wind farms. This is unreasonable.

Overall, our evaluation is that the application fails to accord with key planning policies and that, if approved, there would be significant detriment to issues of acknowledged planning importance. The Council is therefore requested to refuse planning permission.

37. CPRE – Lincolnshire Branch:

Further to your letter of 20 July 2006 enclosing additional information regarding landscape impact and other issues arising from the Wind Farm application, CPRE has now considered the further information and evaluation provided by the applicant.

This is comprehensive and helpful but the fact remains that the overall judgements made regarding impacts upon the visual amenity of those who live in the area or visit the locality are subjective and personal.

CPRE hopes that the District Council, in coming to a decision on this application, will support the view expressed by CPRE and by many local residents, that the visual and amenity impacts of the wind farm would be unacceptable and that protecting the key environmental assets of the District should prevail over the claims of electricity generation.

38. Environmental Health:

1. The applicant has undertaken an assessment under BS5228, which results in a maximum corresponding noise level of 62.7dB(A) at Neslam Farm and 57.6dB(A) at the closest non related residential property. Working hours of 07:00 – 19:00 Monday to Friday and 08:00-16:00 Saturdays, with no work outside these hours without prior consultation are suggested.

2. There are elements of the development such as drilling which due to the nature of the noise have the potential for greater subjective disturbance. Noises containing a screech, hum or whine can be subjectively more annoying than a steady noise of the same magnitude. For this reason, such noises are often given an additional 5dB penalty in accordance with BS5228. This has not been included in the assessment, however, in considering the predictions which have been made in the assessment, an additional 5dB would no lead to levels above 70dB(A).

3. I would suggest that for the purpose of construction and decommission, the suggested working hours are conditioned with a noise limit of 70dB $L_{Aeq1hour}$ at the closest noise sensitive property (not including any property with financial involvement in the project). It is assumed that as detailed in the report good construction practice mitigation measures will be adopted.

4. The assessment of noise associated with the operating wind farm has been assessed in accordance with ETSU-R-97 and I would agree that this is an appropriate approach.

5. Compliance with the limits derived according to ETSU-R-97 does not seek to control noise, but is intended to provide a “reasonable degree of protection”. A wind farm operating within the limits of ETSU-R_97 will have an acceptable level of noise impact.

6. Since ETSU-R-97 was written, a World Health Organisation (WHO) 2000 document recommended that the level in a bedroom at night should not exceed 30dB $L_{Aeq,8\ hours}$. The ETSU-R-97 night time criteria is derived from a limit of 35dB(A). This new recommendation would result in a reduction of the night time limit from 43dB(A) to 38dB(A). ETSU-R-97 has not been amended to reflect this and the assessment has been undertaken using the ETSU-R-97 limits, however, my comments will also reflect this revised criterion.

7. As the turbine make and model have not yet been selected, the noise predictions in the assessment were made using data obtained for a Vestas V90 2 MW wind turbine operating in Mode 2 with Sound Power levels provided by the manufacturer used to predict the turbine noise $L_{Aeq.}$ ETSU-R-97 requires that the $L_{A90,10mins}$ is used for both background noise and wind farm noise and suggests that the $L_{A90,10\ mins}$ is likely to be around 1.5-2.5dB(A) less than the L_{Aeq} over the same period. As Sound Power levels

provided by the manufacturer were used to predict the wind farm noise, 2 dB was subtracted from the predicted L_{Aeq} to achieve the L_{A90}. There is some concern with this method as the L_{WA} of the wind turbine was most likely obtained in laboratory conditions, without noise from other sources.

8. The assessment does not include any tonal penalty, this correction can be up to 5dB(A) and if applied would lead to an exceedence of the ETSU-R_97 upper daytime limits and the revised World Health Organisation revised limit for sleep disturbance at measured locations. The assessment report suggests that a warranty would be sought from the manufacturers of the turbine for this site that the noise output will not require correction.

9. Provided that there are no tonal penalties to the wind farm noise, the noise assessment demonstrates that the wind farm could operate within the derived limits in ETSU-R-97 at all locations. It is also possible for the revised WHO night time criteria to be met at all locations, however, the level at Dove Cottage will be on this limit. It must be borne in mind that this is based on data for a sample turbine which has been derived under laboratory conditions.

10. ETSU-R-97 allows for the daytime level of the $_{LA90,\ 10\ mins}$ to be set within the range of 35-40dB(A), and that the actual value should depend on a number of factors. Noise from the wind farm should also be limited to 5dB(A) above background for both day and night time.

11. In view of this and the fact that the actual turbine to be used has not been selected I would suggest that the following conditions may be appropriate if permission is granted. The night time noise criterion is based on the ETSU-R-97 limits and not the revised WHO guidelines.

12. The level of noise emissions from the turbines, as measured at any lawfully existing dwelling shall not exceed:

    a) between 07:00 and 23:00 hours on any day the greater of 38dB $L_{A90,10mins}$ or 5 dB(A) above the quiet waking hours daytime background noise level at that property in wind speeds of up to 12m/s (10m height); or
    b) between 23:00 on any day and 07:00 the following day, the greater of 43 dB $L_{A90,10mins}$ or 5dB(A) above the night hours background noise level at the property in wind speeds of up to 12m/s (10m height).

The above noise emission limits shall increase to the greater of 45dB $L_{A90\ 10mins}$ or 5dB(A) above the background noise levels at any dwelling occupied by persons having a financial involvement in the wind farm in accordance with ETSU-R-97.

13. The noise emission values shall include the addition of any tonal penalty as described in ETSU-R-97.

14. At the request of the local planning authority following a complaint to it, the developer shall measure the level of noise emissions resulting from the operation of the turbines in accordance with the methods recommended in ETSU-R-97. Wind speed shall be measured on site and referenced to a height of 10 metres. Where it is necessary to

convert between measured wind speeds and the wind at 10 metres height, this conversion shall be undertaken using methodology to be agreed with the local planning authority. Tonal noise shall be assessed and rated in accordance with the advice contained in ETSU-R-97. The developer shall supply wind speed and direction data to and at the request of the local planning authority to enable it to evaluate measurements made by the developer and to satisfy the foregoing requirements of this condition.

15. Hours of work for construction and decommission to be limited to 07:00 – 19:00 Monday to Friday and 08:00-16:00 Saturdays. Any deviation from these times must be agreed in writing with the local planning authority in advance.

16. During construction and decommission a limit of 70dB $L_{Aeq1hour}$ shall be applied at any noise sensitive property.

It is not completely clear how Vestas derive their warranted data but they must be confident that it is accurate for guarantee purposes. Generally manufacturers base their warranted data on measurements in the field on a sample turbine according to IEC61400-11 (attached for your information but note copyright) with uncertainty values added to give them confidence that the warranted levels will be met.

I have also added the Vestas data which was used as the basis of our assessment. Please note that the +2 dB has been added to the data presented here to allow for the stated accuracy.

I also add a test report which confirms that these noise levels are met in practice.

39. Environmental Protection Officer:

Please find below further comments in relation to the wind farm and the response to the application submitted by AGAST.

The assessment undertaken in relation to noise is in accordance with ETSU-R-97 and relates to a specific turbine operating under specific conditions (Vestas V90-2MW, 80m hub height, mode 2).

The assessment indicates that the ETSU-R-97 upper limits for daytime and night time noise will not to be breached. However, there is some concern that as the predicted levels are relatively close to the upper quiet daytime limit (within 2dB(A)) at Dove Cottage during the day, that there is the potential that when the turbines are installed and local conditions are taken into account that this upper limit may be breached.

If as previously suggested, a condition was set to limit noise to the greater of 38dB $L_{A90,10mins}$ (the predicted level at Dove Cottage) or 5dB(A) above the background for quiet daytime hours, this leaves no margin for any increase due to actual local conditions after installation.

ETSU-R-97 suggests that the actual level chosen (between 35-40dB(A)) should depend upon a number of factors. If it was justifiable to select the lower limit of 35dB(A) as a condition, the

predictions have shown that this level could not be achieved at any of the measured locations.

The factors include;

- Number of dwellings in the neighbourhood of the wind farm (ETSU-R-97 suggests that if only a few dwellings are affected, then the environmental impact is less and noise limits towards the upper end may be appropriate)

- The effect of noise limits on the number of kWh generated (ETSU-R-97 suggests that a single turbine causing noise levels of 40dB(A) would have less planning merit than 30 wind turbines creating the same amount of noise)

- Duration and level of exposure (ETSU-R-97 suggests that this approach is difficult to formulate, however, a property which experienced background noise levels below 30dB(A) for a substantial proportion of the time in which the turbines would be operating could be expected to receive tighter noise limits than a property at which the background noise levels soon increased above 35dB(A)).

When considering these factors in relation to this development, it would suggest that a limit of 35dB(A) may not be appropriate in this instance, nor would the upper limit of 40dB(A).

In relation to the monitoring positions, it is intended that measurements should be made in “free-field” conditions, however, ETSU-R-97 states that it may be appropriate to undertake background noise measurements in sheltered locations close to a property if they are often used for rest and relaxation.

In respect of the monitoring period of 15 days, this is more than the minimum of 1 week’s measurements as required by ETSU-R-97 and in this case was carried out in November/December. The time of the year can have an effect on measurements, as detailed in ETSU-R-97, summer months may be expected to give higher ambient noise levels due to leaves on trees but lower levels due to reduced rainfall. Winter months may result in lower ambient noise levels due to no leaves but higher levels due to rain. The submitted rainfall data does not indicate excessive rain during the monitoring period.

Details of wind direction during background noise measurements are not apparent, although modelling in the assessment has used downwind conditions in an attempt to represent worst case conditions.

Since my initial comments manufacturers data has been provided in realtion to the Vestas turbine. Noise data for a hub height of 80m has been used in the assessment, with 2dB added to allow for the stated accuracy.

It is important to stress that these comments relate to the particular turbine (Vestas V90-2MW) used in this assessment, with an 80m hub height, used in Mode 2. Any deviation from this choice will result in changes to noise levels and further assessment will be required. The comments also relate only to the data provided in the assessment which has not been verified by this department.

In summary, based on the information provided, it is not possible for the site to meet the lower ETSU-R-97 daytime noise limit of 35dB(A) at any of the properties where monitoring was undertaken. The greatest level of noise during the daytime period is predicted to be 38dB(A) at Dove Cottage. If this level is conditioned as part any planning approval it will leave no margin for increase on the ground when the turbines are installed. It is not considered appropriate for the upper limit of 40dB(A) to be used in this instance.

40. Lincolnshire Wildlife Trust:

Thank you for consulting the Lincolnshire Wildlife Trust on the above application. We have read the Ecological Impact Assessment submitted with the application and have the following comments to make:

- Badgers – We acknowledge that the proposed closure is of an outlier sett which, at the time of survey, appeared seldom used. We strongly support the need for further pre-construction surveys to identify any new setts and inform mitigation proposals which should be agreed with Natural England.

- Water Voles – We are pleased that further pre-construction surveys for water voles will be carried out and that this information will be used to inform the precise route of the access tracks and cabling. We would support the plans to use existing crossing points wherever possible and to position the access tracks at lest 9m from the top of the drain banks, to avoid disturbance to wildlife, including aquatic invertebrate as well as water voles, and to avoid the potential for pollution events.

Given that there will be an estimated loss of 6m of ditch habitat, and therefore potential water vole habitat, we would wish to see ditches created elsewhere or enhancement of the current ditch network for water voles by restoring the dry ditches on site. The length of ditch created or restored should be considerably longer than that to be lost, to not only provide compensation but to contribute toward a net gain for biodiversity on the site.

- bats – We are satisfied that low numbers of bats use the site and are unlikely to be significantly affected by the proposed development. We are pleased that the habitat enhancement has been proposed in the form of hedge planting to provide additional foraging for bats. We would strongly recommend that native species of local provenance are used, both to match hedgerows in the surrounding area, and because native species often have greater value to wildlife than non-active species. The planting of native species rich hedgerows could contribute to Biodiversity Action Plan (BAP) targets.

- Barn Owls – We acknowledge the presence of barn owls in the vicinity of the site and are satisfied that, given their low usage of the development site and the height of the rotor blades, they are unlikely to be directly affected, i.e. through collision, by the proposals. However, there may be negative indirect impacts for example through disturbance during construction and there is always a

possibility that a barn owl may fly at a height which will cause it to collide with a turbine blade.

We would therefore recommend that enhancement for barn owls is carried out off site, such as increasing the provision of long grass habitat in the area to the north east of roost site. Areas, for instance alongside existing hedgerows or drains, should be managed to benefit small mammals which form the principal part of a barn owl's diet. These areas would therefore provide better quality foraging habitat away from the wind farm site and should draw the barn owls away from the turbines and any potential for collision.

- Other Birds – We support the RSPB's recommendation for further surveys to assess the use of the site by migrating waders prior to determination of this application given that surveys already indicate use of the site by lapwing and golden plover.

We are also concerned about the effects on farmland bird species. Although farmland birds are unlikely to be directly affected, i.e. through collision, by the wind turbines, there may be negative indirect impacts for example through disturbance during construction and de-commissioning. We would strongly recommend that, if granted, a condition is applied to ensure that construction and de-commissioning take place outside of the bird breeding season, generally March to the end of August, to avoid any disturbance to breeding birds. The proposed enhancements such as hedgerow planting and provision of grassland and field margins, to benefit other species should also be of benefit to farmland birds which are a Lincolnshire BAP (grouped) species.

We would strongly recommend that a programme of post-construction monitoring is carried out to assess the impacts, if any, of the turbines on bird species including waders, waterfowl, birds of prey and farmland birds.

The Lincolnshire Wildlife Trust is becoming increasingly concerned about the number of similar proposals around the county. The Trust would welcome analysis of the cumulative effects of wind energy infrastructure and consideration of a strategic approach to such developments.

41. Dunsby Parish Meeting:

I refer to your letter of 13 February with regard to the application for planning permission for the erection of Wind Turbines at Sempringham Fen by Scottish Power.

I have the following observations:

1. The Wind Turbines appear to be too near to residential properties. I understand that if the residential accommodation must be at least a minimum distance of 2 kilometres.

2. The fact that vibration travelling through the ground is very likely to disturb anyone living nearby.

3. That the noise generated by the turbines will disturb nearby residents and is likely to disrupt their sleep. Children are likely to be very much affected by the noise and disturbance particularly at night.

4. I understand that if the blades are turning in sunlight the shadows cast on windows cause great unpleasantness and irritation, just as if a light is being turned on and off continuously.

5. Sempringham Fen which is the road to the site at Neslam Farm turns from the B1177 and is much too narrow for the wide vehicles which will be needed to carry the equipment to the site. If the applicants seek to widen the Sempringham Fen Road very ancient hedgerows will be destroyed and lost forever.

6. The transport taking equipment to the site will have to pass along the road B1177 which runs through Horbling, Billingborough, Pointon and is likely to cause damage, nuisance and annoyance to the Schools in Horbling and Billingborough and to the residents and their properties and other road users. Damage may well be caused to properties, some of which are preserved.

7. The amount of electricity which will be generated from the turbines for all the inconvenience cause will be minimal.

I rather fear that if this application is granted it may well be the thin end of the wedge and other applications throughout the Fens may well be submitted and if they were granted the beautiful Fenland would be overcome by Wind turbines.

42. fpcr – Faulks Perry Culley & Rech:

Thank you for the information. We have now had the opportunity to initially review the documentation and to visit the site. I am writing to set out some initial observations and suggestions for clarification.

The landscape assessment does not make any reference to the South Kesteven Landscape Character Assessment. Good practice suggests that this should have been referenced and the effects on the key characteristics of the landscape areas identified.

The documentation states that a new connection to the electricity networks would be required, but that this would be subject to separate works by Central Networks. This connection may be outside the scope of the current application, but if a connection is required to make the project functional, consideration should have been given to the likely cumulative impacts. For example if a new transmission line will be needed, this will introduce further vertical elements into the landscape. The likely height and route of any lines should be provided.

The location and detail of the photomontages requires clarification. The approach of a broad panorama (on sheet 1 of 2) with a more realistic detail at the correct viewing size (on sheet 2 of 2) is fine. However many of the detail views focus on parts of the panorama that do not show the proposed turbines. Photomontage 10 is a particular example, sheet 2 of 2 does

show some distant turbines, but these are in fact the turbines at Bicker Fen, not the proposed turbines at Neslam Farm, which would be located to the west of the view shown.

The detailed locations chosen for a number of the views is also helpful. Photomontage viewpoint 10 again provides an example. There are many open views from the bridleway along the South Forty Foot Drain, but the viewpoint chosen shows a group of trees and buildings directly in front of the turbines, partially screening them. A view from further north on the path would have provided a more useful montage.

Photomontage 9 and 14 are other examples of locations where close range vegetation or buildings obscure the views and where better locations could have been selected.

A particular feature of the landscape around this site, are the church towers and spires, which provide an important focus. The relationship with Billingborough Church and Sempringham Priory Church are particularly relevant.

It would be helpful to provide photomontages to demonstrate the likely effects.

We suggested montages be prepared from locations to the west of Billingborough. The attached figures and photographs provide a guide to our suggestions. These locations should enable the view of the spires/towers to be seen in context together, and with the turbines at Bicker Fen.

The importance of this relationship is such that we consider the montages should be available before an overall conclusion on the likely landscape, visual and heritage impacts could be reached.

We hope this is helpful. Please contact me if anything requires clarification.

43. fpcr – Faulks Perry Culley & Rech:

5.0 Summary and Conclusions

5.1 An appraisal has taken place of the landscape and visual chapter of the Environmental Statement, accompanying the application. This has included a review of the methodology employed and of the findings of the assessment.

5.2 This methodology generally follows recognised guidance. There are however some concerns. The methodology underplays the sensitivity of public rights of way. Recognised guidance suggests these are “high sensitivity” receptors, whereas the Scottish Power methodology assumes these are “medium sensitivity”

5.3 The landscape character sensitivity criteria employed by Scottish power, place undue importance on the value of locally designated landscapes and underplays the importance of ordinary landscape. The criteria for the magnitude of landscape change includes some odd criteria. The criteria could also be interpreted to suggest that if a turbine is present in the area, then the magnitude of future change would be lower, thereby making it easier to propose more turbines in future.

5.4 The documentation states that a new connection to the electricity networks would be required, but that this would be subject to separate works by Central Networks. This connection may be outside the scope of the current application, but if a connection is required to make the project functional, consideration should have been given to the likely cumulative impacts. For example if a new transmission line will be needed, this will introduce further vertical elements into the landscape. The likely height and route of any lines should be provided.

5.5 The location and detail of the photomontages requires clarification. The approach of a broad panorama (on sheet 1 of 2) with a more realistic detail at the correct viewing size (on sheet 2 of 2) is fine. However many of the detail views focus on parts of the panorama that do not show the proposed turbines. Photomontage 10 is a particular example, sheet 2 of 2 does show some distant turbines, but these are in fact the turbines at Bicker Fen, not the proposed turbines at Neslam Farm, which would be located to the west of the view shown.

5.6 The detailed locations chosen for a number of the views are also unhelpful. Photomontage viewpoint 10 again provides an example. Thee are many open views from the bridleway along the South Forty Foot Drain, but the viewpoint chosen shows a group of trees and buildings directly in front of the turbines, partially screening them. A view from further north on the path would have provided a more useful montage.

5.7 Photomontage 9 and 14 are other examples of locations where close range vegetation.

44. fpcr – Faulks Perry Culley & Rech:

1.0 INTRODUCTION

1.1 FPCR provided a review of the landscape and visual elements of the application for 6 wind turbines and associated facilities at Neslam Farm in March 2009. This review highlighted a number of concerns and suggested where additional material should be produced to clarify and expand on the original assessment.

1.2 Following this review, and letters from South Kesteven District Council, consultants for Scottish Power, produced a scope of works for six additional issues to be addressed through an addendum. The issues raised are summarised below.

- The enlarged photomontages do not all show the full extent of the proposed Neslam wind farm.
- The detailed locations chosen for a number of the views are unhelpful
- The assessment does not include views of the wind farm in conjunction with the spires and towers of churches, including Billingborough Church and Sempringham Priory Church, and with Bicker Fen wind farm.
- The landscape and visual assessment makes no reference to the South Kesteven Landscape Character Assessment.

- The sensitivity accorded to public Rights of Way does not accord with best practice guidance.
- There is an inconsistency in section 7.43 of the ES, where the findings of the assessment do not accord with the methodology provided.

1.3 This scope of work was agreed with FPCR, and an addendum including Landscape and Visual issues was produced in July 2009. This report provides a review of that addendum. The review is structured following the issues covered in the addendum.

2.0 RETAKE OF 3 VIEWPOINTS FORM ALTERNATIVE LOCATIONS

2.1 The FPCR review of the original E.S. highlighted that some locations for key viewpoints/photomontages, were not helpful, as for example the turbines were obscured by vegetation. Alternative viewpoints have been provided and are described below :

Viewpoint A1

2.2` This replaces the original Viewpoint 4, and extends the panorama to show Billingborough Church to the north, and the proposed turbines to the east. It is accepted that the turbines and the church tower are at approximately 90 degrees to each other, and are likely to be perceived by viewers when they turn their heads. It is considered however that a direct comparison between the two elements would be possible. Whilst the panorama is very expansive, and the turbines would only make up part of it, the qualities of this landscape suggest that viewers would look around to take in the whole panorama. Whilst the church tower is a small element it serves to emphasise the wide flat landscape of the fen. The introduction of the turbines would inevitably distract views from the church tower towards the visually more dominant turbines.

2.3 Whilst the church is slightly more distant from the viewer (2.5km) than the turbines (2.3km) this difference is not great and the relative difference in scale of the features would be apparent. The Scottish Power assessment however does recognise that the effect on this viewpoint would be **significant,** and it is agreed that cumulative impact with Bicker Fen would be **not significant**.

Viewpoint A2 – Edge of Westhorpe

2.4 This viewpoint replaces the original Viewpoint 9, where the turbines were obscured by a group of trees in the foreground. The replacement view is helpful in showing the turbines in view. It is agreed that the magnitude of change to the view would be low largely due to distance, and that overall effect would be **not significant.** Whilst Bicker Fen Wind Farm can also be seen, overall cumulative impact would be **not significant**.

Viewpoint A3

2.5 Viewpoint A3 shows in view from the South Forty Foot Drain. This replaces the original Viewpoint 10, where the turbines were hidden by foreground vegetation. The turbines would be readily apparent and the overall visual effect would be **significant**. This view shows the wide open characteristics of the landscape, which are described as being more appropriate for accommodating the turbines. This description seems fair. It is agreed that cumulative impact from this viewpoint would be low – negligible.

3.0 VIEWS OF THE TURBINES IN CONJUNCTION WITH SPIRES AND TOWERS OF CHURCHES, AND WITH BICKER FEN WIND FARM.

3.1 Following the initial review, six additional viewpoints have been produced to help assess the relationship between the turbines and the church spires and towers, and Bicker Fen. These are described below :

Viewpoint A4 – Pointon Fen

3.2 This shows a close range view of the turbines from a minor road, with Billingborough Church, Sempringham Church and Bicker Fen Wind Farm in the distance. The addendum describes how the church spire and church tower are minor features in the view, due to their distance. This is accepted. They do however currently provide a contrast with the flat open fen. The introduction of the turbines would completely alter the view and the tower and spire would become insignificant in comparison.

3.3 It is agreed with the assessment that the effect on this viewpoint would be **significant.** It is also agreed that there would be a "medium – low" cumulative magnitude of change with Bicker Fen.

Viewpoint A5 – B1177 north of Dowsby

3.4 This view from the road to the south, would allow clear views of the Neslam Farm turbines, and it is accepted that there would be a medium magnitude of change and overall a "**not significant**" effect. The text accompanying the assessment states that Bicker Fen is "visible but not readily apparent". Examination of the photograph presented at viewpoint A5 would suggest this is the case. However, the visibility can vary with conditions. Viewpoint D of the FPCR review March 09 shows the Bicker Fen turbines much more noticeable than on the Scottish Power montages. The FPCR Review shows photographs of an existing facility, and not photomontages. There is however a significant distance between the two proposals, which make the turbines appear different sizes. This reduces the overall cumulative impact, and it is accepted that the impact would be **not significant.**

Viewpoint A6 – Sempringham Church

3.5 This shows the view from the car park adjacent to Sempringham Church. The turbines can be seen as a clearly visible addition to the view. A similar view would be possible from the Church yard. Whilst part of the Billingborough Church Spire can be seen, this is a very small and a minor element in the view. There would be a medium magnitude of change to a high sensitivity receptor, and overall there

would be a **significant** effect. The cumulative impact with Bicker Fen would be "medium low", and overall **not significant**.

Viewpoint A7 – North of Beacon Hill

3.6 This viewpoint appears to have been taken from a similar location to viewpoint F of the FPCR review. Viewpoint A7 was taken in the summer and Viewpoint F during the winter. The two photographs provide a good demonstration of the changes that can occur through the seasons, and with different atmospheric conditions. In the winter Viewpoint (F) Billingborough Church and the existing turbines at Bicker Fen are clearly visible. On the summer view (Viewpoint A7) vegetation has obscured the church spire, and possibly due to atmospheric conditions, Bicker Fen Wind farm is not so apparent.

3.7 The Neslam Farm turbines are however largely screened in this view by topography and vegetation, and the conclusion that there would be a low magnitude of change and overall **not significant** impact seems fair. The cumulative effect would also be **not significant**.

Viewpoint A8 – Beacon Hill

3.8 This viewpoint provides a clear open view from the higher ground, including Sempringham Church and Billingborough Church. From the viewpoint location, the Neslam Farm turbines can be seen beyond, and rising above Sempringham Church. The Bicker Fen turbines lie visually behind Billinborough Church, which is partly obscured by intervening vegetation.

3.9 The text in the addendum to the ES, describes the viewpoint as having a medium sensitivity, and medium magnitude of change, leading to a "**not significant**" effect. The text goes on to describe in relation to Sempringham Church (at para 7 of Viewpoint A8) "the church does not appear to be dominated by the turbines. The turbines are clearly further away than the Church, and the Church remains as a focal point in the middle ground of the view".

3.10 We do not agree with this assessment. The turbines are further away but are visually more dominant and do change the setting of the Church. Even if the viewpoint is considered to be "medium" sensitivity and accepting that a wide panorama that is visible, we would suggest the overall impact on this viewpoint was "**significant"**.

3.11 The "medium-low" cumulative magnitude of change seem fair and overall the cumulative impact would be "**not significant**".

Viewpoint 9 – Public Right of Way west of Pointon

3.12 This viewpoint is located on a right of way and shows the proposed turbines in relation to Billingborough and Sempringham Churches, and Bicker Fen Wind Farm. The medium magnitude of change and overall assessment of "**not significant**" seems fair. Whilst all these elements can be seen, there is a visual gap between the different features, and the intervening vegetation provides some filtering to the view. Overall cumulative impact would be **not significant**.

4.0 SOUTH KESTEVEN LANDSCAPE CHARACTER ASSESSMENT (SKLCA)

4.1 The addendum picks up the SKLCA and compares the slightly different character areas described in the ES, with those in the SKLCA. There are broad similarities and the overall levels of sensitivity for the character areas, are described as appropriate evaluations in the addendum.

4.2 The overall conclusion in the addendum is that there would be a medium/high magnitude of landscape change in the Fen Character area immediately around the site of the turbines reducing with distance. There would be a **significant** landscape effect for approximately 1.5 – 2Km around the turbines. Beyond this the impact would be **not significant**. This is a fair assessment.

4.3 In relation to the Fen Margin Character area, at its closest, these would be a medium high magnitude of change, for part of the area, leading to a **significant** effect. Over the wider part of the character area the effect would be less and would be "**not significant**". This is a fair assessment. The cumulative effect with other wind farms is likely to be **not significant**. Overall therefore the Addendum adequately addresses the South Kesteven Landscape Character Assessment.

5.0 SENSITIVITY OF PUBLIC RIGHTS OF WAY AND LANDSCAPE IMPACT ON THE NESLAM FENS CHARACTER AREA

5.1 The addendum sets out the reasons why public rights of way have been considered both as "high" and "medium" sensitivity receptors. It is accepted that the Guidelines for Landscape and Visual Impact Assessment are just that – guidelines. The advice is not prescriptive and professional judgement must be used. The assumptions in the assessment should however be clearly defined, and the addendum provides this clear definitition. Decision makers will be able to draw their own conclusions on the overall impact, from the evidence provided.

5.2 It is also accepted that professional judgement has been used to determine the level of landscape impact on the "Neslam Levels and Fens" character area. In this case the judgement has increased the level of impact, from that, that based rigidly on the matrix.

5.3 We are content that a "**significant"** landscape impact is appropriate, as described in the addendum.

6.0 SUMMARY AND CONCLUSION

6.1 The addendum addresses the issues raised in the review of the original E.S. relating to landscape and visual effects. The supplementary information is very helpful in assisting an assessment of likely impacts. FPCR are content that the assessment in relation to the South Kesteven Landscape Assessment is fair and that the **significant** effect on the "Neslam Fens and levels" character area is appropriate.

6.2 A different approach to the sensitivity of public rights of way has been taken, than FPCR suggest would be interpreted from the Landscape Institute Guidelines.

However the criteria have been clearly defined, and this provides one professional approach to the issue. Others could interpret the guidance in a slightly different way. Sufficient material is provided however for decision makers to make an appropriate judgement on the effects on public rights of way.

6.3 In terms of alternative and additional viewpoints, the photographic material is very helpful. Whilst the alternative viewpoints for the original viewpoint locations now show the turbines more clearly, it is accepted that the overall levels of impact described are fair.

6.4 In terms of the new viewpoints, particularly from the west, and higher ground, there are some differences of opinion on the likely effects. It is accepted that generally these views provide a wide and expansive panorama. The turbines would be one group of elements, within this overall panorama. The wide open landscape, would be more appropriate then many types of landscape at accommodating the wind turbines. However from some locations the turbines would become the dominant vertical elements in the view, and would compete with the Sempringham Church tower and Billingborough Church spire as features punctuating the skyline. This effect is considered to have been underplayed in the Addendum Assessment.

6.5 In addition there could be considered a heritage impact to the setting of Billingborough and Sempringham Churches. This should be considered carefully by heritage experts. The photomontages provided will however provide useful evidence to base the assessment upon.

6.6 Overall in landscape terms, the nature of the local landscape is more appropriate than most at accommodating wind turbines. The flat open nature of the landscape, and the general lack of scale indicators make it a generally appropriate location. There would however be some significant landscape and visual impacts. This is always the case, when new structures the scale of wind turbines are introduced. These significant effects would need to be balanced against the other benefits of the scheme.

6.7 There are particular issues is relation to the turbines and the local Church spires and tower. In general these features would be seen at some distance from each other, and as separate elements able to maintain their own identity in the view. From a limited number of locations however there would be a direct comparison, and the turbines would replace Sempringham Church tower and Billingborough Church spire, as the most prominent vertical elements in the views. This should be considered alongside any heritage impacts arising from effects to the setting of these features.

45. East Midlands Development Agency:

Thank you for your letter dated 13 February 2009 requesting the comments of emda on the above planning application. You will have received a copy of the Notification Criteria which emda sent to all local authorities in February 2007. the above application falls under Criterion 6a:

Applications of regional economic significance for new energy infrastructure comprising energy proposals generating more than 3 mega watts of electricity

Significant development of the type proposed is considered to be within the provisions of Article 10(1)(zc)(ii) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003.

This application relates to the development of 6 wind turbines at Neslam Farm, Sempringham Fen, Sleaford. The combined output of the turbines will be approximately 12 mega watts.

The proposal supports the Strategic Priority 'Energy and Resources' of the Regional Economic Strategy (RES) 'A flourishing region', which aims to transform the way in which we use resources and use and generate energy to ensure a sustainable economy, a high quality environment and lessen the impact of climate change. The RES Priority Action 'Utilising Renewable Energy Technologies; aims to maximise the economic and environmental benefits of renewable energy technologies by promoting their development and deployment.

The impacts of this proposal will be key considerations in determining this planning application, in particular those relating to landscape and cultural heritage. It is therefore vital that these issues are taken into full account and that appropriate mitigation measures are put in place by the developer.

Therefore, emda supports this application and recommends approval on the condition that potential negative impacts can be suitably mitigated.

I would be grateful if you would inform emda of the final decision on this application.

46. Anglian Water:

Anglian Water Services Ltd has the following observations regarding the wind farm application.

As the windfarm has the potential to affect Anglian Water Services business microwave and UHF radio communication links we object to the application subject to detailed analysis and possible mitigation. We are contacting the developer to identify the site details and to carry out the analysis, identify any issues and required actions.

We will contact you again when we have completed this process.

47. Billingborough Parish Council:

At its meeting on 25 February Billingborough Parish Council passed a resolution to object to the Neslam Windfarm planning application. Informed by its own considerations and the submitted Environmental Statement the Council bases its objection on the following 10 factors:

1. **Operational noise and the threat of vibro-acoustic disease.** The internationally emerging safety distance from wind turbines of this size to human habitation is 2

kilometres. Operating such a safety zone is a policy being increasingly adopted, for example by the Scottish Government and we believe by SKDC also. Within this parish some 7 to 10 homes will fall within this distance. There is disturbing evidence from both the Bicker and Deeping windfarms of people living close to the turbines being affected by noise in a life-changing way.

2. **Heavy Construction Traffic through Billingborough.** The application and Environmental Statement says almost nothing about this (except that the problem will be subject to a 'traffic management scheme'). However it is clearly evident that for a nine month period construction traffic comprising very heavy loads will have to pass through Vine Street (of Folkingham Road) and Billingborough High Street on their way to the site. There are two repercussions:

- There are listed buildings close to the road on all these streets as well as many other fine historic buildings in the Conservation Area which do not have proper foundations and whose stability might be affected by the unprecedented vibration.
- It will add to already high concern about road and pedestrian safety on walking routes to two schools and along a High Street already used for substantial on-street parking for local shops.

3. **Ruining a 600 year old historic landscape**. It you take a view south of west from the A52 west of Donnington and equally anywhere along the 40 Foot Drain or Billingborough and Sempringham Fen Roads looking westwards you see a truly unspoilt part of the fens with the limestone hills rising behind the string of spring-line villages. This wide horizon is dominated by the 50m high spire of Billingborough Church (Pevsner talks about its uniqueness in Lincolnshire) and punctuated by three other medieval church towers from left to right – Sempringham, Horbling and Swaton. Also if you look back you can see the spire at Gosberton the other way. This is a truly unspoilt part of The Fens unlike further east and south, with no ribbon or ugly shed type development in it. The Grade I listed church spires and towers, particularly Billingborough, were traditionally used for navigation and these views have remained uninterrupted for 600 years. They form the very essence of the landscape. Six 125m, industrial wind turbines at Sempringham and the prospect of 17 more at Billingborough/Horbling would ruin this essence forever. The Environmental Statement has just not got the point – it sees 'Landscape' as one subject and 'Cultural Heritage' as another – it totally fails to see the cultural heritage as part of the landscape and to consider the effect of the development on wide views across the area with all the medieval churches in the frame. Whilst considering the impacts on the Grade I Billingborough and Sempringham churches as 'significant' it then dismissively downgrades the effect of the development on their historic settings as 'moderately adverse'. This is damning with feint praise.

4. **Urbanisation of the Countryside.** So-called 'Improving' the local roads for the construction traffic (and the possibility of later windfarm expansion), especially Neslam Road and its junction with the B1177, will urbanise a completely rural setting (for example by increased hard top road services and concrete curbs) thus destroying its character. The landscape assessment in the Environmental Statement seems to think the only impact on the landscape from both the construction and operational phases is to do with views. This is untrue as creeping urbanisation/industrialisation from

roadworks (misguidedly specified in the name of health and safety) can ruin the rurality of the surface of the landscape. There will also be a great temptation to leave any such works in place either on the grounds of future expansion of the development or on the excuse that they improvements.

5. **Threat to birds.** Members of the council have frequently observed kingfisher, barn owls and reed bunting along the Maise Dyke and other ditches. The latter are all resident and breeding as well as skylark, most often seen in the summer, but also recorded in the winter. As well as simply omitting to mention some of these breeding species (such as reed bunting) the Environmental Statement by supposedly concentrating on 'breeding birds' is largely dismissive of the value of this land for winter feeding birds. It records tiny numbers of Lapwing and golden Plover and suggests that they do not fly at turbine height or can simply go elsewhere. We are aware of flocks of Lapwing and Golden Plover as large as 800 being recorded on the adjacent Billingborough Fen in February this year and although we do not have accurate records of numbers at Neslam Farm we suggest that they are much higher than suggested in the ES. These birds graze at about 7 metre centres and so require a large space (uninterrupted by turbines) in order to land the flock. To suggest that they are unimportant or can simply go elsewhere is irresponsible. As the Fens threaten to be covered in wind turbines the cumulative effect on their choice of wintering grounds becomes significant. Besides we want them there.

6. **Loss of quality wheatlands.** The shortage of world foods has led to a new approach in the UK of growing as much wheat as possible. The local soil series creates good wheatland which when interrupted will either be less efficient to farm or will cease altogether depending upon the attitude of the farmers who will gain alternative income from the turbines.

7. **Possible Groundwater/Geological effects.** The depth and volume of concrete for turbine foundations could have unknown effects upon the local artesian limestone acquifer which supplies water to Billingborough and elsewhere and disturb a very low incline and delicately balanced drainage system to the 40 foot Drain.

8. **Specific threat to Sempringham Abbey.** This vast and largely unexposed medieval priory site as well as the parish church form a unique asset being the home to the only English founded religious order – the Gilbertines. Here also is the resting place of Gwenlian the last True Princess of Wales and the ruins of the largest Tudor country house in Lincolnshire from where the Mayflower voyage to Massachusetts was planned. The wind turbines just a short distance away along Neslam Road threaten to ruin the tranquillity, heritage and spirituality of this place and the views across it to the hills in the west.

9. **Unconvincing Benefits.** We do not say that wind power is a bad thing, particularly in the right place or where it can self-sustain a specific local power need. But its contribution to national power is grossly exaggerated and it will not sole either our strategic power problem or even our renewables target. We have no reason to disbelieve the applicant's estimate of enough power to supply 6,000 homes (although when they said 'local' homes in their letter to District Councillors this was blatantly untrue as the power just goes into the national grid). However just to cater for the English additional housing (Government Policy) of 240,000 homes a year it is easy to

calculate that 400 windfarms the size of this proposal will be required every year and that makes no indent upon present power demand. That number of windfarms would fill up all of the counties of England in a few years so that everywhere looked the same. We would not tolerate the loss of countryside to housing or to industrial sheds in any way – what is the difference?

10. **The Real reason for coming here.** The real reason for coming here (and to Lincolnshire as a whole) is that the power companies perceive the location as a 'soft target'. This is because of a low population which is perceived as having relatively little influence and to be less of an opposition. One power company has virtually admitted so. This reason of course was not stated in Scottish Power's exhibited 'advantages' of the Neslam site. It is also the case that the companies, ignorantly, perceive the 'flat' landscape as of relatively low value and man-made. Yet it is no less man-made. Yet it is no less man-made than The Broads, The Peak District and the Lake District national parks, which probably looked more different prior to man's activity.

Decisions on all planning applications are a matter of weighing up costs against benefits. In this case we can see very many local costs which are also national costs in terms of the significance of Billingborough church and Sempringham Abbey. We can see no local benefits – the small amount of power generated does not benefit local people and the visit of the SKDC Development Control Committee to the windfarm at March showed that at the most only one job would be created and indeed the whole project could be monitored as well as supplied from Denmark. The national benefit as a contribution to this country's strategic power requirements is tiny as is the cumulative effect of all existing and proposed windfarms. Yet the cumulative effect of many windfarms on our historic English landscape could be a decision that future generations come to regret. Why should we accept these industrial giants in our valued and decreasing true rural areas when we would not even contemplate a few industrial sheds or homes in open countryside?

48. Billingborough Parish Council:

Thank you for consulting the Parish Council again on the Addendum to the Environmental Statement submitted by Scottish Power (the applicant).

Parish Councillors have now considered the additional information and on their behalf I would like to make the following comments.

1. The formal position of the Parish Council remains that it objects to the proposed development as set out in my letter of 16 March 2009. I attach another copy of that letter with a few typing errors removed but otherwise exactly the same.

2. We have some concern about the time that this planning application is taking and over the fact that the applicant has effectively been given another go at it and invited to respond to the points of objectors the first time around. We believe that is rather an unusual and unfair process – a planning inquiry would not be put on ice while one side went away to prepare a response.

3. More importantly, as there has been no change to the conclusion of the Environmental Statement or the planning application it is crucial that the Council does not form any conclusion to the effect that the opposition from the community and all consultees is now any less. The Council received many letters in March when the first and main consultation was undertaken and it is of the utmost importance that they are still regarded as valid and relevant. We are sure that you will also not allow the applicant to argue that opposition has dropped because of a lesser response this time. In many people's eyes there is little extra to respond to.

4. During this lapse of time the national political pressure has changed and the Government has issued a policy statement proposing an acceleration in the provision of windfarms. This fact does not change our objection. As we said in March the national energy crises cannot be solved by covering England in turbines. The numbers do not add up and we cannot have every landscape looking the same.

5. We also believe that it is important that the members of the Development Control Committee take the right decision in terms of the interests of the communities affected and do not make a political decision based on the fact that their wards are all in the west of the District. The cost of fighting an appeal should also not weigh at all in their decision.

6. Regarding the Addendum to the Environmental Statement itself we note that the consultants describe the effect of the windfarm on various views of Sempringham Abbey Church and Billingborough Church as 'significant' but do not change anything and apparently then just ignore these conclusions. There seem to be many inconsistencies and even contradictions in the new work. For example at para 11.5.3.1, third bullet point, the authors state that *"Within the fen, at distances of 4km and greater from Billingborough, the Development will dominate views of the church, which is not a prominent landmark"*, We find this both worrying and hard to comprehend because Billingborough Church with its 150 foot high spire can clearly be seen as a beacon in the landscape at present for at least 10km. How can anyone say it is not prominent? Shortly afterwards the authors contradict this at para 11.5.3 where they state *"Most views of the church are unaffected and from locations where church and Development can be seen together the turbines will appear as only a minor element in the landscape".* Which is it? The works seems to show a real muddle of thought as to what dominates what.

7. Under both their *Landscape and Visual and Cultural Heritage* headings the authors concentrate on arbitrary and single point views of Sempringham Abbey and Billingborough Church. They still do not seem to get the point we made before about the historic landscape value of the whole setting and ambience of the churches and the spring-line villages in one of the most unspoilt parts of the English Fens. The Human visual and total sensory experience cannot be replicated by flat photographic prints.

49. Bourne Town Council:

The Committee felt unable to comment as this will directly affect Bourne and the Parishes, but would give support to the residents of the areas as whey will be most affected by this proposal.

50. Horbling Parish Council:

I understand that the closing date for responses to this planning application has been extended to 20 March 2009.

After lengthy discussion and deliberation of the pros and cons of this application, Horbling Parish Council wishes to advise you that it OBJECTS MOST STRONGLY to this projected industrialisation of the countryside, so close to three fen villages. We object on the grounds that:

1. They are too close to homes;
2. They are noisy;
3. Can affect people's health;
4. Could be a danger to military aircraft practising low flying;
5. We doubt that they are economically viable;
6. The traffic supplying these turbines and concrete etc will cause incalculable congestion in the village is passes through.

We cannot stress too strongly that we hope our views will be taken into account when reaching your decision.

51. Horbling Parish Council:

Thank you for your letter on this subject dated 20 July, with accompanying disc.

I have circulated this information to all members of the Council.

Strong objections have been raised based on the following, which objections I hope can be taken into account at the appropriate time.

1. Difficulty of access to the site.
2. The destruction of the environment in making access.
3. Destruction of public rights of way.
4. Loss of amenity – views, etc.
5. Too close to villages.
6. Too much disruption caused by building traffic.
7. Not proven to be an economically viable or efficient method of providing electricity.
8. Noise pollution.
9. Light flicker.

I hope these comments are helpful.

52. Highways Agency:

No objections.

53. Natural England:

Based on the information provided Natural England would like to place a **holding objection** on this application in order to obtain further detail to demonstrate whether or not the development would have an adverse effect on species especially protected by law. Our concerns relate to Marsh Harriers, a protected species listed under schedule 1 of the Wildlife and Countryside Act 1981 (as amended). The information required includes survey work undertaken, methodology used and results found in order to determine any likely adverse effect, if this species was not identified on the site then a statement to this effect would provide clarification and allow this objection to be withdrawn.

Additionally, the survey information provided by the applicants indicates that badgers are present within the application site and utilising certain areas that are to be affected by the proposals. Natural England considers the proposals set out in the application to be sufficient to mitigate that it is their responsibility to ensure that, where any aspect of the proposal directly affects badgers or their setts, work must be undertaken under licence, which must be obtained from Natural England.

Natural England welcomes the undertaking to carry out pre construction surveys for both the local Badger and Water Vole populations and if permission is granted we would wish to see these and an associated method statement for mitigation stipulated as a condition of approval. Mitigation proposals should lead to a net gain of biodiversity habitat on site and we would welcome proposals that enhance and make more suitable water vole habitat. Again the applicant must be informed that it is their responsibility to ensure that works relating to Water Vole burrows must be undertaken under licence, which must be obtained from Natural England.

With regards to Bats, Natural England considers the numbers in the area small enough not to be a constraint to development but would welcome any proposed mitigation measures which would enhance foraging opportunities around the site. Any enhancement should be in keeping with local surroundings and be of native provenance.

Lastly, Natural England would request that species monitoring post construction is made a condition of any approval this is especially important for water voles, bats and barn owls to ensure the species continuance in the area, such information would also be useful to determine wind farm disturbance effects.

If you should require any further information please do not hesitate to contact me.

54. Natural England:

Thank you for consulting Natural England on the above application. Your letter was received by this office on 23 July 2009.

Based on the information provided Natural England is happy to remove its holding objection in relation to species especially protected by law subject to the following conditions:

- Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority, one they are satisfied that breeding birds will not be adversely affected.
- Before commencement a method statement for protected species as per the ecological survey recommendations regarding the incorporation of enhancements shall be provided to and approved by the planning authority. Full details of construction and post construction monitoring must also be detailed.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licenses required as described in Part IV B of the Circular.

Should you require further information please do not hesitate to contact me.

55. The Joint Radio Company Limited:

Thank you for the opportunity to comment on the proposed development.

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry to assess the potential of these developments to cause interference to radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any of the turbines, it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.

JRC offers a range of radio planning and analysis services. If you require any assistance, please get in touch by phone or email.

56. Lincolnshire County Council:

In responding to your consultation on the planning application for the erection of 6 Wind Turbines and ancillary development at Neslam Farm, Sleaford, Lincolnshire County Council would like to submit the following comments. These comments are currently subject to consultation with members and if there are any changes to the comments I will inform you before the 8 April 2009.

Recommended Observations

1.1 The site is located approximately 2km east of Billingborough. The proposed Neslam Wind Farm has been identified as it is considered by the developer to be economically and technically viable, environmentally acceptable, and can make meaningful contributions to targets for renewable energy generation.

1.2 It is proposed to erect 6 wind turbines (maximum height 125m) together with ancillary development such as a control building and compound, on site cabling, onsite access tracks, temporary storage/construction compound, hard standing areas, permanent meteorological mast, associated habitat enhancement and access from Neslam Road.

Regional Plan Context

2.1 The Adopted East Midlands Regional Plan (March, 2009) identifies wind turbines as assisting with regional priorities for energy reduction and efficiency and indicates most of the region as being suitable for wind turbines subject to suitable criteria also being taken into account, such as the visual impact and their actual size.

2.2 Policy 39 (Regional Priorities for Energy) sets out the considerations which Local Planning Authorities should take into account so that regional priorities for low carbon energy generation are promoted. These include Landscape Character Assessments, the effect of the proposal on the built environment; the number and size of the turbines proposed; assess the cumulative impact of a project and how a wind generation project can contribute towards the regional renewable target and national and international objectives on climate change.

Local Plan Context

3.1 South Kesteven signed the Nottingham Declaration on climate change in 2006 and the Local Development Framework Core Strategy Submission (2009) identifies renewable

energy generation as offering an opportunity for dealing with climate change and the emission of greenhouse gases in South Kesteven.

3.2 Renewable energy is identified as energy that comes from a variety of sources and Policy EN3 (Renewable Energy Generation) states that:

"The District Council will grant planning permission for proposals to generate energy from renewable sources, subject to the proposals according with the other Core Strategy policies, national guidance and complying with the following criteria:

The proposal can be connected efficiently to existing national grid infrastructure, unless it can be demonstrated that energy generation would be used on-site to meet the needs of a specific end user.

The proposal should make provision for:

- the mitigation of the real emissions/impacts arising from the installation of the renewable energy generation.

- the removal of the facilities and reinstatement of the site, should the facilities cease to be operational.

3.3 Billingborough is also identified as a Local Service Centre in the Local Development Framework. Local Service Centres have a key role to play as localised service use already maintains these centres. and the proposed development should not effect this identified role in identified rural areas in South Kesteven.

3.4 Neslam Farm and the proposed site for the wind turbines is within a Flood Risk Zone (Category 3), which is of high risk, and it is acknowledged that there is a presumption against development in areas identified as being at risk of flooding.

Conclusions

4.1 Planning Policy Statement (PPS) 22- Renewable Energy sets out national planning policy on this subject. The Governments approach is to generally support the principle of using renewable energy generation as a means of meeting the UK's target for achieving reduced greenhouse gas emissions. PPS22 also stresses the importance of assessing the visual and landscape effects of wind turbines, and the companion guide gives more detailed guidance on assessing cumulative landscape and visual effects requiring the preparation of plans showing "cumulative zones of visual influence" and the identification of "journey scenarios" considered appropriate for assessment.

4.2 The Government's approach is also reflected in Policy 39 (Regional Priorities for Energy Reduction and Efficiency) and Policy 40 (Regional Priorities for Low Carbon Energy Generation) in the Adopted East Midlands Regional Plan (March, 2009) which state that:

Policy 39 Regional Priorities for Energy Reduction and Efficiency

Local Authorities, energy generators and other relevant bodies should:

- promote a reduction in energy usage in line with the 'energy hierarchy'; and
- develop policies and proposals to secure a reduction in the need for energy through the location of development, site layout and building design.

Policy 40 Regional Priorities for Low Carbon Energy Generation

In establishing criteria for onshore wind energy, Local Planning Authorities should give particular consideration to:

- landscape and visual impact, informed by the local Landscape Character Assessments;
- the effect on the natural and cultural environment (including biodiversity, the integrity of designated nature conservation sites of international importance, and historic assets and their settings);
- the effect on the built environment (including noise intrusion);
- the number and size of the turbines proposed;
- the cumulative impact of wind generation projects, including 'intervisibility;'
- the contribution of wind generation projects to the regional renewables target; and
- the contribution of wind generation projects to national and international environmental objectives on climate change.

In establishing criteria for new facilities required for other forms of renewable energy, Local Planning Authorities should give particular consideration to:

- the proximity to the renewable energy resource;
- the relationship with the existing natural and built environment;
- the availability of existing surplus industrial land in close proximity to the transport network; and
- the benefits of grid and non grid connected 'micro-generation'.

4.3 The adopted Regional Plan, the Local Development Framework Core Strategy Submission and the Nottingham Declaration on climate change in 2006 contain policies which support renewable energy proposals subject to criteria being met and these should be taken into account.

4.4 The proposal will be very prominent in a wide, open, natural and mostly undeveloped flat landscape. The landscape in this area is also very flat and the turbines by their nature will be prominent. Whilst it is acknowledges that the number of turbines which form part of this application is limited to six, the cumulative impact of this proposal combined with other exiting turbines in this part of Lincolnshire, such as those close to Bicker and the proximity of the six turbines to settlements such as Billingborough and Horbling, does give cause for concern. In these circumstances careful evaluation of the Environmental Assessment is considered important.

4.5 As such, the County Council would not wish to support the proposal unless the District Council is satisfied, through their detailed local evaluation, that the adopted Regional Plan and emerging Local Development Framework criteria are met.

57. LCC – Historic Environment Officer:

This site has undergone a number of archaeological surveys as requested by both the district and county archaeologist. However the full results of these surveys have not been sent to Lincolnshire County Council, Historic Environment Team. The report provided in the technical appendices highlights that this site has Iron-Age to Roman industrial material surviving on it, but is only a précis. Full copies of the desk based assessment, fieldwalking, geophysical and trial trenching reports should be sent directly to us. Without these full reports it is difficult to make a reasoned decision on the importance of the archaeological remains that have resulted from these investigations.

The information provided on the visual impact to the surrounding archaeological sites and historic buildings is not comprehensive enough and Wire Frames should be produced for some of the more significant sites such as Sempringham Priory. These wind turbines are of significant height (125m) in a open and level landscape and without evidence I would be disinclined to agree that there will be no or little visual impact on many of these sites, again specifically Sempringham Priory must be identified as one that in my opinion would be adversely affected.

58. North Kesteven District Council:

1. Consultation

I refer to your consultation letter of 13 February 2009 regarding this application, sent to Michael Braithwaite in Forward Planning, Planning Services, and seeking comments from North Kesteven District Council on the above development proposal for a site located within South Kesteven District Council's area.

This letter constitutes our consultation response and comments. Our comments and conclusions are set out below.

2. Planning Policy Considerations

It is considered appropriate to give you information and some of the policy considerations that would assist us in assessing a similar proposal within NK, as it may be useful in contributing to your assessment in SK.

3. Conclusions

1. South Kesteven District Council is advised to consider the proposal against the relevant national, regional, and local planning policies with regard to renewable energy generating projects and addressing climate change. This includes the policy references in the PPS on Planning and Climate Change, PPS22 on Renewable Energy, and PPS22 Companion Guide, and in East Midlands Regional Plan 2009 (RSS8) as set out in the

Appendix to this letter, and relevant Local Plan policies. The criteria for assessing onshore wind energy proposals includes considering impacts and effects on: landscape (informed by local Landscape Character Assessments), biodiversity, built environment, and its positive contribution to renewables targets and climate change objectives.

2. With reference to North Kesteven, we consider the main consideration is potential landscape and visual impact. However, as the centre of the proposed development is almost 5 kilometres away from the centre of the nearest defined residential settlement with North Kesteven (Swaton) we consider the proposal is considered to have minimal visual impact on these residents, and have no objection to the proposal.

Appendix

INFORMATION AND PLANNING POLICY CONSIDERATIONS

1. Application, Development Site and Location

(1) Scottish Power Renewables (UK) Ltd plan to install 6, 3-bladed horizontal axis wind turbines with a maximum height not exceeding 125 metres, each with a generating capacity of 2MW, giving a total 12MW total generating capacity, with an approximate operational life of 25 years. The 6 turbines will be spread over 5 different agricultural fields, and the application is accompanied by a Statement of Community Involvement, Planning Statement, and Environmental Statement (EIA). The application includes ancillary development such as control building, access tracks and underground cabling. The development will require connection to the regional electrical distribution network (Dowsby Fen Substation), either as permitted development or application to Secretary of State under Electricity Act (according to applicant).

(2) The application site (as red lined) is a number of arable agricultural fields of 72.5 hectares area within the curtilage of Neslam Farm on the south side of Neslam Road on Neslam Fen, and lying approximately 2.5 km due east of the villages of Pointon and Billingborough within South Kesteven. The application site comprises an area of fen land characterised by flat terrain, with land surrounding comprising open farm land, with the topography rising to west with the nearby villages of Pointon and Billingborough standing on more elevated ground.

2. Nearest Land to Site – within North Kesteven District

(1) The nearest land within our District lies approximately 3.5 km directly north of the application site, and consist of a large swathe of open agricultural land and Fenland, north of Horbling Fen.

(2) The nearest settlements within North Kesteven, their direction from the site, their distance and their designations within our Local Plan 2007 settlement hierarchy are as follows:

Swaton – 4.5 km north (3rd tier Village); Threekingham – 6 km north-west (3rd tier Village); Helpringham – 7 km north (3rd tier Village – with its own Conservation Area); Walcot – 8.5 km north-west (3rd tier Village).

3. Information on Local Designations and Policy Considerations

It is considered appropriate to give you information and some of the policy considerations that would assist us in assessing a similar proposal within NK below, as this could be useful in contributing to your assessment.

(1) NK Local Plan – September 2007:

(a) In the adopted North Kesteven Local Plan 2007, the land within North Kesteven that is nearest the site in South Kesteven is designated "Countryside" where Core Policy C2: Development in the Countryside is relevant. The nearest NK villages of Swaton (the nearest at 4.5 km away), Threekingham, Helpringham and Walcot all have defined settlement boundaries, and are 3rd tier Village settlements, where development is considered under Policy C1 – Development within settlement curtilages.

(b) Other policies of relevance are C17: - Renewable Energy, LW1 – Landscape Conservation. Whilst there is no formal designations in the Local Plan for this part of North Kesteven (i.e. the Walcot, Threekingham and Swaton village areas), this part of the landscape is considered to be Kesteven Uplands, and land to east of Swaton village (north of Horbling Fen in SK) is considered to be The Fens – see paragraphs 10.3 to 10.10 under LW1 in NK Local Plan. It is assumed that similar policies in SK would be utilised, in assessing the visual impact on landscape and the nearest settlements.

(c) See also Lincolnshire Structure Plan 2006 and its landscape policies and designations below.

(2) NK Landscape Character Assessment 2007 (David Tyldesley & Associates)

(a) NK District Council commissioned this Study which will be used to guide and inform both formulation of future LDF documents, and decisions on current planning application proposals within NK. The study defines Landscape Character Types and Sub-Areas, shows these on Maps and contains the detailed descriptions of each type within NK.

(b) Within NK to the immediate north of the SK application site, the nearest land area is known as 'The Fens' and 'Fenland' (Type 13), a swathe of open land which stretches in a south-north direction in a broad corridor along NK's eastern border. Within NK to the north west of the application site is a wedge of land running south/north, known as Central Clays and Gravels Sub-Area of the Central Plateau Landscape Character Type (Type 11). The nearest NK village of Swaton (north of Horbling in SK), and the NK villages directly north of it, lie within this further west Clays and Gravels Area, a higher and more undulating and varied landscape than the Fenland to the east. You may wish to consider an assessment of landscape views from NKs side, and perhaps direct consultation by SK of NK village residents. It may be useful to ascertain whether this NK landscape character assessment is useful in assessing any cross-border impact on landscape.

(3) Lincolnshire Structure Plan – Adopted September 2006

(a) The adopted Lincolnshire Structure Plan (SP) has been replaced since this proposal was received by your Council. Whilst this Structure Plan's Policies have now been replaced by the new East Midland Regional Plan of March 2009 (RSS8) Policies, it is considered appropriate to refer to these recent SP policies, as they have guided previous renewable energy developments in Lincolnshire. In the RSS Schedule of Further Changes (March 2009, para 5.3) the government lists Lincolnshire Structure Plan (SP) Policies and how they have been replaced by Regional Plan (RSS8) Policies – in a list. The new RSS8 policies listed as replacing the SP policies are given in brackets below.

(b) In this Structure Plan, see the Policies:-

NE1 – Development in the Open Countryside – which only allowed development if essential in that location (RSS8 – Policies 3 and 24); NE8 – Renewable Energy (RSS8 – Policy 40); NE11 – On Shore Wind Energy (RSS8 – Policy 40). See also NE7 – Protecting Historic Landscapes – which identifies Lincolnshire's Landscape Character and Natural Areas on Map 8.2. Under the 'Character Areas in Lincolnshire' – the South Kesteven application site appears to lie in 'The Fens' area (RSS8 – Policy 27).

(4) RSS 8 P East Midlands Regional Plan – Adopted 12 March 2009 (RSS8)

(a) Policy 40 – Regional Priorities for Low Carbon Energy Generation
Provides guidance and policy on the provision and siting of wind turbine and power station facilities that produce energy from renewable sources. Includes set of criteria for considering onshore wind energy proposals, including considering impacts and effects on: landscape (informed by local Landscape Character Assessments), biodiversity, built environment, contribution to renewables targets and climate change objectives. Paragraph 3.3.89 states there are some sites available for large wind developments in the Eastern Sub-area (i.e. Lincolnshire and Rutland).
Appendix 5 sets out indicative targets for energy production by Renewable Energy Technology type for the whole Region. Any SK development will therefore contribute to the Regional totals. The new RSS8 2009 does not set County targets for renewable energy production, as the replaced RSS8 of 2005 did previously.

(b) Policy 1 – Regional Core Objectives – Objection (i):
To secure delivery of sustainable development, this advises all plans to address reducing the causes of Climate Change by minimising CO2 emissions, in order to meet the national target through various ways, including maximizing renewable energy generation.

(c) Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage.
Including avoiding damage to natural and historic assets or their settings (e.g. SSSI's, listed buildings).

(5) PPS: Planning and Climate Change – Supplement to PPS1 (17 December 2007)

(a) Para 9 – Key Planning Objectives

(b) Para 10 & 11 – Decision-making principles

Para 11 states – in determining planning applications, and before DPDs can be updated: "planning authorities should have regard to this PPS as a material consideration which may supersede the policies in the development plan."

(c) Paras 19 & 20 – Renewable and low-carbon energy generation
Para 20 advises authorities not to question energy justification for siting proposals. Para 20 states that in particular, local planning authorities should:
" – not require applicants for energy development to demonstrate either the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location".
And:
" – ensure any local approach to protecting landscape and townscape is consistent with PPS22 and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances".

(d) Paras 39 & 40 – Determining Planning Applications
Para 40 states:
"An applicant for planning permission to develop a proposal that will contribute to the delivery of the Key Planning Objectives set out in this PPS should expect expeditious and sympathetic handling of the planning application."

(6) PPS22: Renewable Energy (August 2004)

(a) Para 1 – Key Principles
(b) Paras 16 & 17 – Locational Considerations
(c) Para 19/21 – Landscape and Visual Effects of Renewable Energy Developments
(d) Para 22 – Noise
(e) Para 25 – Wind Turbines

(7) PPS22: Renewable Energy – Companion Guide (December 2004)

(a) Section 1 – Introduction – practical advice
(b) Section 2 – Consideration of Environmental, Economic and Social Benefits (paras 2.7, 2.8 and 2.9)
(c) Section 5 – Potential 'Development Control Issues'
(d) Section 7 – Technical Annex: on Wind – onshore (pages 155-184)

(8) Aviation Interests

If the applicant has not already done so, consult Defence Estates – Ministry of Defence for any comments about Aviation Radar effects arising from the erection of Wind Turbines, and their site Safeguarding concerns. Their pre-planning aviation consultation form was available as Annex E to the DTI/CAA/MOD 2002 document "Wind Energy and Aviation Interests – Interim Guidelines" (available on internet).

For information, there is a nearby Safeguarding Consultation zone within NK for Barkston Heath and Cranwell MOD airfields that includes land near the border, but does not extend as far as the proposed wind farm site.

(9) Public Footpaths

Consult Lincolnshire County Council's Rights of Way and Countryside Access team, Highways and Planning Directorate, regarding public rights of way that may exist across/near the site in South Kesteven.

(10) Consultation Considerations

Refer to your own Statement of Community Involvement, but suggest consulting (if not already done) local offices of Environment Agency, Natural England, English Heritage – for example regarding implications for flood zones, countryside landscape designations, SSSI & Nature Reserves and Biodiversity information, nearby listed buildings and ancient monuments. Also suggest consulting RSPB (bird flight/migration routes), and Lincolnshire Wildlife Trust. We can give you contact addresses for the nearest Parish Councils within the North Kesteven area, if you wish.

(11) Existing wind farms

Currently, there are none present in our authority's (NKDC) area

4. Main Policy Issues for Consideration

In planning policy terms, we consider the potential local visual and environmental impacts of the proposal, and its contribution to addressing wider renewable energy and climate change targets to be the main issues here. The environmental issues are often covered in an Environmental Statement. We therefore suggest the following headings/information to consider would be appropriate and useful for assessing the effects that the project is likely to have on the environment and locality:

(1) Landscape and Visual Assessment – include impact on proposal on views across the landscape, including from Swaton, Threekingham, Helpringham in North Kesteven. Any cumulative visual impact of wind generation projects (e.g. if others visible in Fens).
(2) Noise – whole frequency spectrum (not just audible). Impact in terms of ground vibration and on flora and fauna.
(3) Ecological Assessment – consider breeding, wintering and migratory seasons of wild birds and impact on migration. Consider direct and indirect habitat loss, impact on bats and water vole.
(4) Archaeology and Historical Heritage – impact on setting of nearby listed buildings and scheduled ancient monuments, and impact on archaeological potential of area.
(5) Hydrological Assessment – impact on flood risk, including access road.
(6) Transport and Access – general traffic, construction traffic, and of any visitor centre planned.
(7) Electromagnetic Interference – e.g. low flying aircraft, emergency services, public broadcasting, mobile phone operators.
(8) Socio-Economic Assessment – impact on footpath and area of visitors to view wind farm, particularly if a visitor centre is proposed. Impact on agricultural operation of loss of high quality agricultural land?
(9) Positive Environmental Contributions – contribution to renewables targets and climate change objectives – both regionally and nationally.

(10) Others – Confirm whether electricity is to be connected to national grid – Consider impact on shadow flicker/strobing/reflection (addressed by the EIA?) – Account for cumulative impact with others built or approved in area – Address against national, regional, and local planning policies.

59. North Kesteven District Council:

1. Consultation

I refer to your consultation letter of 20 July 2009 regarding this application, attaching a copy of a CD containing Additional Information regarding this Planning Application and accompanying Environmental Impact Assessment for this proposal. You seek comments from North Kesteven District Council on the Additional Information submitted regarding this proposal for wind turbines in a countryside site located within South Kesteven District Council.

This letter constitutes our further consultation response and comments. We previously replied to your original consultation by letter of 3 April 2009 (copy attached), and this response should be read together with that earlier response. I will first set out the additional information submitted. Our comments and conclusions are set out below.

2. Additional information submitted

The additional information consultation CD submitted to us contained documents which mostly supplemented the existing Environmental Statement, but also supplied extra Photomontages giving potential landscape views of the proposal. The documents we received and considered are listed below for clarification:

1. 'Front Cover – Chapter 7' PDF

Containing: 'Neslam Windfarm – Addendum to the Environmental Statement – July 2009'

This Addendum contains summary conclusions that the following key issues for SK have been addressed as follows:

- Retake of three viewpoints presented in the ES from alternative locations to provide a more helpful view of the Development
- Six additional views of the windfarm in conjunction with the spires and towers of churches, including Billingborough Church and Sempringham Church, and with Bicker Fen windfarm
- Review of the landscape and visual assessment in the context of the South Kesteven Landscape Character Assessment
- Further consideration of the sensitivity accorded to public Rights of Way
- Further consideration of the methodology used to assess the effects on the Neslam Levels and Fens landscape character area

Comment: However the Environmental Statement does not seem to have referred to the nearest 'Fens' land within NK to the north of the site, described in NK's own Landscape Character Assessment 2007 – see para (2) of the Appendix to our 3 April 2009 letter.

2. 'Appendix 7' PDF

Containing: 'Appendix 7 – Neslam Windfarm ES Volume 1 Photomontages' (459Mb)

Comment: This contains 14 new photomontages containing landscape views in a 10 km radius around the proposed site. The view 8 (Figures 7.37 and 7.38) from within NK, at Helpringham, across the Fens, shows the turbines as being screened by dense established trees and woodland and not visible on the horizon. The view from Horbling, within SK, across the Fens shows the turbines as visible on the horizon, partially screened by established trees and bushes, but not being dominant in the landscape here.

3. 'Appendix 8 & Appendix 11; PDF

Containing:

(a) Appendix 8 on Noise – contains Data on measured background noise and wind speed, for Neslam Windfarm site (21 November – 6 December 2007)
(b) Appendix 11 – Archaeological Investigations and Evaluations, by Northants Archaeology

4. 'Appendix 8 – Noise' FOLDER

Containing 'Noise Interval Data' on Church Farm, Dove Cottage, Gosdale Farm, Neslam Fen, Neslam Farm, and Rainfall and Noise Correlation Data

5. 'Chapter 11 & Chapter 12' PDF

Containing:

(a) Addendum Chapter 11 – on Cultural Heritage, and Historic Setting and Historic Assets
(b) Addendum Chapter 12 – on Hydrology and Surface Water Quality

3. Conclusions

(1) As set out previously, South Kesteven District Council is advised to consider the proposal against the relevant national, regional, and local planning policies with regard to renewable energy generating projects and addressing climate change. The criteria for assessing onshore wind energy proposals includes considering impacts and effects on: landscape (informed by local Landscape Character Assessments in SK and NK), biodiversity, built environment, and its positive contribution to renewables targets and climate change objectives.

(2) With reference to implications for North Kesteven, we consider the main consideration is potential landscape and visual impact. We have considered the Additional information presented on the CD, especially the new landscape photomontages in relation to long viewpoints located within 10km radius of the proposal, including a viewpoint from

Helpringham village within North Kesteven. However, having considered these, and as the centre of the proposed development is almost 5 kilometres away from the centre of the nearest defined residential settlement with North Kesteven (Swaton), we consider the proposal is considered to have minimal visual impact on these residents, and have no objection to the proposal.

60. Lincolnshire County Council – Highways:

In respect of the above and with reference to your letter dated 13 February 2009, I would have the following observations:

I have a number of concerns with regard to this application with regard to accessing the site particularly, but not wholly with regard to the type and number of vehicular movements proposed via Neslam Road.

The Applicants have provided various assessments and data in support of their application.

However disconcertingly, in Chapter 9 of the Environmental Statement 9.3.2 paragraph 8, Neslam Road is referred to as being of varying width 5m to 7m.

The carriageway of Neslam Road is approximately 2.8m to 3.2m along the majority of its length, (all but the length immediately at its junction with B1177), and the Applicants have not provided detail of how vehicles, particularly those carrying the turbine units will negotiate this road where there are constraints to movement and manoeuvrability in the form of third party hedges, ditches and tight bends, and where overrun of verges is likely to cause damage to both the verge and failure of the carriageway edges.

No account has been taken of how vehicles will pass one another.

In order to assess what works will be required under the Highways Act 1980, Section 278, the applicant will need to provide further information in the form of accurate surveys/plans of the following major junctions to be negotiated en-route (A52/B1177 and B1177/Neslam Road), and the length of Neslam Road from B1177 to the site entrance, showing how these vehicles will negotiate them.

It is noted that the only proposed improvement shown on drawing 11/PA refers to the junction Neslam Road and site access. This shows rather a wide swept path and I am concerned that there appears no account taken of other junctions or constraining features.

Without this or supplementary information, the local highway authority cannot provide informed comments on, nor support the application due to the risks of safety and convenience of other road users.

61. Spring Wells Heritage Group:

Spring Wells Heritage Group was formed in 2009 to encourage learning about, and the protection and interpretation of, the heritage of the north east corner of South Kesteven. The Group has enthusiastic local support and its first events, two talks on Gilbert of Sempringham

by Dr Kate Sykes of Oxford University, held in Pointon and Billingborough, in February were attended by some 80 people.

The Group has the general support of English Heritage and the Heritage Trust of Lincolnshire and its members are volunteering to assist with the Heritage Lottery Fund funded Lincolnshire Heritage At Risk project.

I am writing on behalf of the Group to object to the Neslam Windfarm planning application, this matter having been discussed at the Group's annual general meeting on 17 March.

Our objection is that if allowed the development will :

1. Injure the setting, tranquility and spirituality of the enormously important 'Sempringham Heritage Site'
2. Irreparably damage the 700 year old historic landscape of the array of Spring Line villages and their medieval 'beacon' churches

I expand on these reasons below.

Injure the setting, tranquility and spirituality of the enormously important 'Sempringham Heritage Site'

The internationally important Sempringham Heritage site comprises:

- the Grade 1 listed Norman Abbey church of Saint Andrew with Victorian additions paid for by Queen Victoria personally, this being the place of the founding of Saint Gilbert's houses of nuns and canons in the 1130s.The Gilbertines are unique in being the only British founded monastic order.
- (on the south side of the Marse Dyke) the site of the medieval priory built by Saint Gilbert around 1140 and destroyed by Henry VIII. This priory church, 325 feet long, as large as Westminster Abbey, whilst buried below farmland has had its intact wall pattern proven by excavations in 1938-9 and recent geophysical and other surveys conducted by English Heritage.
- the visible ruins of the 1540s Tudor mansion of Lord Clinton who married one of Henry VIII's mistresses. This is thought to have been the largest Tudor house in Lincolnshire and the place where the Mayfair's famous voyage to Massachusetts was planned.
- A preserved well, thought to be medieval, marking the importance of the Spring Line to the north-south historic string of villages
- The recent memorial to Gwenlian the last Princess of Wales who was as a child confined by Edward I to the nunnery at Sempringham and died there aged 40.

The site already attracts American visitors and many Welsh visitors interested in the end of their royal bloodline. The site has huge potential for further archaeology, interpretation and tourism including a possible visitor centre.

The site has a subtle elevation on both sides of the Marse Dyke just west of the break point with the flat Fen. This marks both the Spring Line on the South Lincolnshire Limestone

Aquifier and a prehistoric coast line. So the site is slightly elevated above the Fen to the east whilst having the higher wooded backdrop of the limestone hills to the west .

The erection of six 120 metre wind turbines at Neslam Farm would dominate the easterly side and give an unwarranted industrial presence to this peaceful and spiritual site with its very rich heritage dating back over 900 years. It would completely change the isolation and feel of the place which many visitors remark on whether practicing Christians or not. It would also interrupt and effectively obscure views from the east across the Fen to Saint Andrews Church in the setting of the higher land behind. The Priory was funded from the wealth of its estate which spread extensively all around the site.

Irreparably damage the 700 year old historic landscape of the array of Spring Line villages and their medieval 'beacon' churches

The Environmental Statement (ES) by Hyder completely misses the essential understanding of the concept of an historic landscape. It has a chapter on Landscape and a chapter on Cultural Heritage. It therefore treats these subjects as separate which they are not. Virtually no landscapes in Britain are natural – the open moorlands of the Peak District and Lake District national parks are due to man's activity, the Broads national park is entirely man – made. The ES is therefore ill advised where in several places it dismisses the fenland landscape as recent and man-made, therefore implying that it is unimportant. Indeed the objection material from English Heritage which we have read makes it clear that in many ways the landscape around the proposed windfarm has remained relatively unchanged.

Professor W G Hoskins recognized the concept of an historic landscape, shaped by man, as long a go as 1955 in his classic 'The Making of the English Landscape'. The ES adopts a tick box mentality to these subjects. Under 'Cultural Heritage' (7.11.3) it states that there are 30 ancient monuments and 358 listed buildings within 10 kilometres of the windfarm site – so what? (the map at fig 11.2 shows 'Grade 3' listed buildings – we have not heard of these and the historic map at fig 11.5 shows the location of the proposed windfarm wrongly some way to the north next to the Ousemere Lode and forty Foot drain). It regards listed buildings as isolated objects on the landscape instead of contributing to the making of the landscape.

The ES analysis largely considers the impact of the views **towards** the turbines from individual listed buildings largely missing the point that the test is not just whether people will sit in listed buildings and throw up their hands in horror if they can see the turbines (and in many cases they will not) but whether the turbines will interrupt and ruin views **across** the historic landscapes to arrays of valued buildings. However even on their own flawed analysis the consultants identify (7.11.4) that the effect of the turbines on the Grade 1 listed churches at Billingborough and Sempringham will be *'significant'* . But having said this they seem to downgrade the impact on the two churches to a *'moderate adverse effect'* stating that although the impacts are *'considered to be significant'* that *'they are fully reversible and will cease to exist when the development is decommissioned'* . This statement is nonsense – it is very clear that any turbines will have a life of at least 25 years and are likely to be overhauled or replaced after that, perhaps indefinitely - are we to deprive at least one if not two or more generations of the experience of our historic landscape? Many people simply do not believe that you can regard these structures as temporary. It is also nonsense to say in para. 11.4.2.30 that with regard to Billingborough Church '*The wind turbines, whilst apparent, will not be an overbearing element and will not compete for visual dominance with the church spire'* . This is said with regard to the view from the west but this view of Billingborough

Church whilst not quite as long reaching as the ones from the east is still impressively dominant at present and would be ruined by turbines 2.25 times its height standing behind it.

Unlike the consultants we want to emphasise the importance of views **across** the landscape and not simply **to** the turbines themselves. In this way we want to emphasise to you the interruption that the turbines will cause to the horizon views of the **array** of historic spring line villages of Swaton, Horbling, Billingborough and Sempringham with their medieval churches – three towers and one spire built, and still acting, as beacons in the landscape . This arc of view continues down to Pointon, Dowsby and Dunsby. Such views largely from the east looking westwards are acknowledged and then dismissed in the ES (11.4.2.32) as follows:

'Within the fen, at distances of 4km and greater from Billingborough, the Development will dominate views of the church. However, these are arguably not 'historic' views or a relevant aspect of the church's traditional setting, since the fen has been reclaimed only in recent centuries.'

So the consultants acknowledge that in the view from the east (we say it is actually in all but very close views, not just over 4 km) Billingborough Church will be dominated by the development. There is absolutely no basis for saying this is unimportant – this historic view has always been important for people crossing the Fen from east to west and before modern maps and GPS was even more important for navigation. The consultants seem to be misinformed that the Fens were historically just a void. This is blatantly untrue - they were always a mix of land and water – an important source of agriculture, fish , fowl and trade , partly producing the wealth that allowed Sempringham priory and the churches to be built. Moreover these views are extremely important and valuable **now.**

Our point about the injury to the historic landscape that would be created by the 120m high turbines applies to both Neslam Farm and the much larger EON proposed Billingborough Fen Windfarm which would wrap around the whole eastern edge of Billingborough and Horbling. This concern is that if you take a view south of west from the A52 west of Donnington and equally anywhere along the 40 Foot Drain or Billingborough and Sempringham Fen Roads looking westwards you see a truly unspoilt part of the Fens with the limestone hills rising behind the string of spring-line villages. This wide horizon is dominated by the 50m high spire of Billingborough Church (Pevsner talks about its uniqueness in Lincolnshire) and punctuated by three other medieval church towers from left to right – Sempringham, Horbling and Swaton. Also if you look back you can see the spire at Gosberton the other way. This is a truly unspoiled part of The Fens unlike further east and south, with no ribbon or ugly shed type development in it. The church spires and towers, particularly Billingborough, were traditionally used for navigation and these views have remained uninterrupted for 700 years. They form the very essence of the landscape. Six 155m, industrial wind turbines at Sempringham and 17 at Billngborough/ Horbling would ruin this essence forever.

If you travel either Billingborough Drove (Fen Road) or Neslam Road from the east there are long vistas down them marked by the presence of Billingborough Church and its special spire at the end (with the hills behind) These views undoubtedly would be distracted by the dominant and moving presence of the wind turbines to the left.

The photomontages of the wind turbines are entirely biased. Unbelievably there are no images showing the historic landscape horizon which we have discussed and not a single one with any of the medieval churches on! It is difficult to miss Billingborough Church but Hyder have managed to do this. View Points 3 and 7 look like they have been contrived to deliberately miss this crucial factor.

Finally we would like to question some more statements from the ES non technical summary:

Para 7.2 states *'The Development site is not recognised for its landscape value, however, much of the landscape to the west has been locally recognised for its quality (designated as an Area of Great Landscape Value)'.* Who says? As we have said the first part of this statement is probably untrue and certainly untrue in terms of historic landscape. We would also dispute the designation of AGLV to the west if that implies that undesignated areas are unimportant or if it ignores the concept of historic landscape.

Para 7.3 states *'The Development has been designed to minimise effects on both landscape character and visual amenity. The regular and uniform layout of the Development, as well as the construction and de-commissioning activities are all proposed to minimise impacts.'* This paragraph is simply poppycock. How can one possibly design 120m high turbines to minimize the effect on visual amenity? And to suggest that the development is temporary is laughable. I do not think temporary planning consents can legally be granted for 25 years. Once erected it will be the power companies who determine the life of the turbines and the planning authority will have no influence if they wish to replace them.

Para 7.5 states *'During operation, the Development will be visible and perceived over a relatively large area. Some 'significant' effects will be created. However, for the majority of receptors, the Development will not dramatically change views, change the characteristics of the wider landscape or affect the integrity of landscape relevant designations. In the wider landscape, the Development will be visible, particularly in the open, flat landscape to the east, but will be perceived as a relatively minor vertical element within an expansive landscape.'* This is both contradictory and nonsense. We have already described how Billingborough Church at 50m high is dominant in the present landscape, so how can someone say that moving structures 2,5 times a s high as this will be 'minor vertical elements'?

Para 7.6 states *'The greatest changes will be in close proximity where the Development will introduce vertical elements within the open landscape. The tree and linear woodland and shelter belt vegetation focused around residential properties, settlements and transport corridors will however, help to reduce perception in the landscape'.* This considers the matter of views towards the turbines from local homes – it ignores important views across the whole landscape where the turbines will interrupt the field of view and where no amount of tress can screen them.

Para 7.9 states '*Overall, the expansive landscape has the potential to accept vertical structures. With few 'scale-indicators' in the landscape to compare the size and location of the Development, it will be 'absorbed' within the large-scale landscape.'* This statement beggars belief. If Billingborough Church has dominated the landscape for 700 years as a beacon how can moving turbines 2.5 times as high be *'absorbed'?* A more convincing argument would be to say that turbines ought to be built in hilly country because then the hills would obscure them and the sky would not be their background.

Conclusion

For the two main reasons that form the headings in this letter we urge the Development Control Committee of South Kesteven District Council to refuse this application. If the decision goes to inquiry we would be pleased to support the refusal. We also urge you to take strong notice of English Heritage's representations in this matter. Above all else we believe the application is fatally flawed because it fails to take into account the concept of the historic landscape.

62. Spring Wells Heritage Group:

Thank you for your letter dated 21 July notifying us of the additional information submitted in the form of an Addendum to the Environmental Statement. We have thoroughly examined the same and set out below our comments for your Development Control Committee to consider.

These comments add to and do not replace the comments that we made in our letter of objection dated 18 March 2009.

As it will be difficult for you to summarise these comments (or those of our original letter) into an overall report we respectfully request that you send copies of both in full to your Committee members.

EXECUTIVE SUMMARY

Introduction

3 *"This additional information does not alter the findings of the ES"*. This statement is repeated throughout the Addendum. It is almost as if it was a pre-emptive direction from the consultants' clients, Scottish Power. The Addendum goes on to report several "significant" impacts of the windfarm but they are then summarily dismissed. It might have had more credibility if it had said that on reflection we want to now alter the conclusions of the ES, even if the proposed development remained the same.

Landscape and Visual

1. *"In particular new viewpoints provide considerable additional coverage of Neslam Windfarm from all directions".* This technique however is flawed to the point of lacking credibility. There is in reality an almost infinite number of places from which the Grade I listed Sempringham Abbey and Billingborough Church can be seen in the same view as the proposed windfarm. The consultants haven't picked the most important ones and in many of their photomontages have conveniently obscured Billingborough Church behind vegetation. When you are taking these kinds of photographs the photographer only has to move a few metres one way or the other and he/she can either hide or exposure a distant focal point such as a church. In at least one case the choice of viewpoint has been recklessly misleading – Figure 7.28 Photomontage Viewpoint 3. Here Billingborough Church has been hidden behind a small clump of foreground trees. If the viewpoint had been 100 metres further west on Neslam Road (Billingborough Fen Road) then you would see Billingborough

Church in all its glory occupying the focal point in the view along the road – with the intrusion of the windfarm to the left. We would encourage members of the Development Control Committee to stand at this point to see what we mean.

3. *"… concludes that the expansive landscape setting of the windfarm contains few scale indicators and has the potential to accept the proposed windfarm, even when it is perceived in combination with other existing proposed windfarms."* We will translate this statement which, by using jargon, tries to make a science out of something which is common sense (and gets it wrong). What the authors are actually saying is 'this is a wide, flat landscape which is therefore visually suitable to windfarms'. Nothing could be further from the truth – because windfarms are much more conspicuous than they would be in hilly or undulating country! They therefore very much spoil historic views of beacon churches which have existed for hundreds of years.

Cultural Heritage

4. *"… significant indirect effects upon the setting of cultural heritage assets will be confined to two Grade I Listed Buildings, namely Sempringham Church and Billingborough Church. These two buildings represent a very small proportion of the total number of heritage assets within the 10km study area."* This statement is completely misleading. We have never said that the numerous listed buildings and ancient monuments in the study area are affected by the development and have concentrated on these two churches as well as Horbling church and the whole Sempringham Priory heritage site. So basically the consultants should be saying that the heritage assets that do matter **are** adversely affected. To say that they are a small proportion of the heritage assets in the area (which are largely not affected) is slight of hand – it is also arrogantly dismissing two of the four probably most important assets (Sempringham and Billingborough Church) by suggesting that their damage will not matter as there are plenty of other things about! This shows a cynical disregard for heritage by reducing it to some kind of statistical game.

"The visual changes are neither ubiquitous nor overbearing and are fully reversible and will cease to exist when the Development is decommissioned". We have never heard such nonsensical generalizations as these. This one sentence along destroys any credibility that the landscape consultants might have had. Let us take this sentence apart. Firstly, *"The visual changes are neither ubiquitous nor overbearing …"*. This piece of dismissive jargon means that the consultants are saying that any views of the Grade I churches that they have identified showing *"significant"* adverse effects of the windfarm cannot be seen from everywhere. But they have selected so few points from an infinite number of potential viewing points that this cannot be true. Indeed if they have admitted that there is an adverse effect from one point there will almost certainly be an adverse effect from many other viewpoints nearby. Conversely their viewpoints which they say show no adverse impact cannot be taken as true for the infinite number of points they have not used. In conclusion the selected viewpoints are highly and conveniently selective as in Figure 7.28 Viewpoint 3 which conveniently hides Billingborough Church behind the few trees that there are in this location.

Secondly *"… and are fully reversible and will cease to exist when the Development is commissioned".* Are we seriously meant to believe this? The notion of decommissioning is one put forward by Scottish Power to make the development seem more comfortable. It cannot be taken seriously because even if the turbines have an estimated life of 20 years, the

working parts can be repaired/replaced at a fraction of the cost of a new windfarm and so the presumption has to be made that they will remain indefinitely. Even if this was not true the experience and protection of heritage is not something that can miss out a whole generation! Moreover rather than being decommissioned there is a greater probability that windfarms will be expanded with further turbines because of the lower unit cost than creating the infrastructure for new windfarms and also because of the perceived ease of obtaining planning consent to expand one that is already there over one which is not.

7 LANDSCAPE AND VISUAL

7.1.2 Third Bullet Point. The South Kesteven Landscape Character Assessment should be given no weight in the consideration of this planning application. This is because it is a 'bottom drawer' document, not given any status under the new planning system. It has not been subject to the now required standard of public consultation. It should have no standing unless it is made into Supplementary Planning Guidance. Unfortunately this document is a policy document in disguise and as such is unlawful. We say this because it contains a map and policy statements proposing where windfarms could be allowed and not surprisingly it singles out the Fen sub area for this. The document is extremely biased against flat landscapes, in favour of hilly ones and is incredibly naïve. It totally fails to identify this part of England's fenland as one of the most unspoilt and best preserved in terms of its lack of intrusion of ribbon development and ugly farm and commercial buildings and, linked to this, in terms of its historic landscape (a concept which is not mentioned!) The South Kesteven Landscape Character Assessment will however continue to be quoted by windfarm developers because it supports their case and it fills the complete policy vacuum left on this subject in the Submitted South Kesteven Core Strategy.

Generally throughout. All the references to *"Cumulative Effect"* in this chapter (and in the original ES) conclude that there is no significant effect. This we would probably agree with as the Bicker windfarm is already there and its (limited) damage is already done. We think the cumulative effect concept is a red herring but perversely the Addendum ES uses it to twist the argument in favour of the windfarm by incredibly suggesting in several places that it will only be possible to see *'two windfarms'* - Neslam and the existing Bicker and this is a small number so its not so bad! We wonder at what point in the development of windfarms in the area, will the applicant swing this argument suddenly to that of saying that because there are so many already one more will make no difference!

Viewpoint 4 Pointon Fen: Para 9. We note that the authors state that the effect on the window on the view from Pointon Fen will be *"significant". "… the windfarm will have a significant effect on the more sensitive receptors that lie close to the south of the site"*

Viewpoint A6 Sempringham Church: Para 5. We note that the magnitude of change on this view is considered by the authors to be medium. They state that *"the windfarm will affect (only) less than a sixth of the 90 degree view".* They thus imply that the impact is not very great and they repeat this piece of illogic elsewhere. The key fact that the whole Visual and Landscape methodology gets wrong is that it does not matter what proportion of a view an object occupiers if it is important to the discern of the great visual ability of the human eye then it will stand out! The turbines will immediately feature in the view of anybody standing at this point precisely because the other five-sixths of the field of view will have nothing remarkable in it. The human eye picks out what is remarkable and different it does not give a message to the brain saying that this object does not matter because the rest of the view is

bland. Of course *"views of Sempringham Church will be completely unaffected"* because this viewpoint has arbitrarily been chosen to be in front of the church and looking away from it and people do not have eyes in the backs of their heads! The sentence *"The large-scale horizontal landform in this view is appropriate for the accommodation of the turbines, as the scale comparisons that can arise where turbines are seen in relation to small scale, more intimate landform will not arise"* is complete and utter nonsense. Indeed this single sentence exposures the credibility of the landscape consultants. Basically they seem to be saying that because you can't see much else apart from the turbines than it is alright for them to be there (this contradicting their only one-sixth of the field of view argument). But surely the opposite is true – if there are what they call no scale comparisons i.e. no other objects in the view, then the turbines will dominate! QED. Then they say *"Furthermore, foreground vegetation appears at a larger scale than the turbines and this reduces the perceived scale of the turbines".* Yes, but the human eye can easily distinguish between foreground and background and the latter can still dominate and what about in the winter when the vegetation is transparent! In the last sentence and elsewhere in the document we object to the term *'visual confusion'.* The human eye is not confused if it sees one large thing and one small thing and it is also excellent at sorting out distance which flat photographs cannot do. The term *'visual confusion'* has been misappropriated by these landscape consultants from its original correct use of the specific situation of drivers approaching the plethora of signs on the entrance to an American or possibly French town.

Para 7. We note that the authors describe the effect of the windfarm on this viewpoint as **"significant"**, which we agree with. How then is their overall conclusion that the windfarm has no visual effects which should prevent it happening?

Viewpoint A8: Beacon Hill para 4 and Figure 7.9b. Despite our criticism of the flattening effect of landscape photographs this photomontage from the west shows clearly the white turbines appearing immediately behind and considerably taller than Sempringham Abbey. As **Para 6** indicates, one turbine appears rises behind and above the church tower. This effect is achieved at a stated distance of 4.7 km from the turbines, yet elsewhere in the Addendum the authors several times state that over 2 km the impact of the view of the turbines is reduced to insignificance (they are wrong).

Para 7. This presents one of the most incredible pieces of false logic in the whole Visual and Landscape assessment. This is repeated elsewhere – when it comes to Billingborough Church. The authors are basically saying that if the historic feature (in this case Sempringham Abbey) is closer than the turbines then it will not be dominated by the turbines. This is absurd – the turbines are 125 metres high – six times as high as the church and even their own photomontage (Figure 7.9b) shows the domination of the white industrial turbines. We also have here again the silly point about so-called 'visual confusion' with the view of the windfarm being avoided in the view of Billingborough Church. If one's aim is to view the historic and unspoilt landscape of this best preserved part of England's Fen country then one takes in the view as a whole. Humans are not machines – their scanning of a 180 degree view does not switch off when they come to an undesirable bit.

Para 8. You can't split a wonderful view like this! The consultants seem to be saying never mind if some of the view is spoilt the rest of it is ok! This is followed by that amazing piece of misinformed jargon which we have criticized elsewhere namely *"The large scale horizontal landform in the view is appropriate for the accommodation of the turbines and the scale comparisons that can arise where turbines are seen in relation to small scale, more intimate*

landform will not arise". Rubbish! That statement is only worthy of Pseuds' Corner in Private Eye.

7.4. South Kesteven Landscape Character Assessment. Please see our remarks about the worthlessness of this document under Executive Summary, above. Para 7 makes no sense – how can a *"sensitivity"* be appropriate as an *"evaluation"?*

Para 9 admits that ***"There will be high visibility of the turbines across the flat, open landscape, and these views will notably alter the perception of the landscape character, introducing new characteristics"***. This is precisely what Spring Wells Heritage Group is saying. But in contradiction Para 10 sinks into this incredible piece of illogical jargon again *"The expansive, flat landform of The Fens can accommodate the scale of the turbines without giving rise to the scale comparisons that can arise where turbines are seen in direct relation to smaller scale, more intimate landform".* Para 9 is right, Para 10 is wrong – it is precisely because the views are so expansive that the windfarm will stick up like a sore thumb and because of its height dominate and spoil the 900 year old navigational views of Billingborough Church.

Para 13. The consultants say that there is a *"medium-high magnitude of change"* and a *"significant effect"* of the windfarm on the Fens landscape *"up to around 1.5 – 2 km of the nearest turbine. Beyond this the effect will not be significant".* Who are they to decide this? Significant views of important objects including historic churches do not stop after 2 km! When looking across the English Channel the white cliffs are significant at 26 miles distance! Boston Stump can be seen as a beacon across the eastern Lincolnshire Fens at least for 20 km. The magnificent gothic cathedral at Chartres in France can be seen across the plan in growing prominence as one approaches from nearly all directions at least 20 km away (and all wind turbines and tall buildings have been prevented from damaging this view). Billingborough Church is key to views of the historic South Kesteven fenland looking west from the A52 and Forty Foot Drain at distances of at least up to 10 km.

7.4.3 para 8. ***"The vertical impact of the turbines will be particularly notable in this predominantly horizontal setting. There will be high visibility of the turbines across the flat, open intervening landscape of Fen Margin, introducing the influence of new characteristics".*** So in one place the consultants seen to be saying that windfarms will not have a significant impact on the landscape (at least over 2 km distance) and in another they will have a major impact)! They seem to be very mixed up and have no credibility.

Paras 8 and 12 are two further attempts at articulating the remarkable mis-observation that things further away do not matter! Who has invented this magical safe distance of 2km? If something is 125m high of course you can see it way beyond 2km – how about the Boston Stump and Chartres Cathedral and they are not even that tall!

7.5 The sensitivity of public rights of way and 7.6 Further Consideration

Para 7.5.4 – this is too long to be repeated here but is an amazing piece of nonsensical jargon. The consultants are talking about *'visual receptors'* i.e. pairs of human eyes! The whole methodology employed is what one would expect of a first year landscape architecture university study (or perhaps even that is an exaggeration – more like an A level project). It is based on a simple two dimensional table (or matrix) of the viewpoint type (visual receptor) by the assessor's subjective judgement of impact. Both elements are highly subjective and the

former does not take account of what we have called the 'heritage landscape' which is the invaluable human experience of being in a landscape that has a deep heritage significance. This is far more than a straight line view and cannot be captured in a flat photographic print.

Para 7.6.3 says the methodology is *"not a prescriptive tool and the analysis must make allowance for the exercise of professional judgement"*. But at least one of the two factors in the method already is professional judgement! What the authors should be saying is that it must make allowance for the exercise of common sense. In para 7.6.6 the authors do indeed overrule their own methodology to say that the visual effect from public rights of way will be *"significant"*. What a shame that this finding is then lost in the overall conclusions which back the case for the windfarm (presumably as their client had instructed).

7.7 Summary and Conclusions

Para 7.7.4. To say that Billingborough church spire is "not readily apparent beyond 1.5 – 2 km away and has limited vertical influence" could not be further from the truth. This is the single most dominant element in the whole of the northern part of the South Kesteven fens and as we have said acts as a beacon in views of 10 km or more.

7.7.6. We read this nonsensical jargon about 'scale comparison' again and again. The human eye can assess the depth of field of a view much better than a camera and can immediately sort out what is important. We don't either consciously or sub-consciously indulge in 'scale comparison'! "The churches will continue to provide local focal points … but the churches (especially Billingborough Church) … either from very minor components in views anyway, or the windfarm will be seen at sufficient distance to avoid a direct comparison." I think we have already shown how naïve and wrong such views are!

7.7.7 and 7.7.12. Again we read that everything will be okay because there are "*few scale indicators"*. What the authors mean is that there are few tall structures in the fenland landscape **but this emphasises the importance of the ones that there are (especially Billingborough Church)** because unlike in undulating landscapes they can be seen from many miles away and there is no doubt that they will upset the view of the historic churches, but more than this the whole atmospheric feeling of tranquility and history in this hugely important corner of the Fens will be lost. This part of the Fens as we have said is hugely important because unlike parts to the east it is virtually unspoilt by ribbon development and the development of ugly farm and commercial buildings and it has the unique backdrop of the uplands to the west.

7.7.8. So *"only two windfarms"* will be seen. So that's alright then is it? What will the number of windfarms be when this argument changes to one of 'there are x windfarms already so one more will make no difference'?

11 CULTURAL HERITAGE

General

We will be briefer in our comments on this Addendum chapter because much of its content repeats the content of Chapter 7 – *Landscape and Visual.* We have also addressed key points under the Executive Summary heading.

Overall we believe that by continuing to split these two headings the applicants and their advisors have failed to get hold of the concept of 'historic landscape' the importance of which was the central feature of our letter of objection of 18 March 2009. The Addendum ES sees everything in terms of single point views of the historic churches and of the windfarm – in one case it views the windfarm from in front of Sempringham Abbey and then suggest that everything is alright because you cannot see the church in the view – too right – that is because it is behind you!

The consultants have not addressed the whole question of panorama views of the churches and the line of villages – the whole big view of this unspoilt part of England's Fen country. They have not really addressed the question of views across the area rather than to a specific church or the windfarm. They have used flat photographic prints in their montages which for example make Billingborough Church always look very small – in reality Billingborough Church stands out to the human eye like a beacon from at least 10 kilometres away, if not 20. All their (rather childish) analysis cannot replicate the appreciation of the human eye and its ability to take in the whole scene. These big views also impart a sense of tranquility, atmosphere and spirit which cannot be captured by camera. One can imagine medieval travellers from across the fen by foot and by boat latching on to Billingborough church spire as their navigational beacon.

Summary

Para 11.1.1. This is in effect saying that the Sempringham Priory Scheduled Ancient Monument will be unaffected by the windfarm because the ancient monument cannot be seen. But this may not be the case forever – future generations may even decide to reconstruct the priory which was larger than Westminster Abbey or at least excavate and expose the remains. This dismissal also totally ignores the spirituality of the place where the only English founded religious order started. This spirituality of the Abbey Church, the Priory Church, the gatehouse, monks fishponds, old well and eradicated village would not be the same with 21st century fixed machines 125 metres high clearly visible to one side.

Historic Setting
Concepts and principles

[Question – where does the footnote at the foot of this page continue to?]

11.3.1.5 *"Certain cultural heritage site types have a greater reliance on setting for their value…".* We agree and Sempringham site and Billingborough Church in slightly different ways are just such types. Billingborough church was undoubtedly given such an imposing spire in Medieval times so that it could be seen at a distance and dominate its setting. It was hardly necessary to attract people from the village alone. The Sempringham site's setting is one of rural peace and tranquility and it continues to lie in a backdrop of agricultural and natural wealth which was originally the estate of the Priory that enabled it to be built.

11.3.1.7 The dismissal of archaeological sites here is almost Philistine.

Definitions of Historic Setting

11.3.2.5 English Heritage's guidance document on Wind Energy and the Historic Environment (2005) has got it right when it says that *"… wind turbines are far greater in scale*

than most historic features. Where an historic feature is the most visually dominant feature in the surrounding landscape (read Billingborough Church) *adjacent construction of turbines may be inappropriate".* Again the fourth bullet point *"Location of turbines within key views, which may often extend beyond any designated area, should be avoided "* (Read for this Sempringham heritage site).

Sempringham Priory Scheduled Monument

11.5.1.8. The Philistine approach to the ancient monument and the wider heritage site comes out again. The authors are basically saying that because you cannot see the Priory above ground it does not matter and won't be affected by the Windfarm! We have already remarked that there is much more to the spirituality of a site like this than what can be seen standing up from it.

11.5.1.9 On site interpretation is very much still the hope and intention of local groups including the Parochial Church Council and we believe, English heritage.

11.5.11 This implies that the Priory was only ever historically connected to the parish church (Abbey). This is untrue – it was connected to its whole hinterland and as we have said the former village of Sempringham and many other local historic features.

St Andrew's Church Sempringham

11.5.2.1 The last bullet point says … *"Although the Development will form the backdrop t views from the west, the turbines will not be visually dominant".* This is not apparently the case if you look at photomontage A8 Fig 7.9a.

11.5.2.7 Surely *'glimpsed views'* are not inferior. Try telling a succession of English Poets that!

11.5.2.9 *"Sempringham Church will not be dominated by the turbines".* We disagree – see photomontage A8 Fig 7.9a.

11.5.2.13 The conclusion remains unchanged that the effect of the development on the Abbey Church is *"moderate adverse".* So why does this get dismissed overall?

St Andrew's Church Billingborough

11.5.3.1 Third bullet point: *"Within the fen, at distances of 4km and greater from Billingborough, the Development will dominate views of the church,* ***which is not a prominent landmark".*** This sentence deserves to be destroyed. Firstly are the consultants saying that 2km is a critical distance as elsewhere or 4km as here? They seem to be making this up as they go. Secondly, yes, the windfarm will dominate views of the church – this is precisely why we are objecting to it! Thirdly, to suggest that Billingborough church with its 150 foot spire is not a prominent landmark is ridiculous! If the consultants really think this they should be disowned by their profession.

Then bizarrely in the last bullet point, having just said in bullet three that the turbines will dominate they say *"the turbines will appear as only a minor element in the landscape".* Make you mind up! Which is it! This has no credibility whatsoever.

11.5.3.3 The view from Birthorpe is only of negligible effect because a summer camera shot with trees in the way has been chosen.

11.5.3.6 *"Most views of the church are unaffected and from locations where church and Development can be seen together the turbines will appear as only a minor element in the landscape".* Again this contradicts the third bullet point in para 11.5.3.1 which says that the turbines will be dominant! The trust is that Billingborough Church is a beacon in long distance views at present, if much higher foreign objects are placed in between even it not in direct line they are bound to spoil these historic views and may even make it difficult for the human eye to still pick out the church because the impact of this sole vertical feature will be lost.

Conclusions

There is no need for us to repeat points made earlier save to say that in the very last paragraph nobody believes that the wind turbines will be decommissioned. To justify them by suggesting they are temporary is to insult at least a whole generation who would have to live with them and miss the experience of this wonderful historic fen landscape. As we said above the turbines are much more likely to be reconditioned in years to come, or replaced or even extended. Once in situ they will dictate their own permanence.

63. Network Consultation O2 UK Ltd:

Our radio engineer advises:

> I have looked at the area it is in the middle of fen land with no population only the odd farmhouse, it is 3.5km from the nearest base site and I cannot see if obstructing an area where we will be picking up traffic.

64. Acting Principal Conservation Officer:

I have confined my considerations to Listed Buildings and Conservation Areas solely within South Kesteven District. I have left it representatives of neighbouring authorities to comment on the likely impact on heritage assets in their areas. Also, I have not commented in respect of the impact on Scheduled Ancient Monuments as I understand English Heritage will be advising on these.

The submitted Environmental Statement and its Addendum appears to identify all the Heritage Assets within the vicinity of the site.

From the outset, however, it is important to acknowledge that there is no statutory definition of 'setting' nor is it defined in any guidance. In many cases it can be very confined, as for example a listed building within a street which can only be seen from short distances as a result of its physical proximity to other buildings. Setting may be concerned with views out from a feature or views towards it, or even cases where it is not actually possible to see the

feature from the site of a particular development, but there are points to one side from which both may be visible.

The Listed Buildings and Conservation Areas Act of 1990 sets out the duty on decision-makers as follows:

"Section 66: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Whilst there is no statutory definition, advice on the use of the term "setting" is to be found in PPG15 at 2.16 and 2.17 and the key elements of it are:

2.17 … the setting of a listed building may be limited to obviously ancillary land, but may often include land some distance from it … The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings … and to the quality of the spaces created between them … A proposed high or bulky building might also affect the setting of a listed building some distance away, or alter views of a historic skyline. In some cases, setting can only be defined by a historical assessment of a building's surroundings."

The crucial point that needs to be stressed is that the issue of the setting of listed buildings cannot be addressed without actually defining precisely what that setting is. It is not a simple matter of finding out whether you can see any part of the proposal from any part of the listed building or indeed its curtilage. As the national advice indicates, setting may be very closely defined or it may be very wide, depending on the nature of the listed building and its past function. Ultimately in the absence of a formal statutory definition of the term setting, we have to rely on judgement as to what the legislation seeks to achieve. If the turbine site does not and never has formed part of what might at the worst case scenario be treated as being within the setting of this or that listed building, then the tests in the legislation will have been met. If it does fall within a proper definition of setting, then the assessment of what the effects on that setting might be have to be carried out.

In the context of listed buildings regard has to be made to the original function of the building and whether it was designed with a particular setting in mind. The fact that the surroundings may change over time is also important because it is improbable in the case of the majority of listed buildings that their surroundings or the ownership of the land around them has remained unaltered over perhaps centuries except for stately homes where ownership of a large curtilage is assured. However, merely being able to see a listed building, or part of it, in a view within which the proposal also features does not mean that there should be adverse findings as a result. One has to look at the context of the view.

It is often the case that assessments are carried out on the basis of listed buildings being sensitive receptors and to assess the views from the building as one would for a resident in a dwelling. In fact, while that test is perfectly adequate in terms of the assessment of that occupier's residential amenities, a different assessment is required for the statutory tests under the Listed Buildings Act. This is because a private occupier of a dwelling that happens to be listed does not have any elevated sensitivity merely because he or she happens to own

a listed building. What is important is to address the setting of that building to see whether that setting is being adversely affected to an extent that warrants a finding of harm under the Act. In this context, the ability of the public to access a listed building on a regular basis may be relevant, since this changes the visibility of a development from being a private interest to a public interest.

English Heritage's document *Wind Energy and the Historic Environment* (2005), whilst again offering no definition of setting, does offer criteria for impacts upon setting and visual amenity:

- Visual dominance: wind turbines are far greater in vertical scale than most historic features. Where an historic feature (such as a hilltop monument or fortification, a church spire, or a plantation belonging to a designed landscape) is the most visually dominant feature in the surrounding landscape, adjacent construction of turbines may be inappropriate.

- Scale: the extent of a wind farm and the number, density and disposition of its turbines will also contribute to its visual impact.

- Vistas and sightlines: designed landscapes invariably involve key vistas, prospects, panoramas and sightlines, or the use of topography to add drama. Location of turbines within key views, which may often extend beyond any designated areas, should be avoided.

- Movement, sound or light effects: the movement associated with wind turbines as well as their scale may be a significant issue in certain historic settings. Adequate distance should always be provided between important historic sites and wind turbine developments to avoid the site being overshadowed or affected by noise and shadow flicker effects.

- Unaltered settings: the setting of some historic sites may be little changed from the period when the site was first constructed, used or abandoned. Largely unaltered settings for certain types of sites, particularly more ancient sites, may be rare survivals and especially vulnerable to modern intrusions such as wind turbines. This may be a particular issue in certain upland areas.

The first of the above criteria is particularly applicable with regard to Billingborough Church.

Prior to industrialization the towers and spires of churches, particularly the latter, were the most prominent man-made features in the landscape and, aside from electricity pylons, they often retain that distinction today. They 'punctuate' the otherwise uniquely one dimensional Fenland landscape.

The church of St Andrew at Billingborough, with its spire, is unquestionably the most prominent man made feature in the landscape in the vicinity of the site for the proposed wind farm.

Billingborough, Horbling, Pointon and Sempringham, Millthorpe, Dowsby and Dunsby are all settlements at the junction of the Fens and the Kesteven Uplands.

I agree with the conclusions of the Environmental Statement, that the impact on individual buildings in Conservation Areas of these settlements close to the site will not be significant, as the designated areas comprise the older, central parts of settlements that are already surrounded by modern development.

The Environment Statement acknowledges that two listed buildings will be adversely affected and identifies these as the Grade I listed churches of St Andrew's at Billingborough and St Gilbert's in Sempringham. The former is located in the heart of the village to the north-west of the site and the latter stands isolated on rising ground in a direct line to the west. Their grade I listing status identifies them as being of National importance. The Statement concludes that the impact on these two Grade I buildings to be only "moderately adverse".

It is also my considered opinion hat it is primarily the setting of these two buildings that will be adversely affected by the proposed development and that the impact will be particularly adverse on St Andrew's at Billingborough. The severity of impact is, of course, variable depending on weather influenced lighting conditions.

The EA states that the Listed description for these buildings does not mention their landscape context. 'Setting' does not form part of the list descriptions as they are only for the purpose of identification, so the absence of any reference to landscape context should not be construed to say that there is none.

The existing wind farm at Bicker gives us some indication of the likely impact of that proposed for the Neslam Farm site. The turbines at Bicker are readily visible from various viewpoints in the locality, particularly the elevated land of the Kesteven Uplands to the west. From here the existing turbines already impact on the setting of several settlements and the tallest buildings, their churches.

The turbines proposed for Neslam Farm will have a significantly greater impact on their immediate locality, particularly as they will be taller than those at Bicker. Any adverse visual impact on the churches at Sempringham and Billingborough would therefore be exacerbated by the combined impact of both the Bicker and the Neslam Farm turbines.

It is asserted that the *"visual impacts are fully reversible and will cease to exist when the Development is decommissioned."* Wind farms generally have a life expectancy of approximately 25 years and will become established features in the landscape over that time. With increased emphasis on sustainable features in the landscape over that time. With increased emphasis on sustainable sources of energy like to continue into the foreseeable future, it is quite probable that replacement turbines would be proposed and having become established themselves in the landscape would weaken any case against their replacement.

65. Heritage Trust of Lincolnshire

I have read the EIA submitted in support of the Neslam Windfarm application, as well as making visits to the site and the surrounding monuments mentioned in Chapter 11:Cultural Heritage and the accompanying Appendix 11.2 Archaeological Evaluation report and I have the following comments to make.

The fieldwork and report, indicates that no remains of national importance were uncovered and therefore not worthy of scheduling under the AMAA Act 1979. For this reason, I am able to advise that should planning permission be granted - a scheme of works condition (H101) should be applied in order to fully record any archaeological remains uncovered before/during development.

I would advise South Kesteven District Council to consider the application also in accordance with policies/guidance relating to the Historic Environment outlined in:

Adopted Lincolnshire Structure Plan 2006 - BE4 (Archaeological Heritage - paragraph 2).

East Midlands Regional Plan - Policy 26 Protecting and Enhancing the Region's Natural and Cutlural Heritage

These policies/guidance refer to the setting of archaeological sites (whether scheduled or non-designated). The setting of a monument is generally considered to be what can be seen and heard, to and from a monument. With regards to the setting of Scheduled Ancient Monuments I would concur with English Heritages' comments about the setting of Sempringham Priory and Church. The windfarm will be visible from both sites. The site as a priory and church was/is a site of contemplation, reflection and peace, and therefore depending on your personal feeling about windfarms, a peaceful presence may or may not exist, if a windfarm could be seen from the site. Bicker windfarm is not quite so visible from the site and its height is lower than those proposed. The view towards Bicker windfarm is also largely restricted by tree cover.

The windfarm will also be visible from the moated medieval grange (LI61), Bronze Age saltern (LI302), and the Roman settlements at Fen Farm and Poplar Farm. The nature of these sites are different from that of Sempringham Priory in that they were related to agricultural activity, or industrial (salt making) activities in case of the Bronze Age saltern.

Consideration should be made by SKDC on the cumulative effects of this application and the Bicker windfarm together, on a landscape which is primarily arable and rural. The construction of another windfarm in this area further industrialises the rural setting. In addition, Policies NE7 (in relation to Protection of the Historic Landscape) and NE14 (Protection of the Waterside Environment- in relation to the South Forty Foot drain) of the Lincolnshire Structure plan may be relevant.

If you have any further queries please do not hesitate to get in contact.

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