

APPLICATION NO	PA/2014/0697
APPLICANT	Environment Agency
DEVELOPMENT	Planning permission to install a single Rotaheat Converter wind turbine (19 metres to tip)
LOCATION	Environment Agency depot, South Street, Owston Ferry
PARISH	OWSTON FERRY
WARD	Axholme South
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Owston Ferry Parish Council

POLICIES

National Planning Policy Framework: Paragraph 97 – to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

Paragraph 98 – when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Paragraph 93 states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

The Renewable and Low Carbon section of the Planning Practice Guidance sets out the particular planning considerations to take into account when determining planning applications for wind turbines. These planning considerations include noise, safety, electromagnetic transmission interference, heritage, shadow flicker and reflected light, cumulative and visual impact and decommissioning.

North Lincolnshire Local Plan: Policies CS1, CS2, CS3, CS5 CS17, CS18 and CS19

North Lincolnshire Core Strategy: Policies DS1, DS16, DS21, RD2 and LC14

Supplementary Planning Document: Planning for Renewable Energy Development

CONSULTATIONS

Highways: No objection.

Severn Trent Water Ltd: No objection.

Environment Agency: No objection, but the site is within Flood Zone 3 (high probability of flooding) so it is advisable to locate any water-sensitive equipment above the predicted flood level.

Anglian Water Developer Services: There should be no effect on the Anglian Water Services (AWS) business microwave, therefore no objection is raised.

Ecology: The proposal is not expected to affect protected or priority species or the nearby Local Wildlife Site – no objection.

Ofcom: No links found. Additional coordination is also necessary with the band managers for the water, electricity and utilities industries which operate in the frequency ranges 457-458 MHz paired with 463-464 MHz band.

Civil Aviation Authority: There is currently a high demand for CAA comment on wind turbine applications which exceeds the capacity of the available resource to respond to requests within the timescales required by local planning authorities. The CAA has no responsibilities for safeguarding sites other than its own property, and a consultation by a council is taken as a request for clarification of procedural matters. Councils are reminded of their obligations to consult in accordance with ODPM/DfT Circular 1/2003, in particular to consult with NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the above documents, taking note of appropriate guidance and policy documentation. Should the council be minded to grant consent to an application despite an objection from one of the bodies listed in the circular, then the requisite notifications should be made.

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. However, on behalf of other non-regulatory aviation stakeholders, in the interest of aviation safety, the CAA requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic Centre.

Public Rights of Way: The proposed turbine has a height to tip of 19 metres only and the nearest right of way, Public Footpath 139, is about 100 metres distant, Environment and Sustainability have no objections or other comments to make on this occasion.

NATS Safeguarding: The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly no safeguarding objection is raised to the proposal.

Robin Hood Airport Doncaster Sheffield (RHADS): RHADS have carried out further investigations and had discussions with the developer into the nature of this application. Based on current information this proposal is unlikely to have an impact on air traffic services and not impact on current operations at RHADS. Therefore the previous objection is removed.

Historic Environment Record: Following receipt of additional information (viewpoint analysis) the HER is satisfied that the location and scale of this proposed turbine will not dominate views across the early enclosed landscape south of the village, and will not substantially detract from the setting of the historic landscape or of the other historic buildings in the view that include the windmill and the former pumping station chimney which are prominent landmarks in this part of the historic landscape. Therefore no objection is raised.

Environmental Health: Following receipt of additional acoustic information, no objection subject to the following condition:

'The noise emissions from the wind turbine shall not exceed 35 dBA measured as $L_{A90,10 \text{ min}}$ at any residential boundary. This noise limit applies to wind speeds of 10m/s at a height of 10m above ground. If noise from the wind turbine exhibits any audible tonality a correction to the measured wind turbine noise shall be made in accordance with ETSU-R-97 procedures. Any such correction shall be applied to the measured wind turbine noise before comparison is made with the emission level above. In the event of any complaint concerning noise impact is received, compliance monitoring shall be undertaken in accordance with procedures set out in ETSU-R-97.'

In addition recommend a condition in respect of the investigation of any contaminated material encountered during construction works.

Humberside Airport: No safeguarding objection. Recommend a condition that the applicant notifies the local planning authority within one month of the turbine commencing operation in order that an accurate record can be kept in the interests of aviation safety.

OWSTON FERRY PARISH COUNCIL

Object on the following grounds:

- threats to wildlife in the area
- noise that will be created in a rural environment
- the detrimental effect upon the surrounding visual amenities.

PUBLICITY

Nearby residential properties have been notified by letter and a site notice displayed. Three letters of objection have been received raising similar issues to those raised by the parish council, together with the following issues:

- visual and audible impact
- the objector would be unable to sell their property

- insufficient information to make an informed judgement
- further information required in relation to expected noise levels – the existing information is inadequate
- impact on view
- will the blades have a non-reflective surface to avoid flicker and reflection?
- the proposed turbine is too high
- located too close to residential properties
- reference to NPPF paragraph 109 and the need to contribute and enhance the natural environment
- it is in a highly rural location, not an industrialised landscape
- this is not an isolated site
- it is difficult to envisage how the turbine will not have a material impact on residential amenity
- noise and shadow flicker
- impact on the landscape
- no screening available
- no visual representations have been provided
- surely the future of the business doesn't rely on the wind turbine in this location.

ASSESSMENT

The application site is an office and depot operated and maintained by the Environment Agency. The depot is located to the south of Owston Ferry, within the open countryside. The depot is accessed from South Street, and is located to the west of the River Trent and directly to the south of the Warping and Ferry Drains. The depot contains a number of brick-built buildings, including a large industrial shed (constructed from metal profile sheeting) located towards the centre of the site. A 2 metre high palisade fence runs around the perimeter of the site. The land to the south and west is in agricultural use. There are residential properties located opposite the vehicular access and to the north, along South Street. Telegraph poles traverse the site in an east to west direction.

The main issues in the determination of this planning application are the principle of the development, and its impact on the character and appearance of the open countryside and upon residential amenity.

Local plan policy DS21 (Renewable Energy) applies and states that proposals for the generation of energy from renewable resources will be permitted provided that:

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

The proposal is for a Rotaheat Converter wind turbine with a three-blade design, a height to hub of 15 metres and a blade length of 4 metres, giving an overall height of 19 metres to blade tip. The design and access statement sets out the requirement for the wind turbine in this location. The wind turbine is required to provide the heating and hot water supply for the office and depot operated by the Environment Agency. The turbine will support the existing offices and depot and provide them with a renewable source of energy; this will reduce the energy bills and reduce the carbon footprint. The impact of the proposed development upon the rural landscape and any designated sites/landscapes is discussed in the subsequent paragraph of this report.

The wind turbine is proposed within the existing confines of the depot and offices operated by the Environment Agency. The land to the north of the site (i.e. to the north of the Warping and Ferry Drains) is designated as LC14 (Area of Special Historic Landscape) in the North Lincolnshire Local Plan. Policy LC14 states that within this area development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape or any of its features. It is worth noting that the proposed wind turbine will not be located on land which is designated as LC14, however it will be viewed in the wider context of this designated landscape. The land surrounding the site is fairly open, with the exception of the mature tree belt that lines either side of the Warping Drain; this runs in a west to east direction, the tree belt being located on its northern and southern sides.

One of the key views of this protected landscape is travelling north along South Street towards Owston Ferry. The proposed turbine will not be viewed in isolation, it will be seen against the built framework of Owston Ferry; it will also be seen in close proximity to the chimney belonging to the pumping station, which is a visually prominent feature in the landscape. The viewpoints submitted with the planning application reaffirm that the wind turbine will be visible on the landscape, however it will be also be viewed as part of the existing grouping of buildings within the Environment Agency depot with the electricity pylons and lines appearing in the distance.

Another key view across this historic landscape is looking east towards the River Trent from Station Road. This view will be from a distance of 800 metres. The mature tree belt that lines either side of the Warping Drain will screen views of the proposed wind turbine. It is noted that the land along the southern side of Station Road as you leave Owston Ferry is relatively open; views of the existing depot (at a distance of approximately 540 metres) and the storage building are available at present. The applicant's agent has submitted a number of viewpoints with the planning application: these pictures confirm that the Environment Agency depot is visible in the landscape. Again the wind turbine will not be viewed in isolation and will be visible against the backdrop of the depot and across a vista which is traversed by telegraph poles and telegraph lines.

Other key views are from the other side of the River Trent (from East Butterwick), travelling south along South Street away from Owston Ferry and from public footpaths 135 and 137 to the west and north-west and from public footpath 139 to the north. It is accepted that closer views of the proposed wind turbine will be available, however in each case the

turbine will be seen in conjunction with the depot. In the case of views from East Butterwick the proposed turbine will be seen in the wider built framework of Owston Ferry, with the chimney belonging to the pumping station highly visible to the north and the mill located a considerable distance to the south. Taking into account the fact that the wind turbine will be viewed against the built framework of both the Environment Agency depot and the settlement of Owston Ferry, together with the fact that the tree belt along the Warping Drain screens views of the site, it is considered that the proposed wind turbine (to be located within an existing depot) will not destroy, damage or adversely affect the designated historic landscape. The proposed wind turbine is not considered to affect any long-distance or key views in this part of the open countryside. In conclusion the Historic Environment Record confirm that the scale and location of the proposed wind turbine will not substantially detract from the setting of the historic landscape or of the other historic buildings in the view that include the windmill and the former pumping station chimney.

Following a request by the Historic Environment Record, the applicant's agent has submitted viewpoints which are taken directly from, across and towards heritage assets in Owston Ferry. These include a Scheduled Ancient Monument known as Kinaird's motte and bailey castle and the Church of St Martin, a grade I listed building. The viewpoints are considered to be representative of views taken from and towards heritage assets in Owston Ferry. The viewpoints show that the proposed wind turbine will not be visible in views towards or from heritage assets, thereby preserving their setting, character and appearance. Furthermore there is a distance of 760 metres, intervening buildings and a belt of mature trees between the proposed wind turbine and these historic assets. Following receipt of this additional information the Historic Environment Record have raised no objections to the proposed development.

In light of the above it is conceded that the environmental landscape against which the wind turbine is proposed is relatively flat and open in places, thereby resulting in a visually prominent feature, particularly given its height. However it should be noted that landscape character is not a static picture and is ever evolving as a result of both man's influence and natural forces. In assessing whether the visual impact is acceptable, it is necessary to take a balanced view, weighing up the extent of any impact and the harm it would bring against the public benefits of renewable energy, which would be to mitigate climate change. In the wider spatial context the turbine would be viewed in the foreground with the built framework of Owston Ferry immediately to the north and the utilitarian building within the depot to the east. It is worth noting that appropriate choice of turbine colour can ensure that the proposed development can blend in with the prevailing sky colour, enabling greater assimilation with the surrounding rural landscape.

Residential amenity

Turning now to the impact on residential amenity, the nearest residential property is located 100 metres to the east. Environmental Health have raised no objections on noise level grounds, and this takes into account proximity to existing residential properties. There are dwellings located within 130° either side of north relative to the turbines. However there are no dwellings located within 10 rotor diameters of the proposed turbine (40 metres in this case), therefore the proposed development is not considered to give rise to loss of residential amenity through the effects of shadow flicker. Turbines can cause flashes of reflective light which can be visible for some distance. It is possible to reduce the flashing but it isn't possible to eliminate it. Careful choice of blade colour and surface finish can help reduce the effect with grey, semi-matt finishes being the most appropriate. The

recommendation of a planning condition will ensure that the tower and the blades are finished in an appropriate colour to reduce the potential for flashes of reflective light. The nearest public right of way is along the northern side of the Warming Drain, located 40 metres to the north of the proposed wind turbine. At this distance the proposed turbine is considered to be clear of the fall over distance recommended in the Planning Practice Guidance (Paragraph 16) for houses, which is stated as the height of the turbine to the tip of the blade plus 10%. Whilst this guidance is specific to the proximity of turbines to houses, it provides a safeguarding distance nonetheless. Devaluation of property prices is not a material planning consideration and will not be assessed in this case.

Summary

Both local and national planning policy is supportive of measures that reduce carbon emissions. Indeed the National Planning Policy Framework states that 'local planning authorities should approve applications for renewable or low carbon energy if the impacts are (or can be made) acceptable' (NPPF 10, paragraph 98). In this application the wind turbine has been sited away from residential properties to ensure that there would be no adverse impact in terms of noise and shadow flicker. In terms of the visual impact the development would not adversely affect any key or long-distance views and whilst it will be visible, in the context of the flat, relatively open landscape, the turbine would not have a significant adverse effect on the historic character of the area or views of the surrounding countryside. The application is therefore recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: A0059, C010_190614 Revision 1 (Block Plan) and C010_190614 (Site Location Plan).

Reason

For the avoidance of doubt and in the interests of proper planning.

3.
This permission shall endure for a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid (first export date). Written notification of the first export date shall be given to the local planning authority no later than 14 days after the event.

Reason

For the avoidance of doubt.

4.

No later than 12 months prior to the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the local planning authority. The scheme shall make provision for the removal of the wind turbine and associated above-ground works approved under this permission and details of the depth to which the wind turbine foundations will be removed. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

Reason

To protect visual amenity in the area.

5.

The blades and tower of the wind turbine hereby permitted shall be finished in a grey colour which shall thereafter be retained.

Reason

To safeguard the character and appearance of the countryside and to allow the development to assimilate into its countryside setting, in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

6.

The turbine hereby approved is the Rotaheater Converter 10kw Wind Turbine model, unless otherwise agreed in writing with the local planning authority.

Reason

To define the terms of the permission and to allow the local planning authority to assess whether an alternative model of wind turbine is appropriate in this countryside location, in the interests of safeguarding residential amenity.

7.

If the wind turbine hereby permitted ceases to be operational for a continuous period of 12 months, it shall be dismantled and removed from the site, and that part of the site shall be restored in accordance with details to be submitted to and approved in writing by the local planning authority no later than 2 months from the said period of 12 months.

Reason

To prevent the retention of development that is not being used for its intended purpose, in the interests of visual amenity, in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

8.

The noise emissions from the wind turbine shall not exceed 35 dBA measured as LA90, 10 min at any residential boundary. This noise limit applies up to wind speeds of 10 m/s at a height of 10m above ground. If noise from the wind turbine exhibits any audible tonality, a correction to the measured wind turbine noise shall be made in accordance with ETSU-R-97 procedures. Any such correction shall be applied to the measured wind turbine noise before comparison is made with the emission limit given above. In the event of any complaint concerning noise impact, compliance monitoring shall be undertaken by the operator in accordance with the procedures set out in ETSU-R-97 and the 'Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise'.

Reason

To protect residential amenity.

9.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

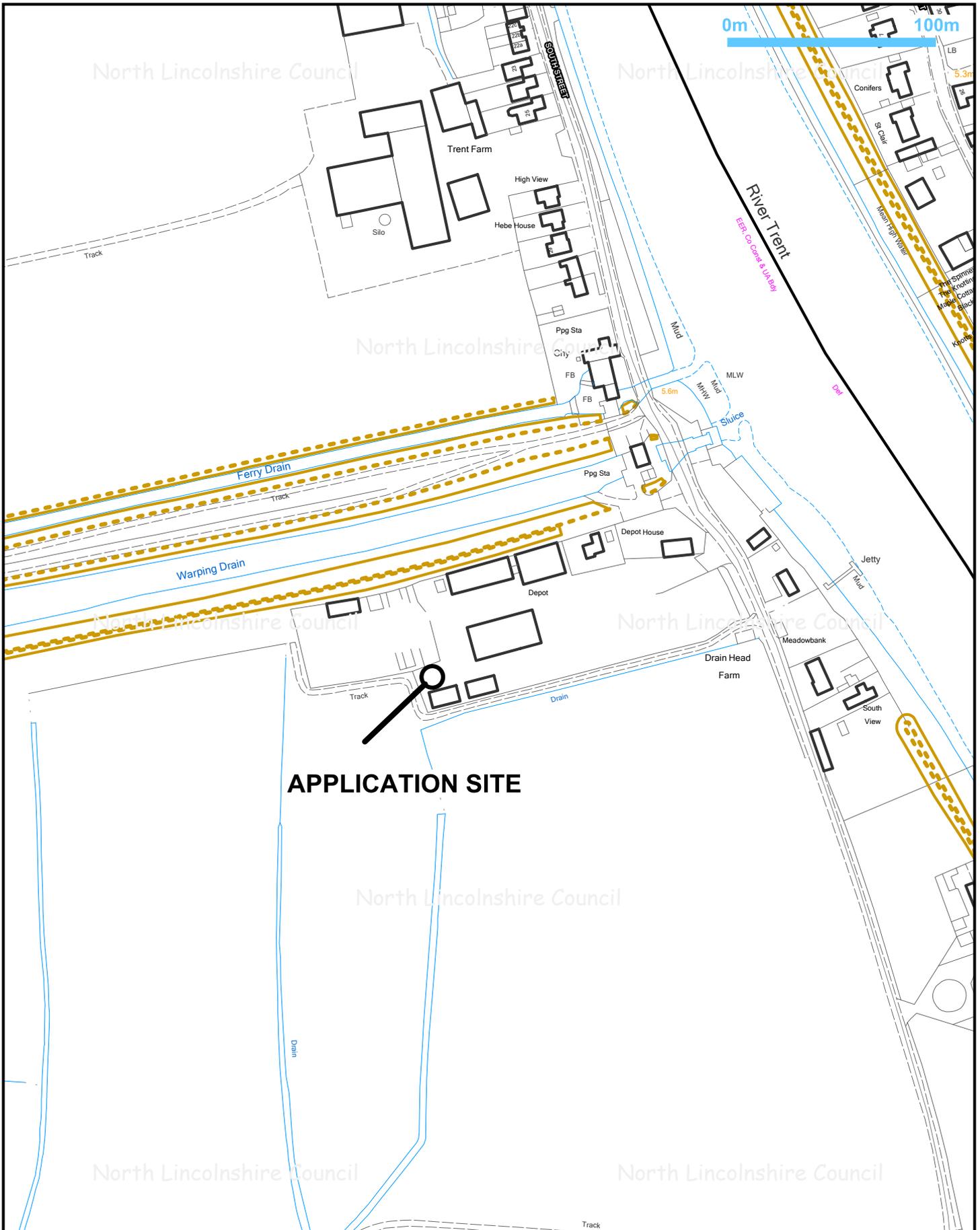
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

Informative 1

You are advised to ensure that all water-sensitive equipment is located above the predicted flood level in this area.

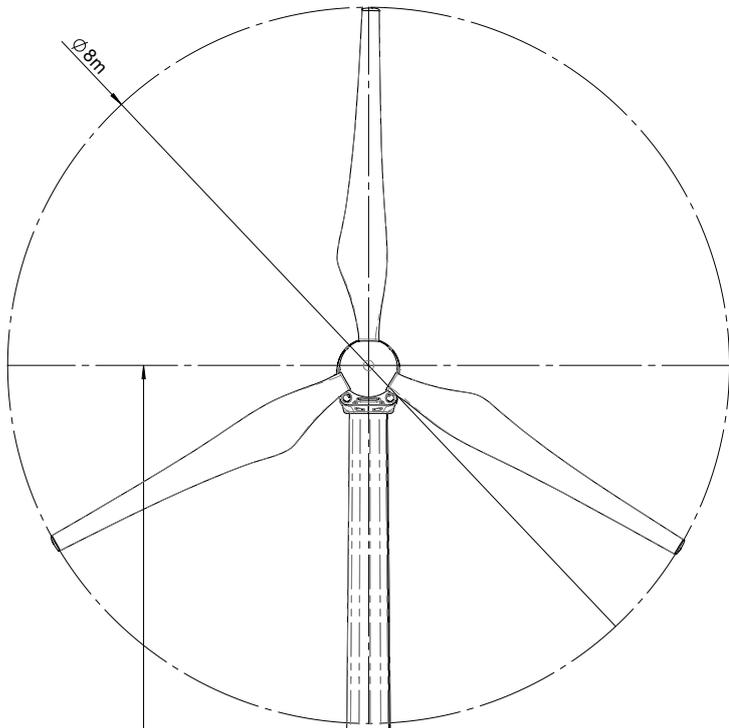
Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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Drawn by: Sue Barden	Date: 27/11/2014	Scale 1:2500	

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