

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
8th October 2009

WARDS: South East Holderness

Erection of 3 wind turbines, sub-station, construction of access tracks, and associated ancillary development at, Land South Of Hogsea Lane, Hilston, East Riding Of Yorkshire
By, Energiekontor UK Ltd
Application reference 09/02000/STPLFE

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference **09/02000/STPLFE** is referred to the Committee for decision.

B. Corporate Priorities

Safer Communities
Valuing our environment
Retaining the East Riding's character

C. Application Type

Strategic - Full Planning with EIA

D. Parish

Roos Parish Council

E. Applicant

Energiekontor UK Ltd

F. Target Date

2nd October 2009

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in

Circular 02/99 it was determined that an Environmental Impact Assessment was required in this case.

H. Recommendation

That the application be **DEFERRED** for:-

Completion of a Section 106 Agreement covering:

1. The potential impact of interference with domestic television reception and other electronic communications and to require appropriate remedial measures to be taken by the developer
2. Requiring financial security for the restoration of the site following the cessation of electricity generation at the end of the 20 year term.
3. Setting up a Community Fund for delivering local community facilities and initiatives.
4. Providing resources for off site tree planting
5. Completion of a routing agreement and signage and Traffic Management Plan
6. No energy generation prior to connection to the grid via underground cabling
7. Submission and agreement of an Ecological Habitat Enhancement Landscaping Scheme
8. Community Liaison

Provided this is satisfactorily resolved the Director of Planning and Economic Regeneration be authorised to **GRANT PLANNING PERMISSION** subject to the conditions set out in section 14 of this report.

1. INTRODUCTION

1.1 The application site (4.64 hectares) lies on land of undulating topography to the south side of Hogsea Lane, approximately 800m – 1200m south east of Hilston village and 700m - 1100m north west of Tunstall Village. The site is currently used for agricultural purposes and is situated approximately 400 – 700m west of the eroding cliff line. The site is a shallow “bowl” shape, with rising land to the east and west and at the lowest part of the site there is a small freshwater body known locally as Gills Mere. The mere is surrounded by beds of Canary Grass and marshy grassland. The wider landscape is dominated by large open and generally flat arable fields laid to a mixture of crops.

1.2 This application is a resubmission of a previous application for 7 turbines on this site, which included neighbouring land to the north side of Hogsea Lane. That application was refused by Planning Committee on 18th October 2007 for the following reasons:

1. The proposed development would have an adverse impact on the Church of All Saints, Tunstall (Grade I Listed), and other listed buildings in the area in conflict with Policy Env 22 of the Holderness District Wide Local Plan - April 1999.
2. The proposed development is not of a temporary or generally open nature and conflicts with Policy Env 8, 9 and Policy U19 (4) of the Holderness District Wide Local Plan - April 1999.
3. The proposed development would both on its own and collectively with other wind farm proposals in the area result in an unacceptable and significant negative cumulative visual impact on both the landscape and nature conservation interests of the area. This conflicts with Policy U18 of the Holderness District Wide Local Plan- April 1999.

4. The proposed development has no specific locational requirement to be in the undeveloped coastal zone. For this reason the development conflicts with Policy Env 8 of the Holderness District Wide Local Plan - April 1999.
5. The proposed development would compromise the ability of the RAF and NATS (En Route) plc to provide a full air surveillance in the area to the detriment of national security and air safety. The development has the potential to restrict flying operations from Garton Airfield. The application therefore conflicts with Policy U19 (5) and (6) of the Holderness District Wide Local Plan - April 1999 and PPS22 (Renewable Energy).

2. THE DEVELOPMENT

2.1 The revised proposal has reduced the scale and size of the development which now consists of:

- 3 wind turbines with hub heights of approximately 70m and a 41m radius three-bladed rotor, giving a maximum height to the top of a vertical blade of 111m. The turbines are located to the south side of Hogsea Lane along an off-set north south axis.
- Turbine 1 is located 40m south of Hogsea Lane and approximately 350m west of the eroding cliff line. Turbine 2 is located 330 metres south of Hogsea Lane, some 290m south east of Turbine 1 and approximately 450 west of the eroding cliff line. Turbine 3 is located 600m south of Hogsea Lane, 560m due south of Turbine 1, 340m south west of Turbine 2 and approximately 720m west of the eroding cliff line.
- Each turbine would have a generating capacity of between 2 – 2.5MW, creating a total generating capacity in the region of 6 – 7.5MW, generating enough electricity in a year for around 3,000 to 4,000 houses.
- The finish of the turbines would be of a low-reflectivity white, grey or off-white colour.
- All the turbines would rotate in the same direction.
- The turbines will be mounted on a reinforced concrete base slab measuring approximately 12 to 18 metres across and approximately 3 metres in depth.
- Each turbine will be fixed with a transformer. The transformers will either be housed within the tower or within a small compact structure located at the turbine base.
- A substation compound (15m long x 10m wide x 5.8m ridge height) constructed of red bricks and clay tiles. This is situated adjacent to the west of Turbine 1.
- Construction of a new vehicular access from the south side of Hogsea Lane to serve the three turbines. Around 650 metres of new track would be required on site with a typical track width of 4-5 metres.
- A temporary construction compound (approximately 30m x 150m) to include contractor's facilities, car parking, wheel wash area and plant and material lay down area. The temporary compound is located to the west of the internal access track between Turbines 1 and 2.

- Construction of 400mm depth hardcore crane pads adjacent to each turbine to facilitate construction. These will remain in situ for the lifetime of the development for maintenance purposes.
- Construction of a temporary link access road of 650m length between Aldbrough Road and Furze Road to accommodate access to the site for abnormal loads, including new and supplementary hedge planting.
- Bend widening measures at the northern end of Furze Road near the junction with Hogsea Lane, including new hedge planting to accommodate access for abnormal loads.

2.2 The turbines would be connected by underground cables which would take the power from each turbine to the substation compound and building. The grid connection would involve taking power lines out of the sub station to an appropriate connection point on the local distribution grid. An existing substation to the north of Burton Pidsea, approximately 4.2 km away is a possibility.

2.3 It is estimated that the wind farm would take approximately 6 months to construct. At the end of its 20 year operational period the wind farm would be decommissioned. This would involve the complete removal of turbines, their concrete foundations, switchgear and other equipment. All of these areas would be reinstated to their original condition prior to the wind farm being built. Complete removal of the turbine bases is proposed in order to ensure there is no impact on natural coastal erosion in the future.

3. THE SITE AND SURROUNDINGS

3.1 Settlements in the vicinity of the site include the small villages of Hilston and Tunstall to the north and south respectively, both approximately 1km from the site, albeit there are a number of residential properties on the edges of these two villages which are closer to the nearest turbine. Other settlements include Roos (2.5km to the south west), Burton Pidsea (5km to the west), Rimswell (4.5km to the south), Grimston (3km to the north) and Halsham (6km to the south west). The nearest larger settlements are Aldbrough (9km to the north west) and Withernsea (7km to the south east).

3.2 There are 12 residential properties within 1,000m of the nearest turbine. The closest properties to the site are Lyndale, on Pasture Lane, Tunstall, which is 710m from Turbine 3, Furze Farm on Furze Road (763m from Turbine 3), The Cottage on Pasture Lane, Tunstall (764m from Turbine 3) and North End Farm, Furze Road (773m from Turbine 3). There are eight other properties within 1,000m of at least one of the turbines. These are The Old Rectory, Tunstall, Rectory Cottage, Tunstall, Northern Garth, Tunstall, 1 & 2 Booth's Cottages, Tunstall, Glebe Farm, Hilston, Pasture House, Hilston, The Gables, Hilston and Church Farm Bungalow, Hilston.

3.3 There is a private airfield (Garton Airfield) in the vicinity of the application site. This airfield is located approximately 4.5km north west of the application site.

3.4 There are no public rights of way (footpaths/ bridleways) on the site. Public rights of way in the vicinity of the site consist of a bridleway running along the coast, a footpath linking Tunstall to Roos and a footpath linking Hilston village to Glebe Farm on Furze Road. The proposed new link road between Aldbrough Road and Furze Road will need to cross this

existing footpath which links Hilston with Glebe Farm. It is proposed that the path will be temporarily diverted onto Hilston Road a short distance to the north of existing position.

- 3.5 The site lies within an area that has no national or local landscape designations. The East Riding of Yorkshire Landscape Character Assessment 2005 identifies the site as lying within Landscape Character Type 20: “Coastal Farmland”. This narrow strip of farmland covers the area from the south of Bridlington to Spurn Point. The Landscape Character Assessment identifies the key characteristics of this landscape as:

“the flat to gently undulating topography sloping gently eastwards; boulder clay cliffs eroding into the sea; seaside resorts of Bridlington, Hornsea and Withernsea, prominent coastal static caravan parks; limited tree cover due to exposed windswept coastal landscape; smaller villages and farmsteads and minor roads threatened by erosion; fragments of historic field pattern around villages and hamlets; and tourism development along the coast”.

- 3.6 There are no World Heritage Sites, Ancient Monuments, or Listed Buildings within the application site. There are, however, a number of Listed Buildings and Conservation Areas in the vicinity of the application site. The most notable Listed Buildings include the church of All Saints at Tunstall, a Grade I Listed Building, which is located within the newly designated Tunstall Conservation Area. A second local special area of designation is Hilston Conservation area, within which there are four designated Listed Buildings. One of these is Admiral Storr’s Tower located on an incline to the north of the settlement. The Church at Hilston is also an important local landmark. There are also Conservation Areas further afield at Roos, Aldbrough, Burton Pidsea, Ottringham, Halsham and Winestead. Significant other local buildings include Roos Castle, which is a Scheduled Ancient Monument, 3 Listed Buildings at Grimston Garth to the north west, and the Listed Hall and Registered Park and Garden at Burton Constable Hall, approximately 10km to the north west.
- 3.7 Within 500m of the site there are a number of notable cultural heritage features. These include the site of a pill box to the east of Turbine 1, and the site of an old windmill and pill box to the east of Turbine 3. The site of the lost village of Andrebi is located to the south west of the proposed bend widening works at the north end of Furze Road near its junction with Hogsea Lane.
- 3.8 The main turbine equipment would arrive at the port of Hull. The proposed Abnormal Load Route route would avoid Hedon and Roos and would instead travel through Preston and Burton Pidsea. A temporary link road would be constructed between Aldbrough Road and Furze Road to enable Roos and North End to be avoided.
- 3.9 The application site is situated within an area designated in the Holderness Borough Wide Local Plan as the “Undeveloped Coast”. This is an area which is considered to be at threat from coastal erosion and therefore new development should be controlled. Development within 30m of the eroding coastline is prohibited altogether by Local Plan policy.

4. PLANS AND ILLUSTRATIONS

Appendix 1 Site Location Plan.

Appendix 2 Site Layout Plan. – 3 turbines

Appendix 3 Refused Site Layout Plan – 7 turbines

Appendix 4 Turbine Drawing

Appendix 5 Control Building and Sub Station Plan

5. KEY PLANNING POLICIES

The Development Plan comprises the Regional Spatial Strategy (2008), the Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire (2005) and the Holderness District Wide Local Plan (1999).

National Planning Policies

- PPS1 - Delivering Sustainable Development - January 2005
- Supplement to PPS1 – Planning and Climate Change – December 2007
- PPS7 - Sustainable Development in Rural Areas - August 2004
- PPS9 - Biodiversity and Geological Conservation – August 2005
- PPG13 - Transport – April 2001
- PPG15 - Planning and the Historic Environment - September 1994
- PPG16 - Archaeology and Planning – November 1990
- PPG20 - Coastal Planning – October 1992
- PPS22 - Renewable Energy - August 2004
- Planning for Renewable Energy – A companion Guide to PPS22 – December 2004
- PPG24 - Planning and Noise - September 1994

Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (2008)

- YH2 - Climate Change and Resource Use
- ENV5 - Energy
- ENV8 - Biodiversity
- ENV9 - Historic Environment
- ENV10 - Landscape
- C1 - Coast sub area policy

Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire

- ENV6 - The setting, character or appearance of strategically important buildings, features and historic/architectural areas should be protected and where possible enhanced.
- ENV2 - Strategic Nature Conservation Sites – Protection and Mitigation.
- ENV3 - Development that is likely to have an adverse effect on species identified through UK Wildlife Acts, Regulations and Biodiversity Action Plans, will not be allowed unless it can be demonstrated that there is an overriding need for the development and/or appropriate mitigation compensation measures are provided.
- ENV7 - Archaeological Remains – Preservation and Mitigation.
- SP1 - Character and distinctiveness of settlements and their setting (including important features) to be protected and enhanced.

SP4 - Distinctive character of Yorkshire Wolds, Jurassic Hills, Vale of York, Holderness, Humber Estuary and Ouse/Trent levels Landscape Character Areas to be protected. LDFs to provide landscape guidelines paying attention to unique landscapes of Goole/Crowle Lowlands, Lower Derwent Valley, Spurn and Flamborough Head.

NAT6 - Control of development in coastal areas

Holderness District Wide Local Plan

G3 - General Environment Protection.
G4 - General Protection of Sites of Nature Conservation
G5 - Landscape Protection.
G6 - New Development Considerations
Env5 - Development in Coastal Zone
Env8 - Development in Undeveloped Coast
Env9 - Uses of an Open Nature in Undeveloped Coast
Env16 - Species Protection
Env22 - Listed Buildings: Setting
Env24 - Conservation Areas
Env35 - External Lighting
R13 - Safeguarding of Footpath Network
U16 - Renewable Energy
U17 - Details for Wind Turbines
U18 - Wind Turbines – Cumulative Effects
U19 - Wind Turbines – Benefits
U20 - Wind Turbines – Removal

Supplementary Planning Guidance

Interim Planning Document on Renewable Energy (2009)
East Riding of Yorkshire Landscape Character Assessment (2005)
Integrated Coastal Zone Management Plan (2002)

6. RELEVANT PLANNING HISTORY

07/01140/STPLFE – Erection of 7 No. wind turbines and substation and construction of vehicular access and ancillary works – Refused 12 December 2007.

APP/E2001/A/99/1028074 – Erection of 7 Wind Turbines (50m hub height, 80m high to blade tip. Installed capacity of 9MW. Easternmost turbine is 200m from the eroding sea cliff) - Allowed on Appeal 11th September 2000.

07/03113/STPLF - Erection of a 60m guyed meteorological mast for a maximum period of 36 months – Approved 22 September 2009.

7. CONSULTATION REPLIES

Roos Parish Council Recommend refusal on the following grounds:

- The proposal would have an adverse impact both

individually and collectively on the Conservation Areas of Tunstall, including the Grade I Listed Church of All Saints, Hilston and Roos, together with other Listed Buildings in the area in conflict with Policy Env22 of the Holderness District Wide Local Plan.

- The proposed development would both on its own and collectively with other wind farm proposals in the area result in an unacceptable and significant negative cumulative visual impact on both the landscape and nature conservation interests of the area in conflict with Policy U18 of the Holderness District Wide Local Plan.
- The proposed development has no specific locational requirement to be in the undeveloped coastal zone in conflict with Policy Env8 of the Holderness District Wide Local Plan.
- The proposal is likely to compromise the ability of the RAF and NATS to provide a full air surveillance in the area to the detriment of national security and air safety conflicting with Policy U19(5) and U19(6) of the Holderness District Wide Local Plan and PPS22 (Renewable Energy).

East Garton Parish
Council

Recommend refusal on the following grounds:

- The proposal would have an adverse impact both individually and collectively on the Conservation Areas of Tunstall, including the Grade I Listed Church of All Saints, Hilston and Roos, together with other Listed Buildings in the area in conflict with Policy Env22 of the Holderness District Wide Local Plan.
- The proposed development would both on its own and collectively with other wind farm proposals in the area result in an unacceptable and significant negative cumulative visual impact on both the landscape and nature conservation interests of the area in conflict with Policy U18 of the Holderness District Wide Local Plan.
- The proposed development has no specific locational requirement to be in the undeveloped coastal zone in conflict with Policy Env8 of the Holderness District Wide Local Plan.
- The proposal is likely to compromise the ability of the RAF and NATS to provide a full air surveillance in the area to the detriment of national security and air safety conflicting with Policy U19(5) and U19(6) of the Holderness District Wide Local Plan and PPS22 (Renewable Energy).

Elstronwick Parish Council	No observations.
Burton Pidsea Parish Council	<p>Recommend refusal on the following grounds:</p> <ul style="list-style-type: none"> • The Parish Council has concerns about the routing of the traffic and the effects it may have on Burton Pidsea.
Rimswell Parish Council	<p>Recommend refusal on the following grounds:</p> <ul style="list-style-type: none"> • The Environmental Impact Assessment is not robust enough. The Environmental Statement contains errors and omissions and incorrect interpretation of local, regional and national planning policies. • Overpowering and intrusive visual impact due to size and scale of the turbines. • Substantial impact on conservation, environment, tourism, wildlife and visual amenity. • No seismic vibration test in terms of the effects of the turbines on the rate of coastal erosion. • Significant cumulative impact / unacceptable visual saturation. • Industrialisation of rural landscape. • Adverse effect on aviation safety. • Adverse impacts on cultural heritage (Listed Buildings and Conservation Areas). • Inadequate assessment of the significance of the visual change – will it be beneficial or adverse? • Adverse effect on TV reception. • Insufficient assessment of impacts on wildlife – no owl survey. • No consideration of wind shear effects. • No consideration of cumulative impact of noise from other wind farm sites. • Adverse effect on local tourism industry. • No mention of Tunstall Flood Banks within the Environmental Statement. • It is understood that wind farm developments are precluded from the coastal zone. This view is reflected within the Council's own Sequential Test produced for the adjacent Roos Wind Farm proposal.

Comments:

- The Council should take into consideration the July 2009 DEFRA Document entitled ‘Estimating Dose-Response Relationship Between Noise Exposure and Human Health in the UK’.
- The Council should take into account Policy ENV5 of the Regional Spatial Strategy.

Halsham Parish Council No response received.

Government Office for Yorkshire and Humber (Rural Directorate) No comments.

Local Government Yorkshire and Humber No objection. Support renewal energy in principle subject to assessments of effects on local landscapes.

Policy ENV5 of the Regional Spatial Strategy (2008) sets the Humber a target of at least 124 MW of energy supplied by renewables by 2010 and 350 MW for installed grid connected renewable capacity. Table 10.2 of RSS (2008) recommends a renewable energy target in East Riding of 41 MW to 2010 and 148 MW to 2021. Policy HE1C of RSS (2008) emphasises the need to develop the Humber sub area’s renewable energy generation.

Based on information collected for the RSS Annual Monitoring Report (2008) the region installed additional renewable energy capacity from on-shore wind farms between 2007-2008 of 75.2 MW. In the Humber the total renewable energy capacity installed by onshore wind development was 64.3 MW between 2007-2008. In East Riding the total renewable Energy Capacity installed by onshore wind development was 34.3 MW between 2007-2008. It should be noted that the RSS targets are not “ceiling figures” and that the Regional Planning Body was supportive of the development when the proposal was for seven wind turbines.

The Landscape and Visual Impact Study carried out by the applicant highlighted that the proposal would inevitably lead to significant visual and landscape effects. However, it was also recognised that the three proposed wind turbines would relate well to the local landscape, respect the scale and composition of the landscape and that significant landscape and visual effects would be localised as a result of the relatively flat landscape and the limited locations for long distance views. The assessment concluded that the proposal would be acceptable in this location in landscape terms.

DEFRA – Non Minerals Applications	No response received.
Department of Trade and Industry	No response received.
Home Office	No response received.
Visit Hull and East Yorkshire	No response received.
Yorkshire Forward	<p>Support in principle. The Regional Economic Strategy for Yorkshire and Humber 2006-2015 (RES) sets a headline target of reducing the region’s greenhouse gas emissions by 20-25% by 2016. This has been incorporated in to Policy YH2(Climature Change and Resource Use) of the Yorkshire and Humber Plan and the delivery of renewable energy projects, such as wind energy, is an important element in helping to meet this target. Therefore, Yorkshire Forward welcomes the development of appropriately located renewable energy technologies, which will help to make the region less reliant on fossil fuels and promote a ‘low carbon economy’. The proposed development supports the implementation of Objective 5C (ii) of the RES, which seeks to ‘promote energy security and reduced fossil fuel dependency by more energy efficiency and clean and renewable energy’. In addition, it would contribute towards meeting the Regional Spatial Strategy (RSS) targets for installing grid-connected renewable energy in the East Riding.</p> <p>The Council should satisfy itself that the developer has followed best practice in terms of site selection and implemented appropriate community consultation and involvement. This should include consideration of the community benefits that would result from the proposal.</p> <p>The Council should also take appropriate account of the cumulative impacts of other wind farm proposals in the area.</p>
Humberside Fire Brigade	No objection.
Humberside Police – Operations	No response received.

Kingston
Communications No response received.

Civil Aviation Authority No objection.

The turbines have the potential to impact upon the operation of and those associated with Humberside Airport and the privately operated Garton Airfield. Humberside Airport has not raised any 'show-stopping' objections.

However, the operator of Garton Airfield has expressed considerable concern. The CAA has no regulatory responsibilities associated with Garton Airfield.

The safeguarding of Garton Aerodrome is a matter of discussion between the operator and the planning authority. The CAA considers that if the Garton Aerodrome Manager advises that the aerodrome's established amenity would be affected his advice may be considered as expert testimony. There may be a need to install aviation obstruction lighting. International aviation regulatory documentation requires 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.

Ministry of Defence No objection.

In the interests of air safety, the MOD recommends that the turbines are fitted with aviation lighting. All turbines should be fitted with 25 candela omni-directional red lighting at the highest practicable point.

If planning permission is granted the Council must tell the MOD the following:

- The date construction starts and ends;
- The maximum height of construction equipment;
- The latitude and longitude of every turbine.

The above information will be plotted on flying charts to make sure that military aircraft avoid this area.

Doncaster Sheffield
Airport Ltd No response received.

Leeds Bradford
International Airport No safeguarding objection.

Humberside Airport No objection.

NATS (NERL) Safeguarding Officer	No objection.
RAF Operations Officer	No response received.
BBC Research Department	No response received.
British Telecom	No response received.
Cable and Wireless Communications	No objections.
OFCOM	No objections.
Joint Radio Company Ltd	No objection JRC analyses proposals for wind farms on behalf of the UK Fuel and Power industry. This is to assess the potential of these developments to cause interference to radio systems which are operated by utility companies. In the case of this current proposal, JRC does not foresee any potential problems.
IUS Connections	No response received.
Mercury Communications	No response received.
Racal Vodaphone	No response received.
National Telecommunications Limited	No response received.
ITC	No response received.
T-Mobile	No response received.
O2 UK Limited	No response received.
Radio Communications Agency	No response received.
Orange Personal Communications Services	No response received.
Virgin Mobile	No response received.

Sustrans Yorkshire	No response received.
BAE Systems	No response received.
National Grid	Based on the proximity and sensitivity to these networks the risk is negligible.
Garton Airfield	<p>Objection.</p> <p>The airfield has been operating regularly, safely and successfully for 19 years. The site for the airfield was chosen because it is an open flat countryside with no flying obstructions or hazards.</p> <p>From time to time returning aircraft to Garton are coming in at low level because of the local weather conditions. The proposed turbines at 400ft. high will be a major flying hazard in inclement weather conditions. The turbine colour will make no difference, they will be a serious flying hazard.</p> <p>The proposed development is only 5km from the centre line of the runway and 2.5km from the airfield circuit. In fair weather conditions the development would not be a particular hazard but in the unpredictable inclement weather this development would create an unnecessary and serious safety hazard, giving pilots less than 90 seconds to take evasive action.</p> <p>The recent development of the gas storage caverns at Garton / Aldbrough has led to the closure of the northern approach to the runway.</p> <p>If approved, the wind farm development would be a safety hazard and seriously interfere, probably close down the airfield.</p>
Sherburn Aero Club	No response received.
Sandtoft Aerodrome	No response received.
CE Electric UK	No objections.
Yorkshire Water Services Limited	<p>No objection.</p> <p>No comments are required as it is noted that there are no foul sewerage proposals and surface water is to soakaways.</p>
Highway Control	The highways issues related to construction traffic and abnormal loads associated with the proposed development

has not significantly changed from the previous submitted application 07/01140/STPLFE. The submitted Transport Assessment still identifies and suggests mitigation measures to reduce the impact on the highway network as a consequence of the development. The main impact associated with the development remains the construction and abnormal load traffic that will be generated over an even shorter construction period due to the reduction in the number of turbines. Following commissioning if approved there would be little traffic associated with the development and there are therefore no objections to the development subject to a number of conditions.

The Highways Agency No objection.

There is sufficient information available to be able to determine that there is no significant impact of this development to the strategic road network. The applicant should provide notice to the Highways Agency's Abnormal Loads Team prior to any movements occurring.

Public Protection
Division

No objections subject to conditions.

The guidance document used by the applicant for assessing wind farm noise is "The Assessment and Rating of Noise from Wind Farms" ETSU-R-97, ("ETSU") published by the UK's Department of Trade and Industry (DTI). ETSU recommends controlling wind turbine noise by the application of noise limits at the nearest noise sensitive properties.

ETSU states that:

"Noise from the wind farm should be limited to 5 dB(A) above background for both day- and night-time, remembering that the background level of each period may be different.

The LA90, 10min descriptor should be used for both the background noise and the wind farm noise, and when setting limits it should be borne in mind that the LA90, 10min of the wind farm is likely to be about 1.5-2.5 dB(A) less than the LAeq measured over the same period. The use of the LA90, 10min descriptor for wind farm noise allows reliable measurements to be made without corruption from relatively loud, transitory noise events from other sources.

A fixed limit of 43 dB(A) is recommended for night-time. This is based on a sleep disturbance criteria of 35 dB(A)

with an allowance of 10 dB(A) for attenuation through an open window (free field to internal) and 2 dB(A) subtracted to account for the use of LA90,10min rather than LAeq,10min. Both day- and night-time lower fixed limits can be increased to 45 dB(A) to increase the permissible margin above background where the occupier of the property has some financial interest in the wind farm.

In low noise environments the day-time level of the LA90, 10min of the wind farm noise should be limited to an absolute level within the range of 35-40 dB(A). The actual value chosen within this range should depend upon: the number of dwellings in the neighbourhood of the wind farm, the effect of noise limits on the number of kWh generated, and the duration of the level of exposure.”

ETSU recommends that noise from the wind farm should be limited to 5 dB (A) above background for both the day and night-time noise. ETSU also recommends that in low noise environments the day time level of LA90, 10min of the wind farm noise should be limited to an absolute level between 35-40 dB(A).

Paragraph 8.4.17 of the Environmental Statement Volume 1 states that the comparisons referred to in Tables 8.13 and 8.14 “demonstrate that the site can viably operate within a 35 dB(A) limit using an unconstrained candidate turbine that is typical of the sound emissions achievable with other makes of turbine in the same class. Therefore, in this instance the appropriate lower limit value in accordance with ETSU-R-97 is 35dB(A).”

We do have concerns that there may be noise problems at low wind speeds if noise levels reach both the quiet daytime criterion and the night-time levels. Turbine noise which is below the quiet day-time criterion level proposed of 35dB (LA90) or the night-time level of 43 dB(LA90) in accordance with ETSU may still lead to loss of amenity and/or noise nuisance. The predicted wind turbine noise levels for quiet day-time and night-time, at all three locations, are above measured background levels at low wind speeds.

We appreciate that we are unable to object to this application on the ground of noise so long as the noise levels are within the ETSU guidelines and, therefore, we are only able to express our concerns that there may be a loss of amenity and/or possible nuisance.

In conclusion, it is recommended that a number of conditions be imposed, should permission be granted.

Operational phase conditions shall provide scope to assess and measure noise emissions should complaints about noise be received.

Environment Agency No objections subject to conditions.

Surface water drainage

Given the density of the development proposed and the intention to discharge surface water to soak away and not directly to a watercourse, it is appropriate for details of surface water to be submitted by way of a planning condition.

Foul drainage

The application states that foul sewage will be disposed of by “other means”. The Environmental Statement refers to the potential for sewage to be disposed of via a septic tank with soak away or by tinkering and off-site disposal. As the proposed method is yet to be decided it is recommended that a foul drainage condition be imposed.

Pollution

The applicant states in Appendix 10.1 of the Environmental Statement that an Environmental Management Plan including Pollution Prevention Planning will be submitted to the Local Planning Authority and Environment Agency and other relevant bodies prior to commencement of development. The Environment Agency finds the proposal acceptable on the basis of the approach set out in this document.

Biodiversity

The proposal is considered to be acceptable on the basis of the implementation of the habitat enhancements outlined in the Environmental Statement submitted with this application.

Keyingham Level Drainage Board No objection.

Subject to drainage structures being constructed to Environment Agency standards.

Countryside Access Officer No Objections.

There are no registered Public Rights of Way shown on the working map which are affected by this application.

Conservation Officer Objection.

Sub-station, construction of access tracks and associated ancillary development

No objection to these as the impact they will have on nearby Listed Buildings and Conservation Areas is negligible.

The Wind Turbines

It is acknowledged that these are not of the height proposed for other wind farm sites within the Holderness area, but their height – 70 metres to hub and 11 metres overall is still substantial in a landscape that is as level as Holderness's. It is also conceded that the undulations in this "level" land are such as to be helpful in partially concealing the full impact that these turbines would otherwise have.

Listed Buildings

In terms of the area's Listed Buildings, those in greatest proximity are in the Parish of Roos, of which there are 18. All of these are Grade II with the exception of the churches at Roos and Tunstall, which are Grade I. The main impact of these turbines would be on the Grade I Church at Tunstall in views across the proposed site from the north looking southwards.

Conservation Areas

In terms of the nearby Conservation Areas there are three, Roos, which comes in two parts and Hilston and Tunstall. These were designated in 2007 and 2008 and have up-to-date Conservation Area Appraisals which can be found on line. Paragraph A in each document refers to the Area's topography and its relevance. The final paragraph in each Appraisal is common to all three and reads as follows; -

"The character of the land in the Parish is typical of that found in the Plain of Holderness – hummocky, but general level. This requires particular attention to be paid to planning applications, which would seek to introduce buildings of more than two storeys in height. These, whether within the Conservation Area or at some distance from it, have the propensity to have an impact out of all proportion to more usual considerations of height. This is because of the way in which Holderness's low horizon ensures that anything which raises above it cannot help but be in the line of vision".

On these grounds the application is therefore found to be damaging both to the Area's Listed Buildings and in particular the Grade I Listed Church at Tunstall as well as to the general character of the settings of these Conservation Areas.

Cumulative Impact

There are a number of other wind farm schemes within the Holderness area which have either received approval or are in the process of being considered, and these are having not only individually damaging effects on Holderness's heritage, but a collective detrimental impact on this largely unspoilt area of the East Riding.

English Heritage

No objection.

English Heritage welcomes the reduction in the number of turbines from seven to three, removing those closest to Tunstall and Hilston and reduction in height to blade tip from 125 metres to 111 metres. These reductions to the magnitude of the scheme are welcomed and with them, the reduced impact upon the Grade I church of All Saints Tunstall and the village of Tunstall.

In light of these factors, English Heritage recommends that the application be determined in accordance with national and policy guidance, and on the basis of their specialist conservation advice.

Humber Archaeology
Partnership

The site of the proposed development lies in a classic area of wetlands, occupying an area close to the coast in the Middle Division of Holderness. This is a landscape which has been extensively exploited by man for the best part of the last 10,000 years.

The proposals are likely to involve a substantial amount of below ground disturbance of potentially surviving archaeological remains.

The visual impact of such a large wind farm development so close to the medieval churches of All Saints at Tunstall, and St Margaret at Hilston is a key issue. The maximum height of the blade tip for each turbine would be 111m; in a relatively low-lying landscape like this, any structure as high as this would have a far more dominant effect than, say, traditional windmill towers. The latter have been a regular feature of the Holderness landscape for much of the last

800 years, but with a customary height of about 17 metres, would have been perhaps one-sixth of the height of the new wind turbines proposed here. Similarly, the low churches towers at Tunstall and Hilston will be many times smaller than the height of these turbines and however much one may argue about how we might measure visual impact – the close proximity of this particular installation to these historic settlements, and their older buildings, does mean that there would be a clear and measurable impact. It is worth asking the question; if this wind farm needs to be this close to these two historic settlements, do the individual wind turbines need to be this tall?

In view of the potential significance of this site, it is important that the archaeological implications are treated as a material consideration when determining this application. It would be expected that the applicant would take appropriate measures to ensure that any archaeological deposits are identified, recorded and safeguarded.

It is recommended that a condition is imposed that no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Natural England

Designated Sites

No objection. Either alone or in combination with other plans or projects, the proposal would not be likely to have a significant effect on any Special Protection Areas, Ramsar Sites, or Special Areas of Conservation.

SSSI's

No objection. There will be no significant effect on any SSSI interest features.

Breeding Birds

No objection. However, any planning approval would need to caveat that appropriate care should be taken to avoid destruction of nesting sites while in use or being built. Construction works should be timed to avoid the main breeding season (March to July) wherever possible. Any maintenance visits and decommissioning should also avoid these periods.

Protected Species

No objection. Legally protected species are not likely to be affected by the proposal. However, all precautionary mitigation proposed in section 6.8 of the Environmental

Statement Report should be implemented via a relevant planning condition.

Mitigation and Enhancement

All mitigation proposed in section 6.8 of the Environmental Statement Report should be implemented via a relevant planning condition.

Natural England supports the enhancement of existing hedgerows, gapping up of degraded hedge lines and new planting. Species should be sourced locally. Future management of these hedges should be on a long rotation, to allow flowering and seed/nut bearing.

Coastal Erosion

The proposed wind farm could come under threat from coastal erosion during the lifetime of the development and that this may lead to a subsequent application for coastal defences in the area which could result in a significant adverse environmental impact on the Humber Estuary SAC/SPA/SSSI/Ramsar and/or prejudice future coastal management options in the area. Therefore, the decommissioning proposed in section 4.6.1 of the Environmental Statement Report should be implemented via a relevant planning condition.

Landscape and Access to the Countryside

The connection of the site to the national grid should be underground to mitigate against any significant impacts on landscape as a result of increased overhead wire and pylons in the landscape.

Yorkshire Wildlife Trust	No response received.
Royal Society For The Protection Of Birds	No response received
Wildlife Conservation Partnership	No response received.
East Yorkshire Barn Owl Survey and Conservation Group	No response received.
Head of Community and Sustainable Development	No response received.

British Horse Society	No response received.
Wildlife Conservation Partnership	No response received.
Council for the Protection of Rural England	No response received.
Ramblers Association	No response received.
Trees and Landscape	No objections subject to conditions regarding mitigation.
Forward Planning	<p data-bbox="618 722 1320 982">In principle, renewable energy proposals including wind turbine development is broadly supported by most planning policy. This includes at the national level PPS22 – Renewable Energy, at the regional level the Regional Spatial Strategy (RSS) – policy ENV5 – Energy and at the local level in this particular case, by the Holderness District Wide Local Plan (HDWLP) – policy U16 Renewable Energy Sources.</p> <p data-bbox="618 1024 1320 1188">Development Plan policies and other guidance including this Council’s approved Interim Planning Guidance (IPG) on Planning for Renewable Energy Developments provides the framework to consider all aspects of renewable proposals.</p> <p data-bbox="618 1230 1320 1591">In planning policy terms the application site is in a ‘countryside’ location it being outside defined development limits. The site is not allocated for any specific land use but it is located within the Undeveloped Coastal Zone, a subdivision of the Holderness Coastal Zone that is defined on the Proposals Map to the HDWLP where policies Env8 and Env9 are specifically relevant. The undeveloped coastal zone is typified by its largely rural nature, one reasons for its ‘countryside’ categorisation. Development is restricted with most types of development being more suited to locations in other sustainable locations elsewhere.</p> <p data-bbox="618 1633 1320 1692">Policy Env8 restricts development in the undeveloped coastal zone (beyond 30 metres of the cliff edge) to:</p> <ul data-bbox="618 1734 1320 1904" style="list-style-type: none"> <li data-bbox="618 1734 1138 1761">• Development of a generally open nature, <li data-bbox="618 1772 1320 1831">• Extensions to or the conversion of existing buildings or structures <li data-bbox="618 1841 1320 1904">• Development of a temporary nature on the basis of a temporary planning permission and subject to its

removal before it is affected by coastal erosion

also

- Where the developer is able to demonstrate that the development has specific locational requirements that make the location outside the coastal zone inappropriate new development may be permitted within the coastal zone beyond 200 metres of the eroding cliff.

It is Forward Planning's interpretation that not all developments within the coastal zone must demonstrate a specific locational requirement (i.e. proposals that fall under the first three bullet points do not). If it is considered that the development meets one of these bullet points then a locational need is not required.

South Holderness
Countryside Society

Do not support proposals to plant native scrub and tress around Gills Mere, a known site for water vole and for locally scarce species of plant. The displacement of these species by locally native common specie is unacceptable.

The ecological aspects of the Environmental Statement are considered to be poor.

The Community Fund could be well administered by this Society.

8. PUBLICITY

That the application has been advertised by the following means:

- Neighbour Notification (expires 16.09.09)
- Site Notice (expires 23.09.09)
- Press Notice (expires 25.09.09)

South Holderness Opposes Wind Farms (SHOWT) has objected on the following grounds:-

- Adverse effect on undeveloped landscape.
- Adverse effect on tourism industry.
- The supply of power from wind is not reliable, rarely achieving 30% of their potential capacity.
- Wind Farms use power as well as create it.
- Wind Farms are not economically viable.
- Industrialisation of the countryside.
- Threat to national security due to loss of radar coverage.

- Question reliance on ETSU-R-97 to measure and assess noise implications.
- Loss of TV reception.
- Object to only partial removal of turbine foundations at decommissioning stage.
- Loss of property value.
- No sustainable employment.
- Conflict with East Ridings Integrated Coastal Zone Management Plan.
- Adverse effect on setting of Listed Buildings and Conservation Areas.

Hilston and Tunstall Residents Association has objected on the following grounds:-

- Adverse effect on cultural heritage – Listed Buildings & Conservation Areas;
- Adverse effect on landscape character and visual impact;
- Adverse effect on tourism;
- Adverse effect on roads;
- Cumulative impacts with other wind farms
- Adverse effect on wildlife & ecology;
- Noise nuisance;
- Quality and accuracy of the Environmental Statement;
- Aviation safety implications;
- Conflict with coastal zone policy;
- Adverse effect on archaeology;
- Health and safety – proximity to Hogsea Lane
- Colour of turbines

The following individual neighbour letters of objection have been received:

- 153 letters from residents of the Parish and adjoining Parishes
- 221 letters from residents from the rest of Holderness
- 127 letters from residents from the rest of the East Riding
- 32 letters from residents from outside the East Riding
- Of these many were standard letters of objection

The objections raise all or some of the following points:

- Conflicts with Coastal Zone Policy – No Locational requirement has been demonstrated and the turbines are not an open or temporary form of development
- Adverse visual amenity impact on character and appearance of the countryside landscape (Holderness Coast) – Industrialisation of coastal zone
- Cumulative effects in combination with other wind farm proposals
- Adverse impact on Listed Buildings and Conservation Areas
- Adverse effects on archaeology
- Adverse effect on residential amenity (Noise, shadow flicker)
- Interference with TV reception
- Air safety / defence implications (Garton Airfield / Interference with Radar & Communications)
- Traffic / access
- Adverse effects on wildlife habitats and ecology (Birds / Gills Mere)

- Coastal Erosion – Turbines would be affected by coastal erosion and would affect the rate of coastal erosion.
- Health and safety – proximity to Hogsea Lane – a danger to passing cars and pedestrians and horses.
- Extensive criticisms of, accuracy, content, quality and scope of the Environmental Statement.
- Adverse impact on tourism

13 letters of support have also been submitted. The following points have been put forward in support:

- The proposal will assist with efforts to combat reductions of CO2 emissions, climate change and security of energy efficiency
- The site is isolated and away from centres of population
- The turbines will not be overly intrusive in the landscape
- The proposal will bring some benefit to the struggling local rural economy
- Wind power is environmentally friendly
- The turbines are not noisy
- Soon after the operational lifetime of the wind farm this site will probably be reclaimed by the sea

9. CASE ON BEHALF OF THE APPLICANT

The applicant has undertaken an Environmental Impact Assessment of the potential environmental impacts of the proposed development. An Environmental Statement has been submitted which describes the application site and the proposal in detail, explains the approach to the assessment and provides detailed coverage of topics including landscape and visual amenity, nature, cultural heritage, noise and vibration, transportation, soil and water, infrastructure, safety and shadow flicker, socio-economic effects and impacts on tourism and assessment of predicted effects including positive and negative effects. In addition, the applicant has submitted a non-technical summary of the Environmental Statement, a Design and Access Statement, A Planning Statement, a Transport Statement, an assessment of safety implications for Garton Airfield, an assessment of vibration implications on coastal erosion, a Noise Impact Assessment and details of community consultation and engagement.

10. KEY ISSUES

- Policy Context
- Coastal Location Implications
- Landscape and Visual Impact
- Residential Amenity – Noise and Shadow Flicker
- Radar and Communications
- Impact on Listed Buildings, Conservation Areas and Archaeology
- Impact on Wildlife and Habitats
- Impact on Garton Airfield
- Highway Issues
- Public Rights of Way

- Impact on the Tourism Industry
- Safety Implications
- Flood Risk
- Connection to the National Grid
- Community Benefits

11. OFFICER COMMENTS

11.1 Policy Context

11.1.1 The Planning policy context under which renewable energy proposals should be considered is set at national level by Planning Policy Statement 22 (August 2004). PPS22 sets out the Government's Sustainable Development Strategy including reduction of greenhouse gases, prudent use of natural resources and an ever-diminishing reliance of fossil fuel. In rural areas, it is recognised that renewable energy projects have the potential to play an increasingly important role in the diversification of rural economics. PPS22 states that wider environmental and economic benefits of renewable schemes are material considerations, whereas assumptions regarding technical and commercial feasibility should not be made. Small and large scale developments are promoted, with large and small outputs acknowledged as valuable contributions

11.1.2 An associated report "Planning for Renewable Energy – A Companion Guide to PPS22" was published in December 2004. The Companion guide provides information to support PPS22, and of particular relevance is technical Annex 8 on wind energy. The Annex provides guidance on planning issues and relevant criteria that should be applied to proposals.

11.1.3 The 2007 Energy White Paper released by the DTI states:

"The UK has some of the richest renewable resources in Europe – particularly in terms of our wind and marine resources. If they can be captured effectively they can make a significant contribution to our long term energy goals relating to climate change and security of supply."

Planning for a Sustainable Future – the 2007 Planning White Paper – draws attention to the vital role that relatively small wind farm schemes play in increasing energy generation from renewable sources and states;

"Society as a whole gains from wind farms that produce low carbon energy, but a relatively small number of people live next to wind farms that deliver these benefits."

11.1.4 The 'Renewables Statement of Need' (which forms Annex D of the 2006 Energy Review The Energy Challenge), refers to the crucial national benefits of new renewable projects. These wider benefits are seen as significant to society and the economy as a whole and they are material considerations to be given significant weight in decision making. The Statement of Need reinforces the message of PPS22 Renewable Energy (key principle IV) about the significant weight that should be attached to wider environmental and economic benefits of renewable energy.

11.1.5 The Development Plan comprises the Regional Spatial Strategy for Yorkshire and the Humber to 2026, the Joint Structure Plan for Kingston upon Hull and the East Riding and the Holderness District Wide Local Plan.

- 11.1.6 In July 2002 the Government Office for Yorkshire and the Humber (GOYH) commissioned a study to assess the region's capacity to generate electricity from renewable resources and to set regional and sub-regional onshore targets. The regional target set was 674MW by 2010 (1,850MW by 2021). This target was adopted in the Regional Spatial Strategy for Yorkshire and the Humber in 2004. In the Yorkshire and Humber Plan (Regional Spatial Strategy to 2026) published May 2008, policy ENV5 gives a target figure for 2010 of 124 Mw for the Humber Sub-Region (East Riding, Hull, North Lincolnshire, NE Lincolnshire) with an East Riding target of 41 Mw. The targets should not be regarded as a ceiling. The Government expectation is that these targets will be achieved and where possible exceeded to continue progress towards the 2021 target.
- 11.1.7 The Regional Spatial Strategy (Policy YH2) encourages and supports the better use of energy and resources and increasing renewable energy capacity to reduce greenhouse gas emissions in the region in 2016 by 20-25% (compared to 1990 levels).
- 11.1.8 The Holderness District Wide Local Plan (Policy U19) also seeks to support renewable energy projects provided a number of issues are addressed, including the need for the development, impacts on nature conservation, archaeological and listed building interest, intrusion of the intrinsic visual qualities of the area, the effect due to noise, shadow flicker and electromagnetic disturbance.
- 11.1.9 The Council's document "Interim Planning Document – Planning for Renewable Energy Developments" was approved by Cabinet on 14th April 2009. This document was approved by Full Council in June 2009. It can be used as a material consideration in the assessment of this application. This document sets out the Council's approach to planning for renewable energy. It aims to promote the development of renewable energy technology in those locations in the East Riding of Yorkshire which are identified as having the capacity to accommodate such development. The IPD states that wind turbines can have a considerable impact on the local landscape and these visual effects can be hard to disguise. However, the document also recognises that renewable energy technology will change over time and wind turbines should not, therefore, be necessarily viewed as permanent installations – wind turbines for example, may only have a lifespan of 25 years, after which they may be removed, updated or replaced. The document goes on to reveal that the East Riding of Yorkshire contains areas of low, medium and high sensitivity to wind development, as well as areas of very high sensitivity. The Coastal Farmland Landscape Character Type is considered to be of medium sensitivity to wind farm development.
- 11.1.10 At a national level HM Government have produced a consultation document "UK Renewable Energy Strategy" June 2008. This sets out a range of possible measures to deliver the UK share of the EU target. Set out below is an extract from the Executive Summary.

"We face two key energy policy challenges: to tackle climate change and ensure security of energy supply. To meet these challenges, we are already acting to develop a diverse low-carbon energy mix including renewables, nuclear power and carbon capture and storage, and to promote energy efficiency and demand reduction.

Renewable sources of energy are a vital part of this strategy. They provide low carbon energy, increase the diversity of our energy mix, and bring key business and employment opportunities. We therefore agreed with our EU partners last year to a binding target that 20% of the EU's energy consumption must come from renewable

sources by 2020. The European Commission has proposed that the UK's contribution to this should be to increase the share of renewables in our energy mix from around 1.5% in 2006 to 15% by 2020. This would be a very challenging target. It will be important to meet it in the most cost-effective way possible”.

11.1.11 Currently in the East Riding 159.8MW of grid connected renewable energy proposals have been granted approval, with installed capacity of 39.1MW, taking into account the following developments:

Site	Energy Type	Capacity	Status
Out Newton	Wind	9.1MW	Operational
Lissett Airfield	Wind	30MW	Operational
Twin Rivers	Wind	28MW	Approved
Hall Farm, Routh	Wind	24MW	Approved
Burton Pidsea	Wind	9MW	Approved
Withernwick	Wind	27MW	Approved
Mill Nurseries, Keyingham	CHP	12MW	Approved
Tesco Distribution Centre, Goole	CHP	5.7MW	Approved
Sandsfield Sand and Gravel, Brandesburton	Biomass	3MW	Approved
Tansterne Grange	Biomass	10MW	Approved
Garton Road, Kirkburn	AD	2MW	Approved
TOTAL		159.8MW	

Whilst this is well over the Regional Spatial Strategy 2010 target for the East Riding of 41MW, in terms of permitted capacity but not installed capacity, the target is not a ceiling. The target for 2021 for the East Riding is 148MW and this has also been achieved in terms of permitted capacity. It should not, however, be considered that exceeding the 2010 and 2021 targets provides a reason for refusal. The Secretary of State commented in the decision on the Routh wind farm proposal that “the Council’s success in supporting renewable energy generation should not limit the support it gives to other future proposals”. This is further backed up by the Withernwick Inspector who indicated that there remains considerable uncertainty about the attainment of the regional level targets which are an important component and building block in achieving the attainment of national targets. The Inspector concluded that it is clear from PPS22 that the two fold role of regional targets is to shape policy and in monitoring and reporting. But the PPS goes onto state that the attainment of a target ‘should not be used in itself as a reason for refusing planning permission for further renewable energy projects’. It should, however, be noted that the Regional Assembly and the Government Office for Yorkshire and the Humber does not set targets on an arbitrary basis and takes into account, amongst other things, environmental capacity to accommodate renewable energy projects.

11.1.12 A further important policy consideration which should be emphasised concerns the advice contained within PPS22, which states:

“As most renewable energy resources can only be developed where the resource exists and where economically feasible, local planning authorities should not use a sequential approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land for renewable technology developments)”.

11.1.13 This advice has been reinforced in a recent planning Inspector considering an appeal against the East Riding of Yorkshire Council's refusal of a planning application for a biomass electricity generating station at Tansterne Grange near Flinton. The applicant should not therefore be required to demonstrate a sequential test in terms of site selection.

11.2 Coastal Location Implications

11.2.1 The application site lies within the undeveloped coastal zone, as defined by Policies Env8 and Env9 of the Holderness District Wide Local Plan. Essentially the purpose of these policies is to protect development from the impacts of coastal erosion. The character of this area is largely undeveloped as a result of the objectives of this restrictive policy and thus to a large extent the policy aims have helped to define, shape and reinforce this character. There is widespread opposition to the current proposal on the grounds of its alleged conflict with these policies. The objectors consider that all development proposals within the coastal zone must demonstrate a specific locational requirement to be there. The applicant has not provided this demonstration of locational need because it is considered that the policy does not require this. The objectors also consider that wind turbines are not developments of an open or temporary nature.

11.2.2 With respect to the issue of demonstrating a specific locational requirement it is considered that the wording and justification of Policy Env8 of the Local Plan does not require all development proposals within the undeveloped coastal zone to demonstrate a specific locational requirement. This policy does allow development of a generally open nature and development of a temporary nature. The need to demonstrate a locational requirement is only applicable to those development proposals which are neither temporary or open or do not comprise extensions or conversions to existing structures because developments of a temporary nature will not be at undue risk from coastal erosion and developments of a generally open nature will not impact significantly on the undeveloped or 'open' nature of this coastal area. The Integrated Coastal Zone Management Plan has makes reference to discouraging onshore windfarm power development.

11.2.3 Moreover, irrespective of the interpretation of the locational requirements of Policy ENV8 and the Integrated Coastal Zone Management Plan, the more recent PPS22 is explicit in that there is not a requirement to justify locational need in respect of renewable energy development (see paragraphs 11.1.12 and 11.1.13).

11.2.4 Policy Env8 is specific in terms of prohibiting any development within 30m of the eroding coastline, as this zone is at significant risk from short to medium term erosion. None of the proposed turbines are located within this 30m zone. The nearest turbine, Turbine 1 is located some 350m from the eroding cliff. Turbines 2 and 3 are at distances of 450m and 720m respectively and are a considerable distance from the eroding cliff. Within the 20 year lifespan of the proposed wind farm, the risk to all three turbines from coastal erosion is considered to be negligible. This negligible risk from coastal erosion is supported by evidence of known erosion rates along this coastline which are in the region of 2m per year. At this current rate of erosion the coast would reach the application site in approximately 175 years. This assumed rate of erosion is based erosion monitoring carried out by East Riding of Yorkshire Council. The proposed turbines will come to the end of their operational life in 20 years, at which time the wind farm is likely to be decommissioned. Even factoring in accelerated rates of erosion the wind farm would be decommissioned long before being affected by coastal erosion. There is thus little likelihood or expectation that this proposal would require coastal defences or flood defences or be affected by the risk of coastal erosion within the development's estimated

lifespan. To support these conclusions the applicant has submitted a report entitled 'Assessment of Vibration and Coastal Erosion' by Alan Wood and Partners, which incidentally also formed part of the supporting submissions for the previous application for 7 turbines. This report explains that due to the use of reinforced concrete bases to the individual turbines, there will be no vibration into the subsoil and instead a damping effect of any vibrations within the turbine masts. The report highlights that even with the previous scheme for 7 turbines, which included a turbine only 103m from the cliff edge, there would be no vibration impact from any of the turbines on the known rate of coastal erosion. The current scheme has removed 4 of the turbines which were in much closer proximity to the cliff than the current scheme. If the first scheme was considered to be satisfactory in terms of not affecting the rate of coastal erosion from vibration and not being at threat from coastal erosion during its operational lifespan then it should reasonably be concluded that this current scheme is equally acceptable in this regard.

- 11.2.5 The principle of siting wind farms within the coastal zone has been clarified in an appeal decision for a wind farm scheme consisting of 7 turbines at Out Newton near Easington. This appeal was allowed in 2000. In relation to coastal issues, the Inspector stated the following:

"Policy Env8 is related to the effects of coastal erosion. It identifies 3 individual circumstances where development would be acceptable; but the terminology lacks clarity. Firstly, 'development of a generally open nature' is not defined. I consider it reasonable to accept the proposal as essentially 'open', due to the wide spacing of the turbines and the small amount of land occupied by each structure. Concern about the increased bulk in longer views has nothing to do with the purpose of the policy. Secondly, 'development of a temporary nature' is open to interpretation. Given the intended lifespan of the turbines and their capability of being removed before being affected by erosion, there appears to be no justification for not finding the turbines to be a 'temporary' form of development. The lack of specific justification for location within the coastal zone would not preclude development of a generally open nature or of temporary duration".

Moreover, the Inspector also stated the following:

"Policy ENV9 is also clouded by uncertainty. Although a wind energy development would differ from any of the defined uses included within 'uses of an open nature', it would be illogical to exclude turbines from this policy given the direct reference from Policy U19 (4). However, its purpose, like U19 (4) is to assess the visual impact of the proposal in relation to the character of the coast.

- 11.2.6 From the above appeal decision, it is clear that the Inspector concluded that wind turbines were an open and temporary form of development that would be appropriate in principle within the coastal zone, subject to a balanced judgement being made on the visual effects of the wind turbines. Furthermore, the Inspector concluded that no special justification was required for the coastal zone location. This appeal decision is a compelling material planning consideration and should hold significant weight in the determination of this current application.
- 11.2.7 On the basis of the findings and conclusions of the Inspector's report it is considered that Reasons 2 and 4 included on the notice of decision for the previous scheme for 7 turbines can be removed. Reason 2 refused the scheme on the grounds that the development was not of a temporary or generally open nature within the coastal zone. Reason 4 refused the scheme on

the grounds that the development had no specific locational requirement to be in the undeveloped coastal zone.

11.3 Landscape and Visual Impact

- 11.3.1 The Regional Spatial Strategy and Joint Structure Plan policies generally require Local Planning Authorities to identify protect and enhance natural features and local distinctiveness in landscape character. In ensuring development is appropriate to the designations the Holderness District Wide Local Plan Policy G5 conforms to these Regional and Structure Plan Policies by stating that development should be of an appropriate high standard and not adversely affect the special character of the area. In addition, policies U18 and U19 refer specifically to the visual impact of wind turbines. These are the main policies against which the appearance of this proposal should be judged.
- 11.3.2 Within the East Riding there are a variety of landscape characters and the sensitivity for accommodating wind farms will vary in each area. The East Riding Landscape Character Assessment is referred to below and offers a guide to this. To date the distribution of wind farm applications reflects a view that the eastern and south western parts of the County may be more suitable for wind turbines than the Yorkshire Wolds Area of High Landscape Value for instance. In addition the cumulative impact of wind farms in relatively close proximity will be an important visual amenity issue in areas which it might otherwise be agreed that some wind farms can be accommodated. However, each application remains to be determined on its merits.
- 11.3.3 The application site comprises part of an extensive open area of gently undulating arable land in between the small settlements of Hilston and Tunstall within the Holderness Coastal zone. The eroding cliff line is located approximately 400 metres to the east. Despite being located approximately 1 km from both Hilston and Tunstall, the undulating nature of the local topography means that neither of these settlements is immediately apparent when stood within the site. Thus the site has a perceptible sense of exposed isolation. The local landscape is characterised by little woodland cover, few hedgerows and there is a small freshwater body at a low spot within the vicinity of the proposed turbines called Gills Mere. Hogsea Lane is narrow and without footpaths. It is a long straight lane heading east towards the cliff top and is particularly distinct in terms of its undulations which follow the topography of the land. The site and surrounding landscape has a sense of being a vast open landscape.
- 11.3.4 The Inspector's report into the Hall Farm, Routh wind farm appeal provides some guidance on the general suitability of the Holderness Plain for wind farm development. In this case the Inspector found that the extent of conflict between the development and the landscape was contained as a result of the relatively remote siting, the generally flat landscape and the relative sparsity of population and therefore the extent of conflict would not be of such significance as to indicate that the scheme should be rejected on this basis.
- 11.3.5 Visual Impact on the Local Area. Photomontages have been submitted by the Applicants in relation to a number of viewpoints.
- 11.3.6 Appendix 1 shows the nearest properties to the site are Lyndale, Pasture Lane, Tunstall (710m to the south east), Furze Farm, Furze Lane (763m to the west), The Cottage, Pasture Lane Tunstall (764m to the south east) and North End Farm (773m to the west). There are an additional 8 properties within 1,000m of the application site which will have some views of the turbines. Due to the flatness and open landscape in this area with little tree cover, there are

likely to be some largely unrestricted views from within the curtilages of these nearest properties and from the edges of Hilston, Tunstall and the northern edge of Roos. From within the villages the turbines would be less apparent due to screening from existing buildings and trees. The effect on Pasture House at Hilston is likely to be significant. Equally, there would be significant visual effects for a small number of properties at the northern end of Tunstall and for the farmhouses on Furze Road to the west. There is likely to be a substantial visual impact on these properties. However, the majority of properties within Hilston and Tunstall, and indeed Roos would not have views from their properties affected by the proposals.

- 11.3.7 Other surrounding settlements include Burton Pidsea (5km to the west), Rimswell (4.5km to the south), Grimston (3km to the north) and Halsham (6km to the south west). The nearest larger settlements are Aldbrough (9km to the north west) and Withernsea (7km to the south east). The city of Hull is located approximately 20km west of the site. There will be some views from the eastern end of Burton Pidsea, however views from Aldbrough and Grimston would be restricted by tree cover and topography. There may well be some views from the northern edge of Withernsea but these will not be significant due to the distance.
- 11.3.8 Views from Hogsea Lane to the north of the site will be significant and dominating with Turbine 1 being only 40m from this narrow country Lane. Views will generally be uninterrupted over open fields from the northern edge of Tunstall and the southern edge of Hilston. Some open views will also be gained from Rostun Road linking North End with Tunstall to the south, from Furze Road to the west, from Pasture Lane to the east and Seaside Lane to the south east. The turbines will also be visible from a number of locations on the B1242 Aldbrough Road, as well as Burton Road, both to the west of the site. Tree cover, hedgerows, buildings and topography would mask the turbine towers in some views however the rotors will generally be seen over a wide area.
- 11.3.9 There are a number of public rights of way running in close proximity to the site, in particular Monkwith Bridleway, which runs along the cliff top to the south east of the site and the public footpath which runs from Norwood Plantation to the north of Hilston in a southerly direction through Hilston village before linking up with Furze Road near North End Farm. Pasture Lane to the north of Tunstall is suffering from Coastal erosion and is now impassable by car. However, it is used by pedestrians who can travel north and be only 150-200 metres from all three turbines from where considerable and significant visual and landscape impacts will be appreciated.
- 11.3.10 Visual Impact on the Wider Area. Photomontages have also been submitted showing views from greater distances.
- 11.3.11 Clearly the turbines would be visible in the landscape from greater distances in all directions, however due to the influences of vegetation, buildings and land topography the visual impact and significance of the views would diminished.
- 11.3.12 The A1033, B1242 and B1362 are major tourist routes from the east and north to Holderness and the turbines would be visible from these routes, most notably from the B1242 North – South Aldbrough Road.
- 11.3.13 Impact of Landscape Character. Much of the opposition to the proposal relates to the size of turbines and the adverse impact on the landscape and surrounding area. The Council's Landscape Character Assessment recognises that vertical structures have the potential to

detract from the character of an area. The application site is located within Landscape Character Type 20, which is classed as 'Holderness: Coastal Farmland'. The key characteristics of the Holderness Coastal Farmland are:

- Narrow Character Area, lies on the edge of the county and the coast.
- Flat to gently undulating landform.
- In some areas there are very few public rights of ways, reducing visual sensitivity; others are populated by tourists in the form of caravan sites, increasing visual sensitivity.
- Several ecological SSSIs present, very localised rare habitats.
- Sparse tree cover.
- Very exposed and open landscape, potentially viewed from long distances, with the sea as a backdrop.
- Conservation Areas present.
- Some historic, small scale field patterns with some large-scale agricultural land.
- Mixed strength of character and ordinary quality.

11.3.14 The Council's Interim Planning Document on Planning for Renewables has assessed the impact of wind energy development on the landscape character of the Holderness Coastal Farmland. The IPD states:

“Wind farm development close to the coast would be highly visible and impact on the character of the coastline. Rapid coastal erosion in this area will mean that pressure for development is likely to be set back from the coast. This ordinary quality landscape does have the capacity to accept some change as a result of wind farm development that is set back from the coast and located to respect settlement and landscape pattern. Landscape sensitivity to this type of development is assessed to be medium overall. However, it should be recognized there are areas where this would change to high sensitivity, for example close to major resorts. Wind farm development in the coastal landscape requires careful consideration as it would impact on views. Detailed assessment would be required to assess landscape and visual impacts for individual proposals. Location and design should consider landscape pattern and visual amenity of residents and tourists. Views of the North Sea on the approach roads to major resorts should also be considered. The height of turbines will be a key factor in determining the magnitude of potential impact.”

On the basis of these factors and characteristics the application site landscape character type has been given a Natural Heritage Sensitivity Recommendation: Zone 3. Zone 3 is considered to be an area with some sensitivity to renewable energy development. Within these areas, there is likely to be scope to accommodate development of an appropriate scale, siting and design and taking regard of cumulative impact.

11.3.15 Reason for refusal 3 of the original application for 7 turbines stated that the proposed development would both on its own and collectively with other wind farm proposals in the area result in an unacceptable and significant negative cumulative visual impact on both the landscape and nature conservation interests of the area in conflict with Policy U18 of the Holderness District Wide Local Plan. The current scheme has reduced the number of turbines from 7 to 3 and has lowered their height from 121metres to the currently proposed 111 metres. There are no longer any turbines proposed on the northern side of Hogsea Lane and those turbines which were previously located much closer to the cliff have been removed so that there is now a 350-400m distance from the nearest turbine to the cliff top. The Landscape Character Assessment requires the scale of development to reflect the landscape. It is

considered that, on balance, the substantial reduction in turbine numbers and land coverage, combined with the reduction in height and significant set back of the turbines from the cliff is sufficient to significantly reduce the scale of the proposal and its impact in visual and landscape terms. On the basis of the combination of changes made and the individual merits of the current application it is considered that this particular landscape area, which is indicated within the Landscape Character Assessment to be “ordinary with capacity to accept some change” does have the capacity to absorb the scale and nature of this particular wind farm proposal. This conclusion is reached taking into account the Inspector’s decision for the similar Out Newton wind farm scheme for 7 turbines which was allowed on appeal on the basis that the turbines were considered to be an open and temporary form of development which did not need to demonstrate a locational need to be within the coastal zone and would not have a harmful impact on the landscape character of the coastal zone. There are clear and compelling similarities between these two cases in visual and landscape terms and this other approved and now constructed and operational scheme must be regarded as a significant material planning consideration in the determination of this current proposal.

11.3.16 It is certainly the case that when perceived from areas within 800 metres of the wind farm the turbines would become a defining element of the landscape character, as a result of their height and prominence in comparison to existing vertical elements within the surroundings. Within this 800 metre area the character of the Coastal Farmland would become “a wind farm landscape”. Their vertical height would contrast with the strong horizontal emphasis of the undulating topography. The magnitude of this change would be substantial, and the effect in landscape terms would be significant. There would be a transformation to the immediate landscape character. However, as you move further away from the application site, at distances of 3km, 5km, 10km etc, whilst the turbines would be visible their visible impact would lessen so that they would appear as features within a varied landscape rather than as significant or dominating features. This “scaling down” of impact has been highlighted by the Inspector considering the Withernwick scheme for 12 turbines which was recently allowed on appeal.

11.3.17 Overall, whilst it is clear that from locations close to the wind farm the visual and landscape impact will be significant and substantial, and particularly so for a small number of properties, it is nevertheless considered that the turbines can be absorbed by this large scale, open landscape. Whilst the change would be significant and would transform local landscape character, this change and transformation would not be so significant as to be harmful.

11.3.18 Cumulative Impact. There are a number of other wind farm proposals in the Holderness area which must be considered in terms of assessing the cumulative impacts of wind farms in landscape and visual impact terms. A scheme comprising 3 no. 135m blade tip high turbines to the south of Burton Pidsea has been approved by this Council and is capable of implementation. Wind farm schemes have been proposed at Tedder Hill (2.5km away) and south west of Roos (3.5km away). However, these have been refused at Planning Committee. Both these schemes have been appealed.

11.3.19 In addition to the above schemes there is an operational wind farm site at Out Newton comprising 7 no. 80m blade tip high turbines, located within the coastal zone, approximately 14km south east. Furthermore, a scheme comprising 9 no. 111m blade tip high turbines has been allowed on appeal on land to the east of Withernwick approximately 11km to the north west of the current application site. There is also now an operational wind farm site at Lissett comprising 12 no. 125m blade tip high turbines approximately 29km away to the north west of the application site. There is also an approved scheme for 12 no. 100m blade tip high turbines at Hall Farm, Routh approximately 24km to the north west of the current site.

- 11.3.20 The applicant has submitted a cumulative impact assessment of this scheme, taking into account all other submitted proposals within a 30km study area. It is considered that due to separation distances and the presence of planting and development, cumulative impacts with Routh, Lissett, Withernwick and Out Newton would be relatively limited. It would of course be the case that a journey from Bridlington to Spurn Point, for example, would result in people travelling past a series of wind farms, however, they would be appreciated as distinctly separate and individual developments separated by significant distances and thus there is presently not considered to be a significant cumulative impact. The addition of this current scheme would not alter this view. Equally, there is not considered to be a significant cumulative impact as a consequence of the proposed Humber Gateway off-shore wind farm, 25km away. At a distance of 24km out to sea, if consented, this scheme would in clear weather conditions be visible on the horizon, but it could not reasonably be considered to be in close cumulative proximity. In terms of cumulative impact, therefore, the key consideration is the impacts with Burton Pidsea (3 no. turbines consented), Tedder Hill (3 no. refused turbines – Public Inquiry) and Roos (9 no. refused turbines – appeal submitted).
- 11.3.21 The Landscape Character Assessment notes that the area would be sensitive to the cumulative impacts of wind farms in the area, and the Interim Planning Document suggests that there should be a separation distance between wind farms provided to reduce cumulative effects. Scottish Natural Heritage (SNH) provide guidance on assessing cumulative impacts of wind farm developments and suggest considering cumulative effects on visual amenity and landscape character separately.
- 11.3.22 Cumulative visual impacts. As the Burton Pidsea scheme for 3 turbines is already approved, this current proposal would introduce turbines into an area of Holderness where turbines have already been accepted, albeit further inland from the coast.
- 11.3.23 The introduction of the 3 additional turbines proposed by this current application between Hilston and Tunstall has the potential to exacerbate visual impacts with the approved Burton Pidsea scheme. The current scheme is not, however, considered to be in the vicinity of the approved Burton Pidsea scheme (6km away). Due to the separation distance and low number of turbines proposed by this current scheme, the cumulative visual effects with the Burton Pidsea scheme is not considered to be significantly adverse. This current scheme is further north and east and is considered to be more of a stand-alone scheme, which in visual impact terms is unlikely to be viewed in association with Burton Pidsea or the Withernwick scheme 11km to the north west.
- 11.3.24 Cumulative effects on landscape. The impact on physical fabric and landscape character require consideration. The applicants are proposing to increase hedgerow planting in the area and the proposal would not lead to the removal of any hedgerows, therefore there would be a positive impact from the development due to enhancement of landscape fabric. The landscape character type is open coastal farmland, with the key objectives being to maintain field structure and protect hedgerows and retain the open expanse which defines this landscape. The Landscape Character Assessment notes that the landscape could accommodate wind turbines and it is not considered that the proposal would have a significant long term impact on the objectives of the landscape character type in this area.
- 11.3.25 Cumulative effect on landscape setting of settlements. The nearest villages to the site are Tunstall, Hilston and Roos. It is considered that from within these villages impacts would be limited due to buildings and vegetation preventing views onto the site. Looking north from

both Roos and Tunstall there would be no other wind farm to see other than this current scheme. Looking south from within Hilston cumulative impact is unlikely to be perceptible due to topography and vegetation. From Hogsea Lane the three turbines at Burton Pidsea may be visible, however, from this point the current scheme would dominate and appreciation of the cumulative impact of Burton Pidsea would be perceptible but not so overpowering as to give the impression that the landscape in the area has been completely saturated.

11.3.26 Visual Impact Conclusion. The application site is in open countryside. Policy SP4 of the structure plan seeks to protect the distinctive character of a number of Regional Landscape Character Areas, including Holderness. Policy G5 of the Local Plan seeks to protect the landscape of Holderness. Local Plan policies U18 and U19 relate specifically to wind turbine applications and require cumulative effects and visual impacts to be considered. The Landscape Character Assessment indicates that the landscape could accommodate some turbines subject to appropriate scale however cumulative impacts could harm the landscape.

11.3.27 It is considered that the scale of the proposal has been significantly reduced in comparison to the previous scheme for 7 turbines and would appear as a stand alone scheme a good distance from other schemes. Recent appeal decisions at Withernwick and Routh are important material considerations that indicate the scale is considered to be appropriate to the landscape character type and wind turbines can be accommodated within the landscape. Whilst the turbines would be dominant in some views, the landscape would not be significantly harmed in the long term. Cumulative impact has been considered and does not introduce landscape or visual impacts that would be detrimental.

11.4 Residential Amenity

11.4.1 Noise. This is a widely held concern of local residents both during construction and once the turbines are operating. The application was accompanied by results from noise monitoring locations. Background day and night time noise levels were recorded and compared with predicted operational noise levels and predicted construction phase noise levels.

11.4.2 The proposed wind farm is located in an area of relatively low population density. The noise environment in the surrounding areas is generally characterised by natural sources, such as wind, rustling vegetation, birds, farm animals, and coastal water movements. Other noise sources include local road and agricultural vehicle movements.

11.4.3 The guidance document used by the applicant for assessing wind farm noise is “The Assessment and Rating of Noise from Wind Farms” ETSU-R-97, (“ETSU”) published by the UK’s Department of Trade and Industry (DTI). ETSU recommends controlling wind turbine noise by the application of noise limits at the nearest noise sensitive properties. Noise limit levels are within ETSU standards, and thus there is no objection on this point.

11.4.4 The Council’s Public Protection Unit is concerned that there may be noise problems at low wind speeds if noise levels reach both the quiet daytime criterion and the night-time levels. The Public Protection Unit appreciates that it is unable to object to this application on the ground of noise so long as the noise levels are within the ETSU guidelines and, therefore, only concerns have been expressed that there may be a loss of amenity and/or possible nuisance.

11.4.5 In conclusion, it is recommended that a number of conditions be imposed, should permission be granted. Operational phase conditions shall provide scope to assess and measure noise emissions should complaints about noise be received.

- 11.4.6 A comprehensive study of vibration and low-frequency noise from wind turbines was undertaken by ETSU in 1997 and reported to the DTI. This report (ETSU-R/97) concluded that there is no evidence that low-frequency noise is at a sufficient level to harm human health. PPS22 recommends that this report is considered when assessing wind energy proposals. The Hayes McKenzie report to the DTI in May 2006 also concluded that there is no evidence of health effects arising from infrasound or low frequency noise from wind turbines. There is some advice to the contrary, however, as the ETSU report is referred to in PPS22 and it is accepted by the DTI that there are no health effects, this is considered to hold most weight.
- 11.4.7 Shadow Flicker. Shadow flicker occurs at certain times of the year when a rising or setting sun is perfectly aligned and shines towards a building through rotating turbine blades. Shadow flicker is usually experienced through a window. Shadow flicker effects are significant only within a distance of ten rotor diameters of a wind turbine and within approximately 130 degrees of either side of north from the turbine positions. With respect to the current wind farm proposal, ten rotor diameters is equivalent to a maximum distance of 820m from each turbine. 12 Receptor properties have been identified as having the potential to be affected by shadow flicker.
- 11.4.8 The submitted assessment indicates that shadow flicker effects would be of minor to moderate significance at Lyndale, which is located on the northern edge of Tunstall. At this property, Turbine 3 could create shadow flicker in the evenings between 8.00 and 9.00, for not more than 30 minutes per day, over a maximum of 66 days between mid-May and late July. The worst case is that effects could be experienced for 28 hours per year. Elsewhere, at North End Farm (2.5 hours per year) and Furze Farm (3 hours per year) on Furze Road and The Cottage on Pasture Lane (5 hours per year), shadow flicker effects are expected to be of minor significance. Negligible effects would be experienced at the other properties assessed.
- 11.4.9 The effects of shadow flicker can be mitigated by providing screening at the affected properties, or through turbine control technology. The developer has confirmed that in order to protect the affected properties from the effects of shadow flicker turbine control technology would be used on Turbine 3. This can be secured using an appropriate planning condition

11.5 Radar and Communications

- 11.5.1 Consultation with organisations interested in the effects of turbines on airport and defence radar, including Civil Aviation Authority and National Air Traffic Safeguarding (NATS) and the Ministry of Defence has led to no objections. However, the Ministry of Defence has advised that the turbines are lit.
- 11.5.2 On the basis of these no objections it is considered that the current scheme for three turbines is now acceptable in terms of its impact on radar and communications. This contrasts with the first application for seven turbines which included a reason for refusal based on these factors. However, negotiations have taken place between the developer and these interested agencies and their previous objections have been lifted.
- 11.5.3 The RAF conduct Search and Rescue operations 24 hours a day from Leconfield and in all weather conditions. No concerns relating to safety when flying at night and in poor weather have been submitted. Nevertheless, the turbines will be lit in order to provide sufficient visibility to allow safe flying.

- 11.5.4 No objections have been received from television companies regarding loss of signal / reception, however, the applicant is agreeable to resolving any problems experienced by local residents and is committed to such an offer through a legal agreement.
- 11.5.5 The relevant bodies regarding communication issues have been consulted and confirm that the turbines are unlikely to cause any interference with navigational/radar/microwave/UHF links.

11.6 Impact on Listed Buildings, Conservation Areas and Archaeology

- 11.6.1 An objection has been received from the Conservation Section on the grounds of the substantial height of the proposed turbines in a landscape that is as level as Holderness's, albeit it is conceded that the undulations in this level land are such as to be helpful in partially concealing the full impact that these turbines would otherwise have.
- 11.6.2 English Heritage has not objected to the application. The reduction in turbine numbers from seven to three, removing those closest to Tunstall and Hilston and a reduction in their height to blade tip from 125 metres to 111 metres are welcomed and the reduced magnitude of the scheme should reduce the impact upon the Grade I church of All Saints and the village of Tunstall.

Listed Buildings

- 11.6.3 The nearest turbine would be located approximately 900m from Hilston Church and 1000m from Tunstall Church and 1200m from Admiral Storr's Tower. At such distances it is considered that the immediate settings surrounding these Listed Buildings would remain generally intact and unaffected. There would undoubtedly be views of the turbines from various locations in close proximity to these Listed Buildings, however when standing next to these Listed Buildings and looking directly at them to gain an appreciation of their architectural and historic interest it is unlikely that at distances of up to 1000 metres the turbines would command attention within or significantly infiltrate an individual view, vista or view frame. For significant harm to be caused to the immediate setting of any of these Listed Buildings it is considered that the turbines would have to be located considerably closer before their towering scale above the height of the Listed Buildings could reasonably be appreciated and thus significant harm exerted.
- 11.6.4 In relation to the setting of Tunstall Church, it is the extensive open, undulating farmland, which creates the sense of character and local distinctiveness to the landscape to the north of Tunstall. It is true that Tunstall Church can be seen from Hogsea Lane, however it is not an impressive or dominating landmark feature commanding attention from this vantage point and it is not the case that the eye is immediately drawn to its presence due in some part to the other visual influences such as Gills Mere hollow in the foreground and the undulating landscape beyond rising up gradually to the cliff top. Within this context it is considered that Tunstall church appears as a small scale raised object on the horizon, the existence of which may need to be specifically pointed out to some viewers. It is unlikely that those interested in appreciating the architectural and historic interest of this particular building would deliberately choose to visit Hogsea Lane to fulfil this objective. Certainly if the turbines are erected they would become the dominant feature in the local landscape, however, such impacts should be considered under the landscape and visual amenity section, not this section on cultural heritage, though this in essence forms the objection of the Conservation Section.
- 11.6.5 The proposed turbines will be visible from Furze Road to the west from which views eastwards to Tunstall village and its church can also be gained. However any views of Tunstall church are at a distance of 1.5-1.8 km from various points along Furze Road and therefore long distance.

Moreover, viewers would have to turn slightly or move their eyes in order to view the church and then the turbines. It is not considered that there would be any significant impact on the setting of Tunstall church from Furze Road.

- 11.6.6 The impact of the proposals on the setting of Tunstall Church can also be appreciated from the east of Tunstall looking north west towards the turbines on Seaside Lane near Coastguard House. From this particular vantage point the wider landscape setting to Tunstall village slopes generally upwards and the existing views are characterised by a mixture of residential and agricultural buildings within which in a roughly central position is the church. The church does not tower above the remainder of the other buildings but it is the dominant feature on the skyline in terms of height. It will be the case that the 3 turbines will be visible in views towards the church, albeit positioned to the right of the frame. A mature copse of trees on Rectory Lane softens the impact of Turbines 1 and 2. Turbine 3, however, will be visible and noticeable. However, it is not immediately in front or immediately behind, nor indeed immediately side by side with the church and at a distance of approximately 1.8km away the combination of the off-set position and distance means that the impact on the setting of Tunstall church is perceptible but not unduly imposing or significant.
- 11.6.7 The impact of the proposed Turbines on the setting of Hilston Church is not considered to be significant. It is difficult to obtain clear and interrupted views of Hilston Church from vantage points to the south due to the influence of undulating topography and tree and hedgerow cover. Views to Hilston Church from Hogsea Lane are certainly impeded by these particular characteristics with a strong hedge line along the northern extent of Hogsea Lane and clear landscape undulations which render views of Hilston village and its church limited. In any case, any appreciation of Hilston Church from Hogsea Lane or from the northern end of Hogsea Lane would be unaffected by the presence of the turbines as these would be located behind the viewer. Views of Hilston Church are more difficult to gain from the north due to tree and hedge cover. A photomontage has been provided from the corner of Longbrough Lane with Aldbrough Road to the north west of Hilston looking south east back towards the village at a distance of approximately 1km with the turbines a distance of approximately 2km beyond the village. In the existing views neither Hilston church nor Admiral Storr's tower appear as particularly commanding visual landmarks. The introduction of the turbines would certainly change the local landscape from the north of Hilston but it is debateable as to whether any impact on the setting of these local Listed Buildings would be significant.

Conservation Areas

- 11.6.8 The Council's Conservation Area Appraisal for Tunstall states:

“The special character and appearance of the Conservation Area at Tunstall is to be found in the preservation of an historic village centre in an informal layout clustered around the church and with few recent residential intrusions. This has enabled many of the traditional cobble buildings to survive. Cobble used as a building material in such high proportions of the total stock is unique to the Holderness coastal area, and of all those villages, Tunstall is one of the best (unspoilt) examples. It is rare for an Appraisal to draw particular attention to the positive contribution which farm outbuildings make to a Conservation Area, but this is certainly the case at Tunstall, where the contribution to the settlement's visual qualities that its cobble farm buildings make - particularly where they abut to the village street - is as significant as that made by its residential properties. The village is enhanced further by its often-generous swathes of roadside grass and a lack of hard kerbstone edges”.

It is considered that the proposed turbines would be unlikely to have a significant adverse effect on the informal layout clustered around the church or undermine appreciation of the

positive contribution made by buildings constructed of cobbled material. It is acknowledged that the Conservation Section has objected on the grounds of the adverse impact on the setting of the Conservation Area, which is described as being hummocky but generally level. There is no policy definition of “setting” and thus no clear consensus about what distance can reasonably be regarded as forming the setting to individual settlements. The turbines are located approximately 1km away from the Conservation Area. At this distance it may be that the turbines form part of the wider landscape setting but it is less reasonable to conclude that the turbines are located within the immediate setting of the Conservation Area. There may be some views of the turbines from within the Conservation Area, particularly at the northern end of the village, but when standing at the heart of the village it is unlikely that the turbines would be a dominating, overpowering or all encompassing.

11.6.9 The Conservation Area Appraisal for Hilston states:

“The special qualities which make Hilston worthy of its designation, are to be found in its tranquil dispersed visual character. To approach the settlement from the west is to travel along one of Holderness’ lovelier country lanes. At its east end, all its properties are to the north side of the road, elsewhere they are all to the south – Admiral Storr’s Tower being too far off to make any impact on this otherwise unique situation. This Tower is, however, unique to the Holderness area and has been included in the Hilston Conservation Area in spite of the fact that it is detached from the rest of the village because of the important contribution it makes to the Area’s special character and appearance. The characters of the two ends of the village are different too. To the west, houses are well spread out and protected by tree cover; to the east, buildings tend to be closer to each other and far more exposed. Due to the abundant hedges there is always a sense of enclosure, with a sudden and unexpected dip as one crosses the stream between Church Farm Bungalow and Ivy Cottages”.

It is considered that the proposed turbines would be unlikely to have a significant effect on the special character and appearance of the Conservation Area. It is notable from the paragraph above that Admiral Storr’s Tower is considered to be too far off to make any significant impact on the unique character and appearance of the village. Given that the tower is located 200 metres from the village and the proposed wind farm turbines are located a minimum of 800 metres away it is considered that there would be a similar limited impact on the special character and appearance of the village conservation area. It is accepted that, as with Tunstall, the Conservation Section has objected to the impact of the proposed turbines on the setting to the Hilston Conservation Area. However, the Conservation Area Appraisal specifically states that due to the abundant hedges there is always a sense of enclosure. This sense of enclosure clearly cocoons the special character and appearance within it and thus limits the impact of the turbines which are located 800 metres away and more beyond the enclosed hedges and beyond the surrounding hummocky land.

Archaeology

11.6.13 Humber Archaeology has confirmed that the site is located within an area of known archaeological sensitivity but no objections have been submitted to the proposal. However, it would be expected that the applicant would take appropriate measures to ensure that any archaeological deposits are identified, recorded and safeguarded. It is recommended that a condition is imposed that no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

11.7 Impact on Wildlife and Habitats

- 11.7.1 Wildlife assessments have shown that there is some badger and bat activity in the vicinity of the application site, however, the site is considered to have a relatively low ecological value as most of the site is arable fields with limited hedge cover and is typical of this part of the East Riding of Yorkshire. Gills Mere, a small body of freshwater body in between Turbines 1 and 2 has some ecological value, however it lies outside of the red line area.
- 11.7.2 The construction footprint will be primarily limited to an area of arable land and will not result in any tree, scrub or hedgerow loss on site. A small section of the access track will be constructed through an area of marshy grassland to the south of Gills Mere, however a stand off distance of approximately 110m will ensure no direct or indirect effects on this area. A dry ditch which runs through the area of marshy grassland will be crossed by the access track. Off-site a small amount of hedgerow will be removed to enable the bend on Hogsea Lane at the junction of Furze Road to be widened. New planting will take place around the widened bend. The proposals for the link road between Aldbrough Road and Furze Road also include new hedge planting.
- 11.7.3 Objections and concerns have been raised about the impact of the proposal on Gills Mere, a small freshwater body located in between Turbines 1 and 2. It is apparent that some man-made alterations have taken place to the mere in recent times in terms of the creation of a bank / beam. These works have not been carried out by the developer and do not in any way form part of the works associated with the proposed development. Objectors consider that the applicant's Environmental Impact Assessment has failed to accurately describe the existing condition of the mere and thus as a consequence question marks are raised about the quality and reliability of the Environmental Statement. However, it is the case that reference to these changes has been covered within the Environmental Statement. The applicant has provided an addendum to the Environmental Statement regarding this matter and a further period of publicity and consultation has taken place regarding these points.
- 11.7.4 Reference to the submitted red line plan for the application site confirms that the mere lies outside of the red line area, and thus it will not be physically disturbed by the installation of the turbines, the access tracks, compound building etc. Turbine two is the closest part of the development to the mere at a distance of approximately 30m. The proposed site compound is located 35-40 metres away from the mere.
- 11.7.5 Natural England has confirmed in writing that it has no objections to the proposals in terms of its impact on designated landscapes, breeding birds or protected species. There may be some short term disturbance to the foraging areas of badgers during the intensive construction phase and to the commuting routes for bats at the operational stage, however these species are known to have the capacity to absorb the magnitude of change proposed. The proposed wind farm site is considered to be of Parish ornithological value supporting breeding populations of a number of bird species. However, the site is situated within an extensive area of similar farmland which will offer sufficient habitat to absorb the habitat needs of any bird species which may be displaced by the proposals.
- 11.7.6 Natural England has expressed some concern that the wind farm could come under threat from coastal erosion during the lifetime of the development. Should the effects of coastal erosion influence the submission of a future application for coastal defences in the area Natural

England would be concerned about the impact of these defences on the Humber Estuary SAC/SPA/SSSI/Ramsar. Section 9.2 has already explained why the proposed wind farm would not be affected by, or affect by vibration, the rate of coastal erosion, therefore the concerns of Natural England should be alleviated.

11.7.7 Natural England has advised that the mitigation measures proposed in Section 6.8 of the Environmental Statement Report should be implemented by an appropriate planning condition.

11.8 Impact on Garton Airfield

11.8.1 The application site is located 4.5 km south east of the privately owned and operated Garton Airfield. This airfield is unlicensed and therefore falls outside of the jurisdiction of the Civil Aviation Authority.

11.8.2 The airfield is a visual airfield with no published instrument approach procedures and landing is by prior permission only.

11.8.3 A strong objection to the application has been submitted by the operators of the airfield, and additionally, several local residents, parish councils and residents associations consider that the three turbines would cause a significant hazard to aircraft using the airfield.

11.8.4 The applicant has acknowledged the presence of the airfield and the strong concerns of its operators and has submitted a specific report by an aviation consultant to assess the safety implications of the proposed wind farm. Turbine 1, the most northerly of the three turbines, narrowly infringes upon the visual circuit pattern depicted on the agreed safeguarded area map submitted to the East Riding of Yorkshire Council by Garton Airfield. Because of this infringement there is an acknowledged risk to users of the airfield. The risk is considered to be low and acceptable, but the applicant's assessment concludes that it cannot be claimed to be as low as reasonably practicable (ALARP) without adoption of a number of recommended mitigation measures. The suggested recommendations are as follows:-

1. Pilots of aircraft should fly a more standard and smaller visual circuit at Garton Airfield so as to remain clear of the proposed wind farm site and eliminate or reduce the risk of achieving less than 500ft obstacle clearance. The safety assessment report offers two alternative flight path circuits which would ensure that aircraft do not fly too close to any of the proposed turbines
2. Paint the turbine rotor blades, nacelle and upper part of the supporting mast white or another light colour (in accordance with anticipated international aviation regulations) thus enhancing visibility of the structures.
3. Information on the location of the turbines should be promulgated throughout the UK Aeronautical Information Service (AIS) such that it can be depicted appropriate aviation charts.

It is considered that the independent report and its recommendations are sufficient to conclude that the proposed wind farm and the existing airfield could cooperate without undue risk to aircraft. This matter was also addressed in relation to the Committee approval for the tests mast at the site, following correspondence between the Council and the aviation consultant.

11.9 Highways Issues

- 11.9.1 The applicant has submitted a Transport Statement to assess the transport implications of the proposal. The statement concentrates primarily on the construction phase of the development, as it is during this stage that the greatest impact on the local highway network would be felt. It is the nature of wind farms that during their operational lifespan, they create so few vehicular movements (approximately one vehicle per month) as to have no perceptible impact on transport infrastructure. The operational phase of the development considered has therefore not been considered in detail. Decommissioning of the wind farm is at least 25 years away and presents so many options that the transport implications could not be reliably predicted at this stage.
- 11.9.2 The construction phase of the development requires significant quantities of steel, concrete, hardcore and other building materials along with plant and equipment to be transported to the site.
- 11.9.3 It is proposed that all materials would be brought to the site by road. The abnormal loads route plan has been agreed with the Highways Agency and the Council's Highway Control Department. The abnormal loads route is identified at Appendix 7 to this report and specifically avoids Roos and Hedon.
- 11.9.4 During the construction phase it is estimated that there would be approximately 2,500 vehicle movements spread over a 6 month period. The main vehicle movements are estimated as follows:-
- 1190 – Tipper truck trips delivering aggregates to construct the site roads
 - 654 – Muck away truck trips
 - 332 – Mixer truck trips delivering concrete
 - 50 – Abnormal loads trips (blades, towers, hubs, foundation cages)
 - 36 – HGV Trips delivering sub-station components
 - 14 – HGV Trips delivering steel reinforcement
- The busiest transport periods will be the first three months during which there will be between 600 and 800 two way trips per month.
- 11.9.5 Highway Control consider that the best available route has been chosen to the site, impacts on the road network would be acceptable, and the number of vehicles would not significantly increase the volume of traffic on the roads in this area. They do not raise any objections.

11.10 Public Rights of Way

- 11.10.1 There are no bridleways or public footpaths which would be affected by the location of the turbines and the related compound and internal site tracks. However, the proposed temporary road linking Aldbrough Road with Furze Road would need to cross a public footpath which links Hilston with Glebe Farm of Furze Road. A temporary diversion will need to be agreed between the applicant and the Council's Public Rights of Way Section.

11.11 Impact on Local Tourist Industry

- 11.11.1 Concerns have been raised that the proposed wind farm will have a negative impact on tourism. There is however no evidence to suggest conclusively that wind farms have an adverse effect on tourism.

11.12 Flood Risk

11.12.1 The site lies within flood zone 1 and therefore is not considered to be at risk from the effects of flooding. The Environment Agency has not raised any objections with respect to flood risk, due to the low density of the proposed development and the stated intention to discharge surface water to soak away. The Environment Agency is satisfied that details of foul and surface water drainage can be dealt with by way of a planning condition. It has already been stated in Section 9.2 of this report that the proposal will be unaffected by or have an influence on the rate of coastal erosion and therefore flooding of the application site by the sea is improbable.

11.12.2 Objectors have also made reference to the sequential test, in particular in relation to whether the sequential test carried out for the scheme for 9 turbines south west of Roos ruled out wind farms in the coastal zone. It is however considered the sequential test has been passed in terms of reasonably available sites, also having regard to the fact that sites are not at present reasonably available due to the refusal of planning permission at Tedder Hill and south west of Roos.

11.13 Connection to the National Grid

11.13.1 Cabling on site between the turbines and the substation would be via underground cabling. The nearest grid connection point to the National Grid is to the north of Burton Pidsea and an application will be submitted to YEDL to approve this element of the work. Underground cabling to the connection would be preferable, and this could be tied into a Section 106 agreement accompanying any approval in order to minimise visual impacts.

11.14 Community Benefits

11.14.1 A community fund has been offered by the Developer and can be the subject of a Section 106 Agreement. This community fund would be available to be spent within the community on agreed causes and a liaison group could be established to allocate funding accordingly.

11.14.2 The Council's Interim Planning Document (IPD) on Planning for Renewable Energy sets out guidance on Community Funds and recommends a starting figure of £2000 per MW per year. The Lissett scheme provides £2000 per MW per year (totally £60000 per year), the Burton Pidsea provides £800 per MW per year (£7200 per year) and the Twin Rivers provides £1071 per MW per year (£30000 per year). The DTI document 'Community Benefits: A Tool Kit' provides guidance on community funds and reports funds delivered elsewhere range from £171 per MW per annum to £2000 MW per annum, although this guidance was released in May 2007 and is therefore significantly older than the Council's IPD. The applicant is agreeable to offering £2000 per MW per year.

11.14.3 It should be made clear that the provision of a Community Fund is not a material consideration in determining wind energy proposals and should not be used as a reason for refusal. At Public Inquiries Inspectors have given little weight to the provision of community funds.

11.14.4 The developer is committed to carrying out further consultation with Parish Councils and other local organisations to investigate community projects that could benefit from the provision of a community fund. The proposed Section 106 Agreement can establish and agree the rules and methods for appointment of a community fund administrator.

11.14.5 The proposed Section 106 Agreement will cover tree planting off-site to soften views of the site from nearby properties and enhance the landscape in the surrounding area subject to landowner agreement. The developer has offered £10,000 to the HEYwoods tree planting initiative for these purposes.

11.14.6 In addition, improvements to television aerial reception at nearby properties have also been provided as part of the Section 106 Agreement. The legal agreement will also include procedures for establishing and maintaining regular community liaison throughout the constructional, operational and eventual decommissioning phases of the development.

12. CONCLUSION

12.1 The proposed wind farm would provide renewable energy which is encouraged by national and local policy. However the need to provide renewable energy must be balanced with the local impacts of a scheme in the proposed location.

12.2 The application is considered to be acceptable in terms of coastal zone policy, including threat from coastal erosion, residential amenity, impact on listed buildings and conservation areas and other cultural heritage assets, impact on ecology, highways issues, impact on public rights of way, impact on tourism and impact on Garton Airfield.

12.3 With regard to landscape and visual impact, it is considered that 3 wind turbines would lead to the introduction of a number of vertical structures within the locally distinctive Holderness Coastal zone and from within an area of 800m the local landscape is likely to be transformed into one comprising a wind farm landscape. However, the suitability of the Holderness Plain to accommodate and absorb wind turbine developments has been recognised in the Landscape Character Assessment, subject to being an appropriate scale. Appeal decisions at Out Newton and more recently Routh and Withernwick indicate that the scale of the proposed development is acceptable in this landscape setting. In this case also, taking each case on its merits the impact on the landscape is considered to be acceptable. Cumulative impacts have been considered and it is not considered that landscape or visual amenity would be significantly increased as to warrant refusal as a result of cumulative impacts with other developments.

12.4 The proposal is considered to comply with policy and in the absence of material considerations that indicate a decision should be to the contrary the application is recommended for approval.

13. HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

14. RECOMMENDATION

That the application be **DEFERRED** for:-

Completion of a Section 106 Agreement covering:

1. The potential impact of interference with domestic television reception and other electronic communications and to require appropriate remedial measures to be taken by the developer
2. Requiring financial security for the restoration of the site following the cessation of

- electricity generation at the end of the 25 year term.
3. Setting up a Community Fund for delivering local community facilities and initiatives.
 4. Providing resources for off site tree planting
 5. Completion of a routing agreement and signage and Traffic Management Plan
 6. No energy generation prior to connection to the grid via underground cabling
 7. Submission and agreement of an Ecological Habitat Enhancement Landscaping Scheme
 8. Community Liaison

Provided this is satisfactorily resolved the Director of Planning and Economic Regeneration be authorised to **GRANT PLANNING PERMISSION** subject to the conditions set out below:

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

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall take place strictly in accordance with the terms of the submitted application and plans. The maximum height to tip of turbine blade will be 111 metres.

This condition is imposed because in reaching its decision, the Local Planning Authority has had regard to all the information submitted.

3. This permission is for a period not exceeding 20 years from the date that electricity from the development is first connected. Within three months of the cessation of electricity generation at the site, a scheme for the removal from the site of the turbines and associated works, including, unless otherwise agreed by the Local Planning Authority, the turbine foundations and underground cabling, and the restoration of the land to its previous condition, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter restoration shall be completed in accordance with the approved scheme within 12 months of the restoration scheme being approved by the Local Planning Authority, or such other period as the Authority may agree.

This condition is imposed to protect the visual amenities of the area and to ensure that the land is restored to its former condition.

4. No development shall take place until details of the external appearance (including colour finishes) of the turbines to be erected have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out as approved and the agreed colour finishes of the wind turbines shall not be changed without the prior consent in writing of the Local Planning Authority.

This condition is imposed in order to ensure there is a satisfactory relationship between the proposed development and the surrounding area.

5. The development shall not commence until such time as a construction programme detailing the operations to take place on the site has been submitted to and approved in writing by the local planning authority and thereafter construction works shall be carried out

in accordance with the approved construction programme.

The programme shall identify:

(i) Areas on site, designated for the storage of heavy duty plant and equipment, including vehicles and car parking facilities for construction site operatives and visitors;

(ii) Activities such as earth moving, on site aggregate mixing, crushing, screening, piling etc and on site storage and transportation of raw material;

(iii) Working practices to include fugitive emissions of dust arising from on site activities for example (but not exclusively) wheel washing

(iv) Identification of all roadways, temporary or otherwise, to be used for the conveyance of construction materials, plant and equipment, at all times including appropriate measures for the minimisation of noise and the egress of mud and dust from the site by construction vehicles;

(v) Working practices for protecting the nearby residential dwellings, including measures to control noise and vibration arising from on site activities such as piling, as set out in British Standard 5228 Part 1: 1997 - Noise and Vibration Control on Construction and Open Sites;

(vi) Codes of Practice in respect of (i) to (v) above with which the site contractor and the Applicant shall monitor compliance.

The applicant will identify a range of measures associated with each of the above aspects, to control and reduce fugitive emissions of dust, grit, run off water and slurry and noise. The applicant will comply with those measures as agreed with the Local Planning Authority and ensure the same compliance by all Sub-Contractors delivering to or working on all parts of the site.

This condition is imposed to protect the amenity of nearby properties from adverse effects due to dust, noise and other environmental amenity nuisances.

6. Deliveries to and from the site and the loading or unloading of raw materials during the construction phase of the development shall be restricted to the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on a Saturday, except as may otherwise be agreed in writing with the Local Planning Authority. No deliveries on Sundays or Bank Holidays.

This condition is imposed to protect the amenity of nearby properties from adverse effects due to noise nuisance.

7. During construction, operations shall be restricted to the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday, except as agreed in writing with the Local Planning Authority. No operation on Sundays or Bank Holidays.

This condition is imposed to protect the amenity of nearby properties from adverse effects due to noise nuisance.

8. Noise emissions from the site (as measured LA90, 10mins) in free-field conditions, at any noise sensitive premises in existence prior to the development or which have already been given planning permission, shall not exceed the greater of 35 dB(A) or 5 dB(A) above the pre-established background noise levels (LA90, 10mins) during the quiet daytime and shall not exceed the greater of 43 dB(A) or 5 dB(A) above the background noise level (LA90, 10 mins) during night time at all wind speeds up to 12m/s. Quiet daytime means all evenings from 6pm to 11pm plus Saturday afternoon from 1pm to 6pm and all day Sunday 7am to 6pm. Night time is defined as 11pm to 7am.

This condition is imposed to protect the amenity of local residents from the adverse effects due to noise nuisance.

9. Tonal noise shall be measured by the operator of the development at its expense for audibility at the reasonable request of and following a complaint to the Council in accordance with the procedure described in ETSU (page 102 (paragraph 2)).

This condition is imposed to protect the amenity of local residents from the adverse effects due to noise nuisance.

10. If, at any property, the tonal noise from the combined effect of the wind turbines' generators exceeds the threshold of audibility:

a) by more than 2.0dB but less than 6.5dB a penalty of $((5/6.5) \times \text{Audibility})$ dB shall be added to the noise level derived for that property in accordance with the procedure described in ETSU (pages 102-103 (paragraphs 2-5)).

b) by more than 6.5dB a penalty of 5dB shall be added to the noise level derived for that property in accordance with the procedure described in ETSU (pages 102-103 (paragraphs 2-5)).

This condition is imposed to protect the amenity of local residents from the adverse effects due to noise nuisance.

11. Upon receiving notification from a Development Control Officer or an Environmental Health Officer of the Council that a nuisance or annoyance in his or her reasonable opinion is being caused to occupiers of dwellings from one or more turbines by noise exceeding conditions 8 and 10 above, the operator will on receipt of that notification investigate the source of the excessive noise in a timely manner commensurate with the environmental conditions.

This condition is imposed to protect the amenity of local residents from the adverse effects due to noise.

12. At the request of or following complaint to the Local Planning Authority, the operator of the development shall measure and assess at its expense the level of noise emissions from the wind turbine generators following the procedures described in 'The Assessment and Rating of Noise from Wind Farms, ETSU-R97 published by ETSU for the Department of Trade and Industry.

This condition is imposed to protect the amenity of local residents from the adverse effects due to noise.

13. No development shall take place until the applicant has submitted to the Local Planning Authority of approval in writing a shadow flicker mitigation protocol. The development shall proceed in accordance with the approved details unless the Local Planning Authority gives its prior written consent to any variation.

This condition is imposed to protect the amenity of local residents from adverse affects due to shadow flicker.

14. If any wind turbine hereby permitted fails to produce electricity for supply to the grid for a continuous period of 12 methods, the wind turbine and ancillary equipment shall be removed from the site within a period of 9 months from the end of the 12 months period and the site returned to its former agricultural use unless otherwise agreed in writing by the Local Planning Authority.

This condition is imposed in the interests of visual amenity of the area.

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

This condition is imposed in the interests of the visual amenity of the area.

16. The operator of the development shall produce wind speed, wind direction and turbine operational status data to the Council at its reasonable request to enable compliance with and performance under conditions 8 and 9 to be monitored. The data shall include the wind speed in metres per second and the wind direction in degrees from north for each 10 minute period. The measuring periods shall be set to commence on the hour and in 10 minute increments thereafter. The data shall be provided in a format to be agreed with the Local Planning Authority. Where wind speed is measured at a height other than 10m, the wind speed data shall be converted to a 10m height, accounting for wind shear by a method to be agreed with the Local Planning Authority.

This condition is imposed to protect the amenity of local residents from the adverse effects due to noise.

17. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority (PPG 16, para 30; Circular 11/95, Model Clause 55).

The scheme shall provide for:

- (i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area;
- (ii) an assessment of the impact of the proposed development on the archaeological remains;
- (iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;

(iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

(v) Notification in writing to the Curatorial Officer of the Humber Archaeology Partnership of the commencement of archaeological works and the opportunity to monitor such works”.

This condition is imposed as the site lies within a major archaeological landscape, from which archaeological material from a variety of periods has previously been identified.

21. No development shall take place until the approved highway enabling works as set out in Section 9 and Figures 9.2, 9.3 and 9.4 of the submitted Environmental Statement have been implemented, together with any additional improvement works necessary, identified by the Highways Authority, unless otherwise agreed in writing with the Local Planning Authority.

This condition is imposed because it is considered that the some areas of the existing public highways are inadequate at present to safely accommodate the traffic which the development is likely to generate. However, it is considered that the development can be allowed to proceed if the roads are first improved.

22. No development shall be commenced until details of the road safety plan, deflectograph and visual / video surveys of the haul and delivery routes, including a programme and methodology for improvements and repairs and the funding provision for improvements / repairs have been submitted to and approved in writing by the Local Planning Authority and during the construction period any improvement of repair works on the approved routes shall be completed in accordance with the approved programme and methodology and the road safety plan shall be updated in consultation with the Local Planning Authority.

This condition is imposed in the interests of highway safety and to secure any necessary improvements and repairs to the highway network as a consequence of the development.

23. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the provision of the temporary vehicle parking, loading, off-loading and manoeuvring facilities for the contractors carrying out building and construction works on the development and no other building or construction works shall be commenced until the temporary vehicle parking, loading, off-loading and manoeuvring facilities have been provided in accordance with the approved details. The approved vehicle parking, loading, off-loading and manoeuvring facilities shall be retained during the construction of the buildings on the development.

This condition is imposed in the interests of road safety and to secure adequate parking, servicing, loading, off-loading and manoeuvring facilities within the site during the construction period on the development site.

24. No development shall commence until the construction specification, design and layout of the site access together with any proposed traffic management measures has been

submitted to and approved in writing by the Local Planning Authority. No works shall commence on site until the approved access has been constructed in accordance with the approved plans.

This condition is imposed in the interests of highway safety and to secure a safe and satisfactory access to the site for construction and future maintenance traffic.

25. No development shall commence until details of the proposed abnormal load and delivery route for heavy goods vehicles has been submitted including a programme of works for any improvements to the highway, delivery times and methodology for the delivery of the materials to ensure that the heavy goods vehicles do not have a significant impact on other highway users of the agreed route.

This condition is imposed in the interests of highway safety and the efficiency of the highway network.

26. No development shall commence until wheel cleaning facilities have been provided within the curtilage of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and this facility shall be retained in working order and operated throughout the duration of the construction works.

This condition is imposed in the interests of highway safety.

27. The Company shall provide written confirmation of the following details to the Ministry of Defence/Civil Aviation Authority with 3 months of the date of this permission and the Commencement of Development shall not occur until this confirmation has been given:

- (i) proposed date of Commencement of Development
- (ii) the maximum extension height of any construction equipment

Within 14 days of the commissioning of the final turbine, the Company shall provide written confirmation of the following details to the Ministry of Defence/Civil Aviation Authority:

- (i) the date construction starts and ends
- (ii) the height above ground level of the highest potential obstacle (anemometry mast or wind turbine)
- (iii) the position of that structure in latitude and longitude
- (iv) the lighting details of the site

This condition is imposed in the interests of aeronautical safety

28. No development shall take place until a scheme of aviation obstruction lighting has been submitted to, and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

This condition is imposed in the interest of aviation safety.

29. No development shall commence until the applicant has submitted for approval in writing by the Local Planning Authority a scheme for the temporary diversion of the existing

public footpath highlighted in green on Drawing Number 09/02000/STPLFE/COND25. The approved scheme shall be implemented before any other development takes place unless otherwise agreed in writing with the Local Planning Authority and shall remain in place until the completion of the construction phase of the development.

This condition is imposed in the interests of safeguarding the enjoyment and health and safety of users of the existing public right of way which will be affected by the necessary highway enabling works between Aldbrough Road and Furze Road.

27. The turbines shall be erected at the following coordinates:

Turbine 1 – 529743 433241

Turbine 2 – 529905 433010

Turbine 3 – 529784 432687

The turbines shall be erected at these coordinates unless otherwise agreed in writing by the Local Planning Authority prior to the erection of each turbine, and any variation will be up to a maximum of 10m for any turbine in any direction, except for Turbine 1 which shall be no closer to Hogsea Lane, subject to Local Planning Authority approval. A plan showing the position of the turbines as built will be submitted to the Local Planning Authority within one month of the commencement of operation.

28. Development shall be carried out strictly in accordance with the mitigation measures detailed in Section 6.8 of the submitted Environmental Statement, and Appendix 6.1 (Ecological Assessment), Appendix 6.2 (Reptile and Amphibian Method Statement) and Appendix 6.3 (Ornithological Assessment) of Volume 3 to the Environmental Statement relating to protected species and habitat enhancements. Any variation thereto shall be agreed in writing by the Local Planning Authority before such change is made.

This condition is imposed in the interests of the protection of the wildlife and ecological value of the site.

29. No development shall take place until a detailed Ecological Mitigation and Enhancement Plan has been submitted to and in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- (i) Layout and specification of tree, shrub and hedge planting;
- (ii) Layout and specification of aquatic vegetation planting;
- (iii) Layout and specification of neutral species-rich grassland;
- (iv) Selection of specific techniques and practices for establishing vegetation;
- (v) Sources of habitat materials (e.g. plant stock) or species individuals;
- (vi) Method statement for site preparation and establishment of target features;
- (vii) Extent and location of proposed works;
- (viii) Aftercare and long term management;
- (ix) The personnel responsible for the work;
- (x) Timing of the works.
- (xi) Monitoring
- (xii) Disposal of wastes arising from the works

All habitat creation works shall be carried out in accordance with the approved details,

unless otherwise approved in writing by the local planning authority. The works shall be carried out in accordance with the programme agreed with the local planning authority.

This condition is imposed to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare.

30. Development shall be carried out strictly in accordance with the mitigation measures detailed in Chapter 10 of the submitted Environmental Statement and Appendix 10.1 of Volume 3 to the Environmental Statement relating to pollution prevention measures and surface water management, unless otherwise agreed in writing by the Local Planning Authority

This condition is imposed in the interests of pollution prevention and satisfactory management of drainage.

31. No development shall commence until the developer has submitted for approval in writing by the Local Planning Authority details of foul and surface water drainage. The development shall proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

This condition is proposed in the interests of satisfactory drainage.

32. The development shall proceed strictly in accordance with the conclusions, recommendations and mitigation proposals outlined in the 'Garton Airfield Monkwith Wind Farm Safety Assessment' prepared by Osprey Consulting Services, dated 21st May 2009 unless otherwise agreed in writing by the Local Planning Authority.

This condition is imposed in the interests of aviation safety.

NOTE TO APPLICANT

1. The Applicant/Agent must contact the East Riding of Yorkshire Council's Street Scene Services, Highways Building, Beck View Road, Grovehill Road, Beverley, HU17 0JP, Tel: 0845 6001666 regarding the construction specification of the access and proposed widening works on the highway, before any works are commenced

2. This planning permission does not absolve the developer from complying with the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) regarding protected species and the protection of wild birds, and their nests and eggs. Appropriate care should be taken to avoid destruction of nesting sites while in use or being built. Natural England recommends that construction works are timed to avoid the main breeding season (March to July). Any maintenance visits and decommissioning should also avoid these periods.

Relevant Planning Policies

National Planning Policies

- PPS1 - Delivering Sustainable Development - January 2005
- Supplement to PPS1 – Planning and Climate Change – December 2007
- PPS7 - Sustainable Development in Rural Areas - August 2004

- PPS9 - Biodiversity and Geological Conservation – August 2005
- PPG13 - Transport – April 2001
- PPG15 - Planning and the Historic Environment - September 1994
- PPG16 - Archaeology and Planning – November 1990
- PPG20 - Coastal Planning – October 1992
- PPS22 - Renewable Energy - August 2004
- Planning for Renewable Energy – A companion Guide to PPS22 – December 2004
- PPG24 - Planning and Noise - September 1994

Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (2008)

- YH2 - Climate Change and Resource Use
- ENV5 - Energy
- ENV8 - Biodiversity
- ENV9 - Historic Environment
- ENV10 - Landscape
- C1 - Coast sub area policy

Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire

ENV6 - The setting, character or appearance of strategically important buildings, features and historic/architectural areas should be protected and where possible enhanced.

ENV2 - Strategic Nature Conservation Sites – Protection and Mitigation.

ENV3 - Development that is likely to have an adverse effect on species identified through UK Wildlife Acts, Regulations and Biodiversity Action Plans, will not be allowed unless it can be demonstrated that there is an overriding need for the development and/or appropriate mitigation compensation measures are provided.

ENV7 - Archaeological Remains – Preservation and Mitigation.

SP1 - Character and distinctiveness of settlements and their setting (including important features) to be protected and enhanced.

SP4 - Distinctive character of Yorkshire Wolds, Jurassic Hills, Vale of York, Holderness, Humber Estuary and Ouse/Trent levels Landscape Character Areas to be protected. LDFs to provide landscape guidelines paying attention to unique landscapes of Goole/Crowle Lowlands, Lower Derwent Valley, Spurn and Flamborough Head.

NAT6 - Control of development in coastal areas

Holderness District Wide Local Plan

- G3 - General Environment Protection.
- G4 - General Protection of Sites of Nature Conservation
- G5 - Landscape Protection.
- G6 - New Development Considerations
- Env5 - Development in Coastal Zone

Env8	- Development in Undeveloped Coast
Env9	- Uses of an Open Nature in Undeveloped Coast
Env16	- Species Protection
Env22	- Listed Buildings: Setting
Env24	- Conservation Areas
Env35	- External Lighting
R13	- Safeguarding of Footpath Network
U16	- Renewable Energy
U17	- Details for Wind Turbines
U18	- Wind Turbines – Cumulative Effects
U19	- Wind Turbines – Benefits
U20	- Wind Turbines – Removal

Supplementary Planning Guidance

Interim Planning Document on Renewable Energy (2009)

East Riding of Yorkshire Landscape Character Assessment (2005)

Integrated Coastal Zone Management Plan (2002)

Reason for Approval

The proposed wind farm would provide renewable energy which is encouraged by national and local policy. However the need to provide renewable energy must be balanced with the local impacts of a scheme in the proposed location.

The application is considered to be acceptable in terms of coastal zone policy, including threat from coastal erosion, residential amenity, impact on listed buildings and conservation areas and other cultural heritage assets, impact on ecology, highways issues, impact on public rights of way, impact on tourism and impact on Garton Airfield. With regard to landscape and visual impact, it is considered that 3 wind turbines would lead to the introduction of a number of vertical structures within the locally distinctive Holderness Coastal zone and from within an area of 800m the local landscape is likely to be transformed into one comprising a wind farm landscape. However, the suitability of the Holderness Plain to accommodate and absorb wind turbine developments has been recognised in the Landscape Character Assessment, subject to being an appropriate scale. Appeal decisions at Out Newton, and more recently at Routh and Withernwick indicate that the scale of the proposed development is acceptable in this landscape setting. In this case also, taking each case on its merits, the impact on the landscape is considered to be acceptable. Cumulative impacts have been considered and it is not considered that landscape or visual amenity would be significantly increased as to warrant refusal as a result of cumulative impacts with other developments.

Alan Menzies
Director of Planning and Economic Regeneration

Contact Officer

Thorfinn Caithness
Principal Development Control Officer
Ex 3740

Background Papers