

<b>Agenda Item</b> A5	<b>Committee Date</b> 2 February 2015	<b>Application Number</b> 14/00938/FUL
<b>Application Site</b> Heysham Port Ltd North Quay Heysham Harbour Heysham Morecambe		<b>Proposal</b> Erection of a wind turbine with an overall tip height of 77 metres, creation of a hardstanding crane pad area, erection of a control building and under-ground cabling
<b>Name of Applicant</b> Peel Energy Ltd Mr Stephen Snowdon		<b>Name of Agent</b> Mr James Glynn
<b>Decision Target Date</b> 25 December 2014		<b>Reason For Delay</b> Committee cycle (An extension of time has been agreed for the determination of this application)
<b>Case Officer</b>		Mrs Jennifer Rehman
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

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

- 1.1 The site relates to a 0.91 hectare parcel of land located on the North Quay at the Port of Heysham, approximately 240m from the western end of the harbour wall. The site is accessed from the junction of Port Way and Shore Road before entering the controlled internal road network. The Port of Heysham is located on the southern shore of Morecambe Bay, characterised by shipping infrastructure, large-scale warehousing and cranes of varying size interspersed by extensive hard standing areas used predominantly for container storage and car parking. The Heysham Port railway station and ferry terminal are situated along the south quay of the harbour.
- 1.2 Heysham Power Station and its two large reactors are located south of the Port together with associated infrastructure including overhead lines which exit the power station complex via lattice tower pylons (approximately 48m high), across open recreation land (Heysham Golf Course) and then run eastward toward an electricity substation south of the A883, approximately 1.4km east.
- 1.3 Almost immediately to the north of the site lies Half Moon Bay and Heysham Sands which form the Morecambe Bay Special Protection Area (SPA) and the Morecambe Bay Wetland of International Importance (Ramsar Site). Morecambe Bay Site of Special Scientific Interest (SSSI) also sits immediately adjacent to the development site.
- 1.4 To the east and northeast respectively lie the residential areas of Higher Heysham and Lower Heysham. Both areas lie within 2km of the application site. Lower Heysham forms part of Heysham's historic core and is partly designated as a conservation area. High Heysham is predominately made up of typical suburban housing.
- 1.5 Separating Lower Heysham and the Port to the east is Heysham Head. This is an important National Trust site that comprises a sandstone headland, open grassland, woodland and the remains of St. Patrick's Chapel and the rock-cut graves which occupy part of Heysham Head are nationally important remains, enjoying Grade I listed status and designation as a Scheduled Ancient Monument.

- 1.6 The Development Plan land allocation identifies the site and its immediate surroundings for employment/business purposes.

## **2.0 The Proposal**

- 2.1 The applicant seeks planning permission for a single wind turbine generating up to 0.5MW of electricity designed to have an operational life of 25 years. The model proposed will be a traditional three-blade horizontal axis turbine with a maximum ground-to-tip height of 77m. The turbine shall be finished in a matt pale grey colour. The position of the turbine is identified in the submission documents, though a 10m allowance for micro-siting is proposed as part of the application. Ancillary infrastructure will be required and includes the creation of turbine and crane hardstanding areas and foundations, a control building which accommodates the house switchgear, metering, protection and control equipment. This building will measure approximately 10m x 4.5m x 3.1m finished in brick with a tiled roof. The development will also involve approximately 470m of below-ground cabling connecting the turbine to the grid. Temporary works include the provision of a construction compound which will extend approximately 3,500m<sup>2</sup>. The turbine is intended to be delivered via the port but in the event this is not possible, the turbine would be delivered via the existing road network, the details of which would be secured under a traffic management plan condition in the event of an approval.
- 2.2 The application has been submitted with an Environmental Statement that considers and evaluates the main environmental issues identified in the Scoping Opinion provided by the local planning authority, with regard to the main issues raised during consideration of the applicant's earlier proposal for three turbines (see Paragraph 3.1). The assessment considers the environmental impacts of the development in isolation but also in combination with other projects as required by the relevant legislation, policy and guidance.

## **3.0 Site History**

- 3.1 The applicant identified the Port of Heysham as a potential site for wind farm development back in 2007 when they undertook their own feasibility studies. A meteorological mast was installed to record wind speeds to ascertain viability for wind energy development. In 2011 the applicant submitted a scheme for three 125m-high wind turbines. This application was accompanied by an Environmental Statement. This application was withdrawn following lengthy discussions with the developer and consultees. Officers had 4 fundamental concerns at the time which lead to the withdrawal of the application, and these were:

- 1) Impacts on ornithology and potential adverse effects on Morecambe Bay SPA/RAMSAR site;
- 2) Impacts on the setting of designated heritage assets (St Patricks Chapel & Heysham Head);
- 3) Impacts on residential amenity (visual impacts); and,
- 4) Potential safety risks associated with the proximity of the development of Heysham Nuclear Power Station (concerned raised by EDF Energy).

This application is a different development proposal but originates from the concerns that were expressed by the local planning authority during the 2011 proposal.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>09/00343/FUL</b>	Installation of a 50m meteorological data gathering mast supported by guy wires for a period of 3 years	Permitted
<b>10/00785/EIO</b>	Request for a scoping opinion for the erection of wind turbines	Completed
<b>10/00896/FUL</b>	Erection of a 50m meteorological mast	Permitted
<b>11/00816/FUL</b>	Erection of three wind turbines with an overall tip height of 125 metres, and creation of hardstanding crane pad areas, erection of control building and under-ground cabling.	Withdrawn
<b>14/00056/EIR</b>	Screening request for the erection of a wind turbine	Completed confirming an Environmental Statement is required.

## 4.0 Consultation Responses

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

Consultee	Response
Office of Nuclear Regulation	<b>No objection.</b>
EDF Energy	<b>No objection</b> - based on the precise position of the turbine. EDF Energy didn't take account of the proposed 10m micro-siting specified in the application and have yet to assess whether the micro-siting affects their risk assessment. Further consultation has been undertaken. EDF Energy have confirmed that they are yet to undertake the assessment and that this is not a priority to them at present due to extreme workloads. If comments are submitted a verbal update will be provided.
Civil Aviation Authority	Advice to consult NATS and MoD and local aerodromes, including emergency services.
Ministry of Defence (MoD)	<b>No objection</b> subject to a condition requiring aviation lighting; notification of the date construction starts and the maximum height and latitude/longitude of the turbine.
NATS	<b>No safeguarding objection.</b>
Blackpool Airport	Initially requested a line of sight survey to fully assess the scheme. Subsequent correspondence between the developer and Blackpool Airport suggests that the Airport no longer require this information and have no objection to the proposal. This approach would accord with their response to the earlier 3 turbine scheme. A formal response to the local planning authority is still outstanding.
BAE Systems	<b>No objection</b> – supports the MoD response that there is no safeguarding objection.
Police (Traffic Management)	<b>No objection</b> – comments indicate that the Police support the transportation of the major components from the Port via ship rather than road, due to concerns that the current highway infrastructure is incapable of accommodating the long turbine blades. It is acknowledged that the abnormal loads could be transported via the Heysham to M6 road once completed.
Joint Radio Company LTD	<b>No objection.</b>
Environment Agency	<b>No objection</b> subject to the submitted Flood Risk Assessment being conditioned.
Natural England	<p><b>Initially Objected</b> for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal did not include a Habitat Regulations Assessment;</li> <li>• Concerns over the potential loss of intertidal feeding habitat within the SPA through displacement.</li> <li>• Mitigation (as advised at pre-application stages) should be considered.</li> <li>• Standing advice for protected species</li> </ul> <p>Natural England have now considered the Appropriate Assessment undertaken by Avian Ecology on behalf of the Council and the proposed mitigation measures now incorporated into the proposal. Natural England now concur with the conclusions of the Appropriate Assessment that the development will not result in adverse effects on the integrity of any of the European designated sites, subject to the mitigation measures being appropriately secured in any permission given. <b>Natural England's initial objection has now been removed.</b></p>
RSPB	<p><b>Initially Objected</b> for the following reasons:</p> <ul style="list-style-type: none"> <li>• Displacement effects can reduce the capacity of intertidal habitat to support birds within a 600m radius of the turbine. The turbine will affect 24.8ha of the SPA and could affect a significant number of wading birds.</li> <li>• These displacement effects would be reduced to acceptable levels if mitigation was put forward by the applicant (such as reinstating the traditional helipad roost).</li> </ul> <p>Following the submission of further information to provide mitigation and the imposition of a planning condition to this effect, <b>the RSPB's initial objection has now been removed.</b></p>

<b>Wildlife Trust for Lancashire</b>	No comments received within statutory consultation period.
<b>English Heritage</b>	<b>Comment</b> that there is a visual impact on the heritage assets centring on St Patrick's Chapel which causes harm to the significance of the setting of the highly graded heritage assets on the Headland. English Heritage recommends that the movement of the turbine inland (east) or a reduction in height could mitigate this impact. <b>English Heritage indicate it is for the local planning authority to weigh this harm against the public benefits of the scheme.</b>
<b>National Trust</b>	<b>Objection</b> - whilst indicating the heritage assessment and proposal itself undoubtedly a manifest improvement from the earlier withdrawn proposal, the Trust conclude that the development would lead to significant adverse impacts to the setting of Heysham Head, specifically St Patrick's Chapel and rock cut graves.
<b>Conservation Officer</b>	<b>No objection</b> - comment that the level of assessment in relation to the impact of the development on adjacent heritage assets is acceptable and that the findings and observations of that assessment are not disputed.
<b>County Archaeology</b>	<b>No objection</b>
<b>County Emergency Planning Service</b>	<b>No objection</b> - the changes can be accommodated in the Heysham Power Station off-site Emergency Plan.
<b>Cockerham Parish Council</b>	<b>No objection</b>
<b>Heysham Neighbourhood Council</b>	<b>Object</b> for the following reasons: <ul style="list-style-type: none"> <li>• Proximity to a busy port and neighbouring buildings where staff will be affected by shadow-flicker</li> <li>• Risks associated with the turbine collapsing onto the neighbouring land would have consequences for the everyday running of the port and a risk to human life</li> <li>• Impact on TV reception and shadow-flicker to neighbouring residents</li> <li>• The power generated by the development does not warrant the inconvenience and safety risks associated with the development</li> </ul>
<b>Morecambe Town Council</b>	No comments received within statutory consultation period.
<b>Heaton with Oxcliffe Parish Council</b>	No comments received within statutory consultation period.
<b>National Grid</b>	No comments received within statutory consultation period.
<b>Wyre Borough District Council</b>	No comments received within statutory consultation period.
<b>South Lakeland District Council</b>	No comments received within statutory consultation period.

## **5.0 Neighbour Representations**

5.1 At the time of writing this report 37 letters have been received, 1 in support and 36 against.

The main reasons for opposition are summarised below:

- Impact on nearby residents – visual impacts and noise impacts, particularly those on elevated land nearby (Moneyclose Lane/Heysham Head).
- The turbine will affect nearby residents and businesses (including tourism) 24 hours/day
- A separation distance of turbine to dwellings is too short – WHO suggests between 2.5km–3km.
- Noise impacts - turbine noise should be thoroughly understood and tested – ETSU-R-97 is over a decade old. Low frequency noise impacts can affect health. Affects human rights/peaceful existence.
- Shadow-flicker impacts – offer of blinds unacceptable
- Adverse impact on Heysham Head heritage asset
- Enjoyment of coastal walks and views from the area would be ruined which could permanently affect tourism and local economy in the area
- Loss of property value and ability to sell
- No community benefit and low output – only benefits the developer financially

- Power from turbines fluctuate - not a reliable renewable energy recourse in the long term.
- Health and safety risks to nearby residents and workers - lack of risk assessments
- Risk of blade failure/ice throw – too close to the power station. Safety of power station should be given highest priority.
- Affects safe navigation
- Precedent for further applications
- Landscape impact – plot beautiful coastal line and loss of views
- Turbines should be off-shore
- There are sufficient wind turbines in Morecambe Bay
- Impacts on wildlife, in particular birds, using Morecambe Bay
- The turbine will stand-alone and not be viewed against the industrial backdrop of harbour buildings and power station
- Buildings and internal roads within the topple distance
- The access road to existing businesses on the port should not be affected by the construction/failure/maintenance of the turbine and that existing businesses should be involved in the traffic management plan.
- Security of existing businesses should not be compromised by the development
- Impacts to telecommunication
- Increase in stress and uncertainty over the proposal has affected people living close to the site
- Lack of appropriate consultation

The reasons for support are as follows:

- Site is an industrial one with power stations, pot and warehouses. No impact on landscape
- Few residential properties affected

**David Morris MP** has written in to object on the grounds that the development is too close to residential streets of Money Close Lane and Moon Bay Walk and businesses on the port itself, leading to potential noise, shadow-flicker and loss of TV reception. The MP also raises concerns over the proximity to the nearby national trust heritage asset, which should be protected at all costs.

## **6.0 Principal National and Development Plan Policies**

- 6.1 National Planning Policy Framework (NPPF)  
 Paragraphs 7, 12 and 17 - Sustainable Development and Core Principles  
 Paragraph 56 – Good Design  
 Paragraphs 93, 97, 98 – Meeting the challenge of climate change, flooding and coastal change  
 Paragraph 118 and 119 – Biodiversity considerations  
 Paragraph 123 – Noise considerations  
 Paragraphs 128, 131 - 136 – Conserving and Enhancing the Historic Environment  
 Paragraphs 186, 187, 188, 196, 197, 203 - 204 – Decision-taking
- 6.2 Saved Lancaster District Local Plan (adopted 2004)  
 Policy EC5 – Employment Site Allocations (including Heysham Power Station and Heysham Port)  
 Policy EC6 – Criteria for new employment development
- 6.3 Lancaster District Core Strategy (adopted July 2008)  
 Policy SC1 – Sustainable Development  
 Policy ER2 – Regeneration Priority Area (South Heysham – Green Regeneration)  
 Policy ER3 – Employment Land  
 Policy ER7 – Renewable Energy
- 6.4 Lancaster District Development Management DPD (adopted December 2014)  
 DM17 – Renewable Energy Generation  
 DM18 – Wind Turbine Development  
 DM27 – The Protection and Enhancement of Biodiversity  
 DM28 - Development and Landscape Impact  
 DM32 – The Setting of Designated Heritage Assets
- 6.5 Other considerations  
 National Planning Practice Guidance  
 Land Allocations DPD (Policy HEY1)

## **7.0 Comment and Analysis**

### **7.1 Main Issues**

The principal issues for Members to consider in the determination of this application are namely:

- Policy context and site selection (7.2)
- Landscape and Visual Impact (7.3)
- Historic Environment Considerations (7.4)
- Ecological Considerations (7.5)
- Residential Amenity (7.6)
- Safety and Telecommunications (7.7)
- The contribution to renewable energy generation (7.8)

### **7.2.1 Policy Context**

One of the national core planning principles is to support the transition to a low carbon future by delivering renewable/low carbon energy and associated infrastructure, and that this is central to the economic, social and environmental dimensions of sustainable development. Development Plan policies are consistent with the national position to support and promote renewable energy. Policy ER7 of the Core Strategy explicitly promotes South Heysham as a key focus for renewable energy generation including wind and biomass technology. Policy ER2 also recognises South Heysham as a regeneration priority area with a focus on accommodating and supporting expansion of the Port and the associated industrial estate with significant potential for renewable energy. Emerging Land Allocations DPD policy HEY1 also endorses energy-related development in the area and is described as the Heysham Energy Coast. Subsequently, the principle of wind-energy development along the Heysham Coastline does not conflict with policy.

7.2.2 In terms of the location of the development, the site is actually located within designated employment land, protected by saved policy EC5. Whilst this proposal is not specifically employment development (B1, B2 or B8 development) its location and the nature and scale of development has been carefully selected taking into account the safe operation of the Power Station specifically, but also the suitability of the site based on predicated wind speeds, electrical connections, access, military and aviation constraints, planning constraints, proximity to dwellings and nature conservation constraints. The development lies on the harbour wall within land owned and controlled by Peel Holdings Group of Companies. The Peel Group covers various sectors including Peel Ports who own and operate Heysham Port. It is contended that the proposed development will not prejudice the employment land allocation of the site or its future development (subject to some controls that are discussed later in this report).

7.2.3 Whilst there are no in-principle policy reasons to resist renewable energy development at this site all levels of policy require such proposals to be balanced against other environmental objectives. The National Planning Practice Guidance indicates that local planning authorities should approve proposals if its impacts are (or can be made) acceptable. To address the environmental considerations of a proposal the applicant has submitted an Environmental Statement (ES). The following sections of this report address the main issues in order to reach a balanced recommendation over whether the proposal constitutes sustainable development (in the context of paragraph 7 of the NPPF) and can therefore be supported or not.

### **7.3.1 Landscape and Visual Impact Assessment**

The applicant has undertaken a thorough Landscape and Visual Impact Assessment (LVIA) and has had regard to best practice and relevant legislation, policy and guidance. This assessment also addresses cumulative landscape and visual effects. Computer-generated Zones of Theoretical Visibility (ZTV) mapping and wireframes have been produced within a 20km radius. These are based on bare ground conditions and as such represent the worst case scenario; they exclude any localised screening or intervening structures that may screen views towards the turbine. ZTV mapping subsequently tends to overestimate the extent of visibility and as such the applicant has also provided a series of visualisations (or photomontages) representing some of the closest viewpoints to the site (within 10km). These help illustrate a more representative view

although it is acknowledged that such visualisations do not provide the perfect view/experience of the development as they cannot illustrate the motion of the turning blades, nor the visual context against changing weather condition backdrops.

7.3.2 Notwithstanding this, a series of photomontages and wireframes from representative viewpoints have been provided. The principal categories of visual receptors are residential visual receptors, recreational visual receptors (public right of ways; cycle routes, tourist attractions, etc) and transient visual receptors (those travelling in vehicles on along key routes in the study area).

7.3.3 The LVIA aims to define the existing landscape and baseline conditions, assess their sensitivity to change, describe the nature of the anticipated change, and assess the magnitude and significance of the changes through all stages of the development. Whilst the assessment has thoroughly considered landscape and visual effects in relation to the construction/decommissioning phases, given the temporary nature of these phases it is concluded that the main effects will arise from the operational phase – this is the main focus of our consideration.

#### 7.3.4 **Landscape Effects**

The site is entirely within the Morecambe Coast and Lune Estuary National Character Area (NCA) of which the key characteristics include the panoramic vistas across the bay; a range of coastal landscape features; intensively managed pastoral land; low woodland and the presence of the power station which forms a dominant feature on the visual profile of the coastal strip which is widely visible from adjacent NCAs (Bowland Fringe and Pendle Hill, Morecambe Bay Limestones, West Cumbrian Coastal Plan). Given that NCA's are designated at a national scale and provide a general context, local landscape character areas are considered more pertinent in assessing landscape impacts for proposals such as this. The Lancashire County Council 'Landscape Strategy for Lancashire' (2000) provides a breakdown of the area. In this case, the application site lies within an urban landscape, specifically within the 'Suburban' Landscape Character Type. The site is clearly not typical of a suburban landscape and is instead dominated by the Port of Heysham, the Heysham Power Station and adjoining industrial development. Landscape susceptibility refers to the ability of the defined landscape to accommodate the proposed development. In 2005, Lancashire County Council published a report titled '*Landscape Sensitivity to Wind Energy Development*'. This report did not include the urban areas within its study; however, this clearly does not rule out the prospects of such development within an urban landscape character area. Surrounding local landscape character areas are considered to have low and moderate-high sensitivity to wind energy proposals. Recent planning decisions for other wind energy proposals in the Heysham Area have obviously been mindful that the adjacent landscapes could accommodate some wind energy development. In urban areas, technical constraints may be more difficult, however in the case of the Port of Heysham, it is a heavily industrial area where the landscape is dominated by infrastructure (roads, pylons, cranes) and large industrial scale buildings. Provided that the proposal is deemed safe, the site is surprisingly not that heavily constrained and where it is it is capable of being managed.

7.3.5 Whilst the turbine would inevitably become a prominent feature within the site, due to its height, position and the motion of the turning blades (and therefore the magnitude of change would be regarded high), the landscape effects would be *moderate* and therefore not significant in EIA terms. This is a reasonable conclusion given the industrial character of the immediate site and surrounding area. Despite the height of the turbine, given the nature of surrounding uses and the scale of surrounding buildings, it is not such that would over dominate the port, power station and adjacent industrial development. This is clearly illustrated in the visuals provided (figures 6.12, 6.16, 6.18). The submitted environmental statement at paragraph 6.7.11 summarises this conclusion well by stating that the '*proposed turbine would represent and incremental increase in the landscape role of some of the existing characteristics as opposed to the introduction of a completely new characteristic*'.

7.3.6 In terms of the landscape effects on the local townscape character areas, in the whole due to the contrasting scale, form and movement of the turbine with the predominately residential development in Heysham and Morecambe, the effects are considered to be adverse. However, given the magnitude of change brought about by the proposal to those areas the level of landscape effect would, based on the worst case scenario, be slight/moderate, and therefore still not significant in EIA terms. The assessment and conclusions drawn are accepted.

7.3.7 In terms of wider landscape effects, the assessment has considered the impacts of the proposal

on adjacent designated landscapes (AONBs and Lake District National Park), which are afforded the greatest level of protection. These sites are considered to have high landscape sensitivity. The assessment concludes that due to the separation distances, intervening topography, built form and vegetation and limited availability of locations from where the turbine would be discernible, the level of landscape effect would be *slight* and therefore not significant in EIA terms. Any effect would generally be intermittent, long term but reversible. These conclusions are accepted.

### 7.3.8 **Visual Effects**

A viewpoint assessment has been undertaken to provide an impression of the type of visual change (including views from settlements) within the study area. The visuals indicate the effects likely to be experienced at a particular viewpoint location, and take account of the worst case scenario that at these specific viewpoints the turbine is 'face-on' as in reality the turbine will face into the prevailing wind. The greatest level of visual effect will potentially be sustained at locations within 3km of the turbine. It is noted that the level of visual effect during operation will be *moderate* for Higher Heysham, Lower Heysham and Middleton. However, due to the fact the turbine will, in the majority of cases, share views with the adjoining Port and Power Station from these settlements, the magnitude of change is considered *low* and therefore not significant in EIA terms. The assessment also evaluates visual effects to a number of recreational routes/sites, including national cycling routes, public rights of way (PROW), caravan sites, tourism attractions and travel routes (including road and ferry routes). The most notable visual effects would be at the nearby caravan parks (Ocean Edge, Greendales Farm and Hawthorn Caravan Park) and people using Public Footpath FP41, which runs around the headland. The assessment concludes that the predicted visual effects would be long-term, albeit reversible, but would not in any case lead to significant effects in EIA terms. There are no grounds to dispute the findings of the assessment.

### 7.3.9 **Cumulative Effects**

The LVIA has considered other wind energy projects to assess the cumulative landscape and visual effects of the development. The viewpoints most affected are those from Middleton and Overton. The visual effects from these locations excluding the proposed Port of Heysham turbine are already considered significant and most notably affected by the BT and Banks Renewables (South Heysham) wind energy schemes. This assessment concludes that the inclusion of the proposed turbine would not lead to a significant incremental cumulative visual effect above what would exist with the consented schemes. Officers are satisfied with this conclusion. A similar assessment has been made for cumulative landscape effects. This concludes that a combination of separation distances and the low magnitude of landscape change that could be generated by a single turbine in a location already characterised by the power station, overhead power lines and pylons would ensure no national landscape designation would sustain significant cumulative landscape effects. As for the townscape character areas, the assessment concludes that there is little potential for significant cumulative landscape effects to occur on a large scale, with the exception of landscape character area 12c (Heysham-Overton Low Coastal Drumlins). The exception here is that this character area could potentially be sub-divided with its western part becoming a separate character area where energy infrastructure becomes the defining element due to the presence of five turbines (this proposal, Heysham South and the BT scheme) as well as the power station and associated infrastructure. As already noted above, the inclusion of the proposed scheme would not lead to a significant incremental cumulative effect to warrant a refusal on the grounds of the potential change to part of this affected landscape character area.

7.3.10 Overall, the LVIA concludes that the landscape and visual effects, including cumulative effects, would not lead to significant adverse effects and would be acceptable in planning terms. The proposed single turbine would be in an area already characterised by extensive industrial development including the large nuclear reactors, pylons and overhead lines. This landscape character is predominately defined by the existing development and whilst the proposed turbine will be a moving feature in that landscape, it would not appear overbearing or incongruous. Equally, the recent planning permission for turbines at Heysham South and the BT turbine in Heysham, all of which are considerably greater in height than the proposal, indicate a landscape which has the capacity to accommodate the development. This is consistent with development plan policy (Core Strategy policies ER2 and ER7) which identify South Heysham as an area suitable for renewable energy development. The landscape and visual effects have been appropriately addressed and the conclusions drawn are considered reasonable and acceptable. On this basis the proposal is considered compliant with local policies DM17, DM18 and DM28 in relation to landscape protection and wind energy development.



#### 7.4.1 **Historic Environment Considerations**

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to state the more important the asset, the greater the weight should be. In this case, there are no designated or non-designated assets within the application site. Subsequently, the principal consideration is the effect of the development on the setting of surrounding heritage assets.

7.4.2 Similarly, the local planning authority has regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Section 72 of the same Act invokes a similar duty concerning conservation areas. Paragraph 132 of the NPPF seeks to express the statutory presumption set out in the Act. The presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset. This is also echoed in the relevant development plan policies.

7.4.3 The setting of a heritage asset is defined in the NPPF as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.

The submitted Environmental Statement provides a comprehensive assessment of the impact of the proposal on the setting of nearby heritage assets and identifies some key viewpoints where the intervisibility of the development and nearby assets can be appreciated. The submitted assessment considers a number of heritage assets within a 5km radius but specifically concentrates on the heritage assets and the indirect effects of the development on those assets identified by key consultees in relation to the larger, withdrawn scheme. Specifically, English Heritage, the National Trust and the Council's Conservation Officer raised no concerns in relation to heritage assets outside the area of Heysham and Heysham Head.

7.4.4 The heritage assets of particular interest are those located on Heysham Head, including the Grade I listed St Patrick's Chapel and rock-cut tombs, which are also scheduled monuments; the Grade I listed Parish Church of St Peter; and the Scheduled High Cross in St Peter's church yard. These assets all fall within Heysham Conservation Area. The earliest parts of St Patrick's Chapel and its cemetery appear to date from the 8<sup>th</sup> century and are of high importance, described in the listing description as *"one of the best examples in the north west of an early Christian chapel and cemetery"*. The contribution to its setting derives mostly from its situation on the headland which retains a rugged, undeveloped character. The headland is a tourist attraction and is enjoyed by locals and visitors alike. A public footpath provides access around the headland and to the heritage assets. The setting of the chapel and rock-cut graves contributes greatly to its significance as a heritage asset. The submitted assessment provides two photomontages to represent the effects in the locality. One viewpoint is taken from Chapel Hill at one of the highest areas within the scheduled site. This illustrates that the turbine will be visible from hub height with most of the tower screened by the intervening headland. The hub and blades will be visible at this viewpoint at a distance of 1.8km from the turbine. At this distance, the scale of the turbine will not be such that would lead to an overbearing effect on the scheduled monument and Headland itself. At the highest point on the headland, the view southwards is not the most significant viewpoint (almost turning your back to the listed buildings and scheduled site and viewing the turbine with a backdrop of the power station/port), though it is accepted that the undisturbed and undeveloped headland contributes to the setting and the turbine will affect this character. The applicant argues that the southerly view makes little contribution to the heritage significance if the asset and will only affect a small part of the experience of the receptor (visitor/local).

7.4.5 Limited views of the scheduled site and the proposed development will be experienced from the coastal path to the north. The assessment provides a useful photomontage taken from the coastal path off Whinnysty Lane, 2.7km from the turbine. This viewpoint illustrates the undeveloped character of the headland itself but also that the headland is surrounded by relatively dense residential development to the east, historic development at the foot of the headland (Heysham Village and the Conservation Area) and just behind the headland one of the reactors of the power

station is visible. The tree coverage and headland itself help screen the port and power station to the south of heritage asset. From this viewpoint, the turbine will be clearly seen beyond the headland with St Patrick's Chapel a discernible feature within the landscape at this distance. The intimate setting of the heritage asset when viewed in a wider developed context cannot really be appreciated at this distance. The further north the viewer travels, increasingly, the heritage asset is seen in context with the port and the power station. Subsequently, the conclusions drawn in the Environment Statement are that the heritage significance of the asset will not be materially harmed as the heritage significance of the asset does not solely depend on pristine views in this direction. This conclusion is a robust one.

7.4.6 The assessment also indicates that when approaching from the south, the turbine will be behind the viewer; when approaching from the north (from Morecambe) the viewer travels along the seafront promenade and the turbine will be visible, although the intervisibility of the headland and scheduled monument with the turbine will vary. Further north of the site (beyond Whinnysty Lane) it is more likely that the turbine would be visible with the backdrop of the port and power station. Closer towards the headland the turbine will become less visible; from St Peter's Church the turbine will not be visible because of the intervening headland. As the viewer rounds the headland and the scheduled site comes into view, the extensive suburban development forms the backdrop to that view of the asset. This simply helps explain that whilst in certain viewpoints the setting of the asset will be affected, in the whole the overall experience of the asset from various viewpoints would not be significantly affected by the development. Subsequently, the assessment concludes the overall effect of the development on the heritage significance of the asset (focusing on its setting) will be of a low magnitude of change and not significant in EIA terms. This conclusion is disputed by the National Trust who have indicated that the submitted environmental assessment has under-assessed the magnitude of the impacts of the development and that from their own assessment the development would lead to a medium magnitude of change which is significant in EIA terms. The Council's Conservation Officer has not objected to the revised proposal and is satisfied with the assessment undertaken. English Heritage have indicated that whilst there is still a visual impact on the heritage assets centring on St Patrick's Chapel they do not believe the development would cause substantial harm and that paragraph 134 of the NPPF should apply. It should be noted that English Heritage do not appear to share the same view as the National Trust who conclude that the development would lead to significant adverse impacts, which from their own assessment, is interpreted to mean substantial harm in NPPF terms. The submitted assessment is considered acceptable and robust and contrary to the view of the National Trust, Officers agree with the view of the Council's Conservation Officer and English Heritage that the development would not lead to substantial harm.

7.4.7 NPPF Paragraph 134 states that where a development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposed. Both English Heritage and the National Trust comment that the proposed scheme is a marked improvement on the earlier three-turbine proposal along the harbour wall but continue to make reference to additional mitigation, such as relocating the turbine further inland (eastwards) to reduce the harm to the significance of the heritage asset. The prospects for relocating the turbine eastwards are extremely slim given the nature of surrounding uses and the proximity of the development to the power station. Such constraints have already led to significant reductions to the scale of wind energy development proposed at Heysham Port (following the withdrawn scheme) and as such officers accept that given other constraints, namely ecology and safety constraints, the local planning authority must assess the scheme as it stands and whether the benefits of the proposal would outweigh the harm to the significance of the setting of St Patrick's Chapel and associated graves. DM DPD Policy DM18 is supportive of wind energy proposals subject to the satisfaction of a number of criteria pertaining to harm and significance of heritage assets. Officers are of the view that the proposal would not conflict with this policy, nor the strategic local policy relating to renewable energy development (Core Strategy SC1, ER2 and ER7). In terms of local heritage the principal policy is DM32 which states that proposals that fail to preserve or enhance the setting of the designated heritage asset will not be supported. The policy does continue to state that where negative impacts are identified, the greater the benefits would be required to justify support for the proposal. This would be consistent with the authority's duty under s66 of the Act to have *special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*. The planning balance in this regard will be discussed at the end of the report.

- 7.5.1 **Ecological Impacts**  
The NPPF advises local planning authorities to aim to conserve and enhance biodiversity. It also makes it clear that the presumption in favour of sustainable development does not apply where development requirement appropriate assessment under the Birds or Habitats Directives is being considered, planning or determined. Policy DM27 requires proposals to demonstrate how the impacts on biodiversity will be minimised and how net biodiversity gains can be provided where possible. Policy DM18 clearly states that wind energy proposals should not result in unacceptable significant effects on areas of ecological value, especially on protected species and habitats.
- 7.5.2 The application site lies adjacent to Morecambe Bay SPA and Ramsar Site and its component SSSI. Given the nature conservation status of the Bay and the proximity of the development to it, a detailed and robust assessment of the impacts of the proposal on the integrity of these protected sites has had to accompany the Environmental Statement. The main area of interest relates to ornithology. Based on the information provided, the local planning authority have undertaken an Appropriate Assessment (part of the Habitats Regulations Assessment pursuant to Regulation 61 of the Conservation of Habitats and Species Regulations 2010). The Appropriate Assessment states that wind farm developments are widely accepted to potentially affect birds by habitat loss or change; disturbance or displacement; barrier effect; and/or; collision risk. Given the site is not within the SPA itself, the development will not lead to direct effects on habitats within it. However, it is possible that it will affect the distribution or birds and their movements to adjoining land. The qualifying species are restricted to waders associated with inter-tidal habitats with the potential likely significant effects relating principally to the operational phase of development rather than construction and decommissioning.
- 7.5.3 There is growing evidence that some estuarine waders are tolerant of the operational effects of wind turbines, but there remains little compelling evidence that the Knot species (in particular) is tolerant of operational turbines. In the absence of such evidence displacement could occur and could represent a significant effect on the SPA. In such instances a precautionary approach should be adopted in accordance with the Habitat Regulations. This part of the SPA (close to the development site) is an important foraging area for Knot. Subsequently, the proposal has the potential to displace some birds from foraging sites within the SPA. The Appropriate Assessment indicates that the reduction to a single turbine, reduction in height and relocation westwards substantially reduces the likelihood of significant effects. However, the precautionary approach still applies to the Knot. The assessment then assesses and appraises the impacts of the development and the significant effects identified (displacement of the Knot) to ascertain that the whether the development would adversely affect the integrity of the SPA or not. Upon submission of the initial application and supporting documentation, Natural England and the RSPB objected to the proposal. Equally the Appropriate Assessment could not be certain the project would not affect the integrity of the SPA. Subsequent to this, the applicant then proposed mitigation comprising the timing of works during the winter months and mitigation to secure the nearby helipad roosting site. These mitigation measures are now considered sufficient to preclude adverse effects on the populations and distributions of the qualifying features within the SPA and on this basis, it is accepted that the proposal would not affect the integrity of the SPA. Natural England and the RSPB have now removed their objections subject to the mitigation measures being appropriately secured by condition. The land is outside the application site boundary, but the applicant can implement the mitigation measures required and this would be secured by a 'Grampian' condition. Overall, the Environmental Assessment and additional supporting information has adequately addressed the impacts on biodiversity and the development is compliant with the relevant national and local planning policy listed in section 6.0 above.
- 7.6.1 **Residential Amenity**  
One of the core planning principles set out in paragraph 17 of the NPPF is to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM18 equally seeks to ensure wind energy proposals do not lead to unacceptable significant effects by virtue of visual, noise or shadow flicker impacts on local residents and sensitive users. The Environmental Assessment has considered the impact of the proposal on the residential amenity through their landscape and visual impact assessment, a noise assessment and shadow flicker assessment.
- 7.6.2 **Visual Amenity**  
There are no statutory limits or policy dictating a standard separation distances for wind turbines in

relation to dwellings in England. Objectors to the proposal have talked about a 2km separation distance in terms of health and safety, however, there is no such figure set out in national planning policy or practice guidance. In fact, national guidance states that local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances (NPPG, Paragraph 008). The turbine is located just over 1000m from properties on Moneyclose Lane, approximately 1300m to properties on Moon Bay Wharf and approximately 1380m to Heysham Head off Barrows Lane. The submitted LVIA concludes no residents would sustain significant visual effects. This is mainly because of the separation distances, the scale of the turbine and its position within a highly industrial area principally defined by two large nuclear reactor buildings, pylons and overhead lines. It is accepted that the turbine is a moving feature in the landscape and therefore the eye could be drawn to that feature over surrounding features. However, it is not contended that this alone would lead to the turbine to be '*unpleasantly overwhelming and an unavoidable presence*' (part of the 'Lavender Test') in the views from nearby homes.

7.6.3 Whilst a number of local residents have objected to the proposal and question the impact of the proposal on their living conditions, the properties closest to the proposal and those likely to experience a change in their view are those on Moneyclose Lane, Moon Bay Wharf and the first couple of properties on Heysham Head accessed off Barrows Lane. In all these cases, the turbine is situated over 1km from the turbine. The views will change from these properties but the scale of change is not considered significant given the degree of separation and that in almost all instances the turbine will be viewed against the backdrop of the power station and industrialised port. Moneyclose Lane is the closest residential road to the development. It is a small residential cul-de-sac (with one property used as a guest house) located immediately behind existing employment development (currently Althams). The principal windows of all the properties are orientated north-west facing towards Morecambe Bay. Their outlook is not such that they have open vistas of the Bay. The industrial development surrounding the street, the port and some limited landscaping interrupts Bay views. It is also important to remember that there is no right to a view in planning terms. Whilst the turbine will be visible from the windows of these properties, (predominately first floor windows), given the position of the turbine at the end of the harbour wall, the separation distances involved, the scale of the development and the peripheral view of the turbine from most habitable room windows, the development would not create an overbearing outlook. With regards to the properties further away (Moon Bay Wharf/Heysham Head), it is accepted that their views are more open than those from Moneyclose Lane and in the case of Heysham Head the dwellings are elevated above the application site. However, the separation distances are such that the proposal would not lead to an overbearing presence or outlook from these properties. On this basis, the proposal would not lead to unacceptable visual impacts from nearby residential properties and is therefore compliant with policies DM18 and DM35 which seek to protect residential amenity.

#### 7.6.4 **Noise**

The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts. The use of conditions to mitigate and control noise is accepted (Paragraph 123). Policy DM18 equally seeks to protect residential amenity. The application includes a noise impact assessment that has regard to the methodology and guidance in ETSU-R-97 (*The Assessment and Rating of Noise from Wind Farms*) and good practice guidance prepared by the Institute Of Acoustics. This provides a robust basis for determining noise limits for wind farm developments. In this case, because the location being situated in a coastal industrial environment, the background noise levels are likely to be higher than those usually found in typical rural locations and not so strongly correlated with wind speed. For this reason baseline noise measurements are not required for the assessment. The Council's Environmental Health Service (who appointed an independent noise consultant) have not questioned the methodology of the assessment.

7.6.5 The principle sources of noise are from the blades rotating in the air and from internal machinery (the gearbox) or mechanical noise (the generator). The focus of the assessment is predominately in relation to the operational phase of the development. ETSU-R-97 recommends that wind farm noise for the daytime period should be limited to 5dB(A) above the prevailing background noise level or a fixed minimum level within the range of 35-40dB  $L_{LA90\ 10min}$ , whichever is higher. For night time periods the recommended limits are 5dB(A) above prevailing background noise levels or a fixed minimum level of 45dB  $L_{LA90\ 10min}$ , whichever is the highest. The assessment provides noise contours plotted out from the turbine to demonstrate the predicted noise levels of the turbine. This assessment demonstrates that no properties fall within the predicted 35dB  $L_{A90}$  which indicates the

proposed turbine should comply with the ETSU-R-97 guidance and therefore be acceptable. A suitably-worded condition would be imposed to ensure noise from the turbine would remain compliant with this guidance and in the event of complaints, a procedure is in place (via the condition) for the developer to investigate and mitigate where reasonably necessary to do so. That said, given the degree of separation from residential properties, noise complaints associated with the turbine are considered unlikely. The Council's Environmental Health Officer has not raised objections to the development but has questioned the use of predicted noise levels for the purposes of the condition. Officers are still negotiating the wording of the condition, but in any event, should Members support the development, the condition would need to ensure ETSU-R-97 noise limits were not exceeded at nearby residential properties.

7.6.6 In terms of noise impacts in relation to nearby commercial development, the assessment demonstrates that the predicted noise levels would not exceed the accepted noise levels (45-50 dB L<sub>Aeq,T</sub>) in relation to internal noise levels for open plan offices contained in the relevant guidance (BS8233:2014). Environmental Health Officers have raised no objections and do not dispute the findings of the assessment. Again, this is a matter that can be controlled by condition. Overall, the submitted assessment demonstrates that the development would not lead to significant adverse noise impacts on nearby residential and commercial development, despite comments to the contrary. Controls over working hours during construction and decommissioning of the turbine will be imposed by condition in order to minimise disturbance to nearby residents/workers.

#### 7.6.7 **Shadow flicker**

Shadow flicker is the effect of the sun shining behind rotating blades and creating an intermittent shadow inside nearby buildings. Guidance indicates that it will only occur when certain meteorological, seasonal and geographical conditions prevail and as such the effect is not constant. For the effects of shadow flicker to occur there would have to be uninterrupted bright sunshine for shadows to be cast. Subsequently, buildings, trees and other topographical features can help reduce the potential effect. Incidences of shadow flicker are generally held to occur to a distance of 10×rotor diameter of the turbine and within 130° either side of north of the turbine location. In the case of the proposed turbine this would equate to 10×54m = 540m. There are no residential receptors within this area. Even if the higher threshold of 10×turbine height were proposed (770m) there would still be no residential receptors within this area.

7.6.7 The assessment has considered the potential 'worst scenario' effects of shadow flicker on nearby business premises that could be affected by the phenomenon. Five main buildings located on the north quay and the railway station complex on the south quay are acknowledged to be potentially affected. The potential shadow flicker events would be associated with sunsets during periods either side of the spring and autumnal equinoxes. Each building/window would be affected differently, but those closest to the turbine are most likely to be affected. The theoretical occurrence of shadow flicker is expected to be much higher than the actual occurrence. A recent appeal quoted by the applicant suggests that actual events are likely to be only 20-25% of the theoretical maximum. It should also be noted that flicker only tends to occur through narrow window openings, so a number of the commercial buildings on the quay will not be affected.

7.6.8 Concerns have been received about the effects of shadow flicker on workers occupying nearby business premises. Given the proximity of these premises to the turbine, the applicant proposes mitigation which could include the installation of blinds to windows affected or in the case this is not satisfactory, that the turbine is shut down to avoid the effects from occurring. The local planning authority tend to support the latter form of mitigation. It is widely accepted that the effects of shadow flicker can be controlled by condition. In the event Members support this proposal, a condition to secure a scheme of mitigation is recommended.

#### 7.7.1 **Safety & Telecommunications**

The site is located close to a nationally significant nuclear power station. The safe operation of the power station is of paramount importance. The previous scheme for three turbines was considered a risk. The removal of two turbines and a reduction of the height of the turbine is a significant improvement. EDF Energy have co-operated with the applicant (and *vice versa*) to ensure the turbine would not present a safety risk. Risk Assessments have been undertaken by EDF Energy themselves to inform their decision and response back to the local planning authority. Understandably due to national security measures such documents cannot form part of their response. They have raised no objection to the development. It appears that EDF Energy in undertaking the risk assessment did not account for the proposed 10m micro-siting and as such

Officers have sought confirmation that the micro-siting is acceptable. Comments are still pending. In the event they do not comment before the Planning Committee, a condition could be imposed requiring the precise location of the turbine to be agreed. EDF Energy would then be consulted on the details. On the basis of EDF Energy's comments, the Office of Nuclear Regulation have equally raised no objection to the proposal.

- 7.7.2 With regards to aviation considerations, the development is located wholly inside the restricted airspace surrounding Heysham Power Station so civil and military aircraft movements are prohibited. The MoD and the CAA do not object to the development. Blackpool Airport have indicated (via the applicant) that they do have no objection. This would be consistent with the consultation comments received in relation to the three-turbine proposal.
- 7.7.3 With regards to effects on navigation, the previous scheme demonstrated that the three 125m turbines did not pose a distracting navigation hazard to Port vessels. A single smaller turbine will also not pose an unacceptable distraction risk. No objections have been received to this effect.
- 7.7.4 With regards to icing, ice throw is the consequence of ice forming on the rotor blades under very cold climatic conditions. When temperatures rise and the ice melts there is the potential for the phenomenon to occur. The prevalence of suitably low climatic conditions is relatively low in the UK. Despite this, the turbine can be fitted with vibration sensors which detect any imbalance such as that caused by icing. In these instances the turbine would automatically shut down and go into safety mode. The same applies to wind speeds, the turbines will only operate within optimum wind speeds. The turbine would detect excessive wind speeds and shut down.
- 7.7.5 The issue of structural failure and safety could apply to any form of development, although it is an issue often raised in relation to wind turbines, in particular blade failure. Construction and maintenance matters have to adhere to the relevant industry Health & Safety legislation and practice in this regard. The applicant has indicated in the submitted environmental statement that the turbine would also be fitted with a Supervisory Control and Data Acquisition System and vibration monitors to ensure the turbine is shut down under certain circumstances (such as excessive wind speeds, loss of grid connection) or where there is a risk of blade failure.
- 7.7.6 In terms of telecommunications, the assessment indicates that there is unlikely to be any significant adverse impact on telecommunications. In terms of TV interference, the assessment indicates that using the BBC's online assessment, no properties would be affected by the proposal. That said, it is acknowledged by the applicant that viewing quality can be improved (if it is affected as a consequence of the turbine) by relatively simple solutions. Experience from other turbines suggests that viewing quality can be affected perhaps further than anticipated but with an appropriate complaint and mitigation protocol can be easily resolved. The applicant agrees that the use of a condition is an appropriate way to deal with any required mitigation.
- 7.7.7 On balance and having regard to the key consultation responses received, there is no significant safety concern associated with the installation of a single wind turbine in the location proposed.

#### 7.8.1 **Contribution to Renewable Energy Generation**

- 7.8.2 The Climate Change Act 2008 was put in place to set legally binding targets for the UK to reduce greenhouse gas emissions by 80% by 2050. The UK Government has also set a target of 10% electricity to be generated by renewable energy sources by 2010, rising to 15% by 2015 and 20% by 2020. The EU Renewable Energy Directive has also set the UK with a legally binding target of achieving 15% of all energy from renewable sources by 2020. The submitted assessment indicates that for the UK by the end of 2010 only 5334 MW has been provided by on and off shore wind power. To reach the 2020 targets, the Renewable Energy Strategy estimates 14,000MW of on-shore wind power will be needed. More recently the Renewable Energy Road Map (2013) has evidenced that the UK is making good progress though there remains a shortfall. The deployment of the use and installation of renewable technologies is therefore deeply embedded in government legislation and policy, including planning policy.
- 7.8.3 As set out within the NPPF, 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. It is abundantly clear in current planning policy and guidance of the scale and urgency to tackle climate change. It is equally clear that the benefits of renewable energy proposals should be given significant weight in the determination of planning applications.

7.8.4 Although some objections question the predicted efficiency of the turbine and lack of justification, opposition on the grounds of the efficiency, validity and viability of wind energy technology is not a material consideration. The application indicates that the proposed development is anticipated to generate 2.106GWh per year (equivalent to powering up to 516 domestic properties) with a net capacity factor of 48%, which is above the accepted 30% (as standard practice). The proposal would, over 25 years, offset 22,625 tonnes of carbon dioxide. Planning policy does not require applicants to demonstrate the overall need for renewable energy or low carbon energy proposals. Whilst this proposal may only contribute a small amount to cutting greenhouse gas emissions, it is a valuable contribution which in the wider context of the UK's commitment to tackling climate change, and thus it provides significant public benefit. This proposal complies with strategic Core Strategy policies SC1, ER2 and ER7 which encourage renewable energy development, particularly in the South Heysham area.

#### 7.9.1 **Other Matters**

Matters in relation to highway considerations, air quality, flood risk and contamination have been sufficiently addressed by the applicant in their Environmental Statement and where appropriate will be controlled by condition. This will include a Construction & Traffic Management Plan to be agreed with the local planning authority in consultation with the Police and Highway Authority. This is to ensure during commissioning and decommissioning stages of development that vehicle movements are carefully managed to ensure the safe operation of the highway network. With regards to flood risk, the development will need to comply with the flood risk assessment which requires a flood response plan to be produced and agreed with the Environment Agency.

### **8.0 Planning Obligations**

8.1 None.

### **9.0 Planning Balance and Conclusions**

9.1 National and Development Plan policies seek to promote and encourage proposals of renewable energy development, and this carries significant weight in the determination of applications. However, all other material considerations must be considered and balanced against the benefits of the proposal.

9.2 Despite opposition to the contrary, there is no doubt that the proposal offers significant benefits and would wholly comply with national and local policy with regards to its contribution towards meeting the UK's government targets to tackle climate change. Having regard to the Environmental Statement, planning policy and the consultation responses from statutory bodies, non-statutory bodies and local residents, the main issue to be weighed against the proposal is the impact of the proposal on the setting of the nearby designated heritage asset. All other considerations have been adequately assessed and where necessary appropriate mitigation can be delivered to ensure the development has no significant adverse effects and therefore is acceptable in planning terms.

9.3 In accordance with English Heritage advice, the local planning authority must apply the test set out in paragraph 134 of the NPPF. This states that where a *“development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*. This is consistent with the statutory test set out in s66 of the Act which requires the *“local planning authority to have special regard to the **desirability** [our emphasis] of preserving the building or its setting or any features of special architectural or historic interest which it possesses”* (effectively trying to avoid harm). Section 7.4 of this report summarises the key findings and conclusions of the impacts on the nearby heritage asset, and whilst the asset is regarded as significantly important, given the separation between the turbine and the asset; the scale of the turbine; and the fact that only in some viewpoints (not all viewpoints and orientations) will the turbine adversely affect the significance of its setting; the harm is not considered substantial. It should also be noted that whilst the turbine is a long-term feature

in the landscape, it is temporary and reversible and is seen in many of the viewpoints in the context of an industrial landscape. Overall, and on balance, the benefits of the proposal would outweigh the 'less than substantial harm' to the significance of the setting of the nearby scheduled and grade I listed heritage asset. On this basis the proposal is considered compliant with national and local planning policy and that in the context of paragraph 7 of the NPPF, the proposal is considered sustainable development. Members are recommended to support the proposal subject to the conditions listed below.

### **Recommendation**

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

1. Standard Time Limit
2. Plans and details approval list
3. Turbine and associated infrastructure shall be removed from site and land reinstated in accordance with a scheme to be agreed with the local planning authority before the expiry of 25 years from the turbine being operational.
4. The wind farm operator shall notify the local planning authority within 1 month of the wind farm being operational
5. If the turbine fails to produce electricity to the grid for a continuous period of 6 months, it and associated infrastructure shall be removed and the land reinstated in accordance with a scheme to be agreed with the local planning authority
6. Subject to EDF comments micro-siting condition to allow 10m or precise location of turbine to be agreed (TBC)
7. Operations and maintenance programme to be agreed (given sensitive site location) this shall include confirmation that the turbine shall be fitted with vibration sensors/control system.
8. Details of the design and external appearance of proposed turbine and substation to be agreed. No adverts on the turbine towers or blades.
9. Details of control building to be submitted including, siting, design and use of materials and any associated enclosures.
10. No development shall commence until a Construction and Environment Management Plan has been submitted and agreed (this would include for example, a programme of phasing of construction works, noise and dust control, details of pile driving, health and safety measures, details of temporary site compounds, wheel washing facilities, drainage, temporary lighting, cable trenches, post-construction restoration of the site)
11. Construction hours – standard restrictions with ability to work later with prior written agreement of the local planning authority (Mon-Fri 0800 -1800, Sat 0800-1400, no work Sundays or Bank Holidays)
12. Details of a Construction Traffic Management Method Statement and its implementation, including pre-condition highway survey to be undertaken before delivery of abnormal loads (if abnormal loads are due by road) following delivery, a post highway condition to be undertaken. Any defects arising from the number/type of abnormal loads would require the developer to reinstate the highway within a prescribed period with the local planning authority.
13. Habitat Mitigation to be secured and implemented before commencement of development and maintained for the lifetime of the development
14. Shadow flicker – scheme for the avoidance and mitigation of shadow flicker to be agreed and implemented
15. All cabling on the site shall be installed underground
16. Aviation lighting – scheme to be agreed
17. Noise condition to ensure ETSU-R-97 limits are not exceeded
18. In the event of any complaint of noise being received, within 28 days of the local planning authority receiving a complaint, the wind farm operator will appoint a consultant (approved by the local planning authority) to assess noise levels and provide the results of that assessment to the local planning authority. Where the noise limits reported exceed the limits, mitigation will be required to reduce the noise levels to the limits set out in the above condition.
19. The wind turbine shall not be brought into use until a scheme to secure the investigation, alleviation and mitigation of any electro- magnetic interference to terrestrial and digital TV caused by the operation of the turbine.
20. Development to be carried out in accordance with submitted FRA
21. Contaminated land assessment
22. Before commencement of development, the wind farm operator should notify the local planning authority of a nominated representative to act as point of contact for local residents with the local planning authority in relation to complaints.



## **Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has provided advice during the pre-application stage of the process in accordance with Paragraph 189 of the National Planning Policy Framework, and the applicant's subsequent proposal has taken that advice into account. The local planning authority has further proactively worked with the applicant/agent in negotiating further amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

### **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