

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange, Nutholt Lane,
Ely on Wednesday 2nd April 2014
at 2.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor David Ambrose Smith
Councillor Derrick Beckett
Councillor Lavinia Edwards
Councillor Jeremy Friend-Smith
Councillor Tom Kerby
Councillor Mike Rouse
Councillor Robert Stevens
Councillor Gareth Wilson

OFFICERS

Maggie Camp – Senior Legal Assistant
Sue Finlayson – Team Leader Development Control
Penny Mills – Senior Planning Officer
Janis Murfet – Democratic Services Officer
Sue Wheatley – Principal Development Management Officer

I N A T T E N D A N C E

Councillor Ian Allen
Councillor Bill Hunt
Councillor Pauline Wilson
26 members of the public

97. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Tony Goodge, Philip Read, and Sue Willows.

There were no substitutions.

98. **DECLARATIONS OF INTEREST**

There were no declarations of interest made.

99. **MINUTES**

It was resolved:

That the minutes of the meeting held on 5th March 2014 be confirmed as a correct record and signed by the Chairman.

100. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman did not make any announcements.

101. **13/01102/FUL – THE ERECTION OF ONE ANEMOMETER MAST UP TO 61.5M IN HEIGHT, SUPPORTED BY GUY WIRES AND COMPLETE WITH INSTRUMENTATION FOR A TEMPORARY PERIOD OF 24 MONTHS – BERRY FEN, DAM BANK DROVE, HADDENHAM.**

Penny Mills, Senior Planning Officer, presented a report which set out details of the application, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

A Members' site visit had taken place prior to the meeting.

In summarising the main points of her report, Mrs Mills reminded Members that the application sought temporary permission for a 61.5 metre high anemometer mast with instrumentation, supported by guy wires on land at Berry Fen. The mast was to be sited there for a period of 24 months.

It was noted that the proposal had generated a significant amount of local interest and had been called in to Planning Committee by Councillor Pauline Wilson.

The main issues for consideration were:

- Policy issues and general principles;
- Impact on visual amenity and countryside character;
- Impact on heritage assets;
- Impact on ecology and biodiversity;
- Impact on aviation;

- Highways issues;
- Flood risk issues; and
- Impact on residential amenity.

The Committee was shown a series of slides which included aerial photographs, an illustration of the mast (giving dimensions for the proposal), photographs to indicate how the mast would sit in the countryside, and other slides relating to heritage assets, aviation, highways, flood risk and residential amenity.

Mrs Mills reminded the Committee that the development plan was silent on the issue of meteorological masts such as the one proposed in this application. The presumption in favour of development contained within the National Planning Policy Framework therefore applied, and the development had to be approved unless adverse impacts would significantly and demonstrably outweigh the benefits. In this case, the benefits were considered to be the measurements that it would provide to inform the design, output figures and CO₂ saving for any proposed wind turbines at Berry Fen, which would need to be assessed by the Local Planning Authority should such an application be submitted.

Mrs Mills reiterated that Members should consider this application on its own merits, not a possible future application. No precedent would be set for wind turbines, and to reinforce the point, she suggested that if Members were minded to grant approval, the following informative be added:

“The anemometer has been approved on the basis of an assessment of the temporary impacts associated with this particular type of development. This decision does not in any way prejudice the future consideration of any application for wind turbines on this site. Any such application would be considered on its own merits in accordance with local and National Planning Policy.”

At the invitation of the Chairman, Mr Stephen Cheetham, a representative of the “Stop Berry Fen Wind Farm” action group, addressed the Committee in objection to the application, and made the following points:

- At 61.5 metres high, the mast would be a significant vertical structure in an area with big skies;
- The height and nature of the mast would have a detrimental effect on those properties in close proximity;

- The mast would have an unacceptable visual impact on the Haddenham Hillrow Conservation Area;
- The proposal was not in line with the National Planning Policy Framework (NPPF), which stated that the natural environment should be protected and enhanced. Good design went beyond the aesthetic;
- There would be a significant impact in terms of ecology and biodiversity. The Ouse Washes had only just been awarded over £900k of Heritage Lottery Funding;
- There had been misrepresentation of some of the facts and the information given in the application was misleading;
- REG Windpower intended to submit a wind turbine application in the summer;
- In terms of visual impact, the mast would be higher than the Cathedral and would be visible from public roads, byways and footpaths, contrary to information on the application form.

Councillor Friend-Smith asked Mr Cheetham if the mast would be visible from his house. Mr Cheetham replied that it would; he lived in Aldreth and the mast would be only 800 metres away.

Councillor Rouse noted that Natural England and the RSPB had raised no concerns. He wondered whether they were wrong or had been misinformed. Mr Cheetham replied that some of the REG Windpower information was incorrect.

At this point a member of the public stood up and asked if he could speak. The Chairman informed him that he could not; he would have had to register beforehand if he wished to address the Committee.

At the invitation of the Chairman, Mr Bruce Caldwell, Development Project Manager for the applicant, spoke in support of the proposal and made the following comments:

- He was overseeing the proposals for Berry Fen. The application was for temporary permission to erect a mast for 24 months, after which it would be removed;
- The use of the land would not be changed;

- He wanted accurate data from the site;
- REG Windpower was consulting on building four wind turbines, but as the Officer had said, this application did not set a precedent;
- The site would have a single antenna, neutral grey in colour, and it would have no significant visual impact on the area;
- The mast would be transported to the site on a trailer. It would be quick to erect and would not involve the use of concrete. After 24 months the mast would be removed;
- No objections had been raised by the Conservation Officer, County Council Officers, Natural England or the RSPB;
- REG would be happy to put in bird deflectors; they would be similar to those in use at Earith Weir;
- The mast would be battery operated, with the data being uploaded by mobile phone;
- REG was continuing to consult and Members would be kept updated.

Mr Caldwell concluded by reiterating that the application set no precedent for the site and the mast would cause no detrimental impact; he then responded to comments and questions from Members.

Councillor Rouse wished to know if it would take two years to collect the data, or if it could be collected in a shorter time. Mr Caldwell replied the longer they could have, the better.

Councillor Stevens stated that in his professional capacity, he was familiar with masts and towers and he asked if REG would use SODAR to measure wind speeds. Mr Caldwell informed him that it had already been used, but it was usually only used for short periods of time. Councillor Stevens then enquired whether it was intended to install sound transmitters on the mast to ascertain noise output. Mr Caldwell replied that the mast would not be up to the hub height of the turbines, and would not be hosting anything.

Referring to the diagram of the mast, Councillor Friend-Smith asked if there would be anything at ground level. Mr Caldwell said there would be a battery pack and a very small solar panel, but nothing on the ground.

Councillor Beckett enquired whether all the data obtained from the mast would be made available to the Council and Mr Caldwell replied that they would be providing data to the Council necessary for the assessment of the application but would not release all the data collected as some would be commercially sensitive.

In response to a question from Councillor Wilson, Mr Caldwell explained how the transmission of the continuous collection of data would work. There would be three anemometers at different heights on the mast and the data would be logged and transmitted by Global System for Mobile communications (GSM). There would be no need for anyone to come to the site, except for the yearly check.

Councillor Beckett asked Mr Caldwell to state the purpose of the mast. Mr Caldwell said it would be for the long term collection of data to determine the suitability of turbine in relation to wind speed, thereby informing the choice of turbine.

At the invitation of the Chairman, Councillor Mark Hugo, a Member of Haddenham Parish Council, addressed the Committee and read out the following prepared statement:

"I am Mark Hugo, a councillor for Haddenham Parish Council (HPC) and I would like to highlight the concerns of my council to this application:

We have grave concerns about this application and would recommend outright refusal for the following reasons.

- *The Planning Officer had initially stated that an Environmental Impact Assessment was not required and we requested on 16th January that a full EIA was carried out to include in particular:*
- *The impact of the structure would have on the safety of the local bird, bat and protected species population, e.g. swan flight path. There were also concerns regarding the impact of this development on the breeding of protected species known to be in or close to Berry Fen, such as Hobbies.*

HPC are very concerned on studying the response to this omission submitted by REG on their amendment of 12th March that although they have obtained a report from Dr Steve Percival as evidence, our parishioners vehemently dispute his conclusions. To take just one point – the assertion that swan flights in the vicinity of the mast might occur in 1 year out of 7 is inaccurate and misleading, as it is in complete disagreement with documented records taken over many years by local

ornithologists. It begs the question of the accuracy of the rest of the document.

Given this major concern we would ask our council to demand a full EIA to be provided before this application can be considered further.

- Section 24 states that the site cannot be seen from a public road, public footpath, bridleway or other public land which is totally untrue as the site is situated in an area where public footpaths and bridleways are used by many ramblers, dog walkers and horse riders and can be seen from other aspects such as Grangers Drove/Dam Bank Drove and all of the roads in the village of Aldreth.
- Consultation with neighbours has been inadequate and although public exhibitions were held in Aldreth on 6th December and Haddenham on 7th December 2013 there was no mention that an application for a mast had already been submitted on 6th December. There are large numbers of residents who will see this construction from their houses who are completely unaware of this proposal.
- The size of the proposed mast is completely out of context with other structures in the parish being close to the height of Ely Cathedral.
- The proposed mast is in conflict with the East Cambs Core Strategy under Policy EN1 Landscape and Settlement character, which states that proposals should demonstrate that the location, design, scale and materials will protect, conserve and where possible enhance:
 - The pattern of distinctive landscape features, such as watercourses, characteristic vegetation, woodland, trees, field patterns, hedges and walls.
 - The settlement edge, space between settlements and their wider landscape setting.
 - Visually sensitive skylines, hillsides and geological features.
 - The unspoilt nature and tranquillity of the area.
 - Nocturnal character.
- The proposed mast is also in conflict with the East Cambs Core Strategy under Policy EN2 Design, which states that all development will be designed to a high quality, reinforcing local distinctiveness. Design which fails to have regard to local context and does not

preserve or enhance character, appearance and quality of an area will not be acceptable.

- *This core strategy was put in place after due consultation to protect what we, in our parish, hold precious. When it is seriously tested in this way for the first time the council should not let it be overridden just because the word temporary is in the application. That would be a bad precedent for other applications. In my personal view 2 years is a long time for something temporary and something so alien in the fen and so close to residential properties.*
- *We are concerned that REG has failed to carry out sufficient investigations suggested by the CAA in an email dated 7th January from Mark Smailes, Airspace Regulator at CAA to Penny Mills. In particular we have recent confirmation from Marshalls ADG (Air Defence Group) in Cambridge that they have not been consulted as in the CAA request. Two other local airfields have said they were merely phoned and have been unable to return the call. A desk study and a nul response is not sufficient in this very important area of public safety especially as one of the local airfields is designated as an emergency landing strip.*
- *We are also concerned that account has not been taken that the Ouse Washes Landscape Partnership (OWLP) extended their boundary in November 2013 to include Berry Fen. Given the recent £1m lottery fund grant to OWLP we believe that ECDC ought to further consult with the Environment Agency on the effect of this development on their new Wetland Habitat creation project close by.*
- *Finally Aldreth and Haddenham are steeped in history with the Aldreth Causeway being the route that the Romans first entered the Isle of Ely and at a later time was the same route taken by William the Conqueror to eventually overcome the Saxons in the Isle of Ely. The East Cambs Design Principles Document 2012 states under "The Historic Environment" that the District Council is committed to preserving the abundance of historic buildings and places in East Cambs and any development that affects the historic environment should make a positive contribution to the area and have sufficient regard for the surrounding buildings and features. It also states that development that does not respect the character, detracts from, or has a negative impact on the area, will not be supported."*

At this point the Chairman stopped Councillor Hugo, informing him that he had exhausted his 5 minute time limit for addressing Members.

At the invitation of the Chairman, Councillor Pauline Wilson, a Ward Member for Haddenham, addressed the Committee and made the following points:

- She had called in the application to Planning Committee because it had caused much interest and controversy;
- Many concerned residents had attended the Parish Council meeting, and she had received many letters;
- There were mixed opinions about wind turbines, with some people thinking them attractive whilst others thought they were ugly;
- No account had been taken of the £1m funding and the possible effect of the development on the new Wetland Habitat creation project close by;
- The mast was seen as part of a forthcoming wind turbine application;
- There were concerns about noise and flicker, the effect on wildlife, and that property would depreciate in value.

Councillor Rouse noted that most of Councillor Wilson's comments were about turbines whereas this application was about an anemometer mast, and he asked her if her views were the same. She replied that she, like many other people, was very concerned that the wind turbines would automatically follow.

The Chairman interjected to highlight paragraph 9.5 of the Officer's report, which stated that a single mast with a temporary permission would not in any way set a precedent for, or presumption in favour of a wind farm development at this location.

At the invitation of the Chairman, Councillor Ian Allen, a Ward Member for Haddenham, addressed the Committee and made the following comments:

- He was sure there were detailed shortfalls in the report, but he noted that Natural England and the RSPB appeared to be happy with the application;
- Working within Government guidelines and looking at the NPPF, there was an unequivocal presumption in favour of sustainable development of all kinds. Paragraph 9.2 of the Officer's report set this out;
- He was in no way supporting any future application, but a decision had to be based on evidence, and something about grabbing evidence would have been good in the report;
- The anemometer site could give people a good idea of the scale of the turbines;
- As a Ward Councillor, he too had had people telling him they were for *and* against the proposal. He believed the anemometer could galvanise opinions.

At the invitation of the Chairman, Councillor Bill Hunt, County Council Member for the Haddenham Division, addressed the Committee and made the following remarks:

- He wished to clarify that he was not a *Ward* Member for Haddenham. He was a County Member for the Haddenham Division and at District level, a Ward Member for Stretham;
- This was a blatant case of stealth planning by the back door, a large national company hoping to benefit from large Government subsidies. They had employed a professional PR company with a national reputation. This was a "David & Goliath" battle, a large national company trying to exercise its will over a small community;
- The anemometer mast was only 8" wide, but what about the guy ropes ?
- It was the job of local councils to protect small communities against the "big battalions". Haddenham Parish Council had

objected and now it was time for the District Council to do something;

- ECDC would soon have a renewables policy;
- He understood that today's application was only for an anemometer mast but it was linked to the true horror of 4 wind turbines, which were twice the height of Ely Cathedral;
- He quoted from the comments made by the Conservation Officer at paragraph 6.20 of the planning report: "*The introduction of a vertical mast measuring 61.5 metres will undoubtedly have a visual impact on the landscape and the surrounding heritage assets*";
- He did not see approval from any of the users of the local air space, and questioned whether letters had been sent to them;
- He highlighted today's Daily Telegraph, in which David Cameron was quoted as saying he wanted to rid the countryside of on-shore wind farms and to toughen planning laws and tear up the subsidy rules to make current turbines financially unviable;
- Cambridgeshire County Council had banned wind turbines from all its farms;
- This was a matter of localism, and the people of Aldreth did not want this to happen to them.
- He did not agree that there had been full consultation and thought that it should be extended to people in the surrounding villages of Wilburton, Cottenham, Over, Earith and Rampton, as they too would be affected;
- The benefits clearly did not outweigh the damage that this mast and the proposed four turbines would cause, and so the application should not be allowed;
- Finally, it would be unfair to give false hope to REC Windpower of erecting the four turbines in this beautiful part of the countryside, when the big application would be rejected.

Councillor Beckett asked Councillor Hunt what percentage of Aldreth residents were opposed to this proposal and Councillor Hunt replied that nobody he had spoken to had said they were in favour, but that could be because they knew he was against it.

Councillor Rouse remarked that having been all round the site, he agreed that the mast would be visible from some villages, but it would not be seen from many points.

Councillor Stevens concurred, and to reinforce this point, he held up a piece of fuse wire which was $\frac{1}{100}$ of an inch in diameter and 2" tall, saying that this was equivalent to the view people would see from a distance. He did not think that it would cause any distress. Councillor Hunt responded by saying that all members of the Planning Committee came across situations in their careers where large companies could harness resources, and it was hard for individuals to fight them. Councillor Stevens replied that who the applicant was should not be taken into account, the application should be looked at impartially and in a transparent fashion.

Councillor Beckett noted that there was some conflicting evidence regarding swans and Mrs Mills confirmed that Natural England and the RSPB had challenged some of the data, but did not have any concerns regarding the data that had been assessed.

In response to a question from Councillor Friend-Smith, Mrs Mills stated that if granted permission, the mast would appear on relevant maps, the same as any other tall structure. With regard to statutory consultees, the Local Planning Authority did not have to seek out every single user of the airspace but if necessary, advice would be sought from the Civil Aviation Authority (CAA) and she had read the CAA guidance.

Councillor Gareth Wilson reiterated that applications had to be approved or refused on planning grounds and there was no statutory body saying that the mast would be a real problem. Members might feel that the odd swan could be affected, but the experts had been consulted and they did not see a problem, so Members should not assume there was one. It was the Council's responsibility to look after its ratepayers and follow the planning rules. It needed to be emphasised with strength that the anemometer was not a concession to wind turbines at a later date, and there was no planning reason to object to the proposal.

Councillor Wilson continued, saying that while he did not want to go against the wishes of the local people, he had to go with planning reasons. If the application was refused without good reason, it would go to appeal and the Council would end up having to pay costs. For this reason, he had to support it.

Councillor Beckett said he had struggled with this application because there was no valid reason to refuse it. However, Mr Caldwell had said it was to gather data for a future application for wind turbines and the Council would only have the data that REG was prepared to release. Councillor Beckett felt this was a very one-sided information gathering exercise on the part of REG Windpower, and purely for their own commercial interests. No consideration had been given to the psychological distress that would be caused to the people of Aldreth, or the detriment to their health.

Councillor Rouse acknowledged that feelings were running high, but the application had to be dealt with, and Members must not appear to be predetermining it. He felt that if the RSPB, Environment Agency and Natural England had been against it, then the Committee would have had grounds to reject the proposal. However, they were not, and he did not see that Members had any alternative but to approve the application.

Councillor Friend-Smith did not think the mast would have a great visual impact as it could scarcely be seen on the horizon. Noting that REG had said they would not share some of the data, he thought Members could read into that what they wanted and possibly look on this unfavourably. However, he agreed with what had already been said and believed it would be difficult to reject the Officer's recommendation.

When put to the vote,

It was resolved:

That planning application reference 13/01102/FUL be approved for the reasons set out in the Officer's report and subject to the conditions set out in the Officer's report.

Councillor Stevens wished to make it clear that having seconded the motion for approval, it would in no way affect his future judgement. Having the technical expertise for this kind of application, he said he hoped the data would be made available to the Council.

The meeting closed at 3.25pm.