

<b>DECISION DATE</b> 14 January 2009	<b>APPLICATION NO.</b> 08/01301/FUL A7	<b>PLANNING COMMITTEE:</b>  <b>9 February 2009</b>
<b>DEVELOPMENT PROPOSED</b>  <b>ERECTION OF TWO 10 METRE HIGH DOMESTIC SCALE WIND TURBINES AND PLANT ROOM BUILDING</b>		<b>SITE ADDRESS</b>  <b>BORWICK FISHERY KELLET LANE WARTON LANCASHIRE</b>
<b>APPLICANT:</b>  Borwick Development Solutions C/O The Old Railway Yard Middleton Via Carnforth Lancashire LA6 2NE		<b>AGENT:</b>  The Wright Design Partnership

#### **REASON FOR DELAY**

Decision deferred by Committee at January 2009 meeting.

#### **PARISH NOTIFICATION**

This site is in Warton Parish, but as it is close to the junction of three parishes. All three Parish Councils have been notified of the application.

**Warton Parish Council** - Object, because of the possible detrimental impact of the development on the flight patterns of birds and bats.

**Borwick Parish Meeting** - Object to the proposal, on the basis that the siting of the turbines takes no account of the visual impact of the development. Point out the contrast with the fishery on the other side of Kellet Lane which is very well hidden.

**Over Kellet Parish Council** - No observations received.

#### **LAND USE ALLOCATION/DEPARTURE**

Countryside area as defined by the Lancaster District Local Plan.

#### **STATUTORY CONSULTATIONS**

**County Council Highways** - No objections.

**Lancashire County Council Ecology** - share the concern of the North Lancashire bat group (see below) and support their suggestion that an assessment of the impact of the scheme should be provided, with a monitoring programme.

## **OTHER OBSERVATIONS RECEIVED**

A resident of Bridge House, Borwick objects on the basis that the site boundary should be landscaped and planted, rather than used to site wind turbines.

A further seven letters and emails have been received objecting to the proposal on the following grounds:

- The turbines are too close to the road, and would be better sited near the M6 motorway
- Noise from the turbines will reduce the quality of life in the area
- The appearance of the turbines will be detrimental to the surrounding countryside
- There is no need to have two turbines.

North Lancashire Bat Group support the development of energy from sustainable sources but are concerned about the possible harmful effects of the turbines on bats and other wildlife. They would like to see an impact assessment carried out, or failing that a requirement that the developer should monitor the installation.

## **REPORT**

### **The Site and its Surroundings**

The site lies to the east of the M6 motorway, with an access off Kellet Lane which runs from Over Kellet to Tewitfield. The land has been worked for sand and gravel and the reclamation scheme has resulted in the creation of a group of lakes, which are now used for fishing.

Approval has already been granted for a shelter and a small café serving the fishery. The site owners wish to provide the site with its own energy source. Their proposal is to install two wind turbines which would recharge a battery based electricity supply. This would be housed in a small building of traditional design, with stone faced walls and a slated roof.

### **Update from Previous Planning Committee - 12 January 2009**

This application was considered by Committee at its meeting on 12 January 2009. A decision was deferred, to allow more information to be obtained about the proposal.

Members indicated that they wished to have a response to the following questions:

- What are the intended electricity supply arrangements for the site?
- Whether solar panels have been considered as an alternative? And,
- How the landscaping along the site boundary would be affected by the development?

In respect of the first question, the applicants' architect advises that it is intended that the site should as far as possible be self sufficient in electricity. It will be necessary to have a mains supply to cover periods when insufficient wind is available but it is expected that much of the time the turbines will feed a surplus into the national grid.

With regards to the second question, the working drawings for the building under construction already show solar panels on the roof (it is anticipated that these will be available in time for the committee meeting).

In respect of the third question, so far as the landscaping scheme for the site boundary is concerned, details of this have already been agreed and it will not be affected by the wind turbines. As the submitted plans indicate, they will be sited behind it, not (as some of the objectors appear to believe) immediately adjoining Kellet Lane.

## **Original Material Considerations**

The columns supporting the wind turbines would be 10m high and the turbines would have a wing diameter of 2.8 metres. It should be stressed that this is not a large scale development on the lines of Caton Moor Wind Farm. The two masts would be comparable in height to a pair of main road lighting columns so the impact on the surrounding landscape would be relatively small. According to the information on the manufacturer's web site this type of equipment has been installed and operated successfully in remote locations as far apart as Greece, Australia and Columbia.

The proposal has to be assessed in relation to Policy SC1 of the Core Strategy which states that in order to ensure that development proposals are as sustainable as possible; the Council will require new development to use energy efficient design and orientation, energy efficiency and renewable energy technologies. The site is within an area identified as Countryside so policy E4 of the Lancaster District Local Plan is also relevant. This requires that new development should be in scale and keeping with the character and natural beauty of the landscape, appropriate to its surroundings, should not result in a significant adverse effect on nature conservation interests.

The site is within the parish of Warton but because of its location on the east side of the M6 motorway it is more immediate interest to residents of Borwick. Borwick Parish Meeting object to the proposal, and a site meeting with the case officer took place on 6 January. At this a number of concerns were expressed by local people, particularly in relation to the impact of the turbines on the landscape, and their proximity to the road.

The concerns of the North Lancashire Bat Group will be noted. However for a small scale scheme of this kind, requiring the developer to employ an outside consultant either to prepare an environmental statement or to monitor the installation for bat and bird strikes would be an onerous requirement, disproportionate to the size of the scheme. The comments of the County Council's ecology service suggest that the number of bats on the site will increase as the landscaping on the site boundary matures. It can be argued from this that in effect the developers would be penalised for providing a habitat favourable to bats.

Central government advice as set out in PPS9 (Biodiversity) has to be balanced against the objectives of PPS22 (Renewable Energy). Paragraph 18 is particularly relevant:

"Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings. local planning authorities should specifically encourage schemes through positively expressed policies in local development documents."

This is followed by paragraph 20:

"Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines."

Imposing a monitoring condition on the lines suggested by the Bat Group would be quite onerous, in that it would necessitate the use of somebody with a certain amount of specialist knowledge. This could be a significant disincentive to the use of innovative technology. Consequently it is not considered appropriate or reasonable to ask the site owners to run a monitoring programme.

## **Conclusion**

It is anticipated that the information received has answered the questions posed by Committee Members. Amended plans showing the position of solar panels should be available for display prior to the February meeting. Overall, the local planning authority maintains the view that the proposal is to be welcomed as a useful micro generation initiative.

## **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **RECOMMENDATIONS**

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. If no longer being required for the purposes of electricity generation, turbines to be removed within three months and the land reinstated to the satisfaction of the local planning authority.