

APPLICATION NO	PA/2011/0003
APPLICANT	Rotary Engineering
DEVELOPMENT	Planning permission to erect a wind turbine
LOCATION	College Farm, West End, Garthorpe
PARISH	GARTHORPE/FOCKERBY
WARD	Axholme North
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Garthorpe and Fockerby Parish Council Member 'call in' (Cllr Briggs – significant public interest) Third party request to address the committee

POLICIES

National policy

The UK has set targets to generate 10% of electricity from renewable energy sources by 2010 followed by 15% in 2015 and 20% by 2020. This is in addition to cutting carbon dioxide emissions by 60% by 2050. To achieve this Planning Policy Statement (PPS) 22, Renewable Energy has been published which requires the planning system to actively promote renewable energy development. PPS 22 also provides detailed guidance for the consideration of renewable energy planning applications. Since the publication of PPS 22 regional planning guidance for Yorkshire and the Humber has set challenging renewable energy targets for the Humber and other sub-regions. The 2010 target for the Humber is set at 146 megawatts.

PPS 1: Delivering Sustainable Development (2005) and Planning and Climate Change, Supplement to PPS 1 (2007) sets out the overarching planning policies on the delivery of sustainable development through the planning system.

The supplement to PPS 1 – Planning and Climate Change (2007) - sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. It advises that it does not seek to assemble all national planning policy relevant or applicable to climate change and should be read alongside the national PPS series. Where there is any difference in emphasis on climate change between the policies in this PPS and others in the national series, this is intentional and this PPS takes precedence.

PPS 7: Sustainable Development in Rural Areas (2004)

The key principle PPS 7 expresses is:

'(i) Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:

- social inclusion, recognising the needs of everyone;
- effective protection and enhancement of the environment;
- prudent use of natural resources; and
- maintaining high and stable levels of economic growth and employment.'

PPS 24: Planning and Noise

Paragraph 10 of PPG 24 indicates that the planning system should not place unjustifiable obstacles in the way of essential infrastructure development. It also refers to the need to prevent an unacceptable degree of disturbance. Paragraph 11 specifies that:

'Noise characteristics and levels can vary substantially according to their source and the type of activity involved. In the case of industrial development, for example, the character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration.'

PPS 22: Renewable Energy (2004)

The Government published a revised PPS on renewable energy in 2004, together with a companion guide which sets out practical advice on how policies for renewable energy can be implemented. These documents reinforce the overall regional role for renewable energy in helping to deliver national energy targets for energy generation and reductions in greenhouse gas emissions.

The Companion Guide to PPS 22

At paragraph 5.10 the Companion Guide sets out what planning authorities must assess for each project and thereby come to an objective view:

- the extent to which the project is in conformity with the development plan, in particular criteria-based policies and any 'broad area' policies in RSSs
- the extent to which the reasons for any area-based designations may be compromised
- the extent of any positive or negative impacts, and the means by which they may be mitigated, if negative
- the contribution towards meeting the regional target, but recognising that a small contribution cannot, in itself, be a reason for refusal of permission.

PPS 5: Planning for the Historic Environment

Policy HE1, Heritage Assets and Climate Change, recognises the potential conflict between protecting sensitive sites from modern development and the need to meet the challenges of climate change

Regional Spatial Strategy for Yorkshire and the Humber: Policy YH2 (Climate change and resource use) sets out seven areas where plans, strategies, investment decisions and

programmes should help meet the RSS target in relation to the reduction in greenhouse gas emissions, the seventh of which is increasing renewable energy capacity.

Policy ENV5 (Energy) states that 'The region will maximise improvements to energy efficiency by increases in renewable energy capacity.

Policy ENV10 (Landscape) states that the 'region will safeguard and enhance landscapes that contribute to the distinctive character of Yorkshire and the Humber. Plans, strategies, investment decisions and programmes should safeguard and enhance certain identified landscapes and related assets of regional, sub-regional and local importance.'

North Lincolnshire Local Plan: Policy DS21 (Renewable Energy) 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 developments including access roads and other ancillary buildings and their likely impact upon the environment.

Where appropriate, conditions will be imposed requiring the restoration of the site to its original condition or the implementation of an agreed scheme of after-use and restoration.

Policy DS1 (General Requirements) is applied to all development proposals. It requires a high standard of design in all developments irrespective of location. Proposals for poorly designed development will be refused. All proposals must be considered against several criteria

Policy DS11 (Polluting Activities) states that planning permission for development will only be permitted where it can be demonstrated that the levels of potentially polluting noise does not create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Policy RD2 sets out the council's overall development control policy for development within the open countryside. It aims to balance the needs and benefits of economic activity with maintaining and/or enhancing the quality of the countryside.

Policy LC5 (Species Protection) covers the impact of development on badgers or species protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended).

Policy LC7 (Landscape Protection) states that where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape.

Development which does not respect the character of the local landscape will not be permitted.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) requires all new development proposals, where possible, to ensure the retention of trees, woodland and hedgerows.

Policy HE9 (Archaeological Evaluation) seeks to protect sites important in terms of archaeology.

Supplementary Planning Guidance (SPG) 13: Wind Energy Development (March 2005)

As well as outlining national and regional policies and guidance, the SPG sets out local policies against which North Lincolnshire Council will assess proposals for electricity production by wind power in North Lincolnshire. It does so in WIND1 by referring to targets and locational and environmental criteria that were set out in Regional Policy Guidance (RPG) 12. It then refers to the particular local plan policy relating to renewable energy (DS21) and then sets out in more detail in WIND2 to WIND9 those issues it will have regard to (based on the RPG and PPS 22 criteria).

Developers will need to demonstrate that the objectives of the designation of the area will not be compromised by the development, and that any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.'

SPG 5a North Lincolnshire Countryside Design Summary and SPG 5b North Lincolnshire Landscape Character Assessment and Guidelines

Policies LC7 and SPG 13 are underpinned by the findings of a landscape assessment conducted by landscape architect consultants (Estell Warren) on behalf of the council. This assessment has been adopted by the council as SPG 5b.

North Lincolnshire Core Strategy: Policy CS1 Supports thriving rural communities and a vibrant countryside through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism.

Policy CS2 All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with a number of sustainable development principles.

CONSULTATIONS

Highways: No objection subject to a condition that requires the turbine to be turned off at sunset to avoid the risk of shadow flicker impact on motorists.

Natural England: No objections.

MOD Safeguarding Officer: No objections.

Robin Hood Airport: Unlikely to affect operations at the airport, therefore no objections.

Environmental Protection Officer: No objections subject to a condition regarding noise levels.

National Grid: No objections.

Nats: Does not conflict with safeguarding criteria.

Garthorpe IDB: No objections but suggest informatives regarding easements near water courses, and some works within the drainage board's district will require their prior approval.

PARISH COUNCIL

Object to the proposal on the following grounds:

- The noise issue has not been properly assessed and do not consider that a condition should be used regarding this matter. A full background noise assessment is required in accordance with BS 4142:1997, and do not agree with the use of ETSU-97-R for assessing noise. The submitted noise assessment demonstrates that there will be an increase in noise levels that will adversely affect residents. The level of information submitted is insufficient to base a decision on.
- There is insufficient information submitted with the application to fully consider the issue of shadow flicker, and consider that this issue is hazardous to road safety.
- The application raises the same issues as the Flixborough application and should be refused for the same reasons.
- Bagmoor and other wind farms are running at levels much lower than their capacity and as such this demonstrates that wind is inefficient.
- The applicant has not explained whether any alternative sites have been considered.
- The proposal will have a significant detrimental impact on landscape quality and visual amenity.
- There will be an adverse impact on wildlife, in particular birds and bats. Insufficient information regarding water voles, newts.
- Contrary to policy as this represents an inappropriate development in the open countryside, that if approved will set a precedent for other similar inefficient development in the area.

PUBLICITY

Advertised by site notice and letters sent to local residents. Thirty-three letters of objection have been received, one in support and one petition with 163 signatures, also objecting to the proposal. The petition does not refer to any specific reasons for objecting, but the letters of objection raise the following issues:

- The turbine is too close to the village. The farmer has 1000s of acres – why can't it be located further away.
- The turbine is not for the benefit of the village.
- If approved, it will pave the way for more turbines and pylons.
- Already too many pylons, that are a blot on the landscape, an eyesore and spoil views.

- Adverse impact on wildlife, in particular birds and bats.
- The Flixborough wind farm is not working efficiently, wind is inefficient and there is not enough wind speed in the area.
- Increase in noise levels will cause disturbance and loss of amenity.
- The noise information submitted with the application is inaccurate and wind speed details inadequate and misleading.
- Devaluation of properties.
- Health risks to children.
- Shadow flicker will be a hazard to road safety, distracting drivers, particularly from Luddington Road, and residential amenity.
- Will create an unacceptable visual impact.

The proposal involves the erection of an individual wind turbine to serve the adjacent College Farm. The turbine is 24.6 metres to the hub, and 34.2 metres overall to the tip of the blades. The proposal also involves the provision of a concrete base and access to the national grid. The turbine is set in an area of relatively flat open countryside, adjacent to a row of large electricity pylons and overhead cables. The turbine is located to the south-west of the village of Garthorpe, and is approximately 300 metres away from the nearest dwelling. It is anticipated that the output of the turbine will be approximately 55KW.

ASSESSMENT

The determining issues in this case are:

- **the impact of the development on the amenities of local residents, particularly in relation to noise;**
- **the impact of the development on the character and appearance of the open countryside; and**
- **whether any other issues, such as aviation, ecology, archaeology, cultural heritage or other issues of accepted importance, are harmed.**

Current national, regional and local plan policies support the provision of renewable sources of energy, including the use of wind turbines. In principle, therefore, the erection of one wind turbine to provide energy for the existing farm is acceptable. The turbine is modest in height in relation to the adjacent overhead lines and associated pylons, and is viewed from different perspectives against the backdrop of trees, agricultural buildings and the line of pylons. The application is accompanied by a noise assessment, a landscape character assessment, a heritage statement and an ecological statement.

In relation to the impact on the character of the landscape, the information submitted with the application has been assessed and found to be acceptable. Although it is accepted that the turbine will be visible in the landscape, it is not considered that the erection of one turbine of the height proposed will have a significant detrimental impact on the quality of the existing landscape. Similarly, a heritage impact statement has been submitted with the

application that demonstrates, to the satisfaction of the council's sites and monuments officer, that the development will not have a harmful impact on any heritage assets (listed buildings etc) in the area, or on any archaeological assets.

An ecological survey has been submitted which provides evidence to show that the proposal will not have an adverse impact on birds, bats or any other protected species. Natural England has also been consulted and raise no objections to the scheme.

In relation to noise, information has been submitted that has been assessed by the council's environmental protection officer. Subject to a condition limiting the maximum noise level at any residential property, the proposal is considered not to have a detrimental impact on nearby residents.

The parish council have objected to the application, as have a number of local residents, which includes a 163 signature petition. The parish council, together with local residents, is concerned about the issue of noise, and that the application is lacking in detail. It is also concerned that the method used to assess this information, ETSU-R-97, is not appropriate. However, the council's environmental protection officer has considered the details submitted and found that, subject to a condition, the development would not be harmful to residential amenity due to noise. In relation to the use of ETSU, this is the current recognised method of assessing such proposals.

Shadow flicker has been raised as an issue by both neighbours and the parish council. The statement submitted by the applicant indicates that there will be no significant harm caused by shadow flicker, due to the location of the turbine and the distance from neighbouring properties. The report submitted with the application provides a shadow flicker analysis map that illustrates this point. In relation to this, the highways department have requested a condition that requires the turbine to be turned off at sunset, in order to avoid any hazard to road users from shadow flicker. However, it is considered that there is insufficient evidence at this stage to demonstrate that there will be harm to road users due to the issue of shadow flicker, which is usually applicable to buildings, and such a condition is unnecessary at this time.

Comments have been made about the level of wind speed in the area and that wind as a source of energy is inefficient, and that the turbine cannot generate the amount of energy suggested by the applicant. However, whether the turbine generates significant amounts of energy is not a matter that can be used to refuse an application, as specified in PPS22.

Whilst it is clear that the turbine will be visible in the landscape, it is not considered that it will have a significant detrimental impact on the character and quality of the landscape, which is not in a designated area. An assessment has been made by the applicant which has been considered by the council's Environment team, and no objections have been raised regarding this matter. It is also considered that there are no other sites on the applicant's land that would provide a better alternative in relation to impact on the landscape.

Concern has been expressed about the impact of the proposal on wildlife, in particular birds, bats and other protected species. English Nature have been consulted and consider there to be no evidence to suggest that any protected species will be adversely affected, and the ecology report submitted reinforces this.

The parish council also considers that the proposal is contrary to current policies, being an inappropriate development in the open countryside, that if approved would set a precedent for other similar proposals in the future. However, as described above, it is considered that the proposal does comply with current policies, and as each application is judged on its own merits, would not necessarily lead to an increase in proposals for further turbines, or pylons, in the area.

Neighbours have also commented that the proposal would have an adverse impact on property values, however this is not a material planning consideration and cannot be used to determine a planning application. It has also been suggested that the turbine will affect the health of children, however no specific evidence has been submitted to support this concern, and at this stage there is no planning reason to refuse the application on these grounds.

Consultation responses regarding the impact on local airports and aviation concerns have all indicated that the proposal will not be detrimental to any operational activities.

Therefore, it is considered that the erection of one turbine in this location will not be harmful to residential amenities, landscape, ecology, archaeology, highway safety or heritage assets, and that sufficient information has been provided to allow full consideration of all the relevant issues. The application is 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: E-3120 - 50 kW Monopole A and PA/2011/0003/1.

Reason

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

3.
The noise emissions from the wind turbine shall not exceed a value of 35dB(A) measured as LA90, 10min up to a wind speed of 10m/s at a height of 10m above ground at any residential property. Compliance measurements shall be undertaken in accordance with the requirements of ETSU-R-97.

Reason

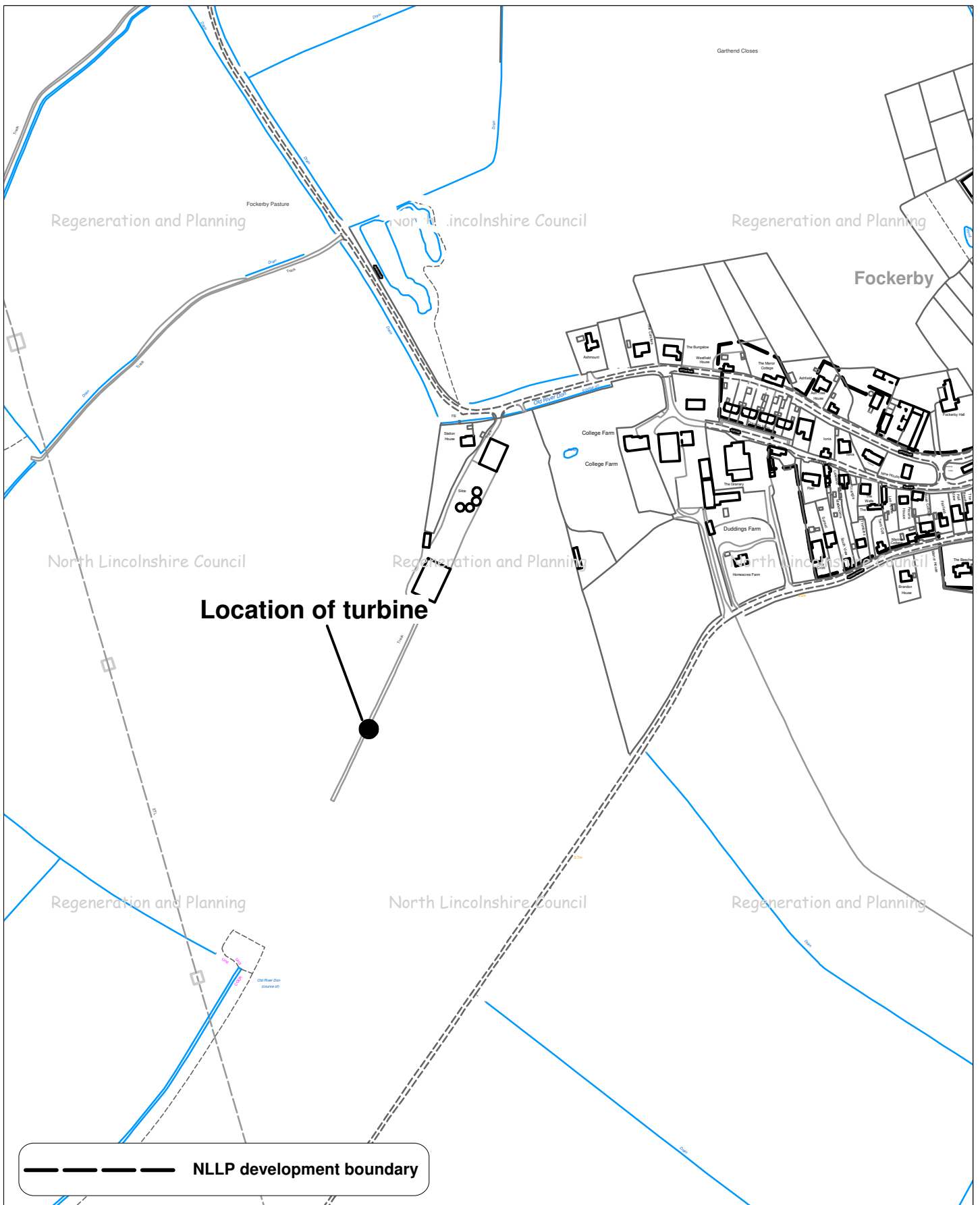
In the interests of the residential amenity of the area in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

4.
The development shall proceed only in accordance with the details and recommendations contained in the report by E3 Ecology Ltd, entitled 'An extended Phase 1 and Protected

Species Survey, College Farm, Garthorpe' received on 24 March 2011, unless otherwise agreed in writing by the local planning authority.

Reason

To protect and enhance the biodiversity in accordance with policy LC5 of the North Lincolnshire Local Plan and PPS9.



Location of turbine

----- NLLP development boundary

Drawing Title: 2011/0003

OS Grid Ref: SK78159990

Drawn by: KC

Scale: 1:2500

Date: 12/07/2011



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2011



Regeneration and Planning

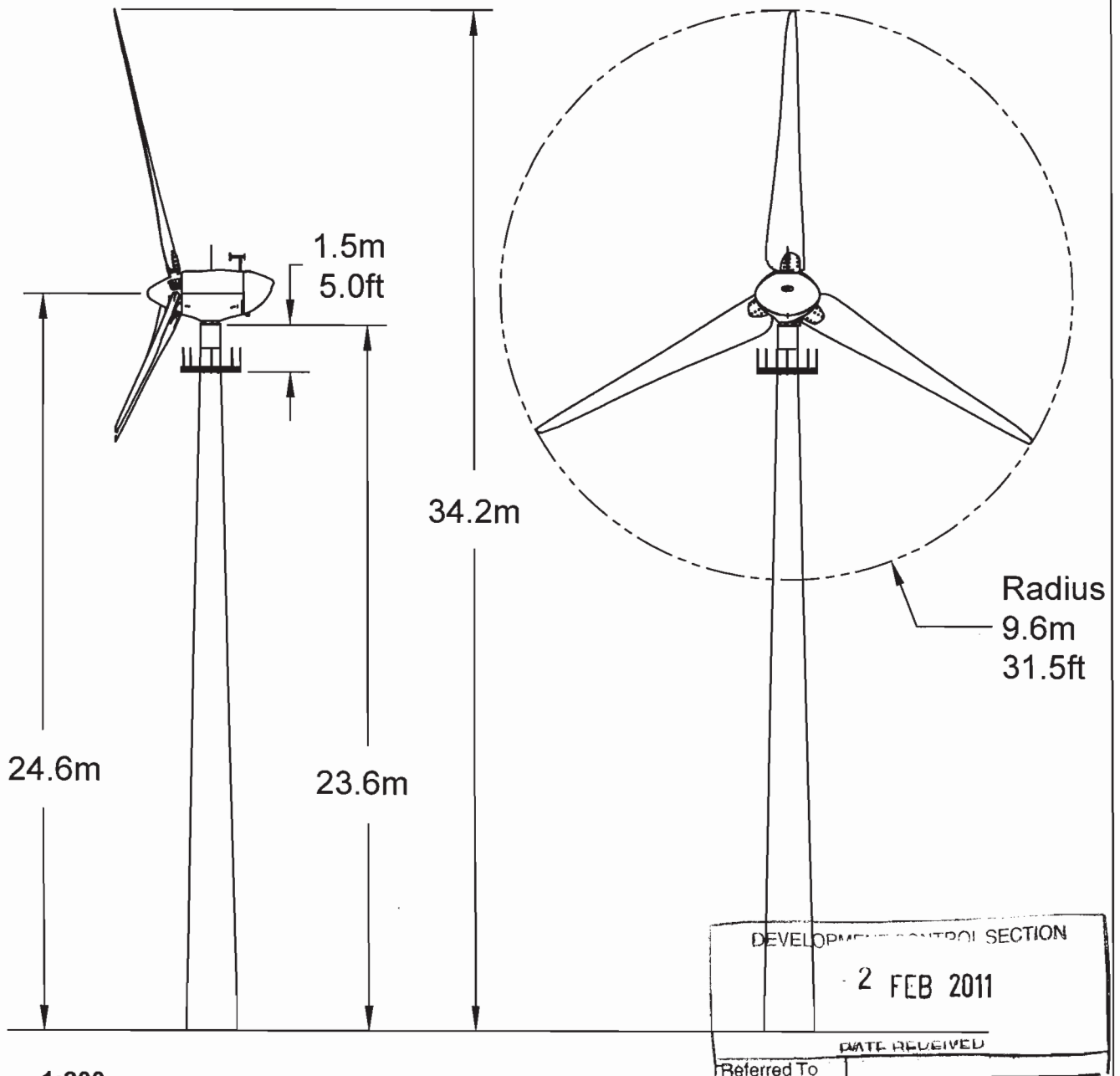
Head,

Marcus Walker BA (Hons), Dip URP, MA, MRTPI

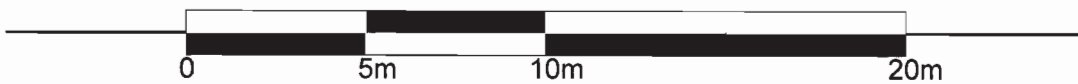
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AMENDED

Planning Application: 2011/0003
NOT TO SCALE



1:200



Flange Elevation		Hub Elevation		Max Blade Elevation		Notes
ft	m	ft	m	ft	m	
77.4	23.6	80.7	24.6	112.2	34.2	EU Countries Only
97.1	29.6	100.4	30.6	131.9	40.2	North America Only
116.1	35.4	119.4	36.4	150.9	46.0	North America Only
135.8	41.4	139.1	42.4	170.6	52.0	North America Only

PA1001/0003
Endurance
wind power

E-3120 Elevation

SIZE	DWG. NO.	REV.
A	E-3120 - 50 kW Monopole	A

Note: Dimensions approximate and provided for planning purposes only. Final construction elevations are available in a permitting package on a per-tower basis.

not to scale