
MAIN CASE

Reference No: 16/00808/FUL

Proposal: Erection of a 15m to hub, 21.6m to tip single wind turbine

Site Address: Pumping Station Norwich Road A11(t) - N/bound
Chippenham Cambridgeshire

Applicant: Mistral Renewable Energy Ltd On Behalf Of Environment Agency

Case Officer: Andrew Phillips, Senior Planning Officer

Parish: Chippenham

Ward: Fordham Villages
Ward Councillor/s: Councillor Joshua Schumann
Councillor Julia Huffer

Date Received: 4 July 2016 **Expiry Date:** 4 November 2016
[R104]

1.0 **RECOMMENDATION**

1.1 Members are requested to approve the application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Maintenance of turbine
- 4 Archaeology
- 5 Icing control on wind turbine blades
- 6 Decommissioning of turbine

2.0 **SUMMARY OF APPLICATION**

- 2.1 The proposal is for a single wind turbine with a maximum height of 21.6m, hub height measures 15m, within an existing compound in order to help power water pumps run by the Environment Agency. The proposal is for a 10kw turbine and can run at wind speeds of 2.5 metres per second.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

- 2.3 The application is reported to Planning Committee, as officers do not have the delegated powers to determine an application of this type in line with Council's Constitution.

3.0 **PLANNING HISTORY**

- 3.1 No relevant planning permission on site. In close proximity:
95/00723/FUL - Proposed 20m high Telecommunications Mast and associated development was approved.

4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is on the junction of the A11 and A14. Within the compound, which is surrounded by native hedging, is a single storey red brick utility building and a 20m mast.
- 4.2 The surrounding area to the south is defined by major road networks and to the north are open fields, tree belts/copse and agricultural buildings.

5.0 **RESPONSES FROM CONSULTEES**

- 5.1 The full responses are available on the Council's web site.

Chippenham Parish Council – It has no objections to the proposal.

Kennett Parish Council – It objects to the proposal on the grounds of

- Wind turbines are bulky and impact upon the visual landscape
- Wind turbines are noisy
- Wind turbines are likely to decapitate birds and other animals in flight.
- Potentially dangerous to low flying aircraft
- Distraction to drivers will create a highway safety issue
- Wrong location for this kind of renewable energy because of low wind speeds
- Seeks alternative renewable energy

Crime Prevention Design Officer – Has no objections, comments or observations having considered the proposal.

Local Highways Authority – It states that this section of road is not adopted highway, as it is under the control of Highway England.

Highways England – It states that generally wind turbines close to strategic road networks cause very few problems as long as basic simple precautions are observed.

It recommends that conditions should be attached to any planning permission to ensure that the wind turbine cannot fall onto the road and that it does not operate when ice is likely to form.

Cambridgeshire Archaeology – It does not object to the proposal but seeks that an archaeological investigation is undertaken; this can be secured by way of a condition.

Natural England – It has no comments to make on this application.

Environment Agency – It considers that the wind turbine is less vulnerable to flooding and are unlikely to result in any adverse impact on the water environment advice.

It provides detailed advice for the applicant.

Historic England – The proposed wind turbine is located in proximity to a number of Bronze Age bowl barrows, several of which are designated as a scheduled monument. The nearest barrow is located some 120m to the north east of the proposed turbine.

The barrows are significant as the best surviving examples of an extensive barrow cemetery at Chippenham.

It recommends that the proposal is unlikely to result in harm to significance of the scheduled monument. However, it considered that the proposed development is located in an area of high archaeological sensitivity and advised the implementation of a programme of archaeological investigation.

Met Office – It states that it is not within one of their consultation zones and believes it does not have any consultation zones within the district.

Defence Infrastructure Organisation Safeguarding (MOD) – It has no objection to the proposed development.

If planning permission is granted it seeks to know:

- The date construction starts and ends
- The maximum height of construction equipment
- The latitude and longitude of each turbine

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

It is the Local Planning Authority's responsibility to consult the Met Office.

Conservation Officer – The Conservation Officer has no objections from a conservation viewpoint.

Environmental Health (Technical Officer) – They have read the noise report and are happy the noise levels will not cause any issue to any nearby residents.

They request conditions in regard to maximum noise levels and to ensure that it is maintained appropriately.

Trees Officer – The Trees Officer states that no trees will be removed and supports the Landscape Impact Assessment that the proposal will have minimal impact upon the landscape. No objections to this proposal.

Ward Councillors - No Comments Received

Emma Forrest, Civil Aviation Authority - No Comments Received

St Edmundsbury Borough Council - No Comments Received

Cambs Wildlife Trust - No Comments Received

- 5.2 A notice was put in the local paper on the 21 July 2016 and a site notice was put up on the 9 August 2016.

Neighbours – 17 neighbouring properties were notified and no responses were received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings

6.2 Supplementary Planning Documents

Renewable Energy Development (Commercial Scale) October 2014

6.3 National Planning Policy Framework 2012

6.4 Planning Practice Guidance

Renewable and Low Carbon Energy

7.0 PLANNING COMMENTS

7.1 Principle of Development

- 7.2 A Written Ministerial Statement was made by the Secretary of State (SOS) for Communities and Local Government (Greg Clark) on the 18th June 2015. This set out new considerations to be applied to proposed wind energy development.
- 7.3 The Statement confirms that from the 18th June, *“when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:*
- *the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
 - *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.”*
- 7.4 The online Planning Practice Guidance has been updated to reflect this Statement, reiterating the ‘tests’ set out by the Minister in paragraph 33 of the ‘Renewable and low carbon energy’ section. It also confirms that *“whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority”*.
- 7.5 This matter, of whether the proposal has the backing of the community, as defined by the Ministerial Statement, is a material consideration, which should be given significant weight in the planning balance. The way the Ministerial Statement is written makes it clear that if for instance people write in with highway concerns, but the Local Highways Authority has no objections and the Local Planning Authority agrees with them it should be viewed that those writing in objecting are in support of the proposal.
- 7.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In circumstances where there is a conflict with the provisions of a Development Plan, the decision maker has to determine whether there are any material considerations which would override the conflict, leading to a conclusion that the development should be approved.
- 7.7 In the case of renewable energy development, significant weight should be given to the benefits of the scheme in terms of the contribution to the national objective of promoting renewable energy technologies.
- 7.8 The adopted Development Plan comprises the East Cambridgeshire District Council Local Plan (2015) and the Cambridgeshire and Peterborough Minerals and Waste Plan (2012). Policy ENV6 of the Local Plan relates specifically to renewable energy development. The other relevant topic-specific policies within the development plan, which have been highlighted in this report, inform the assessment of compliance to be undertaken in accordance with Policy ENV6.

Policy ENV6: Renewable Energy Development

Proposals for renewable energy and associated infrastructure will be supported, unless their wider environmental, social and economic benefits

would be outweighed by significant adverse effects that cannot be remediated and made acceptable in relation to:

- The local environment and visual landscape impact.
- Impact on the character and appearance of the streetscape/buildings.
- Key views, in particular those of Ely Cathedral.
- Protected species.
- Residential amenity.
- Safeguarding areas for nearby airfields; and
- Heritage assets.

Renewable energy proposals which affect sites of international, national and local nature importance or other irreplaceable habitats will be determined against the relevant sections of Policy ENV 7.

The visual and amenity impacts of proposed structures will be assessed on their merits, both individually and cumulatively.

Provision should be made for the removal of facilities and reinstatement of the site, should they cease to operate

- 7.9 The 'Renewable Energy Development (Commercial Scale)' supplementary planning document, adopted by the Council in October 2014, provides guidance on how planning applications for renewable energy proposals may be assessed and is a material planning consideration, *where it is consistent with national policy.*
- 7.10 Proposals for development must also be considered in the context of the National Planning Policy Statements (NPPS), which were debated and approved by the House of Common in July 2011. These aim to ensure that planning decisions are transparent and are taken against a clear policy framework, by setting out national policy against which proposals for major energy projects will be determined. While the focus is for nationally significant projects, they are a material consideration for smaller energy projects being determined by local planning authorities.
- 7.11 National Policy Statement for Energy (EN-1) sets out national policy for energy infrastructure and describes the need for new national significant energy infrastructure projects. EN-3 (NPS for Renewable Energy Infrastructure) then provides the primary basis for decisions, providing guidance on various technologies and their potential for significant effects. It provides specific guidance regarding onshore wind in relation to various types of impacts including landscape, biodiversity, noise and vibration and the historic environment, including potential mitigation measures.
- 7.12 The NPPF sets out the Government's economic, environmental and social planning policies for England. Supporting the transition to a low carbon future in a changing climate is one of the core principles of planning identified in the NPPF. Indeed, paragraph 93 of the NPPF 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.” As such, the NPPF states that **local planning authorities, when determining applications for renewable energy development, should not require applicants to demonstrate the overall need for the development.**

- 7.13 There are fundamental conflicts between National Policy and Guidance, as well as defining the weight of local policy. It is considered that policy ENV6 complies with the ministerial statement in so far as the element that states “suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan”, as it makes it clear that the entire district in principle is open to all types of renewable energy in principle.
- 7.14 The proposal is, therefore, considered acceptable in principle as long as it meets with the detailed criteria and is supported by the local community as defined by the Ministerial Statement.
- 7.15 Sustainability/Renewable Energy
- 7.16 The Environment Agency states it has been tasked by the Government to reduce its carbon emissions by 7% by 2020. It, therefore, has a target of 8000T per year CO2 reduction target. This equates to just over 16,000,000 kwh (annually) energy reduction.
- 7.17 The proposed wind turbine would create 40,000 kwh (annually) based on an average wind speed of 5.3 m/s. The energy created would power the equivalent of approximately 10 dwellings.
- 7.18 The energy created will be primarily used to power the equipment on site, though any additional energy can be put back into the grid. The savings in ongoing energy costs can either help the public purse or allow for more of the available money to be spent on additional flood defences for example.
- 7.19 The developer is also mentioning that a small community fund would be set up for Chippenham Parish Council.
- 7.20 It is considered that the creation of renewable energy is a strong positive to the application and will help reduce the energy demands of the site. This weighs in favour of granting approval. Even if the electricity generation was transported off site this would still be considered to be a positive, as it adds to the green credentials of the National Grid.
- 7.21 Residential Amenity
- 7.22 There is no protection as such for private views from residential properties in planning. However, it has been recognised that there are cases “when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden” and that the result would be that “the property concerned would become to be

regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live”.

- 7.23 The above comments, made by Inspector David Lavender, have formed the basis of a useful rule of thumb, which has come to be known as the ‘Lavender Test’. This ‘test’ has been applied in a number of cases and has been endorsed by the Secretary of State in recovered appeals. There is no formal guidance as to how this test should be applied and the impact of any particular wind farm development assessed. However, appeal decisions have identified considerations including: proximity of turbines; the level of screening; the orientation; and, the spread of turbines.
- 7.24 With a single turbine of this size and with no nearby residential properties (the nearest believed dwelling is Arran House Stud/Waterhall Farm located approximately 790 metres to the east) it is considered the proposal will not lead to it dominating the views of any adjacent properties, as it will not overwhelmingly define someone’s view.
- 7.25 With the proposal being located on the junction of two major roads it is not considered that the noise created by the wind turbine will be in excess of the noise generated by the road. Many of the recommended conditions by the Environmental Health Officer are, therefore, considered to be unnecessary and would be difficult to enforce. The condition relating to long term maintenance can be added to ensure that unexpected noise is not created through wear and tear.
- 7.26 Visual Impact
- 7.27 The creation of a wind turbine of any height is not fundamentally harmful in principle to the character of any given area. Certain villages are well known because of their wind power structures such as Stretham (the windmill, which is a landmark feature along the A10). In addition to this wind power (windpumps) has often been used in this district to power water pumps from historically to modern versions (2011, Wicken Fen).
- 7.28 The site is located on the junction of two major roads and the site already has a similar size metal mast. In addition to the metal mast there are vehicular bridges within the immediate locality. The area is not considered to have a special rural character.
- 7.29 The developer has provided predicted viewpoints (View Point A approximately 0.25km to the southwest, Viewpoint B just over 1km to the northeast and Viewpoint C almost 2km to the north).
- 7.30 Viewpoint A shows that the wind turbine will be clearly visible on the slip road travelling east, but the view is not considered to be detrimentally affected due to the existing mast and it is officers view that the landscape does not deserve any specific protection, as it is already relatively dominated by infrastructure.
- 7.31 The wind turbine will be seen from the north/northeast but will not create a dominant feature within the landscape. Viewpoint B demonstrates that the turbine will be visible between the A11 and La Hogue Farm. However, with it being seen (though

in context next to a similar sized mast) it is considered the harm is considered to be minor – moderate.

- 7.32 The Case Officer has done a desk top survey to see if any other viewpoints should be specifically considered; but with the amount of vehicular bridges and landscape belts in the locality (east – west) it is very unlikely that additional viewpoints would lead to a better or alternative decision.
- 7.33 The proposal is considered to be acceptable in regards to visual impact and complies with ENV1 and ENV2 of the adopted Local Plan.
- 7.34 Archaeology and Historic Environment
- 7.35 The comments from the Conservation Officer and Historic England stating that the proposal will have no impact on historical buildings (including Ely Cathedral) is noted and accepted by officers.
- 7.36 In regards to potential archaeology on site it is not known how much of the site may have been previously disturbed through the construction of the pumping station and associated pipes. With the site being near a Scheduled Ancient Monument it is considered on balance that an archaeological investigation should be carried out. The level of this investigation should be a discussion between County Council and the developer to ensure archaeological artefacts are duly preserved without putting undue costs on the developer.
- 7.37 Highways
- 7.38 Highways England has stated that the proposal will not have any highway safety issues subject that it is located 32.4m away from its road and that there is a mechanism to ensure the turbine is not used when ice forms on the blade.
- 7.39 The wind turbine is located 35m away from the slip road at the nearest point, so if the turbine was to collapse it would not fall onto a live carriageway. A condition could be worded to ensure that the turbine is not used during icy conditions, in order to prevent risk to health if the ice is thrown off moving blades.
- 7.40 The proposal is considered acceptable in regards to highway safety.
- 7.41 Air Safety
- 7.42 The Local Planning Authority has consulted the relevant bodies to check whether the proposal would have any detrimental impact upon air safety (including defence). The responses from these consultees state that they have no objection (or declined to respond) to the proposal and their statements regarding what the developer must do before construction work can be added on as an informative.
- 7.43 The proposal is not considered to have any material impact on air safety if permission was granted.
- 7.44 Ecology

- 7.45 The amended Ecology Report June 2016 states that the habitats present are of low relative nature conservation and biodiversity importance. In addition the site is unlikely to be of particular importance to nesting and overflying birds and operational use of the micro turbine is not considered likely to represent a significant hazard to bats. The Ecology Report recommends that grassland should be maintained short in order to minimise the attractiveness of the turbine area to hunting owls and other birds of prey.
- 7.46 The recommended mitigation of keeping grassland short is not possible to condition as the majority of the grassland is outside the site area. With the risk to biodiversity reported as so low it is not considered that this condition is strictly necessary. The harm to biodiversity is considered to be low.
- 7.47 Flood Risk and Drainage
- 7.48 The proposal will have no direct impacts upon either flood risk or drainage, but as previously mentioned if the Environment Agency reduces its electricity bill this might allow more of its resources to be spent on flood defences/mitigation etc. With the benefits to flood prevention/improved drainage being a relative unknown it is considered that only minor positive weight could be given to this specific factor.
- 7.49 Support from Community and Planning Balance
- 7.50 The Ministerial Statement requires that an assessment is undertaken on whether the proposal has the support of the community as detailed above. The Parish Council where the development is located has raised no concerns nor has any residential property. A neighbouring Parish Council have raised the following concerns:
- Visual Impact
 - Noise
 - Impacts upon biodiversity
 - Danger to aircraft
 - Highway Safety
 - Low wind speeds
 - Preference for other renewable energy
- 7.51 (Visual Impact) The developer has submitted visual representations of the surrounding area and the Case Officer has assessed the likely impact upon the surrounding area. It is considered that due to the area already being so defined by significant man made infrastructure, the turbine would have minimal impact to the surrounding area. It is, therefore, considered that the local community are in support of the turbine on visual impact grounds.
- 7.52 (Noise) The proposal has been assessed by the Council's Environmental Health Officer and considers that the noise levels will not cause an issue to any nearby residents. In addition taking account the closeness of the site to a major road it is considered that the proposal will not create any noticeable noise pollution. It is, therefore, considered that the local community are in support of the turbine on noise impact grounds.

- 7.53 (Impact upon Biodiversity) The proposal is supported by an Ecology Report that identifies that the potential impact upon biodiversity is very low. With no reason to go against the Ecology Report the local community should be considered to be in favour of the turbine on biodiversity grounds.
- 7.54 (Danger to Aircraft) With no concerns raised by any of the relevant consultants it is considered that the local community are in support of the application as it does not have any detrimental impact upon aircraft safety.
- 7.55 (Highway Safety) With the relevant professionals not having any in principle concerns over the proposed turbine in this location it is considered that the local community are in support of the turbine on the grounds of highway safety.
- 7.56 (Low wind speeds) The proposed turbine is designed to work at low wind speeds. The local community are, therefore, considered to be in support of the chosen wind turbine for its low wind speed capability.
- 7.57 (Preference for other renewable energy) The Council has made it clear in its adopted Local Plan that any renewable energy is supported in principle. It is expected that the developer has assessed the different options available and its preference for wind energy based on evidence it has collected. It is, therefore, considered that the local community are in support for the choice of wind energy.
- 7.58 It is considered that the proposal for the grounds set out above should be approved, as the benefits of the proposal outweigh the minor harms of putting a wind turbine in this location; subject to the conditions outlined in Appendix 1.
- 8.0 APPENDICES
- 8.1 Appendix 1

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00808/FUL	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Senior Planning Officer 01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 16/00808/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
Location Plan		21st June 2016
ECOLOGY	Revised	11 th August 2016
TN535 SU H15	fig 6	21st June 2016
TN535SU HI5		21st June 2016

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The turbine shall be installed, operated and maintained in accordance with manufacturer's instructions. Details of the previous two years maintenance shall be kept and provided to the Local Planning Authority on request.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 4 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 The wind turbine shall not operate when the outside temperature drops below 0 C or at any time when icing occurs/remains on the turbine blades.
- 5 Reason: To eliminate the possibility of ice shearing from the moving blades coming into contact with passing vehicles on the strategic road network and causing momentary distraction and/or loss of control. In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to any decommissioning of the wind turbine a scheme shall be submitted to and agreed in writing with the Local Planning Authority demonstrating how the land will be fully restored to its current use, including how equipment will be safely removed from site. The decommissioning works shall commence in accordance with the agreed details.

- 6 Reason: To ensure the safe decommissioning of the wind turbine and restoration of the land in accordance with Renewable Energy Development (Commercial Scale) October 2014 SPD.