

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Planning Manager

To: Planning Committee – 7 May 2014

Author: David Gedney – Planning Officer

Subject: Ogden Renewable Energy, Land associated with Fendyke Farm, Sutton St James

Purpose: To consider Planning Application H20-0136-13

Application Number: H20-0136-13 **Date Received:** 21 February 2013

Application Type: Full

Description: Proposed erection of one 50m (hub) high, 78m (tip) high wind turbine and ancillary development

Location: Land associated with Fendyke Farm, Sutton St James

Applicant: Ogden Renewable Energy **Agent:** AAH Planning Consultants

You can view this application on the Council's web site at

<http://www.sholland.gov.uk/doitonline/plandev/plansearch.aspx>.

Just enter the Application Reference Number, press 'Get the details' and follow the links to see the documents and plans held

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application is contentious and raises issues which warrant Committee consideration.

2.0 PROPOSAL

2.1 Full planning permission is sought for the erection of a 500kW wind turbine (max 50m to the hub and 78m to the tip) consisting of a steel tubular tower and 3 glass fibre blades. The base would have a diameter of 3.6m. It would have an "industry white finish".

2.2 Ancillary development includes a sub-station (6.9m x 3.4m), a crane hardstanding area and site access road/turning facility. Electricity generated by the turbine would be exported directly to the national grid via an underground cable to overhead 11kVA grid cables at a pole along Inley Drove, which would be upgraded. The applicant has indicated that the proposal is a type of farm diversification that would allow the farm business (R J Wright Ltd) to operate in a more environmentally and financially sustainable manner.

3.0 SITE DESCRIPTION

3.1 The application site is agricultural land associated with Fendyke Farm, New Fendyke, Sutton St James. It is located on the south-eastern side of Inley Drove, approximately 830m from the farmstead itself and 1.8km to the south-west of Sutton St James village.

- 3.2 The nearest residential properties are Ashby and Northfields located approximately 578m and 586m respectively to the north-east, off Old Fendyke. Inley Drove Farmhouse is situated approximately 578m to the south-west, off Inley Drove.

4.0 **RELEVANT PLANNING POLICIES**

4.1 **The Development Plan**

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below clearly accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

Policy SG1 – General Sustainable Development
Policy SG4 – Development in the Countryside
Policy SG13 – Pollution and Contamination
Policy SG17 – Protection of Residential Amenity
Policy SG18 – Landscaping of New Development
Policy EC4 – Farm Diversification

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.2 **National Guidance**

National Planning Policy Framework (NPPF), March 2012

Paragraph 14 – The presumption in favour of sustainable development
Paragraph 17 – Core planning principles
Section 3 – Supporting a prosperous rural economy
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment

PPS5: Planning for the Historic Environment Practice Guide

National Planning Practice Guidance (PPG), March 2014

Renewable and low carbon energy

4.3 **National Energy Policy**

The Climate Change Act 2008

Establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels.

The UK Renewable Energy Strategy, 2009

Sets out a path for meeting the legally binding target to ensure that 15% of energy comes from renewable sources by 2020.

The UK Renewable Energy Roadmap, Update 2013

The second annual update to the Roadmap, which shows that the UK has exceeded its first interim target on the way towards the ambitious target of 15% renewable energy consumption by 2020. In 2012, more than 4% of the UK's energy came from renewable sources, whilst current capacity stands at 19.5 GW (of which 7.0 GW is onshore wind). Recognises that some individuals and communities are concerned about the siting of particular renewable energy projects, and sets out objectives to promote community involvement and investment in small scale renewable projects.

5.0 **RELEVANT PLANNING HISTORY**

5.1 No on site history.

6.0 **REPRESENTATIONS**

6.1 Sutton St James Parish Council

Objects for the following reasons:

- Contravenes local plan policy. Turbine not for the farm's own use;
- Noise impact on nearby homes, especially at high wind speeds;
- Shadow flicker;
- Destruction of habitat / impact upon wildlife;
- Concerns regarding the proliferation of large commercial wind turbines in this area;
- Should not be automatically installed in rural/agricultural settings
- In the event that SHDC decided to grant permission, Sutton St James Parish Council requests a guaranteed compensation package for anyone whose property would be adversely affected, plus mitigating conditions and the provision of a local community facility.

6.2 District Councillors

Cllr M D Seymour

- High visual impact on all local properties within close proximity;
- Concern for local wildlife. Farm nearby with breeding owls within buildings which hunt in the area;
- Close to a local airfield which many light aircraft use;
- Inley Drove unsuitable for HGVs, as are many roads within the area.

6.3 County Highways

Request refusal

6.4 SHDC Environmental Health

No objections subject to noise condition

6.5 Environment Agency

No objections

6.6 MOD

Object on grounds that a 78m turbine would unacceptably interfere with the operation of the Air Traffic Control (ATC) Radar at Waddington.

6.7 English Heritage

Whilst it is unlikely that the turbine would have a significant visual impact upon the setting of nearby heritage assets, we do not consider that this has been conclusively demonstrated in the supporting information, in particular in the selection of photomontages. Therefore, your authority should pay particular attention to views to and from these assets in the context of the proposed turbine and ensure that it has sufficient information with which to assess whether the proposal would result in harm to significance and weigh that harm against the public benefit that would accrue from the development.

6.8 Natural England

No objections subject to appropriate mitigation and enhancement measures.

6.9 Lincolnshire Bat Group

No objections.

6.10 FenRATS (summarised)

- Negative impact on the Fens;
- Major loss of visual amenity for local residents;
- Noise both in the audible and infra-sound range of frequencies with potentially serious health problems arising from sleep disturbance;
- Cumulative impact;
- Lincolnshire CC and MP opposed to the development of wind turbines in the area now that we have our “fair share”;
- Output from scheme intermittent and needs back up from gas turbines. Will not provide savings in CO2 emissions or energy security;
- Recent government initiatives are intended to give sovereignty to local people over national renewable energy policy. Great deal of people are opposed to this scheme.

6.11 John Hayes MP

- Affect all the properties along Old Fendyke and the surrounding area, obscuring their view across the fenland landscape;
- Detrimental impact upon the quality of life for those living within 2km of it;
- Too close to homes. Some of the properties are only 515m away;
- There is well documented evidence of significant incidences of noise nuisance, including the “swoosh and bang” of the blades, low frequency humming from the hubs and ADM. Jane and Julian Davis’ well publicised experiences at Deeping St Nicholas are not unusual; a report from Salford University has exposed over 33 sites – including where the most modern turbines have been built – across the country;
- Council’s conditions on noise abatement have previously been unenforceable;
- Detrimental impact upon wildlife habitats of birds, bats and other forms of wildlife;
- Draw your attention to the Dept for Energy and Climate Change’s call for evidence on the cost of turbines;
- New planning guidance means that communities have to be consulted before a formal application is made and greater emphasis on protection of landscape, heritage and local amenity. Community benefit will be greatly increased and unacceptable practises by developers will not be tolerated.
- New guidance sets out clearly that:
 - 1) Arguments for renewable energy do not override environmental protections and planning concerns of local residents;
 - 2) Decisions should take into account the cumulative impact of turbines;
 - 3) Local topography should be a factor in assessing whether wind turbines have a damaging impact on the landscape;
 - 4) Great care should be taken to ensure heritage assets are conserved, including setting.

6.12 County Councillor W. S. Webb

Object for the following reasons:

- Blight issues and effect upon property values;
- The cumulative effect of industrial scale wind turbines on our fenland landscape. Wind farms already exist in close proximity to the site: Gedney Marsh has six turbines and a further installation of seven turbines was recently completed at Grange Farm, Tydd St Mary;
- The unsuitable route for the transport of materials and superstructures, including the use of a grade II listed bridge with poor entrance and exit angles and brick parapets at Foreman's Bridge, Sutton St. James.

6.13 Public

113 letters of objection have been received (main points summarised):

Policy

- Proposal is contrary to S.H.D.C Policies SG1, SG4 and EC4 and S.P.G as its sole purpose is for export of energy to the grid;
- Conflicts with Lincs C.C policy statement on wind turbines – which states turbines should be 2km away;
- Local M.P and Lincs C.C have voiced opposition to the spread of wind turbines across Lincolnshire;
- Contrary to: NPPF (Section 12 - Conserving and Enhancing the Historic Environment); PPS5 Planning for Historic Environment; Wind Energy and the Historic Environment, 2005; Setting of Heritage Assets, 2011 and Countryside Character - Vol 6 East of England, 1999;
- Rt. Hon. E. Pickles instruction to local planning authorities states that:- the need for renewable energy does not automatically outweigh environmental concerns or justify development in the wrong place; cumulative effects of turbines to be taken into account; topography to be considered as turbines have a greater impact on flat landscapes; applications outside of areas considered to be suitable should not lead council's to feel pressured in to approving them and that communities should be consulted prior to an application and if in favour of turbines, they should be compensated financially;
- There is a strong highway objection and M.O.D opposition and development is clearly contrary to policy and ministerial guidelines;
- Result of appeal at Treading has similarities with the current site and should be refused for similar reasons;
- Planning officers appear to show bias towards the energy producers contrary to Government advice.

Visual Appearance/Loss of View/Landscape

- My bungalow looks out directly on to the site – loss of visual amenity;
- All of my principle windows look out on to the site – I will be in full view of the turbine – a monstrosity;
- Will result in a loss of view from my property;
- Turbine will be over-bearing. Almost as high as Boston Stump (tower 83m high). Cannot be regarded as insignificant by any stretch of the imagination.
- This is just a blot on the landscape;
- The D and A Statement contains errors, as although there are man-made features, none are as big as the turbine and it will be viewed from great distances. The suggestion that this is for local use is questioned;
- The applicant suggests that the visual impact would be lessened as there are no elevated views, however the flat landscape means it will be viewed over long-distances;

- Recent court-case in Norfolk has indicated that it cannot be assumed that Government support for renewable energy must always over-rule local landscape policy – the harm must be carefully assessed in a balanced judgement;
- The land-owner lives in another parish and will not be able to see the turbine, in stark contrast to 22 households who would have no choice;
- Landscape methodology and information provided is incorrect. Photographic representation by the applicant is a distorted view – wide angle that is not representative of the landscape and is misleading;
- Existing and proposed turbines are having a cumulative impact;
- Area here is classed as low suitability for turbines and should be resisted;
- The Fens are renowned for their ‘big-skies’ and stark beauty of the landscape which would be spoilt by high turbines;
- I had to meet numerous planning stipulations in relation to my replacement dwelling, including landscaping and fencing - a mockery when a great-big turbine can be built 500m away;
- Object to development of a turbine on farmland;
- Area already has many turbines and a solar-farm and is becoming a blot on the landscape.

Noise/Flicker

- Will result in noise and flicker at my property, a great concern to me;
- I have recurring iritis and I am photophobic, and any bright light or flickering effect causes me acute pain. The application states that flicker effect could occur within 540m, and yet the turbine is only 485 m from my house and will therefore have dire consequences for me. I have also suffered from cancer, heart attack and open-heart surgery, and the unique impulse pattern from turbines would exacerbate my health problems;
- All of the rooms where I enjoy the evening sun will be subject to ‘flicker’. Will affect my basic human rights to enjoy my property without such issues;
- I work nights 3-4 days/week and will be unable to sleep during the day due to turbine noise;
- There is not enough evidence of the effects on people’s health for future generations;
- Turbine is too close to people’s property – private members bill suggests that there should be no turbine within 1500m as health issues for those living close to turbines are well documented;
- The distances quoted by the applicant to dwellings are incorrect. The noise report suggests that as no-one is within 500m, the noise will not be audible – however, as people do live within 500m, it therefore will be audible;
- 5 dwellings fall within a moderate risk area for flicker;
- The prevailing wind will carry turbine noise to the residents;
- Turbine will cause a nuisance to nearby residences;
- Audible range and infra-sound has potential health problems up to 1.4km, as noted in the recent Davis family out-of-court settlement;
- A bright-red warning light after dusk will also be intrusive to neighbours;
- The report is lacking in that there is no data from a ‘live’ turbine;
- The applicants suggestion that noise issues would be resolved by Environmental Health (at tax-payers cost) and that flicker would be solved by turning the turbine off at given times would need extensive monitoring by residents, and more cost to the Council if times were breached;
- The errors in the noise assessment when combined with the separation distance errors means that the assessment is sloppy and cannot be relied upon.

Impact on Ecology

- There will be an impact on habitat – not enough information/evidence as to the effects;
- Area is popular with horse riders on nearby bridleways – horses are susceptible to being scared by the rotors of turbines which will constitute a danger to horse-riders, and horse-and-cart users – this was an issue referred to by the British Horse Society in the Treadings appeal;
- Timing and brevity of the protected species report is poor and would not be expected to find much;
- The submitted protected species survey is inadequate as it fails to recognise wild bird hot-spots or utilise Lincolnshire bird-club data, and it contains typo-errors;
- There are numerous wild-birds in the locality – the nearby overhead lines were retro-fitted with bird deflectors;
- Survey was not made at an appropriate date/time;
- Applicants statement that the R.S.P.B supports wind farms is not factually correct;
- Long roadside hedges will support bats;
- There are numerous owls in the area of several species – barn-owl, tawny-owl and short-eared owls have been seen;
- Whilst applicant's intensive farming might be low in ecological terms, the surrounding land-owners have entered into environmentally beneficial schemes. Ecology of area is improving and needs protecting;
- There is likely to be water-voles and newts in the dykes near to the site, as well as birds-of-prey, including red-kite which need to be able to fly-free;
- Migrating swans/geese use this area;
- Report is inadequate in terms of its reference to the quality of nearby grassland, extensive intact hedgerows and other bio-diversity features.

Access

- Lorries regularly get stuck on the access road – roads in area are unsuitable for such traffic;
- Road is too narrow for access;
- Incorrect allowance is made for the suitability of the roads used to deliver the turbine;
- Route to the site is on minor roads that will be damaged – why should local tax-payers fund road repairs caused by a commercial enterprise;
- We will have noise, vibration and disturbance from extra traffic as well as damage to the roads.

Impact on Trees

- Inley Drove is a single track road with trees planted 70 years ago by my father-in-law. They will need to be cut-back to allow cranes to access the site.

Others

- Affects the setting of nearby Grade II listed building – Guanock House;
- T.V interference;
- There are too many wind farms – they should be built out at sea and not inland;
- Will devalue my property and those of neighbours most affected;
- Cranes will need to pass within 1m of my house – potential to cause damage;
- There are already enough wind-farms in our rural area;
- Fenland is the dumping ground for turbines – this must stop;
- Only the farmers and electric companies win – there is no benefit to the local communities;
- Current turbine is too far from the farmstead – it will not be able to use the energy it produces so will all go to the grid. Does not meet the criteria for farm diversity as it is a stand-alone enterprise;

- A smaller wind turbine to power the farm would be acceptable – scale of current proposal is too big;
- CO2 efficiencies are only around 2-4%;
- Applicant has been badly advised – there are more appropriate forms of renewable energy;
- Treading Bank enquiry will set precedent for further developments;
- There is a lot of military-flying activity nearby – we are a low-fly zone 5 and 11;
- Will affect aircraft radar;
- There is other air-traffic – recreational and commercial, and helicopters as well as micro-lights and hot-air balloons which would be affected;
- The efficiency of turbines is in question;
- There were previous objections to the applicant's previous venture involving dumping of waste;
- Why should local residents suffer for one person's private financial gain – no one would object to it at the applicant's house!
- Green energy puts the cost of everyone's electricity up for the profit of big companies;
- If the turbine fell over – as a recent case has shown is possible – it would constitute a danger to the public – also ice-drop, blade shear and turbine collapse are all a risk;
- Will impact on our caravan site in particular and tourism in the area in general.

7 Letters raise no objections, or support the proposal for the following reasons:-

- This is a good scheme providing clean energy for the future;
- Renewables are the future for our children, and children's children;
- The local meeting attended by 60 people was a majority against the scheme, although the meeting did not allow anyone to talk about the positive benefits of wind energy, and was not a structured meeting;
- No objection to the wind turbine;
- Objection letters are very personal about the issue;
- Soon, there will need to be turbines everywhere, so residents should get used to them.

7.0 MATERIAL CONSIDERATIONS

7.1 The main issues are:

- Principle and policy considerations;
- Landscape and visual impact – including cumulative;
- Impact upon the amenity of nearby residents in terms of noise/disturbance, shadow flicker, vibration, health effects, safety, etc;
- Highway considerations;
- Historic environment;
- Other issues including aviation, telecommunications and ecology.

7.2 Principle

The National Planning Policy Framework (NPPF) explains that 'Planning is important in supporting the delivery of renewable and low carbon energy and associated infrastructure' (para. 93), and that all communities have a responsibility to help increase the use and supply of green energy (para. 97). The need for increased renewable energy production as part of a diverse energy supply is integral to national energy policy and guidance, and the NPPF states that applicants for renewable energy development should not be required to demonstrate the overall need for renewable energy, and that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

- 7.3 Latest national Planning Practice Guidance on renewable and low carbon energy (March 2014) indicates that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable (paragraph 001). It goes on to stress that although the National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.
- 7.4 Whilst the text to the guidance makes it clear that the need for renewable energy does not automatically override environmental protections, it remains the case that decisions must be made in accordance with the development plan unless other material considerations indicate otherwise. Specific guidance at paragraph 98 of the NPPF makes it clear that local planning authorities should approve renewable energy applications if impacts are (or can be made) acceptable. Implicit in this is an acceptance that renewable energy development will very often have an impact on the area in which it is located. However, identifying such an impact is not sufficient to justify refusing an application out of hand, since it may be possible to mitigate some impacts, whilst others may be outweighed by other positive benefits associated with renewable energy generation.
- 7.5 Local Plan Policy EN3 – Renewable Energy was not saved in 2009 when the Local Plan was extended following a direction from the Government Office for the East Midlands. Consequently the Local Plan contains no specific policy against which renewable energy proposals can be assessed. Given that fact, it is clear from both the NPPF and Planning Practice Guidance that new renewable and low carbon energy infrastructure should be favourably considered in locations where the local environmental impact is acceptable.
- 7.6 Policy EC4 of the South Holland Local Plan, 2006 makes provision for farm diversification projects subject to compliance with criteria. However, it is debateable whether the project falls within this category. Electricity generated would be exported directly to the national grid.
- 7.7 In June 2012, Lincolnshire County Council issued a Wind Energy Position Statement. This indicated that the County Council is very concerned that the proliferation of onshore wind farm proposals would, if approved and implemented, result in the industrialisation and urbanisation of a highly rural county. Such changes would, if left to continue, reduce the visual attractiveness of the county to residents and visitors alike. The County therefore considers that onshore wind energy developments are only acceptable subject to compliance with strict criteria. In planning policy terms, however, this Statement carries limited weight.
- 7.8 Landscape Character and Visual Impacts
Landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape.
- 7.9 The application site is located in a flat working agricultural landscape. Other than grazing land associated with Inley Farm to the south-west, the area is mainly characterised by arable fields (often separated by dykes and occasional native species hedging), scattered dwellings and farmsteads, occasional copses/tree shelter belts and long, straight roads often orientated north-south and east-west.

- 7.10 Nearby residents, including Professor Francis Pryor, a qualified landscape historian, have challenged the applicant's assertion that the landscape is vast and featureless. Rather, they consider it to be intimate due to the size of the fields, which are not huge and were laid out in the early Middle Ages. Reference is made to the "charm of this remarkable and very ancient man-made landscape". They consider that it differs from areas such as Cowbit Fen, the North Level or coastal areas around Holbeach St Matthew, which were drained in the 17th and 18th centuries and where the scale of the landscape is much larger and more able to accommodate large wind turbines.
- 7.11 In planning terms, however, the area is not the subject of any special designation (such as an Area of Outstanding Natural Beauty) with regards to the quality or significance of the landscape. It is widely accepted that wind turbines, as modern industrial structures, have a significant visual impact on rural landscape character, but that the degree of harm is dependent on different circumstances in each case. In this case, Officers consider that the proposed turbine would be prominently visible within a radius of 2-3km. Beyond 3km the scale of the turbine would appear reduced, and the increased frequency of buildings and trees interrupting views towards it would lessen its impact within the landscape, as would different weather conditions.
- 7.12 In respect of the recent appeal decision at Treading Field (6 turbines, tip height 126m – ref H19-0081-11 and F/YR11/0113/F), which is within the neighbouring parish of Sutton St Edmund, the Inspector concluded as follows. Namely, the effect of the proposed development on landscape character, whilst significant, would not be so serious as to conflict with Local Plan policies or the aims of the NPPF. The current proposal is for a single turbine less than two thirds of the height.
- 7.13 Having regard to the circumstances of the case, therefore, it is considered that sufficient reason doesn't exist to refuse the application on grounds that the impact on landscape character would be so serious as to justify refusal.
- 7.14 In terms of cumulative landscape impact, Grange Wind Farm (7no. turbines, 127m tall) lies approximately 8.7km to the east of the application site. A 74m high turbine is situated some 7.4km to the north-east, off Winters Lane, Long Sutton (ref H11-0658-09). Permission has also been granted for a 74m high turbine approximately 8.5km to the west, off Woodgate Road, Moulton Chapel (ref H13-1558-07). It should be noted that an application is currently under consideration for a solar farm on land at Fendyke Farm some 350m to the south-east. This application is still under consideration (ref H20-0017-14). A number of small turbines are also situated in the general locality.
- 7.15 The turbines at Grange Farm and Winters Lane can be seen at a distance from certain points in the vicinity of the application site, depending on weather conditions. Recent appeal decisions elsewhere in the district have held that intervisibility between large scale wind farms of 5-8km would not give rise to unacceptable impacts on landscape character or visual amenity. Given this fact and the scale of the proposed turbine, officers are satisfied that the proposed turbine would not have such a harmful cumulative impact that permission should be refused on that ground.
- 7.16 Visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views.

- 7.17 The nearest residential properties are Ashby (578m) and Northfields (586m) to the north-east, both located off Old Fendyke. Inley Drove Farmhouse is situated approximately 578m to the south-west, off Inley Drove. Ashby is partially screened from the application site by a glasshouse, which is in poor condition. Northfields has a high Leylandii hedge along its southern boundary, whilst Inley Drove Farmhouse is partially screened by profuse tree planting along its northern boundary.
- 7.18 The nearest properties with the most direct view of the application site are situated off Old Fendyke. These include Rose Cottage (approx 600m), Field View, Chesdene and Sybertswold (approx 620m) and White House Farm (approx 630m). These properties face the proposed turbine and would largely have unimpeded views from main windows.
- 7.19 A recent unsuccessful appeal against the Council's decision to refuse planning permission for a wind farm (Treading Field) near Sutton St Edmund on grounds that it would unacceptably affect the amenity of a nearby resident is relevant. It gives an indication of the threshold at which impacts on residential amenity could be held to be so harmful that it would not be in the public interest to grant planning permission. In that instance the affected dwelling lay some 695m from the closest turbine (126m tall to blade tip), and was orientated so that views from the main living accommodation would be dominated by the turbine and wind farm beyond.
- 7.20 It has become an accepted principle that when turbines are present in such numbers and size as at Treading that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden. In this case, however, the proposal is for a single turbine. Although the nearest properties are some 578- 600m from the turbine (as opposed to 695m at Treading), its height is less than two thirds of those at Treading Field (78m as opposed to 126m). As a result, the view of the turbine would not be so overwhelming. On balance, it is not considered that the amenity of any of those properties would be affected to such a degree that they would be rendered unattractive places to live. On this basis, there is not sufficient reason to refuse permission on this particular ground.
- 7.21 The Council's Supplementary Planning Guidance (SPG) on Wind Energy (adopted 2004) identified areas within South Holland considered suitable for wind turbine development. The application site is in an area identified as unsuitable for such development. However, the SPG has been considered by Planning Inspectors' in connection with several appeals, most recently at Treading Field. There, the Inspector concluded that the SPG is 'rather simplistic and 'broad brush' in nature and of limited use' and gave it only limited weight in making his recommendation to the Secretary of State. The Inspector went on to say that in his view, 'it has not been shown that there is no scope for turbine development in the area, providing the effects are or can be made acceptable'. The same conclusion applies in this case.
- 7.22 On the basis of the above, whilst the proposed wind turbine would cause some harm to local landscape character and visual amenity contrary to Local Plan Policies SG1, SG4 and SG17, that harm would not be so great that permission could be refused.

Other Amenity Considerations, including Noise, Shadow Flicker, Vibration, Health and Safety

7.23 Noise

The principal sources of noise are from the blades rotating in the air (aerodynamic noise) and from internal machinery (mechanical noise). Latest national Planning Practice Guidance on renewable and low carbon energy (March 2014) states that ‘the assessment and rating of noise from wind farms’ (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97.’

7.24 ETSU is designed to offer a reasonable degree of protection to wind farm neighbours without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developers or planning authorities. The guidance recognises that the occupiers of dwellings in the countryside may be expected to be especially sensitive to any intrusions on peace and quiet, but it does not seek to require wind farm noise to be reduced to a level which would be completely inaudible to local occupiers. As such, ETSU effectively supplants the provisions of Local Plan Policies SG13 and SG17, which seek to protect the environment and residential properties from, amongst other things, undue noise disturbance, and establishes a higher threshold for noise disturbance than might be accepted in connection with other development proposals.

7.25 This application is supported by a noise assessment based upon a EWT DW52/54 wind turbine and a modelled non-financially involved receiver at a distance of 560m to “provide a robust assessment”. The nearest residential properties are some 578m. The assessment indicates that the maximum predicted receiver noise level L90 at the nearest noise sensitive properties would be 32dB(A) and therefore within the minimum requirements of an ETSU-R-97 assessment.

7.26 The noise assessment has been considered in detail by the Council’s Environmental Health Officers, who have raised no objections subject to a noise condition.

7.27 The evidence in relation to “excess” or “other” amplitude modulation (AM) is still developing. Latest planning practice guidelines (March 2014) indicate that current practice is not to assign a planning condition to deal with AM.

7.28 Shadow Flicker

Shadow flicker normally only occurs within 10 rotor diameters of a turbine 130 degrees either side of north. In this case, shadow flicker causing adverse effects could theoretically occur within 540m of the turbine and there are no properties within that distance. Notwithstanding the above, the applicant has also quantified actual effects from shadow flicker on neighbouring properties in the vicinity using modelling software. It shows that Ashby and neighbouring property Thistlewood Farm have the potential for 4 hours shadow flicker per year, with 2 hours per year likely at Polar Farm located further east. Due to the limited number of hours that a shadow may potentially be cast from the turbines, it is considered that the living conditions of occupiers of the relevant properties would not be materially harmed. It would be possible, if necessary, to mitigate for the potential shadow effect by switching off the turbine during potential events. This could be secured by means of a condition.

7.29 Vibration

Construction activities such as drop hammer cast-in-place piling can cause perceptible vibration for receptors very close to the source. However, this is temporary in nature and ground-borne vibration is very rapidly attenuated over distance. Studies carried out have indicated that there is no evidence of vibration due to the operation of wind turbines being perceptible beyond the immediate vicinity of the turbines. Given the distance between source and the nearest sensitive receptors, the effect is not predicted as being significant for both construction and operation.

7.30 Possible Health Effects

Recent appeal decisions such as Treading Field have concluded that there is presently no scientific evidence sufficiently robust to indicate that turbines have an adverse health effect upon nearby residents.

7.31 Safety

Latest planning practise guidance (March 2014) indicates that fall over distance (ie, the height of the turbine to the tip of the blade) plus 10% is considered to be a safe separation distance. The turbine is approximately 160m from Inley Drove and falling distance plus 50% from the nearest power line.

7.32 It has been indicated that the area is popular with horse riders on nearby bridleways and that horses are susceptible to being scared by the rotors of turbines, which will constitute a danger to horse-riders. The British Horse Society currently has guidelines indicating that a turbine should not be situated within 200m of a bridleway. It is accepted that the turbine may discourage horse riders from using Inley Drove, for example. However, this matter does not weigh heavily against the proposal and is not such as to justify refusal.

7.33 Highway Considerations

The application is accompanied by a Transport Assessment. It indicates that there would be approximately 13 separate load movements associated with the assembly of the turbine. Given that there would be abnormal load movements, the assessment identifies a route from King's Lynn Port, via Wisbech, Long Sutton and Sutton St James.

7.34 Given the rural nature of some of the roads near the site, mitigation measures have been proposed to facilitate the transit of the Abnormal Indivisible Load Vehicle (AILV). These would include the use of temporary trackway systems, if necessary, which allow the dissipation of heavy loads with the primary function of protecting carriageways and verges.

7.35 Notwithstanding the mitigation measures proposed, the County Highways Authority has objected to the proposal on grounds that the proposed route for the delivery of construction materials and the component parts of the turbine is unsuitable. In particular, the narrow width and constructional standard of the carriageways of Dog Drove and Inley Drove, the close proximity of the carriageway of Inley Drove to the roadside watercourse and the road alignment and load bearing capacity of the Grade II listed structure of Foreman's Bridge. All are considered unsuitable to accommodate the numbers and types of vehicles and the frequency of movements required to make those deliveries without causing significant damage to the fabric of the public highway and highway structures and unreasonable obstruction to the free passage of neighbouring residents and other road users.

7.36 Cultural Heritage

The nearest conservation areas to the site are within the centre of Tydd St Mary and Tydd Gote, some 6.5km and 7.6km respectively to the east. The only listed building within 2km of the site is Sandygate Farmhouse (grade II), some 1.5km to the east. The Tower to the Church of St James (grade II*) is some 2.5km to the north-east within the centre of Sutton St James. Guanockgate House and associated gardens (grade II) is situated some 2.8km to the south.

7.37 Scheduled Ancient Monuments within the locality include the Remains of the Medieval Boundary Cross at the junction of Broadgate and Old Fendyke (some 879m to the south-east), St Ives' Cross at the junction of Chapelgate and Broadgate and the site of a Romano-British settlement south of Shell Bridge, Holbeach St Johns, approximately 3km to the south-west.

7.38 It is recognised that the proposed turbine would be visible in certain views from and to some of the listed buildings, scheduled ancient monuments and conservation areas outlined above, and from certain positions within the buildings and their grounds. However, it is not considered that the setting of any heritage asset (designated or non-designated) would be so adversely affected that its special architectural or historic character would be unacceptably harmed. In the wider landscape, a number of Grade I listed church steeples and spires are visible, but at distances over which officers consider that their setting would not be unacceptably affected.

7.39 In terms of archaeology, the site is within a sensitive archaeological landscape, containing a range of Romano heritage assets. Although limited earthworks are involved, it is considered that an archaeological condition should accompany any consent.

Other issues

7.40 Aviation

The Ministry of Defence (MOD) has objected to the application on grounds that the proposed 78m turbine would unacceptably interfere with the operation of the Air Traffic Control (ATC) Radar at Waddington. The applicant has entered into discussions with the MOD but has been unable to resolve this issue, which remains a fundamental concern.

7.41 Telecommunications

Wind turbines, like all electrical appliances, produce electromagnetic radiation, which can cause interference to other electrical devices. Principally, this relates to microwave and scanning telemetry communications and television broadcasting. However, the area has now switched to a terrestrial digital signal, which is less susceptible to secondary interference caused by reflections of the TV signal, and it is not considered that the proposed turbine would have a significant impact in this regard. Nonetheless, a safeguarding condition is recommended which would require the applicant to resolve any issues of interference with TV or radio signals reported by local residents.

7.42 Ecology

The application is accompanied by an ecological report. The site is part of a field that is currently in intensive agricultural use. It is part of a working agricultural landscape dominated by arable cropping. Fields are often bordered by grass margins and/or dykes, which can be a habitat for wildlife such as small mammals and a foraging area for birds in the area. A larger watercourse, the South Holland Main Drain, is some 700m to the south-west. Hedgerow and tree cover within the general area is sparse, although a small broadleaf woodland is situated approximately 420m to the south-west, associated with Inley Drove Farm. Neighbouring residents have confirmed that bird species such as owls, sparrowhawks, kestrels, buzzards, peregrine falcons, hobbies, marsh, hen and Montagu's harriers frequent the area.

7.43 Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) states that whilst there is some evidence of a risk of collision between moving blades and birds and/or bats, the risk is generally low, other than in close proximity to important habitats.

7.44 The site is not close to any nationally or internationally designed site. It is some 15km from the Wash Special Protection Area (SPA). The ecological report accompanying the application indicates that the site is of low ecological value. The Lincolnshire Bat Group raises no objections. Natural England considers that populations of bird species at risk, such as golden plover, lapwing and several species of raptor are unlikely to be adversely affected by the proposed development, subject to appropriate mitigation and enhancement measures referred to within the ecological report. Such measures could be secured by means of a condition(s).

7.45 Flooding

The application is accompanied by a Flood Risk Assessment. The Environment Agency has raised no objections.

7.46 Tourism

The Inspector for the Treading appeal indicated that many people may see turbines as an incidental part of their surroundings. He therefore gave "little weight to the concern that the development would unacceptably affect tourists' ability to enjoy their surroundings or that there would be a loss of tourism related economic activity".

7.47 Efficiency/Energy Output

Section 98 of the NPPF indicates that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. Latest planning policy guidance indicates that energy contribution is only useful if a decision is finely balanced.

7.48 Devaluation of Property

This is not a material planning consideration.

Conclusion

7.49 National policy and guidance supports the delivery of more renewable energy production across the country. It indicates that renewable and low carbon energy infrastructure should be favourably considered in locations where the local environmental impact is acceptable.

7.50 The Council acknowledges the contribution of the scheme to the UK's targets for renewable energy production. It has also been indicated that the proposal is a farm diversification project.

- 7.51 Nevertheless, there are fundamental concerns that the proposed route for the delivery of construction materials and the component parts of the turbine would be unsuitable. In particular, the narrow width and constructional standard of the carriageways of Dog Drove and Inley Drove, the close proximity of the carriageway of Inley Drove to the roadside watercourse and the road alignment and load bearing capacity of the Grade II listed structure of Foreman's Bridge.
- 7.52 Moreover, the Ministry of Defence has also objected to the proposal on grounds that the proposed 78m turbine would unacceptably interfere with the operation of the Air Traffic Control (ATC) Radar at RAF Waddington, to the detriment of MOD operations.
- 7.53 It is considered that the aforementioned concerns outweigh the factors in favour of the development in this case. The recommendation therefore reflects this fact.

8.0 **RECOMMENDATIONS**

8.1 **Refuse Permission**

1. The proposed 78m turbine would unacceptably interfere with the operation of the Air Traffic Control (ATC) Radar at RAF Waddington, to the detriment of national defence.
2. In the opinion of the Local Planning Authority the proposed route for the delivery of construction materials and the component parts of the turbine is unsuitable. In particular, the narrow width and constructional standard of the carriageways of Dog Drove and Inley Drove, the close proximity of the carriageway of Inley Drove to the roadside watercourse and the road alignment and load bearing capacity of the Grade II listed structure of Foreman's Bridge. All are considered unsuitable to accommodate the numbers and types of vehicles and the frequency of movements required to make those deliveries without causing significant damage to the fabric of the public highway and highway structures and unreasonable obstruction to the free passage of neighbouring residents and other road users. The proposal is therefore considered to be contrary to Policy SG15 of the South Holland Local Plan, 2006 and advice within Section 12 of the National Planning Policy Framework, 2012. Local Plan Policy SG15 indicates that development proposals should provide safe and convenient access to and within the site for motor vehicles.

Background papers:- Planning Application Working File

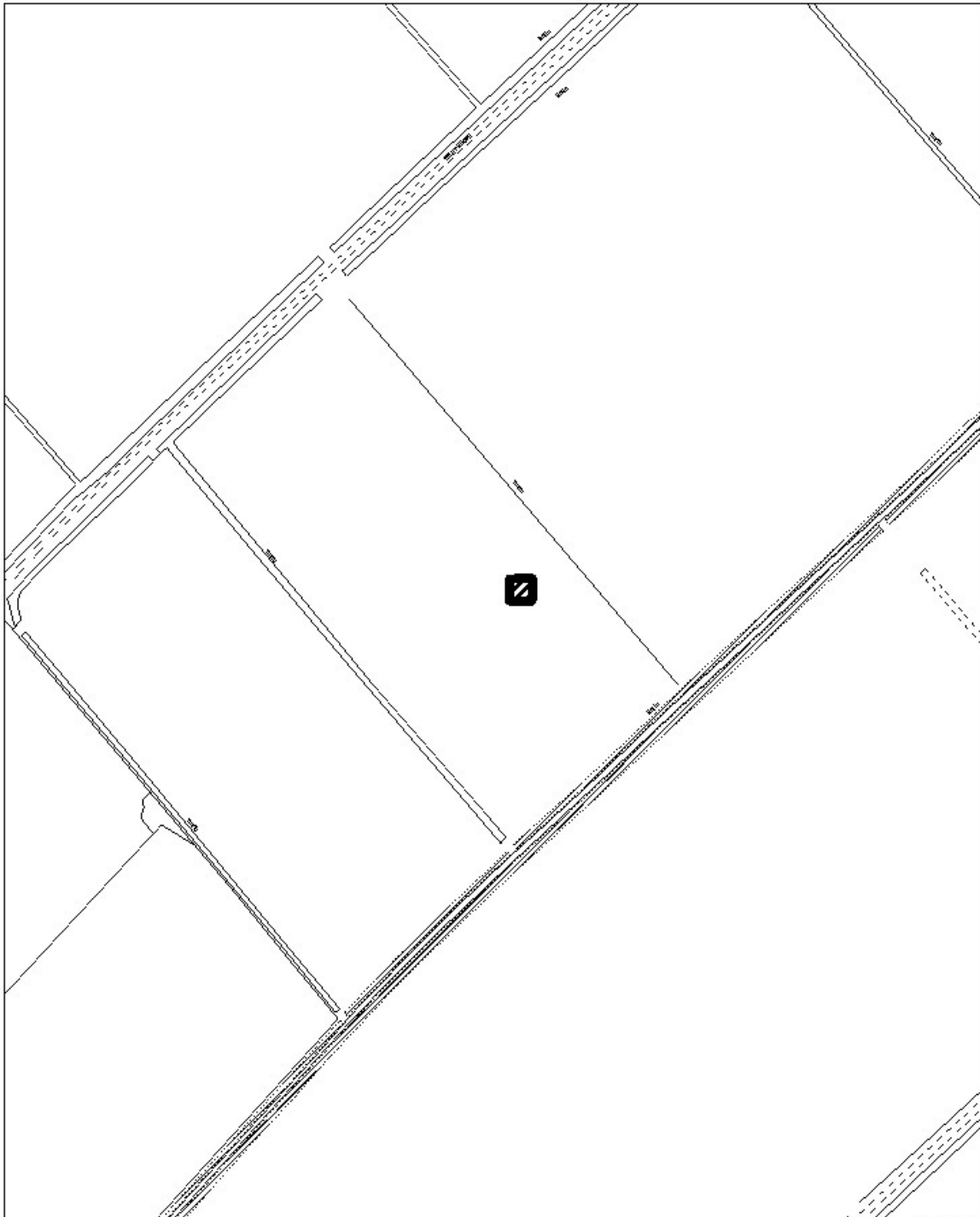
Lead Contact Officer

Name/Post: Paul Jackson; Planning Manager
Telephone Number: 01775 764402
Email: paul.jackson@breckland-sholland.gov.uk

Appendices attached to this report:

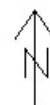
Appendix A – Plan A

Plan A



Scale: 1:2500

April 2014



Planning and Development
Council Offices, Priory Road, Spalding, Lincolnshire
PE11 2XE

This map is reproduced from Ordnance Survey material with permission of Ordnance Survey on behalf of Her Majesty's Stationery Office (c) Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Holland District Council 100018215 2014