

Agenda Item A5	Committee Date 3 February 2014	Application Number 13/01134/FUL
Application Site Borwick Fishing Kellet Lane Over Kellet Lancashire	Proposal Erection of a 45 metre high wind turbine from ground to blade tip with ancillary development	
Name of Applicant Borwick Fishing	Name of Agent Russell Adams	
Decision Target Date 2 January 2014	Reason For Delay Awaiting various consultation responses	
Case Officer	Mr Karl Glover	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The site that forms the subject of this application is known as Borwick Fishing Lakes and is located in an area of open countryside approximately 600m to the south west of the village settlement of Borwick and approximately 1.8m to the north east of Carnforth. The site is immediately adjacent to the M6 motorway towards the west, Borwick Lane to the north and Kellet Lane to the east with the River Keer running along the southern boundary of the site. The site is characterised by its extensive amount of open water consisting of 9 active fishing lakes spanning an overall site area of approximately 72 acres (29 hectares) with a dual pitched timber clad restaurant/café building (Catch 23) and car park located in close proximity to the entrance. The whole site is relatively flat with mainly grassed surfaces and sporadic groves of trees on small islands within the lakes. There is also a recently-engineered earth bund and a belt of mature trees positioned between the M6 Motorway along the western boundary of the site.
- 1.2 The surrounding area is predominantly open countryside. In both northerly and southerly directions there are extensive and mainly flat parcels of agricultural fields separated by hedgerows and trees. Towards the east on the opposite side of Kellet Lane is a separate fishing entity known as Borwick Lake which has extensive vegetation and trees growing along its western boundary adjacent to Kellet Lane. Positioned towards the west on the opposite side of the M6 is Pine Lakes Leisure resort, consisting of various types of holiday lodges surrounding the large Pine lake and indoor spa and swimming pool.
- 1.3 Approximately 310m north-east of the site entrance lies a cluster of buildings formerly associated with Manor Farm but has since diversified and now includes a mixture of residential development. This includes Manor Farm (House) which is a large detached two storey building located to the front of the site and accessed via Kellet Lane. It also includes Epoch Cottages (5 holiday cottages) and Borwick Mews which comprises of 9 permanent residential units. South of the residential properties within the site is a large converted farm building currently used as a warehouse for the storage of mowers and machinery. 190m to the south east of the site are 2 public rights of way (PROW) (Nos

18 & 8) and towards the east is a Bridleway Number 13.

- 1.4 Located 600m north east of the site is Borwick Conservation Area in which there are a number of listed buildings and designated heritage assets, including an Ancient Scheduled Monument situated in close proximity to the southern boundary of the Conservation Area. Other nearby designations include Capenwray Park, which is located approximately 1mile to the east of the site and is a designated Park and Garden, and The Arnside and Silverdale Area of Outstanding Natural Beauty (AONB), which is located approximately 785m to the west of the proposed turbine. The fishing lakes were once designated as Biological Heritage Sites (BHS) which is reflected within its allocation on the Lancaster District Local Plan proposal map, however they was de-categorised in 2007 by Lancashire County Council. 60m towards the south of the proposed turbine the site is designated as being within Flood Zones 2 and 3.

2.0 The Proposal

- 2.1 This application is seeking consent for the installation of a single 45m (from ground to blade tip) wind turbine. The proposed turbine is a WTN250 model with a 30m alloyed, light grey, steel tubular tower and three glass-fibre blades (30m in radius) attached to a hub containing the gearbox and generator. The turbine is to be fixed to a sunken concrete base measuring 10m wide x 1.5m deep, and is estimated to produce a output of 250kW. The development would also entail underground cabling.

3.0 Site History

- 3.1 Historically the application site was used and worked as a gravel pit and was excavated to provide material for the construction of the M6 motorway. The site was then left undeveloped for a significant amount of time resulting in the creation of a group of lakes, which are now used for fishing. The site has extensive records of planning history (including numerous enforcement investigations) in which the most relevant to this application and proposal is listed below:

Application Number	Proposal	Decision
78/01059/HST	Extension of sand and gravel workings and restoration of land	Permitted
80/01403/HST	Planting and restoration work on land	Permitted
86/00145/HST	Continuation of use for extraction of sand and gravel	Permitted
91/01027/HST	Change of use of land to fish rearing ponds	Permitted
94/00677/CU	Change of use of land for temporary siting of caravan	Permitted
96/00161/FUL	Erection of a chalet bungalow to replace temporary caravan	Permitted
98/00019/CCC	Creation of landscape bund along westerly boundary of the site adjacent to M6 motorway together with ancillary haul roads	Permitted
03/00698/FUL	Erection of a single storey timber café building for use of fishermen and two storey timber office/service block	Permitted
04/00211/CCC	Creation of landscape bund against the western boundary	Withdrawn
07/00961/FUL	Re-siting of previously approved cafe	Permitted
08/00033/FUL	Resubmission of application for re siting of previously approved cafe	Permitted
08/01301/FUL	Erection of two 10 metre high wind turbines and plant room building	Permitted
08/01404/CU	Change of use of land for siting of 26 log cabins and creation of amenity lake	Withdrawn
09/00466/CCC	Renewal of planning consent to allow the completion of landscape bund	Permitted
10/00044/CU	Change of use of land for the siting of 6 log cabins	Refused
13/00317/EIR	Screening opinion for 45m wind turbine	Issued
13/00285/FUL	Erection of a 45m high wind turbine from ground to blade tip	Withdrawn

4.0 Consultation Responses

4.1 The statutory consultation responses can be summarised as follows:

Statutory Consultee	Response
Warton Parish Council	Object – A turbine of this size situated in an open position and fully on view from surrounding countryside in particular the AONB and Warton Crag would have an extremely negative affect on the environment and visual enjoyment of both inhabitants and visitors to the area
Priest Hutton Parish Council	Object – The primary reasons for objection relate to the following key points: <ul style="list-style-type: none"> • Inappropriate location • Excessive scale • Loss of visual amenity • Misleading photomontages • Impacts upon bats • Impacts upon wildlife • Impacts upon Drumlins • TV and Radar interference
Over Kellet Parish Council	Object – The primary reasons for objection relate to the following key points: <ul style="list-style-type: none"> • Visual impacts and intrusive feature on the landscape • Contrary to Lancaster Local Plan Policies E1,E4,E12 and E22 • Impacts upon birds and wildlife • Turbine will be in the flight path of a number of aircraft including police and air rescue helicopters and the RAF • Quoted that the turbine will be contrary to the guidance published by the Secretary of State published in June 2013 including renewable energy does not override environmental protection and concerns from local communities and that topography should be a factor in assessing whether turbines have a damaging impact on landscapes
Borwick Parish Council	Object – The primary reasons for objection relate to the following key points: <ul style="list-style-type: none"> • The turbine would be in close proximity to neighbouring properties including Borwick Hall, Borwick and Priest Hutton which would be a visual disaster if approved. The location in a flat area of landscape would be viewed from virtually 360 degrees • Health Issues associated to turbines • Impacts upon Tourism to the area • Turbines are not financially viable and are an un reliable form of energy supply
National Grid	No comments received within statutory consultation period.
Arnside and Silverdale AONB Unit	Object – It is acknowledged that the agent has taken on board the earlier comments provided by the AONB office however due to the scale of the proposed turbine it will result in an unacceptable visual impact on the setting of the AONB. Whilst it is recognised that that there is a need to encourage renewable energy schemes it is felt that the proposal will have a high impact on the surrounding area.
Lancashire County Highways	No objections – In principle the proposal is deemed to be acceptable from a highways point of view. However concerns relate to the delivery and traffic movements of the turbine and its components constitute abnormal loads. Therefore a number of conditions are requested to mitigate any adverse impacts upon the highway network, including a construction management method statement.
Air Ambulance	No comments received within statutory consultation period.
Blackpool Airport	No comments received within statutory consultation period.

Civil Aviation Authority (CAA)	No response provided – they indicated that there is currently a high demand for CAA comment on wind turbine applications which exceeds the capacity of the available resource to respond to requests within the timescales required by Councils.
FELLS (Friends of Eden, Lakeland & Lunesdale Scenery)	<p>Object – The primary reasons for objection relate to the following key points:</p> <ul style="list-style-type: none"> • Detrimental impacts upon the landscape including the Arnside and Silverdale AONB • Significant negative visual impact • Cumulative visual and landscape impacts on villages and with existing turbines in the area • M6 will become a corridor of wind turbines • Contrary to National planning policy
Ministry Of Defence (MOD)	No objections.
Police Air Support	No comments received within statutory consultation period.
RSPB	No comments received within statutory consultation period.
The Wildlife Trust for Lancashire	No comments received within statutory consultation period.
NATS	No objections – The proposed turbine will not have any impacts upon safeguarding
Ramblers Association	No comments received within statutory consultation period.
Lancashire County Ecology	<p>Neither objects nor supports the proposal – The Ecologist has stated that “<i>our role is to advise the planning authority on the acceptability or otherwise of proposals</i>”. A detailed response has been provided by the County Ecologist in relation to impacts upon protected species and Bats, this is referred to in more detail within the comment and analysis section of this report (Para 7.1 of this report). In brief, a summary of the response is set out below:</p> <p>It is recommended that without mitigation the proposals would be likely to impact upon European protected species/Species of Principal Importance in England and could result in a breach of legislation. Mitigation (i.e. preventing the turbine from operating when bats would be at risk; ensuring an adequate buffer to the establishing plantation woodland) would minimise the risk to bats. This could be controlled by means of a suitably worded planning condition.</p>
Environmental Health Services (EHS)	No objections – Initially objected as no Noise Assessment had been provided, however this was revised following the resubmission of the previous noise assessment on the withdrawn application 13/00285/FUL. Normally EHS would have serious concerns regarding the proximity of the proposed turbine to occupied residential dwellings which lie within 300m of the site. However given the close proximity of the M6 motorway, the background noise levels are unusually high during most conditions. Therefore EHS is satisfied that noise from the turbine will not cause a disturbance to residents except in particularly unusual climatic circumstances, when background levels are reduced. A condition is recommended if approved to require a noise management system requiring the applicant to investigate complaints and take action to prevent disturbances.
Tree Protection Officer	Object –. As no Arboricultural Impact Assessment (AIA) has been provided as part of the application it is recommended the application can not be supported.
Lancashire Fire Safety Officer	No objections – Advice has been provided in relation to on sites water supplies for fire fighting purposes.
British Aerospace (BAE)	No objections.
Natural England	No comments received within statutory consultation period.

<p>Conservation Officer</p>	<p>No objections – It is not anticipated that the turbine will have any significant impacts upon the setting of the Borwick Conservation Area or the listed buildings contained within.</p>
<p>Lancashire County Landscape Officer (CLO)</p>	<p>Object – Due to very excessive workloads at the time of compiling this report The County Landscape Officer was unable to comment in full on this application. However a detailed response has been provided in relation to the applicant’s Landscape and Visual Assessment (LVA). Any additional comments received will be verbally reported. The following comments have been received in relation to the submitted assessments:</p> <p>a) Photomontages – The applicants photomontages have a number of weaknesses and omissions, including:</p> <ul style="list-style-type: none"> • The methodology advises that the photographs have been taken with a Canon EOS 5D camera which is ideal for professional landscape photography, however the photomontages confirm that a FujiFilm Finepix HS20 EXR Camera was used, this camera is inadequate for professional photography; • No information has been provided on the horizontal and vertical field of view nor is it clear what contour was used to generate the terrain model; • No explanation of how the image should be used in the field has been provided; • The base photographs were generally taken in far from ideal lighting conditions; • The representation of the proposed wind turbine in the photomontages is crude, the surface render looks very artificial; • Only photomontages based on photographs taken with a 50mm lens focal length has been provided. This is a useful focal length for photomontages intended to show landscape context but it does not represent perceived scale and distance. This requires a 75mm lens focal length; • Whilst accurately verifying the photomontages is impossible due to the missing information briefly outlined above, The CLO has checked the applicant's photomontage for Viewpoint 6 to see, roughly, what level of accuracy the applicant has used. From the CLO mathematical calculations, it shows that the proposed wind turbine should be approximately 96 – 97.8mm high in Viewpoint 6 rather than approximately 75mm as shown (The CLO cannot be certain regarding the latter measurement because the turbine blades are not shown at their full height). <u>This significant under representation is unacceptable.</u> <p>b) Zone of Theoretical Visibility (ZTV) Mapping</p> <ul style="list-style-type: none"> • No details of the methodology used to produce the ZTVs has been provided, as such their accuracy cannot be verified; • The resolution of the OS based mapping is very low making them unusable at even the modest zoom levels; • No cumulative ZTV mapping has been provided.

5.0 Neighbour Representations

5.1 At the time of compiling this report, a total of 33 letters of representation were received as a result of neighbour consultation, 32 of the observations received object to the proposed wind turbine. 1 letter of support was also received. The predominant reasons for public opposition are:

- Inappropriate location and scale
- Will appear as an isolated and prominent vertical structure in open countryside
- Incongruous feature upon the landscape
- Significant adverse impacts upon the character and appearance of the landscape
- Contrary to Lancaster District Local Plan Policies E4, E22, T27
- Contrary to Lancaster Core Strategy SC1, SC3 and E1
- Contrary to National Planning Policy Framework core principles, section 7,10 and 11

- Impacts upon nearby residential amenity including, shadow flicker, noise pollution, interference with telecommunications and radio signals, loss of views
- Impacts upon ecology (Bats and Birds including – protected species), biodiversity, geodiversity
- Visual impacts when viewed from nearby public footpaths and bridleways
- Significant impacts upon tourism and visitors to the area
- Inaccurate visual assessment and montages – Misleading
- Impacts upon the Borwick Conservation Area and nearby heritage assets including listed buildings
- Impacts upon the natural beauty of the Arnside and Silverdale AONB
- Impacts upon the nearby Drumlins
- No benefits to the area or community
- Cumulative impacts when assessed with other turbines in the vicinity
- Impacts upon near caravan sites
- Risk to health
- Impacts upon birds from Leighton Moss
- Impacts upon visual amenity of the area
- The M6 will be a corridor of urban sprawl with too many turbines
- Risk to low flying aircraft

The primary reason for support for the turbine includes:

- Community Benefits
- Economic benefits
- Good Design
- Reduction in pollution

Within the supporting statement submitted with the application a 2 page petition (33 signatures) of support for the turbine has also been signed by users of the Restaurant/Café (Catch 23).

5.2 David Morris MP has indicated that he has received concerns that relate to the proposed wind turbine being located in a vastly rural area which would have a negative impact on the countryside, the natural landscape and the AONB. The turbine would result in negative impacts on the number of tourists coming to visit. Concerns also refer to the potential for shadow flicker, noise pollution and interference with television reception. The closure of roads during the delivery of the turbine would have a negative impact on the economy.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental; and that these roles are mutually dependent and should be sought simultaneously through the planning system.

At the heart of the NPPF is a ***presumption in favour of sustainable development***. **Paragraph 17 (Core Principles)** sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The principles which are relevant to this application state that planning should: be genuinely plan-led; be supportive of sustainable economic development; seek high quality design and good standards of amenity for existing and future occupants of land and buildings; take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; support the transition to a low carbon future in a changing climate and encourage the use of renewable resources; contribute to conserving and enhancing the natural environment; and conserve heritage assets in a manner appropriate to their significance.

Section 10 Meeting the challenge of climate change, flooding and coastal change, States that planning plays a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure. Planning authorities should adopt proactive strategies to mitigate and

adapt to climate change in accordance with the Climate Change Act. When determining applications, LPAs should approve the application if its impacts are (or can be made) acceptable. It should also be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and applicants should not be required to demonstrate the overall need for renewable or low carbon energy.

This section also sets out that Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

Section 11, Conserving and enhancing the natural environment, states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services; minimizing impacts on biodiversity and providing net gains where possible;
- preventing both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of soil, air water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land.

Paragraph 115 of this section, sets out that great weight should be given to conserving landscape and scenic beauty in AONBs, which are amongst those that have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. *Paragraph 116* goes on to state that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- Proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs;
- Development proposals where the primary objective is to conserve and enhance biodiversity should be permitted;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for and benefits of, the development in that location clearly outweigh the loss; and,
- The following wildlife sites should be given the same protection as European sites; potential

Special Protection Areas and possible Special Areas of Conservation; listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

In relation to noise, *paragraph 123* sets out that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life; mitigate and reduce impacts to a minimum, including through the use of conditions; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Section 12, Conserving and enhancing the historic environment, sets out that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Non-designated heritage assets or archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets.

National Policy Statements

The NPPF states that the approach set out in National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) should be followed when determining planning applications in addition to relevant sections of the Overarching National Policy Statement for Energy Infrastructure (EN-1). These seek to speed up the transition of the UK to a low carbon economy in order to help realise the UK's global commitments and to improve the security of supply, by reducing reliance upon international energy sources. There should be a diverse mix of technologies, supply chains, and fuel sources, in order to avoid reliance on one sector. The government is committed to dramatically increasing electricity generation from renewable resources. In the short term this will mainly be onshore / offshore wind, with future input from biomass, wave and tidal sources. The process is considered to be urgent as aged fossil fuelled power stations need to be closed due to their excessive carbon generation in breach of government targets.

As part of this transitional process, the NPSs recognise that significant negative impacts associated with new energy projects should be generally capable of being successfully mitigated. In terms of onshore wind, the turbines can be sited to reduce any potential for noise nuisance, shadow flicker, or ecological impacts, but other impacts upon landscape and visual amenity will be harder to mitigate. However, there is considerable weight given to the overriding public interests of diversifying the UK energy production base and reducing the effects of climate change. Accordingly, the general policy inference is that unless there are recognised issues of significant importance, such as residential amenities or environmental assets that cannot be mitigated, then renewable energy schemes should be supported.

6.2 Development Plan Weighting

Paragraph 215 of the NPPF advises that “*due weight should be given to relevant policies in existing (Development) Plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”. In the Lancaster District, the Development Plan consists of the Lancaster District Core Strategy and the Saved Policies of the Lancaster District Local Plan. Relevant policies of each document are referred to over the following pages.

6.3 Lancaster District Core Strategy – (LDCS)

Policy **SC1** (Sustainable Development) – seeks to ensure that new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of Climate Change. It sets out a range of criteria against which proposals should be assessed. Development must not result in unacceptable flood risk or drainage problems; must not result in loss or harm to features of significant biodiversity, landscape, archaeology or built heritage importance; and be appropriate to the character of the landscape.

Policy **SC3** (Rural Communities) – In rural areas and in smaller, more remote villages in particular, the Council will work with the Local Strategic Partnership, Parish Councils and other local stakeholders to protect, conserve and enhance rural landscapes and the distinctive characteristics of rural settlements.

Policy **SC5** (Achieving Quality in Design) – maintain and improve the quality of development in Areas of Outstanding Natural Beauty and other rural areas that reflects and enhances the positive characteristics of its surroundings including the quality of the landscape.

Policy **ER6** (Developing Tourism) – In the District's countryside, encouraging agricultural diversification to create quiet recreation and small scale sensitively designed visitor attractions and accommodation, promoting new walking and cycling routes including long distance routes and linkages to national networks.

Policy **ER7** (Renewable Energy) – The Council will promote renewable energy in the District by encouraging the development of renewable energy resources across the District including, but not limited to, the promotion of South Heysham as a focus for renewable energy and biomass technology whilst ensuring the protection of Natura 2000 sites including Morecambe Bay, Bowland Fells and Leighton Moss Special Protection Areas from adverse effects.

Policy **E1** (Environmental Capital) – The Council will safeguard and enhance the District's Environmental Capital by: protecting and enhancing nature conservation sites, landscapes of national importance, listed buildings, conservation areas and archaeological sites; protecting the North Lancashire Green Belt; resisting development which would have a detrimental effect on environmental quality and public amenity; identifying how habitats in urban and rural areas will be protected and, where possible, enhanced; and conserving and enhancing landscapes.

Policy **E2** (Transportation Measures) – ensuring all major development proposals are accompanied by enforceable measures to minimise and mitigate the transport impacts of development.

6.4 Lancaster District Local Plan – adopted April 2004 (saved policies) – (LDLP)

Policy **E3** (Area of Outstanding Natural Beauty) – Development within and adjacent to the Arnsdale and Silverdale Area of Outstanding Natural Beauty which would either directly or indirectly have a significant adverse effect upon the character or harm the landscape quality, nature conservation interests, or features of geological importance will not be permitted. Any development must be of an appropriate scale and use materials appropriate to the area.

Policy **E4** (Countryside Area) – Within the countryside, development will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape; is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping; would not result in a significant adverse effect on nature conservation or geological interests; and makes satisfactory arrangements for access, servicing, cycle and car parking.

Policy **E7** (Protection of Water Resources) – Development proposal which would affect an existing watercourse will only be permitted where the water quality would be maintained or improved, and there would be no significant adverse impact on the landscape, nature conservation, recreation and amenity importance of the watercourse.

Policy **E8** (Protection of Ground Water) – Within areas of groundwater vulnerability, development which would have a significant adverse effect on the purity of groundwater supplies will not be permitted.

Policy **E11** (Development affecting Flood Plains) – Partly superseded by the Core Strategy, states that proposals within areas at risk of flooding will only be permitted where appropriate flood protection measures are already in place or these will be provided without adverse environmental impacts.

Policy **E12** (Nature Conservation) – In determining proposals, impacts upon wildlife, wildlife habitats, protected species and important geological features should be taken into full account. Where development is permitted, developers will be required to minimise any adverse impact and/or create and provide for the appropriate management of compensatory wildlife habitats.

Policy **E16** (Sites of Special Scientific Interest) – Development likely to damage or destroy a designated or proposed site of special scientific interest will not be permitted unless the need for the development is of national importance and this demonstrably outweighs the need to protect the site. Where development is permitted, developers will be required to minimise any adverse impacts and to compensate for these by appropriate habitat creation and/or enhancement measures either within the site or the immediate local area.

Policy **E17** (Biological Heritage Sites) – Development likely to damage or destroy a County Biological Heritage Site or County Geological Heritage Site will not be permitted unless the need for the development demonstrably outweighs the need to protect the site. Where development is permitted, developers will be required to minimise any adverse impacts and to compensate for these by appropriate habitat creation or enhancement measures either within the site or the immediate local area.

Policy **E22** (Wind Turbines) – Partly superseded by the Core Strategy, states that proposals for the development of wind turbines will be assessed against their impact on the character of the landscape (including cumulative impact), nature conservation, historical conservation and nearby dwellings. Within Areas of Outstanding Natural Beauty, wind turbines will only be permitted where the applicant can demonstrate that no alternative suitable site exists elsewhere, that the economic benefits of the proposal clearly outweigh any adverse impact on the areas and that any such impact is minimised.

Policy **E35** (Conservation Areas) – development proposals which would adversely affect important views into and across a Conservation Area or lead to an unacceptable erosion of its historic form and layout, open spaces and townscape setting will not be permitted.

Policy **T27** (Rights of Way) – Development proposals that would adversely affect the route or characteristics of an existing or proposed right of way will only be permitted where a satisfactory diversion can be provided and secured in advance of development.

6.5 Emerging Local Plan Policies (Draft Development Management DPD – Autumn/Winter 2012)

The Council is at a well-advanced stage of preparation of the Development Management DPD. The degree of weight that can be afforded to emerging policies varies depending on stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency with the Framework (paragraph 216 of the NPPF). Increasing weight can therefore be afforded to the following draft policies:

Policy **DM27** – Enhancement of Biodiversity. Sets out that proposals will not be permitted where there is likely to be an adverse effect on the integrity of sites of international importance for biodiversity or geology except where there are no alternative solutions available and overriding reasons of human health, public safety or environmental benefit. Proposals will not be permitted where there is likely to be an adverse impact on sites of national importance, legally protected species, priority species, priority habitat or sites of local or regional importance unless there is a need for, and the benefits outweigh the potential adverse impacts.

Policy **DM28** – Development and Landscape Impact. Sets out that proposals that are within or which would affect the setting of areas which have been designated for their landscape importance will be expected to pay due regard to their impact on the surrounding landscapes, particularly in locations where there may be direct or indirect impacts on the AONBs. The Council recognise that other important landscapes exist in the District, therefore all development proposals will be considered against the impact on their surrounding landscapes and townscapes.

One of the Draft Policies that *has* received significant objections is **Policy DM18**, which relates specifically to Wind Turbine Development (and the direct and indirect impacts arising therefrom). Whilst the objections will necessitate policy revision, there are criteria within the policy that are not as significantly opposed as other criteria.

6.6 Landscape Sensitivity to Wind Energy Development in Lancashire – February 2005

This document gives an indication of the scale of wind energy development that may be appropriate

in each Landscape Character Area. The site is located within a landscape character area defined as Low Coastal Drumlins. There are three specific areas defined as drumlin field in Lancashire, this one is covered by Landscape Character Area 12b sub-type Warton-Borwick. Described as The Low Coastal Drumlins around Warton are more rural in character than those immediately to the south. Large pastures are divided by low clipped hedgerows or stone walls. Gravel extraction has had an impact on the landscape in the creation of open water bodies which attract wildfowl. The largest of these is Pine Lakes. The 'Landscape Sensitivity to Wind Energy Development Study in Lancashire' (2005) describes this character area as having moderate to high sensitivity with the potential to accommodate small and possibly medium scale wind energy development.

6.7 Policy Clarification

In June 2013 the Secretary of State for the Department of Communities and Local Government (DCLG) made a written statement to Parliament regarding local planning and onshore wind.

In that Statement, he acknowledged that the NPPF already includes "*strong protections for the natural and historic environment*" but he was concerned that some local communities thought that insufficient weight was being attributed to landscape, heritage and amenity issues, and that developers were not sufficiently engaging with local communities at the pre-planning stage.

New planning practice guidance has now been published: "Planning Practice Guidance for Renewable and Low Carbon Energy" (July 2013). The key points that are as follows:

- The guidance re-emphasises the NPPF position that all communities have a responsibility to help increase the supply of green energy – but that this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.
- The guidance provides support for criteria-based policies when they are expressed positively and reflect that the need for renewables does not automatically override environmental protections.
- States that authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules such as buffer zones or separation distances.
- States that set back distances can be acceptable for safety purposes.
- Identifies that 'positive weight' should be afforded to renewable and low carbon energy initiatives which have 'community involvement and leadership'
- Provides guidance on how turbines shall be assessed in terms of impacts upon landscapes including cumulative impacts

It is worth noting that the guidance does not:

- Require, recommend or give weight to arbitrary separation distances between wind turbines and dwellings or other 'sensitive uses'
- Allow a community veto
- Give weight to community objections which are not planning based.
- Consider the weight of community opposition as a material consideration
- Offer guidance on ice throw or claimed health impacts.
- Provide any additional guidance on residential amenity or issues of overbearing as they relate to turbines.

Wind turbine applications must be assessed in terms of noise, safety, ecology, heritage, shadow flicker, electromagnetic transmissions, landscape and visual impacts, including cumulative impacts. The expectation should always be that an application should only be approved if the impact is (or can be made) acceptable.

7.0 Comment and Analysis

7.1 Local and National Planning Policy stresses the importance of the role of planning in addressing climate change and that all communities have a responsibility to contribute to energy generation from renewable sources, such development should be maximised whilst ensuring that adverse impacts, including cumulative landscape and visual impacts, are addressed satisfactorily. The NPPF states that proposals should be approved where impacts are acceptable. Historically on this site,

planning consent was granted for two 10m high wind turbines in February 2009 (application number 08/01301/FUL). This consent has never been implemented and has since expired.

7.2 The key issues for Members to consider in determining this planning application are:

- Impacts upon Residential Amenity (living conditions)
- Highway Impacts
- Impacts upon the Historic Environment (Conservation Area and Listed Buildings)
- Impacts upon Biodiversity
- Impacts upon character and appearance of the Landscape

7.3 Impacts upon Residential Amenity

One of the main concerns arising from the public and parish council consultation responses relates to the potential impacts the proposed turbine would have upon residential amenity. The closest dwellings to the turbine are the cluster of properties located approximately 310m to the north east at the junction of Kellet Lane and Borwick Lane. This cluster includes Manor Farm (house), Borwick Mews and Epoch Cottages. These properties are considered to be the only dwellings within the immediate locality which would potentially be exposed to adverse impacts upon living conditions. As such the Planning officer has conducted a visit to this cluster of properties to assess likely impacts.

7.4 Outlook – A number of residents have stated that the turbine will be visually intrusive when viewed from their properties. It is a well known planning principle in this country that there is no ‘right to a view’. The test in this instance is whether the turbine would affect the outlook of residents to such an extent that there would be an overly-dominant and disproportionate impact on day-to-day living. Bearing this in mind, it is noted that the living room of Manor House (southern gable) will have a clear uninterrupted view of the turbine (with the exception of one mature tree located within the hedgerow). Notwithstanding this uninterrupted view, the separation distance to the turbine of over 300m leads Officers to conclude that the turbine would not be overly-dominant, and would be unlikely to result in undue harm to the day to day enjoyment of that room. This is the same situation for the other dwellings in the Manor Farm Estate.

7.5 Noise – Many objections received from nearby residents refers to the potential impacts of noise from the turbine. The only noise associated with modern wind turbines primarily relates to aerodynamic noise only; any mechanical tones or noise are mainly eliminated on modern machines. The application has been submitted with a full noise/acoustic assessment. The Senior Environmental Health Officer has assessed the acoustic submission and has concluded that due to the noise created by the M6 motorway, the background noise levels are unusually high during most conditions and is therefore satisfied that noise from the proposal will not cause disturbance to the residents of Borwick Mews, Manor Farm or Epoch Cottages except in particularly unusual or extreme weather conditions. A condition requiring the applicant to investigate noise-related complaints and take action to prevent disturbance could be attached, should the application be approved. With the imposition of such a condition, residential amenity relating to noise impacts can be safeguarded.

7.6 Shadow Flicker - This is the effect of the sun shining behind the rotating turbine blades and creating an intermittent shadow inside nearby buildings. It only occurs when certain meteorological, seasonal and geographical conditions prevail. The effects only occur 130 degrees either side of north relative to the wind turbine with shadows potentially cast 10 times the rotor diameter (approximately 300 metres from the turbine in this case). The application has been supported by a Shadow Flicker Assessment which identifies minimal potential for shadow flicker on 3 properties. These include Lakeland Leisure Village (Sherwood Plot) which is 330m away; Lakeland Leisure Village (Silverdale Plot) which is approximately 480m away; and a dwelling located at Borwick Fishery which is 340m away and is screened by the woodland and fishing lakes bounding Kellet Lane. These receptors have the potential for a small amount of hours of theoretical shadow flicker per year. Smart systems can effectively ‘shut-down’ turbines during the periods where shadow flicker could be experienced, and again a condition can be included on any grant of planning permission. With the imposition of such a condition, residential amenity relating to shadow flicker can be safeguarded.

7.7 Having assessed the proposal in terms of its impacts upon residential amenity it is not anticipated that the turbine would result in any significant adverse impacts resulting from shadow flicker, noise or overbearingness related to residential outlook. The separation distances from each property are

seen to be sufficient enough – in relation to a turbine of this scale - to mitigate the potential impacts, as such the proposal is seen to satisfy the provisions of LDLP E22 and LDCS SC1 and SC5 and the core principles of the NPPF.

7.8 Highway Impacts

Lancashire County Highways have raised no objections to the principle of the turbine and have set out that once the turbine has been erected it is unlikely that there will be a negligible traffic impact. There is a concern however that during the site construction and delivery of components (including lifting of equipment to/from the fishery) that there is likely to be a significant impact upon the surrounding public highway network which mainly consists of narrow country lanes. The components of the turbine are considered to constitute an abnormal load and will require authorisation to carry such loads over publicly maintained lengths of highway; this could also include the transporting of lifting equipment necessary to position the turbine.

7.9 Although the applicant has provided details as to the proposed favoured route for the delivery (a route from the A6 which originates from the M6, via the A601 including the roundabout where the A6 meets Borwick Lane, and then turning on to Kellet Lane to the site), a number of recommended conditions have been advised including the submission of a Construction Traffic Management Method Statement and a route to be agreed with the Highways Authority prior to works commencing. Whilst a number of concerns have been raised by the public as to the impacts on the highway network including the observations received David Morris MP, it is recommended that based on the comments provided by Lancashire County Highways any potential impacts could satisfactorily be addressed via the execution of reasonable planning conditions.

7.10 Impacts upon Historic Environment

The proposed turbine is located approximately 600m from the centre of the village of Borwick which includes a range of heritage assets including the designated Borwick Conservation Area which contains a number of Listed Buildings and the grade II listed Dock Acres which is an 18th century house with adjoining barn. In total there are 17 listed buildings within Borwick Conservation Area.

7.11 Lancaster District Local Plan Policy E35 seeks to protect the views into and across Conservation Areas and prevent any development that would adversely affect or erode its historic form. In this instance great consideration has been given to the proximity of the proposed wind turbine in relation to the heritage assets contained within Borwick. Whilst acknowledging the concerns of residents of the village, it is considered that the distance of 600m, including with many intervening features and great open space buffers between the turbine and the boundary of the Conservation Area that at 45m in height there will be not be a substantial impact resulting from the turbine upon the significance of the Conservation Area. This view is also shared by the Conservation Officer. It is therefore recommended that the proposal complies with Lancaster District Local Plan Policy E35 and also the aims and objectives of the NPPF.

7.12 Impacts upon Biodiversity

The application site has a history of being of significant ecological and biological value. The whole site was a former Biological Heritage Site (BHS) but this status was declassified in 2007 when it became clear that the increased level of anthropogenic (human-caused) disturbance including bird-scaring had resulted in a reduction in the important bird assemblages, to the point where the site no longer merited BHS status. At the time of de-classification the site owner entered into a legal agreement by means of a Section 106 which was to ensure the site would be managed for wildlife and fishing. An Ecological Appraisal assessing the impacts upon wildlife and protected species has been submitted in relation to the proposed impacts which may arise from the operation of the turbine.

7.13 Both the Lancashire County Ecologist and the applicant's observations set out in the Phase 1 Habitat Survey indicates the presence of bats including noctules which have a high risk of collision with turbines and are at risk of threat to their population. Pipistrelle bats have also been found to be present however these have a low risk of threat to population. During the previous application which was withdrawn, the County Ecologist objected due to insufficient details within the report and the lack of monitoring during bat activity season. As part of this current application a full survey has been undertaken. The County Ecologist did express concerns that the turbine could result in impacts upon

bats without the correct mitigation measures. In this instance it was suggested that the turbine should be reduced in speed and should be set to 8m/s from one hour before dusk until one hour after sunrise, and quarterly statements should be submitted from an independent third party to verify that the turbine is operating in accordance with the specified restriction. This has been agreed in writing by the applicant and should address the County Ecologist's concerns. If Members are minded to approve the application this could be controlled by means of a reasonably worded condition. The site is also known for its bird habitat and a full list of species has been submitted in the ecological appraisal. The site currently operates under a Section 106 agreement to ensure the protection of birds on site, the measures in place ensure that specific areas of the site are free from human activity and areas of the lakes can not be used for fishing. Based on the detailed submitted bird survey it is concluded that the impacts on birds will be negligible. This has also been confirmed verbally with the County Ecologist. It is therefore recommended that subject to suitably worded conditions the proposal could operate with minimal impacts upon birds and protected species (bats).

7.14 Character and Appearance of the Landscape

The County Council's Landscape Character Assessment identifies the application site as being within Landscape Character Area 12b 'Warton-Borwick' and describes it as follows:

The Low Coastal Drumlins around Warton are more rural in character than those immediately to the south. Large pastures are divided by low clipped hedgerows or stone walls, some of which are degraded or missing. There are areas of waterlogged, rushy pasture and standing water in the low lying areas between the drumlins. The River Keer winds its way between the low drumlins, draining into Morecambe Bay at Carnforth. Historic Halls and estates are associated with the river Keer at Capernwray and Borwick. Gravel extraction has had an impact on this landscape in the creation of open water bodies which attract wildfowl. The largest of these is Pine Lakes. There is considerable development associated with the M6, A6 and railway such as motels and a lorry park. Parking areas and caravan sites are also features of coastal parts of this area.

- 7.15 The proposed turbine has been assessed taking into consideration the surrounding landscape. It is noted that although the site itself does not benefit from any special protective designation, it will be viewed from within and against (when viewed from the east), the Arnside and Silverdale AONB. Although the boundary of the AONB is separated by the M6 and Pine Lakes Leisure site, the landscape rises where it meets the AONB boundary and it will be seen in the same visual frame. At the application site the land is relatively flat in character with no vertical features at all apart from the odd sporadic cluster of trees located more centrally and to the south of the site.
- 7.16 The agent has highlighted that the turbine will be similar to the height and form of the electricity pylons in the area. In this instance the nearest pylons sit against the M6, a substantial distance away from the proposed turbine. Pylons also remain stationary and do not have moving components. The scale of this turbine would be exacerbated by the relatively flat landscape in which it would be located. It would – when combined against the proximity to the AONB boundary - represent an isolated and alien feature against this attractively open and tranquil landscape which at present has few man-made vertical features, in an area where skylines remain relatively unaffected. In this turn the proposal is seen to be contrary to LDLP E3, E4 and E22.
- 7.17 The quality of the photomontages that have been submitted (a point raised by the County Landscape Officer who is experienced in assessing such literature) and the quality of the zone of theoretical mapping submitted with the application fail to provide the necessary reassurance that these landscape impacts can be mitigated. The documents fail to convince in this regard – when compared to other, more detailed turbine submissions. The discrepancies pointed out by the Lancashire County Landscape Officer in Section 4 of this report echo the concerns of nearby residents in that the visual images provide a distorted image.
- 7.18 It is acknowledged that wind turbines will affect the character of the landscape to some degree, and that opinions about wind energy vary widely, however in this instance at 45m in height the proposed turbine is seen to significantly result in a disturbance to the character and natural beauty of the landscape. Both local and national planning policy makes it clear that adverse impacts need to be fully taken into account. In this instance although the landscape is not protected it does have its own quiet charm, particularly as part of a panorama looking from the south to the north and also east to the west into the Arnside and Silverdale AONB.

- 7.19 Turning to the cumulative impact arising from the proposal the only other turbine which will be seen in the same visual context is the turbine which has been erected south of the application site at Nether Kellet and Back Lane Quarry. The Quarry turbine is 76m to the tip and is immediately located against the M6 motorway and is surrounded by high-level vegetation and trees around the quarry. Whilst the quarry turbine is a large structure in the landscape, it does sit within the quarry and has considerable tree planting within some of the more immediate frames of view. The current application does not enjoy such a relationship - it would appear as a more isolated, rotating feature within a picturesque backdrop where medium and longer-range views of the landscape are more prevalent. Whilst the Quarry turbine is individually inappropriate because of landscape impact – it does not have a particularly notable relationship to the quarry turbine, and for this reason along a reason for refusal based upon cumulative impact cannot be substantiated.
- 7.20 In summary it is recommended that it is highly unlikely that the underlying characteristics of the landscape would remain intact after the erection of the turbine, its position and scale and movement of its blades would all have major adverse impacts upon the character and appearance of the landscape contrary to the aims of saved policies E3, E4, E22 of the Lancaster District Local Plan, Policy SC1, SC3, SC5 and E1 of the Lancaster Core Strategy and the guidance contained within the National Planning Policy Framework particularly the Core Principles and Section 11.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this application

9.0 Conclusions

- 9.1 There is a clear direction set out within the NPPF that Local Planning Authorities should support and proactively encourage the delivery of renewable energy. Lancaster City Council has a good record of determining such applications on their own merits – approving those where impacts are considered acceptable and refusing those where the impacts cannot be mitigated against.
- 9.2 The decision hinges on whether the benefits of the renewable energy outweigh the adverse impacts upon the character of this landscape. In this particular instance the adverse impacts that would arise on the landscape, as set out in the report outweigh the benefits that would arise from the energy production of the turbine. This stance is justified because of the close proximity of the AONB, the scale of the turbine involved and the predominantly flat landscape in which the turbine would be sited. As such given the national and local planning policy position on these matters the application cannot be supported.

Recommendation

That Planning Consent **BE REFUSED** for the following reason:

1. The erection of the 45m high wind turbine, by reason of its position, scale and rotation of its blades would appear as an isolated and prominent man-made vertical structure which would appear incongruous in its surroundings and have adverse impacts which would significantly harm the character and appearance of the relatively flat and sensitive landscape whilst at the same time indirectly adversely affecting the natural beauty and setting of the character and charm of the Arnside and Silverdale Area of Outstanding Natural Beauty. As such the development would be contrary to the Saved Policies E3, E4, E22 of the Lancaster District Local Plan, Policies SC1, SC3, SC5 and E1 of the Lancaster District Core Strategy and the provisions of the National Planning Policy Framework particularly the Core Principles and Sections 10 and 11.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

Background Papers

None.

