

Agenda Item	Committee Date	Application Number
A7	4 March 2013	12/01126/FUL
Application Site		Proposal
Land To The South East Of Addington Lodge Addington Road Nether Kellet Carnforth		Erection of one 50kW wind turbine (24.7 metres hub height with a blade tip height of 34.4 metres) (resubmission of 11/01120/FUL)
Name of Applicant		Name of Agent
WA Agriculture Ltd		Mr Paul Lester
Decision Target Date		Reason For Delay
26 January 2013		Officer workload
Case Officer		Ms Eleanor Huddleston
Departure		No
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

1.1 The application relates to an agricultural field which is situated approximately 2 kilometres to the south east of Over Kellet and 3 kilometres to the east of Nether Kellet. The site is located approximately 420 metres to the south of Timpenny Road, 210 metres to the north of Kirkby Lonsdale Road and 490 metres to the north east of Addington Road. There is an access track off Timpenny Road which serves a large free range poultry building to the north of the site.

1.2 The field rises up from the agricultural building to the south east and down towards Kirkby Lonsdale Road. It is mainly bounded by open boarded timber fencing or post and wire fencing with a row of small trees and shrubs along most of the north eastern edge of the field and part of the south west boundary. The area is characterised by gently undulating fields with the land rising to the north west and south east of the field where the proposal is to be sited. There are various groups of trees nearby, in particular to the south east of the site adjacent to Kirkby Lonsdale Road, and next to the junction with Addington Road.

1.3 There are several public rights of way in the area. The nearest of these is approx. 400 metres to the north east of the site which links Timpenny Road to Kirkby Lonsdale Road. There is also a footpath approx. 470 metres to the north which links Timpenny Road to Over Kellet and one 590 metres to the south west of the site which connects Kirkby Lonsdale Road to Aughton Road. The site is approx. 220 metres from the boundary with the Forest of Bowland Area of Outstanding Natural Beauty (AONB) which follows the line of Kirkby Lonsdale Road. The Arnside and Silverdale AONB is situated approx. 4.4 kilometres to the north west.

1.4 There are several residential properties located on Addington Road, approximately 530 metres to the south east of the site, with the applicant's property, Addington Lodge, located approx. 630 metres to the north west of the site. There is a group of dwellings at Swarthdale, approx 520 metres to the north, and a dwelling and livery business at Oakenhead Farm, approx. 470 metres to the south. Within the field immediately to the south of the site is a small collection of buildings, located adjacent to the Kirkby Lonsdale Road, which is used for horses.

1.5 The site is within the District's Countryside Area as defined on the Local Plan Proposals Map.

2.0

The Proposal

2.1 Planning permission is sought for the erection of a 50KW wind turbine. It would be a three bladed structure with a height of 24.76 metres to the hub and 34.4 metres to the blade tip. Each blade would have a length of 9.6 metres. It is proposed to be located 220 metres to the north west of Kirkby Lonsdale Road, 180 metres to the south east of the poultry building and 52 metres from the nearest hedgerow.

2.2 The turbine would be sited on a concrete base and a temporary hardcore access track, approx. 80 metres in length, would be constructed from the existing access track to the north which serves the poultry building. The proposal seeks to offset the demand for electricity for the free range poultry, and contribute to the long term viability of the farm business, by connecting the turbine to the National Grid.

2.3 This is a resubmission of a previous application (11/01120/FUL), which was refused planning permission at the Planning Committee in September 2012. During the course of the original application, the position of the turbine was amended to address concerns regarding visual impact and proximity to nearby properties. Following this, concerns were raised regarding the proximity of the turbine to a gas mains pipeline and the proximity to a hedgerow and the potential impact on bats. As such the position was amended slightly again to address these issues. The current application relates to the same position on which the previous application was determined. An updated Landscape and Visual Impact has been submitted in order to address the second reason for refusal.

3.0

Site History

3.1 The previous application for the erection of a single turbine (11/01120/FUL) was originally considered by Members at Planning Committee on 20 August 2012. The Officers' recommendation was to approve the application subject to conditions. Members voted to refuse the application, however this motion was overturned. No motion was made for the approval of the proposal and therefore the application remained undetermined. It was reported back to the Planning Committee on 17 September 2012 where Members resolved to refuse the application for the following reasons:

1. The turbine, by reason of its scale and close proximity to existing equine development, would have potential to adversely affect the existing stables and adjoining land at Wood End Stables, and the equestrian land associated with Oakenhead Livery Stables. In particular, the presence of horses on land abutting the site, particularly where there is a constant turnover of horses (thus failing to become acclimatised to the impacts of the turbine), is a material consideration. Additionally, the recreational and economic impacts are such that the development would be contrary to Paragraph 28 of the National Planning Policy Framework and the Companion Guide to the (former) Planning Policy Statement 22.
2. The turbine, by reason of its siting close to the boundary of the Forest of Bowland Area of Outstanding Natural Beauty, and within a Landscape Character Area of moderate-high sensitivity to turbine development (as defined by the Landscape Sensitivity to Wind Energy Development Study (2005)), would have an injurious effect upon the quality of the landscape in which it is located, and also upon the setting of parts of the Area of Outstanding Natural Beauty. As a consequence, the proposal would be contrary to Paragraphs 109 and 115 of the National Planning Policy Framework (NPPF) and would fail to adhere to all of the Core Planning Principles contained in paragraph 17 of the National Planning Policy Framework (NPPF) and would fail to adhere to all of the Core Planning Principles contained in paragraph 17 of the NPPF, and it would be contrary to Policy E1 of the Lancaster District Core Strategy.

3.2 The application site has an extensive planning history. In addition to the above, the most relevant applications relate to the erection of a free range poultry building (09/00554/FUL) granted in 2009 and the erection of an agricultural workers dwelling (12/00505/FUL), granted in January 2013.

Application Number	Proposal	Decision
12/00947/FUL	Erection of an agricultural workers dwelling in connection	Permitted

	to the adjacent Poultry Farm	
12/00505/FUL	Erection of a block of five stables and farm office block	Permitted
11/01120/FUL	Erection of a wind turbine (24.7 metre hub height with a maximum blade tip height of 34.3 metres) and ancillary works	Refused
09/00554/FUL	Construction of an Agricultural building for Free-Range Hens	Permitted
07/00528/FUL	Demolition of stable block and erection of 2 storey extension to west elevation	Permitted
07/00199/FUL	Extension to existing stable to create agricultural workers dwelling	Refused
02/00769/FUL	Erection of block of 5 stables and storage building for feedstuff/bedding.	Permitted

4.0 Consultation Responses

4.1 The following responses have been received from internal and statutory consultees:

Consultee	Response
Nether Kellit Parish Council	<p>Whilst the Parish Council in general welcomes initiatives to reduce carbon emissions, concerns were raised at the meeting about this particular development. It is of a size which is much higher than similar proposals of an individual nature in the area, and its position on a site very close to an Area of Outstanding Natural Beauty detracts from the visual attraction of the area. It will be very prominent in many views across the upper part of the Lune Valley. The need for a turbine of this scale is questioned as the applicant already has solar panels.</p> <p>Have concerns about the effect that the turbine would have on equestrian activities in the immediate area. These include grazing of horses in close proximity to the turbine and also the riding of horses on highways in the vicinity. Amongst the concerns raised were the effect of turbine noise on the behaviour of the horses themselves, both in the fields and on the roads, and the effect on employment at the nearby equestrian centres if concerned owners removed their horses.</p>
Halton with Aughton Parish Council	<p>Object. The site is within the setting of an AONB. It will have considerable environmental impact. Noise levels have not been determined but any increase will raise the ambient levels within the area. Local residents have raised safety issues arising from interference with the many horses kept within yards of the site as well as horse riders on adjacent roads. Several residents and business people have expressed their concerns for the future of equine businesses within the shadow of the turbine. Halton with Aughton residents, who live nearby, have expressed their concerns in relation to their quality of life through loss of visual amenity and turbine noise. It is the view of Halton with Aughton Parish Council that the benefits promoted by this development do not outweigh the negative impacts.</p>
Environmental Health	No objection , following consideration of the submitted noise report.
County Highways	No response received within the statutory consultation period.
County Ecologist	No response received within the statutory consultation period.
Lancashire County Landscape Officer	No response received within the statutory consultation period.
Natural England	It does not appear that the application falls within the scope of the consultations that Natural England would routinely comment on. The application is not likely to result in significant impacts on statutory designated sites, landscapes or species. Expect the Local Planning Authority to assess and consider the possible impacts resulting from this proposal on protected species, Local wildlife sites, biodiversity enhancements and local landscape.
RSPB	No response received within the statutory consultation period.
North Lancashire	No response received within the statutory consultation period.

Bat Group	
The Wildlife Trust For Lancashire	No response received within the statutory consultation period.
Arnside Silverdale AONB Unit	No response received within the statutory consultation period.
MOD	No objection.
Civil Aviation Authority	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 Local Planning Authorities. The CAA has no responsibilities for safeguarding sites other than its own property, and a consultation by a Council is taken as a request for clarification of procedural matters. Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas. The Ministry of Defence will advise on all matters affecting military aviation.
NATS (National Air Traffic Services)	No objection.
BAE Warton	No objection.
Air Ambulance	No response received within the statutory consultation period.
Blackpool Airport	No response received within the statutory consultation period.
National Grid	No response received within the statutory consultation period.
The British Horse Society	Object. It should not matter how many horses are exercised on Kirkby Lonsdale Road and Addington Road, the safety of riders should count more than the financial gain of one landowner. Horses will not be frightened every time they go past. A horse that has been through a wind farm hundreds of times can still be challenged by them. An accident will not happen every time a horse goes past, but it will happen at some point, and probably involve an innocent motorist. The fact that these problems are not addressed in national planning policy guidance does not mean they do not exist. It is accepted that horses can be frightened by many things, and it is an undisputed fact that they get acclimatised to things. However there will be horses that have not seen a turbine before. The cases cited in the submission in relation to applications that have been passed are all based on Inspectors' conclusions. These Inspectors are unlikely to be horse riders who have taken a nervous horse near a wind farm. There is also concern about the cost to the Rural Economy. Oakenhead Farm Livery has 29 horses on the yard. That is £232,000 pa expenditure that will potentially be lost to the rural economy.
Friends of Eden, Lakeland & Lunesdale Scenery (FELLS)	Object. Fully agree with the decision to refuse the previous application. The objections raised to the previous application are encompassed in the second reason for refusal. There is nothing in the new application which changes FELLS position and consider the Council must refuse this application also. The site is within the "setting" of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) with the location approximately 200m from the AONB boundary. AONB is a national designation, and has not only equivalent status to a National Park, but is primarily and uniquely intended to recognise and protect landscape which includes the "setting" of the designated area. Similar planning applications for the same size and model of turbine in Wray and Tatham parishes have been refused. The objectives of the AONB designation will be compromised by this development and the developer has not adequately considered the impact on the AONB. The NPPF requires Local Planning Authorities to protect designated areas including AONBs from this type of development. This proposal presents no special or exceptional circumstances, there is no overriding need for it, or contribution to the local economy and it will clearly have a detrimental effect on the environment, landscape and recreational opportunities. The montage taken from Kirkby Lonsdale Road clearly demonstrates the significance of the impact of this turbine from within the Forest of Bowland AONB. The Planning Statement acknowledges the importance of the Drumlin Field Landscape Character Type and the area of the turbine location as having a moderate to high sensitivity to wind energy development. Drumlins are regarded as a very sensitive landscape type and thus easily damaged by wind turbine proposals. The landscape cannot absorb a tall man made structure at this location without significant landscape and visual impacts. The impact on the public right of

way to the south west of Oakenhead Farm will be significant and there will be a similar impact from the Aughton Road along which National Cycle Way Route 69 passes.

FELLS do not believe that the small amount of “renewable” electricity generated by this scheme can outweigh the significant landscape and visual impacts, including impacts on the Forest of Bowland AONB, and potential impacts on tourism through proliferation of single wind turbines in the Lune Valley area.

5.0 Neighbour Representations

5.1 15 letters of objection have been received which raise the following concerns:

- **Landscape and visual impact** – located on one of the highest areas in the locality it will create an eyesore that will be visible from the road and for miles around. The location of the turbine is directly next to an Area Of Outstanding Natural Beauty, is directly visible from 2 more and will have an adverse impact on the AONB and the view of Morecambe Bay and the Lakeland Fells. The views into and out of an AONB can be as important a reason for its national designation as the views within it. Any wind turbine of this size anywhere in this area would have a large and negative impact on the surrounding area. It would dominate the area and be totally inappropriate. The special character of the Lune Valley is well recognised and has been highly praised by Natural England as one of the least spoiled river valleys in the North West. It will be a marked intrusion into this sensitive drumlin-type landscape and will be out of keeping with the area to such an extent. The scale of the turbine is beyond the kind of ‘domestic’ scale installation which has been successfully accommodated within or near to the AONB. The presence of nearby small scale landscape features such as trees would likely emphasize the disproportionate scale of the wind turbine. Due to the turbine’s location in an exposed open field, no functional relationship could be established with the property that it would provide electricity to. According to the Forest of Bowland AONB Landscape Charater Assement (September 2009) the site lies within landscape character type K: Drumlin Field and landscape character are K1: Gressingham. The study highlights negative changes that could affect the landscape character including “potential new telecommunications or renewable energy developments, on the tops of drumlins”. It recommends a restriction of built development on the skyline of drumlins”. Concerns about inaccuracies in the photmontages.
- **Colour/ finish** - The colour will be ‘Traffic White’ semi gloss finish” which will be highly conspicuous. Even small ones in this colour stand out, out of all proportion, especially in low angled sun. Black, dark grey and green matt finishes are far less conspicuous.
- **Cumulative impact** – Concerned about the amount of applications for turbines in the Lune Valley which could erode the landscape character.
- **Residential amenity** – Would result in an unacceptable intrusion to the quality of life of the residents of Oakenhead Farm due to the noise and visual impact. Concern about details in the noise assessment which show inaccurate distances between the turbine and the property.
- **Highway safety** – Risk to road safety on the road adjacent to the development; significant risk that horses riding past the turbine will be startled by the turning blades and the flicker effect and could bolt onto the opposite side of the road and could cause a collision with oncoming vehicles; the road is busy, many horses ride on it and it is popular with bikers so the development could create a potentially lethal black spot
- **Impact on birds** - An increase in ground nesting birds has been seen in the area and this small pocket of increased population size for birds like the Curlew, would be severely affected by placing a wind turbine at this site.
- **Impact on horses** – The noise generated by the turbine will create an unacceptable hazard for horses as they are easily spooked. The noise and size of the wind turbine will cause undue fright and fear to horses, 22 in total, at the livery yard. The reflection of the sun flashing on the turbine has the potential to frighten a horse. If the turbine falls or breaks, the horses in the field to the south will be at risk.
- **Impact on safety** - In the summer horses are in the paddock opposite the development and an owner could find themselves in serious danger if a horse is suddenly panicked by the movement of the blades; concerns over the safety of individuals given the proposed relocation of this installation as this is now within approx. 100m of the footpath at Side Garth.

- Concerned about safety of turbine as the same model collapsed in North Devon in January.
- **Impact on tourism and recreation** - It would impact negatively on the visitor and tourist trade, which is an important contributor to the rural economy. The development would be close to the Morecambe to Bridlington national cycle route. Is an area used by ramblers, driven through by less active visitors and close to riding stables and bridleways
- **Impact on Local Equestrian businesses** - Owners of horses in the area (including those at Oakenhead Farm), faced with this increased risk of accident, would relocate their horses away from the area, seriously damaging this and other yard's business, as well as farriers, vets, feed suppliers, tack suppliers etc. This will reduce the income of the owners of Oakenhead Farm and also reduce the value of the business and their asset. The recreational and economic impact of the turbine would be contrary to paragraph 28 of the NPPF. The proposal would be devastating Oakenhead Farm which is worth £292,000 pa to the economy. In a letter from the owners, they state that the property has been valued by Richard Turner, a specialist in County Property, Equestrian Properties, Farms and Land. They do not want the valuation of the property to be published but have stated that Mr Turner confirms that they 'will suffer devaluation on their ownership assets and goodwill to the tune of 33% or more, not to mention, removal costs, sale costs, purchase costs of a new property including stamp duty and all related legal fees and will be facing financial suicide if forced down this route'. Impact on land to the south which is only 128 metres from the proposed turbine and where horses are kept and rehabilitated.
- **Need for the turbine** – the poultry farm already has solar panels providing electricity and a smaller turbine could provide for the needs of the business; the proposal is purely a commercial venture. The claimed generation is greatly overstated.
- **Impact on property values in the area.**
- **Community benefits** - this application offers no significant community benefits and has been opposed by the local Parishes involved. It is not, therefore supported by the local community and is contrary to the Localism Act and the NPPF which was recently issued.

5.2

A letter of objection has been also received by Walsingham Planning Consultants on behalf of the owners of Oakenhead Farm Livery. It states that the objections remain the same as raised for the previous application. These are set out below:

- The proposal is contrary to the policies set out in the NPPF, in particular:
 - paragraph 9 which confirms that pursuing sustainable development involves seeking positive improvement in the quality of the built, natural and historic environment as well as in people's quality of life;
 - there will be significant and adverse impacts to the business and residential amenity at Oakenhead farm which would be contrary to paragraph 14;
 - planning policies should support economic growth in rural areas in order to create jobs and prosperity to take a positive approach to sustainable new development;
 - paragraph 115 emphasises that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. It is within 180 metres of the boundary of the Forest of Bowland AONB and therefore will be seen from within it and will have a significant effect on the area and that part of the AONB.
- The proposal will be contrary to the Core Strategy. In particular, the Council's Vision Statement is for a sustainable self-contained and varied group of communities and puts an emphasis on the conservation and enhancement of the Natural and Built Environment. It would also be contrary to Policies E1 and SC3.
- The landscape and visual appraisal recognises that there is the potential for significant landscape and visual effects, albeit that they would be highly localised and would only occur within the five kilometres radius study area. Of particular importance is the recognition that the significant effects would be expected at some properties located within approximately 1 kilometre of the turbine and the properties with the clearest views include Oakenhead Farm which is 410 metres to the south. The proposed turbine would have a significant overbearing effect on the livery stables and residential amenity at Oakenhead Farm.
- The impact of the wind turbine on the economics of the adjacent rural economy, including Oakenhead Farm, must be considered.

5.3

15 sworn affidavits have been received from owners of horses at Oakenhead Farm. They all state that in the event of the wind turbine being erected and their horses being frightened, they would have no alternative but to remove their horses from Oakenhead Farm and find new livery stables.

5.4

A letter of objection has been received from David Morris MP for Morecambe and Lunesdale, and raises the following:

- Concerned about the precedent set if permission is granted and the impact that this could have on the Lune Valley.
- The size of this turbine is excessive and would dominate the local area as it is higher than any other structure.
- This is a popular equestrian area with a number of livery yards operating in the area catering for locals and tourists as well as a nationally important equine rehabilitation centre. Horses use the roads and fields around where the turbine would be sited and it could create considerable safety implications for horses, riders and other road users. Research shows that many riders are reluctant to take their horses near turbines and this would mean livery yards were forced to close as people move elsewhere, this would be detrimental to local employment at a time when unemployment is high.
- The construction of the turbine would mean an increased number of heavy vehicles on narrow country roads which could result in an increase in accidents due to the state of the road surface.

6.0 Principal 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***. The following paragraphs of the NPPF are relevant to the determination of this proposal:

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 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; and contribute to conserving and enhancing the natural environment.

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Paragraph 98 states that when determining planning applications local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

Paragraph 109 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;
- recognizing 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 sets out that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which 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.

6.2

Regional Spatial Strategy

Policy **DP7** (Promote Environmental Quality) - Environmental quality should be protected and enhanced, especially by understanding and respecting the character and distinctiveness of places and landscapes, the protection and enhancement of the historic environment, promoting good quality design in new development and ensuring that development respects its setting, reclaiming derelict land, using land resources efficiently, maintaining and enhancing the tranquility of open countryside and rural areas, and maintaining and enhancing the quantity and quality of biodiversity and habitat.

Policy **DP9** (Reduce Emissions and Adapt to Climate Change) – As an urgent regional priority, plans, strategies, proposals, scheme and investment decisions should contribute to reduction in the Regions carbon dioxide emissions from all sources in line with national targets to reduce emissions to 60% below 1990 levels by 2050. Increasing renewable energy capacity and promoting microgeneration are key measures identified to help reduce carbon emissions.

Policy **EM1** (Integrated Enhancement and Protection of the Region's Environmental Assets) - The Region's environmental assets should be identified, protected, enhanced and managed. Schemes should deliver an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands. Priority should be given to conserving and enhancing areas, sites, features and species of international, national, regional and local landscape, natural environment and historic environment importance. Schemes should identify, protect, maintain and enhance natural, historic and other distinctive features that contribute to the character of landscapes and places, including the special qualities of the Forest of Bowland AONB.

Policy **EM17** (Renewable Energy) – supports the development of renewable energy schemes. It states that in line with the North West Sustainable Energy Strategy, by 2010 at least 10% (rising to at least 15% by 2015 and at least 20% by 2020) of the electricity supplied in the North West should be provided from renewable energy sources. The following criteria should be taken into account but should not be used to rule out or place constraints on the development of all, or specific types of, renewable energy technologies. The criteria includes:

- anticipated effects on local amenity resulting from development, construction and operation of schemes (e.g. air quality, atmospheric emissions, noise, odour, water pollution and disposal of waste)
- acceptability of the location/scale of the proposal and its visual impact in relation to the character and sensitivity of the surrounding landscape, including cumulative impact
- effect on the region's World Heritage Sites and other national and internationally designated sites or areas, and their settings
- effect of development on nature conservation features, biodiversity and geodiversity, including sites, habitats and species, and which avoid significant adverse effects on sites of international nature conservation importance by assessment under the Habitats Regulations

6.3

Lancaster District Core Strategy

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 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; 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.

6.4

Lancaster District Local Plan - adopted April 2004 (saved policies)

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 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 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 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

Other Guidance

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 Landscape Character Area 13c drumlin Field. The study sets out that this area has a moderate to high sensitivity with the potential to accommodate small and possibly medium scale wind energy development.

Companion Guide to PPS22: Planning for Renewable Energy

The NPPF replaced all the previous PPG and PPS documents. However, the Companion Guide to PPS22: Planning for Renewable Energy is not contained within the list of replaced documents and therefore still a material planning consideration.

It states that there is no statutory separation between a wind turbine and a public right of way. However, fall over distance is often considered an acceptable separation, and the minimum distance is often taken to be that the turbine blades should not be permitted to oversail a public right of way. Fall over distance is the height of the turbine to the blade tip and 10% is often added to this as a safe separation distance from occupied buildings. It also sets out that The British Horse Society, following internal consultations, has suggested a 200 metre exclusion zones around bridle paths to avoid wind turbines frightening horses and, whilst this could be deemed desirable, it is not a statutory requirement.

In relation to shadow flicker, the guide makes the following statements:

- shadow flicker only occurs inside buildings where the flicker appears through a narrow window opening;
- only properties within 130 degrees either side of north of the turbines can be affected at UK latitudes;
- shadow flicker has been proven to occur only within ten rotor diameters of a turbine position;
- less than 5% of photo-sensitive epileptics are sensitive to the lowest frequencies of 2.5-3 Hz; the remainder being sensitive to higher frequencies; and
- a fast-moving three-bladed wind turbine will give rise to the highest levels of flicker frequency of well below 2 Hz. The new generation of wind turbines is known to operate at levels below 1 Hz

7.0 Comment and Analysis

7.1 The main issues to consider in relation to this application are:

- Landscape and visual impact
- Impact on the amenity of nearby residential properties
- Impact on equestrian activity and the local economy
- Ecological Impacts
- The contribution to renewable energy generation

7.2 Landscape and visual impact

7.2.1 The application site lies within the District's Countryside Area and is approximately 220 metres, at its closest point, from the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and 4.5 kilometres from the Arnside and Silverdale AONB. It is located within a landscape character area defined as Drumlin Field. This character type is characterised by rolling drumlins with a consistent orientation which gives the landscape a uniform grain. The regular green hillocks are between about 100m and 200m high with steep sides and broad rounded tops. There are three specific areas defined as drumlin field in Lancashire, this one is covered by sub-type Docker-Kellet-Lancaster. This drumlin field has a distinctive north-east, south-west grain and runs from the edge of Lancaster northwards into Cumbria. The area is underlain by limestone and is distinguished by large scale undulating hills of pasture, some formed from glacial till and others which are outcrops of limestone, or reef knolls. These are particularly evident around Over and Nether Kellet where the limestone is exposed. The 'Landscape Sensitivity to Wind Energy Development Study in Lancashire' (2005) describes this character area as having moderate to high sensitivity to wind energy development.

7.2.2 The area is characterised by an undulating landscape interspersed with areas of trees and woodland and patterns of small fields mainly defined by hedgerows and stone walls. Small scale pylons follow the line of Kirkby Lonsdale Road, and there are large pylons visible to the north. The turbine would be sited slightly to the north east of the highest part of the field. Given the undulating nature of the land, the turbine would be sited at a similar elevation to the section of Kirkby Lansdale Road close to the site. The land also rises to the north east, providing screening to part of Timperley Road. The large areas of trees in the area close to the site, including those adjacent to Kirkby Lonsdale Road and Addington Road, will also provide some screening from local view points.

7.2.3 A Landscape and Visual Appraisal has been submitted with the application. The Zone of Theoretical Visibility (ZTV) maps show that visibility of the turbine from the Forest of Bowland AONB would be limited to its north western edge, mainly within 1 kilometre of the site and more distant viewpoints where the land rises to Claughton and Caton Moors. In response to the original application, The County Landscape Officer concluded that the likely impacts of the proposed wind turbine on the setting, landscape and scenic beauty of both the Arnside and Silverdale AONB and the Forest of Bowland AONB would be acceptable.

7.2.4 It is likely that the most significant effects of the scheme would be within a 1.5 kilometres of the site. The Landscape and Visual Appraisal has indicated that at a localised level, the level of effect on landscape character would be Major to Moderate (and significant) but that the turbine would not notably affect the key characteristics of the surrounding landscape. Given the relatively small scale of the turbine, it is not considered to dominate the moderate to large scale landscape in this area. Landscape and visual impacts would also be mitigated in many areas by the combination of topography, vegetation and vertical man-made structures at further distances. As such, the proposal

is not considered to have a significant adverse impact on the local landscape character or visual amenity of the area.

7.2.5 Cumulative effects may arise where two or more of the same type of renewable energy developments are visible from the same point, or are visible shortly after each other along the same journey. The existing Caton Moor Wind Farm (8 commercial scale turbines) is located 5 kilometres to the south east of the proposed turbine. There would be no perceived extension to this wind farm caused by the proposal given the separation distance and the difference in scale of turbine. In addition, there would be relatively few locations where there would be clear views of the proposed turbine with other wind energy development.

7.3 Impact on Residential Amenity

7.3.1 The nearest residential property is approximately 470 metres from the site of the proposed turbine. Environmental Health has no objection to the proposal following consideration of the submitted noise information. One of the nearby residents has raised concerns regarding the accuracy of the report as the distance quoted from the nearest dwelling was incorrect. A further letter has been received from the applicant's noise consultant confirming that the variation in distance makes no material difference to the conclusions in the report as the calculated noise level is significantly below the ETSU criterion.

7.3.2 Shadow flicker has been proven to occur only within ten rotor diameters of a turbine position. The turbine would have a maximum rotor diameter of 19.2 metres and as the nearest property is approximately 470 metres from the turbine there should not be any adverse impacts as a result of flicker.

7.3.3 Many of the nearby residential properties are afforded screening by trees or do not face directly towards the site of the turbine. It is likely to be most visible from Oakenhead Farm which is the closest property to the site. However, given the distance from the turbine, which is more than twelve times its height, it is unlikely that it would dominate views or exert an overbearing impact on the occupiers of this property to the extent that living conditions would be significantly adversely affected.

7.4 Impact on equestrian activity and the local economy

7.4.1 Concerns have been raised regarding the potential impact of the proposal on equestrian activity and nearby stables and livery businesses, in particular Oakenhead Farm. The British Horse Society produced guidance in April 2010 which gives advice in relation to safety implications for horses arising from wind turbines. It states that "as a starting point when assessing a site and its potential layout, a separation distance of four times the overall height should be the target for National Trails and Ride UK routes, as these are likely to be used by equestrians unfamiliar with turbines, and a distance of three times overall height from all other routes, including roads, with the 200m recommended in the Technical Guidance to PPS 22 being seen as a minimum". In this case, the turbine is more than 3 times its height from the nearest highway and more than 200 metres. As such it complies with the guidance so cannot be judged to have a significant impact on horses using the nearby road network.

7.4.2 Oakenhead Farm is located approximately 490 metres from the site of the proposed turbine and the existing ménage is located on the southern side of the farmhouse. The effect on property values is not a material planning consideration, however, the impact on the rural economy can be considered. Concerns have been raised regarding the effect that this proposal could have on this business, and owners of horses at the stables have stated that in the event of the wind turbine being erected and their horses being frightened, they would have no alternative but to remove them from Oakenhead Farm. As the distance of the turbine from the stables is more than twice the recommended distance from routes used by horses, there is no substantive evidence to suggest that horses at the stables would be frightened or affected in any way by the presence of the turbine. Although the British Horse Society objects to the proposal, in their response it also states that it is an undisputed fact that horses become acclimatised to things. As such it is likely that the horses at the stable would become used to the presence of the turbine.

7.4.3 There are also stable buildings and a small area of hard standing located to the south of the site of the turbine, known as Wood End. The turbine would be approx. 200 metres from the yard area and

220 metres from the buildings. As this complies with the guidance set out above, there is no evidence to suggest that horses kept here would be significantly affected by the presence of the turbine. In a letter sent by the owner of these buildings, it sets out that the proposal is only 128 metres from the field where the horses are schooled and this area is needed as it is the most level ground and the boundary fence is used to teach them to move in a straight line. It also states that he buys horses to break or rehabilitate them. The land which is associated with these buildings slopes relatively steeply downwards from the road and there is no formal area set out for horses to be schooled. The applicant's land adjoining the lower part of the field is very boggy so it is likely that this land would suffer from drainage issues to some extent which would make it difficult for any formal schooling of horses. In addition, there is no planning permission on this land in relation to any equestrian business use and as such the field would be considered to have an agricultural use, on which horses can graze without the need for consent. The turbine would still be over three times its height from the land and for the reasons above, it is not considered that the proposal would have a significant impact on a rural business.

7.5 Ecological Impacts

7.5.1 The application has been accompanied by a baseline ecological survey report which was submitted with the original proposal. This concluded that no conclusive signs of protected or otherwise important species were recorded on the development site or are reasonably expected to be significantly affected by the proposed development. Bats are likely to use the surrounding landscape for foraging with the focus of this activity likely to be correlated with the trees and defunct hedgerows. No indications of current use of the site by badgers could be found, however the species is known to occur in the local area. The report concluded that the site may have some potential for use by nesting and foraging birds and mitigation through a check for nesting birds prior to site clearance will adequately mitigate for bird species.

7.5.2 The site does not lie within or in close proximity to any ecologically designated sites and Natural England have confirmed that the proposal is unlikely to result in significant impacts on statutory designated sites, landscapes or species. With regard to the potential impact of the development upon the local bat population, the application states that the turbine will be 52 metres from the nearest hedgerow. This is beyond the 50 metre buffer distance set out in the technical guidance note by Natural England to protect bats. Although the North Lancashire Bat Group, the Wildlife Trust For Lancashire and the County Ecologist have not provided any comments in relation to this application, they did not raise any objections to the previous application. As such, the proposal is not considered to have a significant impact on protected species or designated areas.

7.6 Contribution to renewable energy generation

7.6.1 As set out within the National Planning Policy Framework, the government seeks to support the transition to a low carbon future by, amongst other things, encouraging the use of renewable resources through the development of renewable energy. It indicates that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. It also states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

7.6.2 In determining this application regard should be made local policies contained in both the Lancaster District Local Plan (E22) and the Lancaster District Core Strategy (policy ER7). These policies look favourably on renewable energy schemes and seek to promote and encourage proposals provided that potential impacts are satisfactorily addressed.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposal will generate renewable energy, which is in accordance with national and local planning objectives. The NPPF states that applications for renewable energy schemes should be approved if its impacts are or can be made acceptable. As set out above, the proposal is not considered to have a significant impact on the character or appearance of the landscape, residential

amenity, equestrian activities or ecology. As such, the proposed turbine is considered acceptable in this location.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development to accord with approved plans.
3. The new access track shall be removed and the land reinstated within 3 months of the wind turbine being first operational in accordance with a scheme to be submitted to and agreed in writing with the local planning authority prior to development commencing
4. The wind turbine and associated ground infrastructure associated with this permission shall be removed from site and the land reinstated in accordance with a scheme to be submitted to and agreed in writing with the local planning authority before the expiry of 25 years from the turbine being first operational, or within 12 months of the wind turbine becoming unoperational whichever the earlier.
5. All cabling on the site shall be installed underground.
6. Precise details of the external finish, colour and materials of the turbine. The turbines shall not be illuminated, or display any name, sign, symbol or logo.
7. At the request of the local planning authority, following any reasonable noise related complaint made to it, the applicant and/or any other successor in title shall, at their expense, employ a consultant approved by the local planning authority, to assess the turbine noise levels at the complainant's property, and where noise levels exceed the levels specified in ETSU-R-97 carry out necessary mitigation (again at their own expense) in order to bring noise levels into compliance.
8. Any tree/shrub planting or habitat improvement within the area should not occur within 50 metres of the proposed turbine.

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.