

Removal of the existing 10KW wind turbine and installation of a 75KW wind turbine and associated infrastructure

Report Item No
A5

Forest Way Area Special School Warren Hills Road Coalville
Leicestershire LE67 4UU

Application Reference
15/00510/FUL

Applicant:
Miss Helen Butcher

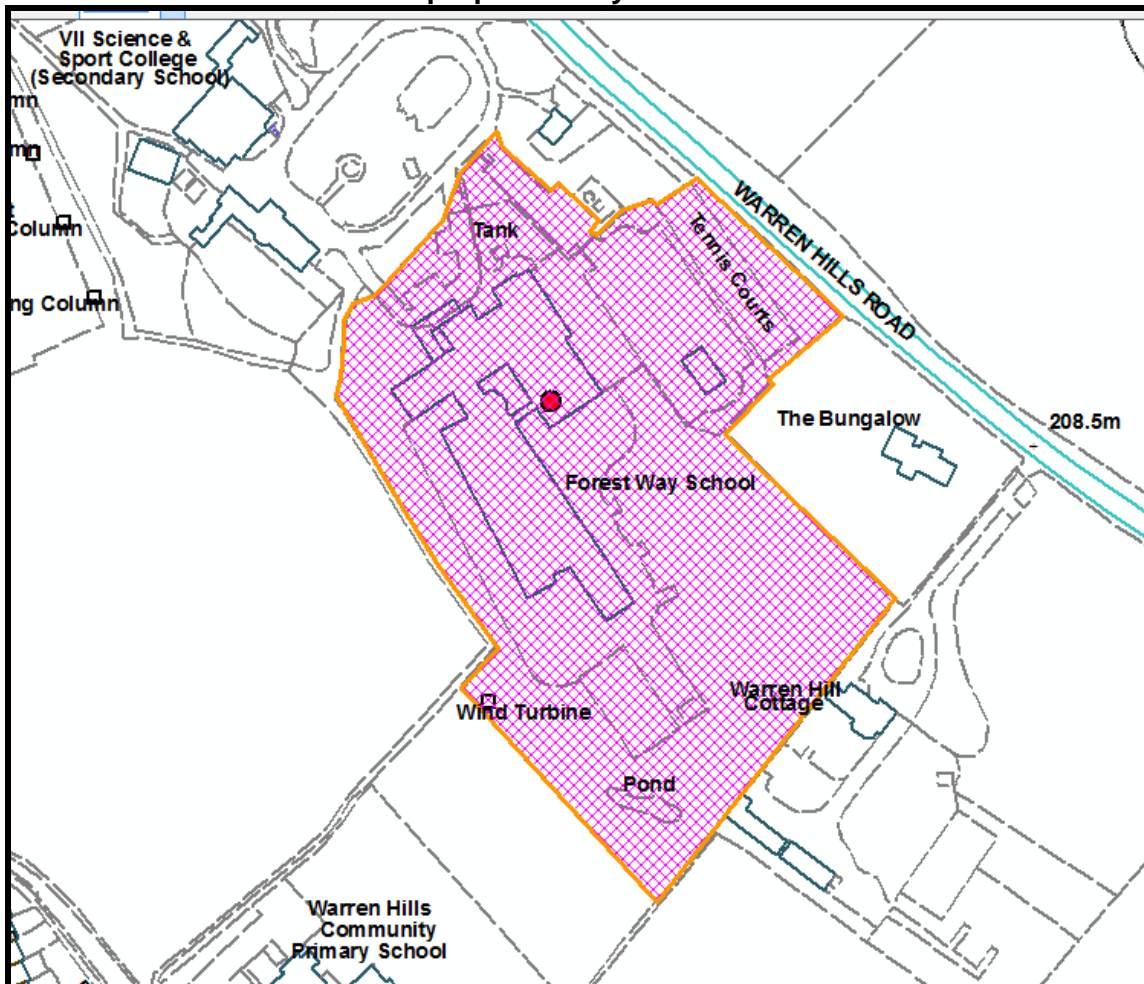
Date Registered
27 May 2015

Case Officer:
Robert McKillop

Target Decision Date
22 July 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application has been called in at the request of Cllr Wyatt on the grounds that the application is a matter of public concern.

Proposal

Full planning permission is sought for the removal of the existing 10KW wind turbine and installation of a 75KW wind turbine and associated infrastructure Forest Way Area Special School, Warren Hills Road, Coalville. The replacement 75 KW wind turbine would be installed with a hub height of 18.04m and tip height of 28.5 metres.

Consultations

Members will see from the main report below that objections have been received in respect of the proposal with 2 objection letters being received from members of the public.

Planning Policy

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. One of the core planning principles of the National Planning Policy Framework (NPPF) as set out in Paragraph 17 is to support the transition to a low carbon future in a changing climate by encouraging the use of renewable resources and the development of renewable energy. This is set out further in Paragraph 93 of the NPPF which states that planning has a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure which is central to the economic, social and environmental dimensions of sustainable development. A recent written Ministerial Statement 'Local Planning' was published on 18 June 2015 which states that local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. In accordance with the Statement, amendments to the relevant sections within the National Planning Practice Guidance (NPPG) have also been undertaken to reflect these changes.

Conclusion

There is specific planning policy support for the development of renewable energy projects at a national level and it is considered that the proposed erection of a 75 kW wind turbine would contribute to the overall outputs of renewable energy. It is however considered that these positive benefits of renewable energy of the proposed development must be carefully balanced against the harmful impacts and perceived impacts. The scheme has been assessed from its landscape and visual impacts, impacts upon the historical environment, impact upon residential amenity in relation to safety, noise and shadow flicker, ecology and other associated impacts including highway considerations, aviation and electromagnetic interference.

The scheme is considered not to cause any significant impacts in respect of these considerations and there are no other material impacts identified, that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance. Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the removal of the existing 10KW wind turbine and installation of a 75KW wind turbine and associated infrastructure Forest Way Area Special School, Warren Hills Road, Coalville.

The application information indicates that the existing 10KW wind turbine which has a hub height of 15m and tip height of 17.15m would be removed and a replacement 75 KW wind turbine would be installed with a hub height of 18.04m and tip height of 28.5 metres.

Associated infrastructure is proposed in the form of a concrete foundation base measuring 7 metres by 7 metres, plus cable to be routed to a connection point. Access to the wind turbine would be gained via the existing concrete hardstanding running adjacent to the school building and playground.

The turbine and associated infrastructure will be situated within an overall site of approximately 0.1 hectares.

During the course of the application, following concerns in relation to the proximity of the turbine to protected species habitats, the applicant has provided plans showing the wind turbine located 6 metres north east of its original proposed location.

The application site is located within the grounds of the existing school site to the south of the existing buildings. The site is located outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002 and falls within an Area of Particularly Attractive Countryside and also within an area designated as Recreational Open Space.

The application is accompanied by:-

Heritage Impact Assessment
Shadow Flicker Assessment
Design and Access Statement
Flood Risk Assessment
Ecological Assessment
Acoustic Assessment
Viewpoint Location Map

Relevant Planning History

10/00378/COM - Erection of 6 structures (timber play house, shelter, huts, bird hide, timber rope nest and geodesic dome greenhouse) within the school ground (Leicestershire County Council Regulations 3 Application 2010/L247/07). No objection.

08/00241/COM - Proposed erection of 10kw Wind Turbine generator. No objection.

07/00793/COM - New school for pupils with special educational needs, including associated play areas, sports facilities, access road and parking, including replacement parking for King Edward VII (County Matter). No objections to the proposals in general, subject to the provision of a scheme of national forest planting in the vicinity of the application site in lieu of that previously proposed on the application site in association with the erection of the new Castle Rock School.

2. Publicity

117 Neighbours have been notified (Date of last notification 16 June 2015)

Site Notice displayed 16 June 2015

Press Notice published 24 June 2015

3. Consultations

County Highway Authority
Head of Environmental Protection
Natural England- Within 2k Of SSSI
LCC ecology
Airport Safeguarding
NWLDC Conservation Officer
National Forest Company
English Heritage- Grade I/II* LB Setting
Development Plans
LCC/Footpaths
Highways Agency
National Air Traffic Services
Ramblers' Association
Leicester & Rutland Wildlife Trust
MOD Safeguarding

4. Summary of Representations Received

The following summary of representations is provided.

Civil Aviation Authority provides advice to the applicant.

Highways England raises no objection.

Historic England advises that the application should be determined in accordance with national and local policy guidance and on the basis of the Authority's specialist conservation advice.

Joint Radio Company raises no objection.

Leicestershire County Council - Highways raises no objection, subject to the imposition of planning conditions.

Leicestershire County Council - Ecology raises no objection, subject to the imposition of a planning condition.

Leicestershire County Council - Archaeology has not responded to consultation.

Leicestershire County Council - Footpaths has not responded to consultation.

Natural England raises no objection but advises consideration of local sites, landscape character and local or national biodiversity priority habitats and species.

NERL Safeguarding raises no objection.

NWLDC Environmental Protection has no environmental observations in relation to this application.

NWLDC Conservation Officer raises no objection.

The Ramblers' Association (Leicestershire & Rutland) raises no objection.

Airport Safeguarding (East Midlands) has not responded to consultation. Any response will be reported to members on the update sheet.

Environment Agency has not responded to consultation.

Leicestershire & Rutland Wildlife Trust has not responded to consultation.

Ministry of Defence has not responded to consultation.

The National Forest Company has not responded to consultation.

Severn Trent Water has not responded to consultation.

Third Party Representations:

2 letters of objection have been received raising the following concerns:-

- The height and span of the turbine would be unsuitable for the area;
- The turbine could have a detrimental impact on public health by way of noise and constant movement of blades;
- There is a public safety issue given the possibility of the blades coming off in proximity to the school;
- Other less invasive options should be considered;
- The proposed turbine would be almost 100% bigger and emit 100% more noise than the existing turbine which is a concern;
- The surrounding area is natural open space used for leisure and walking and views should be protected;
- The turbine would have a noise impact at weekends when the school (applicant) is closed and unaffected.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 17 (Presumption in favour of sustainable development)
Paragraph 93 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 97 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 98 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 109 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 119 (Conserving and enhancing the natural environment)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 131 (Conserving and enhancing the historic environment)
Paragraph 132 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E22 - Particularly Attractive Countryside
Policy F1 - National Forest General Policy
Policy T3 - Highway Standards
Policy T8 - Parking

Other Guidance

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations')

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

The Assessment and Rating of Noise from Wind Farms (ETSU-R-1997)

Written Ministerial Statement: Local Planning (18 June 2015)

National Planning Practice Guidance - March 2014 - including updates to renewable energy (18 June 2015)

6. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, landscape and visual impacts, cumulative landscape and visual impacts, impact upon heritage assets, ecology, impact upon residential amenity, highway considerations, impact upon aviation, electromagnetic interference and other matters.

Principle of Development

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF states that there are three dimensions to sustainable development:- economic; social; and environmental. There is also support and encouragement for sustainable development and the sensitive exploitation of renewable energy sources within the NPPF. The accompanying Design

and Access Statement estimates that the proposed 75kW turbine is expected to generate 290,000 kWh per year, equivalent to providing electricity to approximately 87 homes per year and would save approximately 158 tonnes of carbon dioxide per annum.

Paragraph 97 of the NPPF outlines that Local Planning Authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" in order to help increase the use and supply of renewable energy, and one of the core planning principles at Paragraph 17 of the NPPF is that decisions should "support the transition to a low carbon future and encourage the use of renewable resources (for example by the development of renewable energy)." Paragraph 98 also states that "applicants should not be required to demonstrate the overall need for renewable energy and that planning applications should be approved if their impacts are or can be made acceptable."

The application site is located outside the limits to development where permission for new development would not normally be granted unless it is for certain uses as set out under Policy S3 of the Local Plan. It is considered that the proposal would fall within criteria (c) (is a public service or utility which cannot, for operational reasons, be accommodated within the defined Limits) of Policy S3 and as such would constitute an acceptable form of development in this location. In the circumstances that the NPPF supports proposals which provide renewable energy, and given the existing wind turbine has been present at the site in a similar location for several years, it is deemed that this form of development is established at the site and a replacement wind turbine, albeit it of a larger scale, would be acceptable in principle.

Landscape and Visual Impact:

It is identified, in Paragraph 17 of the NPPF, that planning should "recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it," and Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 98 of the NPPF also states that when determining wind turbine planning applications, local planning authorities should "approve the application if its impacts are (or can be made) acceptable."

The site does not fall within any national or local protected landscape designations, such as Areas of Outstanding Natural Beauty. Notwithstanding the lack of formal landscape designation or recognition, the character of the area is valued locally by its residents. The NPPF also recognises that the "intrinsic character and beauty of the countryside" is a material planning consideration. Two objections have been received on the grounds of the turbine would be significantly larger than the existing turbine and that the views enjoyed within the surrounding area, which is natural open space used for leisure and walking, should be protected.

The site is within an Area of Particularly Attractive Countryside as defined on the Proposals Map to the Local Plan. In terms of the character of the surrounding area, the area to the south of the site consists largely of relatively densely populated residential areas. There is a mixture of agricultural fields, open countryside and intermittent woodland cover to the north, east and west of the site. Castle Rock School is located to the west of the site and Warren Hills County Primary School is located to the south of the site, with some sporadic built development located along Warren Hills Road to the north and east of the site. The wind turbine would be located within the grounds of Forest Way Area Special School and would be positioned to the south of the main school building and playground, replacing the existing wind turbine in this location.

A Landscape and Visual Impact Assessment (LVIA) has been provided within the submitted Design and Access Statement which evaluates the effect of the proposed turbine on landscape character and visual amenity. The effect of the development depends on its scale, as well as

the sensitivity of its surroundings and the capacity of those surroundings to absorb the impact of the turbine by way of physical characteristics, topography, consistency and content of the landscape, and the cumulative effects of other development.

Photomontages from eleven viewpoints have been provided within the LVIA which range from 201m to 834m from the site of the proposed replacement turbine. Although these viewpoints were not agreed with the Local Authority, they fall within a Zone of Theoretical Visibility (ZTV). The ZTV shows that the turbine could be theoretically visible from a large area to the south and west of the site, plus from a smaller area to the north and east. The submitted ZTV does not take into account any screening from vegetation or buildings or the topography of the surrounding area.

Of the viewpoints measured within the LVIA, the impacts are generally recorded as moderate, minor or no impact, and of the viewpoints that record a moderate impact, it is also noted that the replacement wind turbine would be set against the backdrop of the existing Forest Way School building which is of a relatively large scale and would help to assimilate the proposed turbine into the landscape. As such, the proposed turbine would be viewed in context of this relatively modern building and although it would be visible within the surrounding area, it would have a reduced visual impact by way of its association with the existing built development surrounding the site. It is considered that the viewpoints selected offer a useful range of study, which illustrates the typical extent of view experienced by the viewer, at close to middle distances. The level of study is considered to be proportionate to this scale of scheme and there are no local, national or international landscape designations affected.

In respect of topography, the application site slopes gradually upwards towards the northern part of the site and the land beyond continues to slope upwards on the northern side of Warren Hills Road. The turbine would be positioned to the north of the playing field, which has a gentle slope up from the southern side of the playing field adjacent to the rear of properties along Castle Rock Drive. There is a public footpath, palisade fencing and shrubs and trees along the southern boundary of the site which provide significant screening from views to the south. The existing built development and pockets of vegetation surrounding the site would significantly restrict the potential visibility of the turbine within this area. As such, whilst the turbine would be visible from some positions within the surrounding area, the existing buildings would ensure that the turbine would not become an unduly prominent feature and would not appear significantly out of character with its surroundings. On this basis the turbine is not deemed to adversely affect or diminish the open character and attractive rural landscape in accordance with the teams of Policy E22 of the Local Plan.

In summary, whilst there will some impact on the landscape, given the above circumstances it is considered that the landscape can accommodate the proposed turbine without its overall character being significantly harmed. The proposed turbine would not significantly undermine the character of the National Forest and therefore on balance the impact is not so significantly detrimental to the landscape and visual amenity of the area to justify a reason for refusal in this case.

Cumulative Landscape and Visual Impacts

Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Simultaneous effects include viewing a number of schemes from a single fixed viewpoint without an observer turning their head, and repetitive effects where the observer is able to see two or more schemes, but only if they turn around. Sequential effects on visibility occur when an observer moves through a landscape and sees two or more schemes. With

regard to the cumulative impacts of wind turbines, consideration has been given to advice contained within the NPPG.

In terms of other wind turbines located within the surrounding area, two 15 kW wind turbines are located within the grounds of Mount St Bernard Abbey, Oaks Road, Whitwick approximately 1.35 km to the north of the subject site. These turbines measure approximately 21 metres in overall height to the tip. Furthermore, one 10KW wind turbine has been approved within the grounds of Warren Hills Cottage, Warren Hills Road, Coalville which would be approximately 0.19 km to the east of the subject site. This turbine, although not yet constructed would also measure approximately 21 metres in overall height to the tip.

As the land to the north of the site rises steeply towards Abbey Road, this would prevent the proposed wind turbine from featuring in the same view as the existing turbines at Mount St Bernard Abbey. Furthermore, the topography and mature vegetation would largely screen the proposed wind turbine and existing wind turbines from a vantage point where these wind turbines could potentially be viewed concurrently. The turbine at Warren Hills Cottage to the east of the site and would be smaller than the turbine proposed under this application. The turbines would be approximately 180 metres apart with mature trees positioned in the intervening area. Although there is some likelihood that these turbines would feature simultaneously in some views from the south, east and west of the site, depending on the orientation, the majority of the turbine furthest from the viewer would be obscured by the existing screening, with only the blade tips likely to be visible. It is also noted that these turbines would be set against the backdrop of further vegetation and existing buildings, reducing the prominence in views from within the surrounding area.

Overall it is concluded that the proposed turbine can be accommodated without un-acceptable landscape and visual effects and that any significant effects are contained with relatively close proximity of the turbine and will affect a limited number of receptors, as topography and natural screening features combine to filter the effects to the wider area.

Design and Impact on Heritage Assets

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Paragraph 131 requires amongst other things new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 requires harm to be weighed against the public benefits of the proposal. Policy E4 of the Local Plan requires new development to respect the character of its surrounding.

The Planning Practice Guidance also states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.

The Castle Rock Sixth Form Centre is located approximately 165 metres to the north west of the application site and is a Grade II Listed Building. It is accepted that the erection of the turbine would cause some harm to the setting of the heritage asset however this has to be considered in respect of the significance of the heritage asset and whether the harm would constitute

substantial harm.

The scheme has been considered by English Heritage who state that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

The Council's Conservation Officer confirms that:-

"I have assessed the proposal and visited the site to view from a number of vantage points. My only concern was with the relationship with the listed school building where a visual appears to show the replacement turbine as prominently sited. However, I consider this visual to be somewhat misleading especially following the re-siting which reduces the inter-relationship between turbine and listed building.

Given this and the distances involved, together with the mast being a replacement (albeit larger) I do not consider an objection could be sustained on heritage grounds."

On this basis it is considered that the proposal would cause some harm on the appearance and setting of the listed building but the distance separation between the heritage asset and the turbine and the difference in levels between the site would ensure that the harm would not be substantial. The advice in the NPPF is that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits of the proposal have been referred to in the "principle" section above.

Taking these matters into account; it is considered that the proposal would have limited impact on the character and setting of the Grade II Listed Building on the site and would not cause substantial harm in respect of the heritage asset. Accordingly, the proposed development would comply with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 131, 132 and 134 of the NPPF and Policy E4 of the Local Plan.

Although no response has been provided by the County Archaeologist in relation to the works, given the application site is not in a site with any known archaeological records and the wind turbine would be sited in a similar location to the existing turbine, the application is considered unlikely to lead to any detrimental impact on archaeological features.

Ecology

Paragraph 109 of the NPPF recognises the wider benefits of ecosystems and that the planning system should minimise impacts on biodiversity. The NPPG states that wind turbines can have ecological impacts such as a risk of collision between moving turbine blades, birds and bats. Other risks include disturbance and displacement of bird and bat habitats. Due to the drop in air pressure close to the blades there is a risk of barotrauma (lung expansion) in bats which can be fatal. These risks are generally low, however in some situations, such as in close proximity to important habitats used by birds or bats the risk can be greater.

The site does not fall within any national or local designations. The Ecological Assessment submitted with the application has been considered by the County Ecologist and although there was initially some concern in relation to proximity to potential protected species habitats, amended plans have been received during the course of the application showing the turbine to be sited 6 metres to the north east of the original position. Following further consideration, the County Ecologist has confirmed that there would be no objection to the revised location although suggested a condition is attached to any permission granted to ensure the proposal is

sited in accordance with Natural England's guidance. As the County Archaeologist has raised no objection, it is recommended that a suitable note to applicant be added in relation to Natural England's guidance.

In summary, given the turbine would be sited a sufficient distance from an ecological feature that could be used by bats for foraging, it is concluded that the turbine would not have any adverse impacts upon any sites of ecological important or protected species. Accordingly the scheme is considered to be in accordance with the overarching intentions of the NPPF and guidance contained within the NPPG.

Impact upon Residential Amenity

Proximity to Neighbouring Residents Proximity to Neighbouring Residents and Public Safety

The nearest residential property is Warren Hills Cottage which is approximately 105 metres to the east of the site of the proposed turbine. In terms of proximity to other residential properties, the proposed turbine would be approximately 150 metres away from The Croft, located to the north east of the site and would be approximately 190 metres away from the row of residential properties along Stamford Drive, Castle Rock Drive and Lancaster Close to the south of the site.

Although The Wind Turbines (Minimum Distance from Residential Premises) Bill 2012-13 was at the first stage of reading in the House of Lords 14 May 2012, no date for a second reading has been confirmed since that time, and this therefore does not carry any weight. There are also a number of guidance documents and reports referred in the letters of representation, however, these are not development plan documents or emerging ones and as such carry no weight in the determination of this application.

The NPPG states that risks can often be mitigated through appropriate siting and consultation with affected bodies. In relation to fall-over distance from the turbine to adjacent residential properties, this is calculated as the height of the turbine to the tip of the blade plus 10% which is seen as a minimum safe separation distance. In this instance as the height of the turbine to the blade tip is 28.5 metres, with an additional 10% equates to 31.35 metres. The nearest residential properties are located well in excess of this distance. Although the turbine would be approximately 10 metres away from the edge of the playground associated with Forest Way School, the nearest school buildings would be 30 metres away from the base of the proposed turbine, although there is a greenhouse closer within the playground area. It is deemed that the scale and nature of the proposed replacement turbine is not likely to lead to any issues in terms of public safety despite proximity to the school. It is noted that the existing turbine occupies a position adjacent to the school playing field and the relationship with the playing field and playground would be similar despite the increased height and amended position of the proposed turbine.

Although one neighbour objection states that other "less invasive" energy options should be considered, the Local Planning Authority are duty bound to assess the application on its merits and would not assess any other options as part of this application.

Shadow Flicker and Noise

The guidance contained at a national level does not indicate that there are any significant safety or health risks as a result of wind turbines and on this basis it is considered that there would be minimal risks to the health and safety of neighbouring residents and properties. The NPPF also states that Local Planning Authorities should approve the application if its impacts are (or can

be made) acceptable and for the reasons stated above it is considered that there are no significant impacts in respect of a noise or shadow flicker.

The NPPG states that under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK - turbines do not cast long shadows on their southern side.

It is generally accepted that the potential for shadow flicker to occur is seriously diminished at a distance of ten times the rotor diameter of the turbine in question. The turbine would have a blade diameter of 20.6 metres and therefore the potential shadow flicker effect could be felt up to 206 metres, 130 degrees either side of north from the turbine.

Although No.41, No.43 and No.45 on the northern side of Stamford Drive would fall within this area, they would be on the very outer limits of the area potentially affected by shadow flicker. The two properties to the north east of the site, Warren Hills Cottage and The Croft are set on a slightly higher land level than the proposed turbine and any shadow flicker effect would be reduced, plus the proposed turbine would still be a significant distance away from these dwellings, namely 105 metres and 150 metres respectively.

In relation to noise output, the existing turbine has a noise output range between 45-65 A-weighted decibels (dBA) and the proposed turbine would measure between 90-100 A-weighted decibels (dBA). One neighbour objection was received stating that the proposed turbine would have a noise level double that of the existing turbine. The NPPG states that the 'Assessment and Rating of Noise from Wind Farms (ETSU-R-1997)' should be used by local planning authorities when assessing and rating noise from wind energy developments. Whilst the replacement turbine would equate an approximate increase of double the existing noise output level, on the basis that the supporting Noise Impact Assessment has been considered by the Council's Environmental Health Team who raise no objections to the proposal, it is deemed that the noise levels would remain acceptable and would not have a significant impact on the amenity of surrounding neighbours.

The guidance contained at a national level does not indicate that there are any significant safety or health risks as a result of wind turbines and on this basis it is considered that there would be minimal risks to the health and safety of neighbouring residents and properties. The NPPF also states that Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable and for the reasons stated above it is considered that there are no significant impacts in respect of a noise or shadow flicker.

A recent written Ministerial Statement 'Local Planning' was published on 18 June 2015 which states:-

"I am today setting out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications, fulfilling the commitment made in the Conservative election manifesto. Subject to the transitional provision set out below, these considerations will take effect from 18 June and should be taken into account in planning decisions. I am also making a limited number of consequential changes to planning guidance.

When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:-

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Where a valid planning application for a wind energy development has already been submitted, the local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing."

In accordance with the statement, amendments to the relevant sections within NPPG has also been undertaken to reflect these changes.

On the basis of these aforementioned considerations, it is deemed that the proposed replacement wind turbine would not lead to any significant detrimental impacts in terms of noise or shadow flicker and the Local Planning Authority is satisfied through the consultation process that the planning related issues identified by neighbouring properties have been considered and addressed as part of the application process. Accordingly, while officers recommend that the proposed wind turbine would comply with guidance contained within the NPPF and Policy E3 of the Adopted Local Plan, ultimately it is for Members to decide, as decision makers, whether they are also satisfied that all issues had been addressed. .

Highway Considerations

The scheme has been considered by the County Highway Authority (CHA) and no objection has been raised, subject to a construction site management plan being agreed prior to the commencement of development. Therefore, subject to conditions, the application is deemed to have an acceptable impact on highway safety.

Aviation

The NPPG states that wind turbines may have an adverse impact upon air traffic movement and safety either through the risk of collision with low flying aircraft or through interference with the operation of radar. No objections have been received to the proposal by NATS and advice has been provided by the Civil Aviation Authority. The proposal is therefore considered not to impact upon aviation safeguarding requirements.

Electromagnetic Interference

It is recognised within the NPPG that wind turbines can potentially affect electromagnetic transmissions and that specialist organisations responsible for the operation of electromagnetic links typically require 100 metre clearance either side of a line of sight link from the swept area of turbine blades. The proposal has been considered by the Joint Radio Company who has raised no objection to the proposal based on known interference scenarios to radio systems operated by utility companies in support of their regulatory operational requirements. It is therefore not considered that the proposal would cause any electromagnetic interference.

Conclusion

The NPPF states that there is a presumption in favour of sustainable development and that for decision-making this means approving development proposals that accord with the Development Plan, without delay.

There is specific planning policy support for the development of renewable energy projects at a

national level and it is considered that the proposed erection of a 75 kW wind turbine would contribute to the overall outputs of renewable energy. It is however considered that these positive benefits of renewable energy of the proposed development must be carefully balanced against the harmful impacts and perceived impacts.

The scheme has been assessed from its landscape and visual impacts, impacts upon the heritage assets, impact upon residential amenity in relation to safety, noise and shadow flicker, ecology and other associated impacts including highway considerations, aviation and electromagnetic interference. The scheme is considered not to cause any significant impacts in respect of these considerations and there are no other material impacts identified that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance.

The NPPF supports the transition to a low carbon future in a changing climate by encouraging the use of renewable resources and the development of renewable energy and that local planning authorities should approve the application if its impacts are (or can be made) acceptable.

Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following conditions:-

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

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall be carried out and completed strictly in accordance with the following plans, unless otherwise required by another condition of this permission:

- Location Plan Drawing No.PS-01, received by the local planning authority on 7th August 2015;
- Site Plan Drawing No.PS-02, received by the local planning authority on 7th August 2015;
- Turbine Elevations and Diameter Drawing at Scale 1:100, received by the local planning authority on 27th May 2015.

Reason- to ensure complete and proper development of the site.

- 3 The overall height of the turbine shall not exceed 28.5 metres to the tip of the blades or 18.04 metres to the hub height, when the turbine is in the vertical position, as measured from natural ground level immediately adjacent to the turbine base. The diameter of the blades of the turbine shall not exceed 20.63 metres and there shall be no more than 3 blades.

Reason- To define the scale parameters of the development, and to ensure that the ecological, noise and visual impacts of the turbine do not vary during its lifetime.

- 4 All cabling on the site between the turbine and the connection point shall be installed

underground.

Reason- In the interests of visual amenity.

- 5 The permission hereby granted shall endure for a maximum period of 20 years from the date when electricity is first exported from the wind turbine to the electricity grid network (the 'First Export Date'). After such time the use shall cease and the turbine and associated equipment shall be removed from site in accordance with Condition 7.

Reason - To ensure development appropriate for the area and to prevent unnecessary clutter within the landscape.

- 6 Written confirmation of the First Export Date of electricity to the National Grid from the wind turbine hereby approved shall be provided to the Local Planning Authority within one month of the date of this taking place.

Reason - To enable proper record to be kept of operational wind turbines to aid aviation safeguarding.

- 7 Not less than one year prior to the expiry of this permission a Decommissioning Method Statement shall be submitted to and in agreed in writing by the Local Planning Authority. This shall include details of the works for the removal of the turbine, ancillary equipment and structures, foundations, works for the restoration of the site and the proposed timetable for the works to be carried out. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement.

Reason - To ensure development appropriate for the area and to prevent unnecessary clutter within the landscape.

- 8 Should the wind turbine hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months then a Decommissioning Method Statement as per the requirements of Condition 8 shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the end of the 6 months cessation period. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement.

Reason - To ensure development appropriate for the area and to prevent unnecessary clutter within the landscape.

- 9 All cables shall be set underground.

Reason - In the interests of visual amenity.

- 10 The noise levels should not exceed those as specified within the submitted Acoustic Assessment, received 27th May 2015, unless an updated or amended Acoustic Assessment is first submitted to and approved in writing by the Local Planning Authority.

Reason - The information provided is for a candidate turbine and in the interests of residential amenity.

- 11 No development shall commence on the site until such time as a construction traffic/site management plan, including wheel cleansing facilities and vehicle parking facilities, and

a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason- To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 The turbine should be sited in accordance with the *"Bats and onshore wind turbines Interim guidance: Natural England Technical Information Note TIN051, Third edition 11 March 2014"* to ensure that the wind turbine would not have any detrimental impact on protected species.