

Agenda Item A5	Committee Date 24 August 2015	Application Number 14/01215/FUL
Application Site Land Associated With Intack Farm Long Dales Lane Nether Kellet Carnforth		Proposal Erection of a 34.5 metre high wind turbine from ground to blade tip with associated control box and hardstanding
Name of Applicant E J Ward & Sons		Name of Agent Mr Richard Corbett
Decision Target Date 7 January 2015		Reason For Delay Awaiting appeal decision on nearby wind turbine, further information from the applicant, officer workloads and changes to national planning guidance
Case Officer		Mr Andrew Holden
Departure		No
Summary of Recommendation		Approval

(i) Procedural Matters

This application would normally have been determined under the Scheme of Delegation. However, Cllr Mace has requested that the application be referred to the Planning Committee for a decision on the grounds of ecology and mineral safeguarding.

The application was initially on 29 June Committee agenda but just prior to that meeting Government made changes to National Planning Practice Guidance (NPPG) relating to the determination of applications for wind turbines. A decision on the application was deferred to gain clarity from Government on the interpretation of the NPPG's wording.

1.0 The Site and its Surroundings

1.1 The application site is located about 0.8km east of the eastern edge of Nether Kellet and approximately 1.5km south of the southern edge of Over Kellet. It falls within an area of semi-improved agricultural land that is bordered by Long Dales Lane to the west, Dunald Mill Lane to the south, Green Hill Lane public right of way to the east, and Nether Kellet Road and Addington Road to the north. Access would be from the well maintained private road that serves Intack Farm and Meadow View Caravan Park off Long Dales Lane.

1.2 It falls within the District's Countryside Area but about 1.5km outside of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and approximately 3.5km outside of the Arnside and Silverdale AONB.

2.0 The Proposal

2.1 The application seeks planning permission for a single wind turbine with a hub height of 24.8m and a total height of 34.5m from ground to blade tip. Each of the 3 blades would measure 9.6m in length. The proposal also includes a small control box and area of hardstanding.

3.0 Site History

3.1 Intack Farm has a long and varied site history but there are no planning applications that relate to this wind turbine proposal other than a previous application (14/00378/FUL) for the same proposal which was withdrawn due to the lack of supporting information.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection subject to a condition relating to Construction Traffic Management Method Statement (including designated routes to and from the site)
Environmental Health	Initial objection on the grounds that the noise information submitted contained some inconsistencies. However, on balance it is considered that given the size of the turbine and the distances involved from existing dwellings and holiday caravans, the objection can be overcome by the imposition of relevant noise related condition.
Natural England	No objection
Wildlife Trust	No comments received
RSPB	No comments received
Forest of Bowland AONB	No comments received
Arnsdale and Silverdale AONB	Concerned that the impact of the proposed turbine and its cumulative impact on long distance views from the AONB has not been assessed
Ministry of Defence (MoD)	No objection
Civil Aviation Authority (CAA)	Standard response to consult with MoD, NATS, nearby aerodromes (Warton and Blackpool) and Air Support Units (police and ambulance).
National Air Traffic Service (NATS)	No objection
Air Ambulance	No comments received
BAE Warton	No objection
Blackpool Airport	No comments received
Police Air Support Unit	No comments received
Conservation Officer	No objection
Nether Kellet Parish Council	Objection as it is felt that it would have a detrimental effect on leisure providers in close proximity to the site, which would as a consequence have an adverse effect on businesses (shop and public houses) in Nether Kellet and Over Kellet. A further objection received post-NPPG changes citing a detrimental effect on the surrounding area which is largely free of obstruction on the sky-line. In view of its situation on high ground between the villages of Over Kellet and Nether Kellet, the turbine's presence would dominate what is essentially a rural environment with farmland and tracts of woodland amongst a rolling landscape.
Over Kellet Parish Council	An objection received post-NPPG change. Acknowledges that the proposal falls within the parish of Nether Kellet, but it will be clearly visible from Over Kellet parish. The Parish Council deems that the proposal contrary to national and local policies on landscape and design impacts given the landscape quality in which it falls as well as being visible from both of the District's Areas of Outstanding Natural Beauty, which in turn is likely to adversely affect that part of the rural economy derived from tourism. It is contrary to NPPG as the proposal does not have the community's backing.

5.0 Neighbour Representations

5.1 Three objections have been received from local residents (though 2 of them originate from the same property) and one from the owners of Hawthorn Caravan Park, citing the following reasons:

- Adverse impact on character of the countryside, including cumulative impacts (including references to the dismissed appeal for a larger wind turbine at nearby Birkland Barrow)

- Detrimental to the area's tourism
- Traffic concerns
- Noise, shadow flicker and vibration
- Harmful impact on ecology
- Safety to horses and their riders
- Already a number of hazards in the area (power and gas lines)
- Negative impact on property values
- Negative impact on the health of local residents
- Planning decision should reflect local people's views

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** – 12 core land-use planning principles

Paragraph **28** – rural economy

Paragraph **32** – transport

Paragraphs **56** and **58** – good design

Paragraphs **93** and **98** – renewable energy

Paragraph **109** – natural environment

Paragraphs **118** – biodiversity

Paragraphs **129**, **131**, **132** and **134** – conservation

6.2 Core Strategy

SC1 – Sustainable development

SC5 – Achieving quality in design

ER7 – Renewable energy

6.3 Development Management DPD

DM18 – Wind turbine development

DM27 – Biodiversity

DM28 – Landscape impacts

DM32 – Setting of heritage assets

DM35 – Key design principles

6.4 Local Plan (saved policies)

E4 – Development within the Countryside

7.0 Comment and Analysis

7.1 The key issues arising from this proposal are:

- Principle of development
- Landscape and visual impact
- Aviation safety
- Impact on ecology
- Impact on residential amenity
- Impact on heritage assets
- Impact on the highway network

7.2 Principle of development

7.2.1 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. In determining this application regard should be made local policies contained in both the Lancaster District Core Strategy (policy ER7) and Development Management DPD (policy DM18). These policies look favourably on renewable energy schemes and seek to promote and encourage proposals provided that potential impacts are satisfactorily addressed.

7.2.2 A Written Ministerial Statement was made on 18 June 2015 requiring Local Planning Authorities to only grant planning permission for applications for wind energy development if:

- The development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

It then goes on to state that whether the proposal has the backing of the affected local community is a planning judgement for the Local Planning Authority. Officers have made enquiries of Government as to what they interpret as “backing of the community”. Government have to date failed to respond, and whilst Officers will continue to press for a response, it is envisaged that a reply may not be forthcoming.

The above wording is reiterated in National Planning Practice Guidance (NPPG). However, similar changes were made to affordable housing provision last year, and through legal challenges have recently been found to be unlawful. Furthermore, NPPG is only guidance. It is not planning policy and does not form part of the Development Plan. Whilst it is a material consideration it carries very little weight. Therefore the application must be assessed in accordance with the NPPF and the Development Plan, and if the proposal is deemed acceptable against the requirements of the national and local policies then the application should be approved. This does not mean that the comments received from local residents and organisations will not be considered, but rather that as with all planning applications their comments are weighed up alongside planning policy. In this case, the issues raised by the local community are addressed in the following paragraphs and put in the policy context.

7.3 Landscape and visual impact

7.3.1 The landscape and visual impact submitted as part of this application was woeful, and therefore not assisted the Local Planning Authority in its assessment of the application. A wind turbine of this height is likely to be significant in the immediate landscape, though it is acknowledged that the impact is reduced from more distant views due to the local topography. Its impact would be reduced if all associated infrastructure (such as cables) are kept underground, but this can (and should) be conditioned. Whilst it is noted that the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) office has concerns regarding the proposal, the impact of a single turbine with only an overall height of 34.5m at a distance of 3.5km away (though the higher ground of the AONB that could afford clearer views of the turbine are even further away at 5km) would be nominal. Their other concern about the cumulative impact with the Birkland Barrow proposal has subsequently fallen away with the Planning Inspectorate dismissing the appeal for that (80m high) wind turbine. This was the main reason for delaying the determination of this application as the Local Planning Authority would have required additional information from the applicant regarding cumulative impacts had the Planning Inspectorate allowed the appeal. Whilst there are other wind turbines either implemented or permitted in the wider area (Back Lane Quarry and Addington for example) there are sufficient separation distances and intervening landform for there not to be an adverse cumulative visual impact. Likewise the Forest of Bowland AONB is about 1.5km away to the south east at its nearest point and the topography and vegetation between it and the application site would screen most views of the turbine from the protected landscape of the proposal. Lastly, it is also recognised that there are existing man-made structures in the locality, namely the overhead power lines and their associated pylons, and therefore this is not unspoilt landscape. A wind turbine of this size in this location would not be considered to be unacceptable because whilst it would introduce a moving structure close to the top of a drumlin and therefore it would be clearly visible in its local context, the

nature of the drumlin area in which it would fall is such that it would be generally more screened to wider views, and even then would often be seen in the setting of the nearby electricity line. However, the cumulative impact of the 2 different pieces of electricity infrastructure would not be sufficient to sustain a reason for refusal.

7.4 Aviation safety

7.4.1 There are no aviation safety concerns arising from this proposal. As set out in Section 4 the MoD, NATS, CAA and BAE Warton do not object to the application.

7.5 Impact on ecology

7.5.1 Wind turbines can have an adverse impact on ecology, especially birds and bats. Field boundaries and watercourses need to be considered as part of this ecological assessment as these features can form important 'corridors' for wildlife. Whilst there are stone walls and hedgerows that form field boundaries in the immediate area, these are set more than 50m away from the proposed wind turbine and therefore are not deemed to cause any significant biodiversity concerns. That said, to future proof the situation, a condition should be imposed to prevent any trees or shrubs being planted within 50m of the wind turbine to ensure that wildlife that might utilise such vegetation for foraging or commuting would not be attracted into an area that could cause them to come into conflict with the structure.

7.5.2 It is acknowledged that there are 12 Biological Heritage Sites within 1 km of the site, namely Long Dales Lane Fields, Hawthorn Rocks, Helks Wood Farm Pasture, Helks Wood, Intack Wood, Swantley, Dunald Mill Craggs, Dunald Mill Hole, Long Riddings Wood, Cock's Wood, Limestone Pavement and Craggs south of Cock's Wood and Kit Bill Wood. These form a ring around the proposed site, the nearest being about 320m away albeit the other side of the main road between Over Kellet and Nether Kellet. The connectivity between these sites is likely to be limited by the road network and the lack of boundary features and watercourses as mentioned in 7.5.1. The immediate area around the application site and the site itself is semi-improved agricultural land used for livestock. Whilst it has the capacity to support some wildlife the manner in which it is farmed (grazing, silage, muck spreading) would limit its ability to support the form of wildlife that would conflict with the operation of a wind turbine.

7.6 Impact on residential amenity (visual, shadow flicker and noise)

7.6.1 Outlook – It is a well-known planning principle in this country that there is no 'right to a view'. The test in this instance is whether the turbine would affect the outlook of residents to such an extent that there would be an overly-dominant and disproportionate impact on day-to-day living. Bearing this in mind, it is noted that the nearest properties and caravans fall some distance from the proposed wind turbine:

- 1 & 2 Newlands Farm – 325m to the west
- Wayside – 287m to the north east
- 1 & 2 Intack Bungalows – 250m to the south east
- Meadow View Caravan Park – 275m to the south

Due to intervening vegetation, buildings and/or landform each of the above would be protected from direct views of the proposed wind turbine from windows serving their properties. 1 and 2 Newlands Farm are set down the hill from the proposed site and there are large outbuildings to the rear and side of these residential properties that would screen most, if not all, of the wind turbine. Wayside is situated over 15m lower than the top of the drumlin with the proposed site for the wind turbine being on the opposite side of the peak and set over 10m below the summit. Therefore views of the upper parts of the turbine will be visible from the property though it would not be in the direct line of sight due to the orientation of the property in relation to the turbine's siting. 1 Intack Bungalow has windows in its western gable which would afford views of the wind turbine which would be set up slightly on the hillside in comparison to the height of the property. However, given the height of the wind turbine and the separation distance involved it would not dominate the view from this property. 2 Intack Bungalows is more protected by its attached neighbour (no.1). Lastly, there are some caravans to the northern edge of the caravan site that would face directly towards the wind turbine. However, there is a healthy and well established hedgerow along the access track that would screen

most, if not all, of the views of the turbine from these static holiday caravans.

7.6.2 Shadow Flicker – This is the effect of the sun shining behind the rotating turbine blades and creating an intermittent shadow inside nearby buildings. It only occurs when certain meteorological, seasonal and geographical conditions prevail. The effects only occur 130 degrees either side of north relative to the wind turbine with shadows potentially cast 10 times the rotor diameter (approximately 192 metres from the turbine in this case). The receptors identified in 7.6.1 are all located outside the likely affected area. However, given the topography there could be the potential for a small amount of hours of theoretical shadow flicker per year. Smart systems can effectively ‘shut-down’ turbines during the periods where shadow flicker could be experienced, and again a condition can be included on any grant of planning permission. With the imposition of such a condition, residential amenity relating to shadow flicker can be safeguarded.

7.6.3 Noise – Noise arising from this proposal would be attributed to its construction and its ongoing operation, though it should be noted that the only noise associated with modern wind turbines primarily relates to aerodynamic noise only; any mechanical tones or noise are predominantly eliminated on modern machines. It is not envisaged that either of these activities would result in excessive noise (especially given the background noises generated by the nearby quarries) that would be deemed un-neighbourly. However, a noise assessment should have addressed these issues, with recommendations for mitigating any adverse impacts. Environmental Health initially objected to the application as the noise assessment submitted contained a number of inconsistencies. However, in taking into consideration the height of the turbine and the distances between the turbine and existing dwellings and holiday caravans (as set out in 7.6.1) Environmental Health is satisfied that any consent could be conditioned. The condition in question would require the applicant and/or any other successor in title at the request of the local planning authority, following a noise related complaint made to it, to employ at their expense a consultant approved by the local planning authority to assess the turbine noise levels at the complainant’s property. If the noise levels exceed the levels specified in ETSU-R-97 then the applicant and/or any other successor in title would have to carry out necessary mitigation (again at their own expense) in order to bring noise levels into compliance.

7.7 Impact on Heritage Assets

7.7.1 To the west at a distance of about 0.8km sits Nether Kellet Conservation Area. To the south the Listed building of Dunald Mill Cottage is located at a similar distance, and to the north east the Listed building of Birkland Barrow Farmhouse is situated about 0.9km away. It is considered that the settings of both the Listed properties are contained to the immediate surroundings by historical existing boundaries and the adjacent rising ground between the properties and the turbine site. Together with the intervening distances it is not considered the settings of the heritage assets will be unduly effected. In relation to the Nether Kellet Conservation Area it is considered that the principal setting to the village is the main village street and its immediate surroundings. The land to the east between the turbine site and the Conservation Area is interrupted with existing vegetation and rising landforms. There are about 30 other Listed buildings within 2km of the application site and a further Conservation Area (Over Kellet), but views are distant and their settings are generally interrupted by adjacent rising ground and existing vegetation. Therefore it is considered that the setting of the heritage assets will not be unduly affected.

7.8 Impact on the Highway Network

7.8.1 The Highway Authority has made comment on the application, concluding that there is no highway objection to the proposal though they do seek the imposition of a condition requiring the developer to submit a Construction Traffic Management Method Statement (CTMMS) prior to works commencing. Upon completion, it is considered likely that there will be a negligible traffic impact associated with the development proposal. However, during the site’s period of construction and decommissioning the delivery or removal of components and lifting equipment to and from site are likely to have an impact on vehicle movements over the surrounding public highway network. Being in an area primarily characterised by quarries, farmland and caravan parks the local road network is already utilised by large vehicles and towed trailers, and therefore there is evidence that the road network is capable of dealing with such traffic. However, the abnormal loads associated with the development make the request for the CTMMS an acceptable one. Once on site, the vehicles and equipment will need to be transported across one and half field lengths. The application advises that no formal access is required, but the fields are soft underfoot and some form of track from the field gate off the

main access to Intack Farm and Meadow View Caravan Park will be required. Details of this will need to be provided prior to its construction.

7.9 Other Matters

7.9.1 Objections raised by the local residents/businesses raised some other issues, including impacts on human health and horse welfare (there is no evidence that wind turbines adversely affect either), impacts on property values (not a planning consideration) and impacts on tourism (again there is no evidence that wind turbines have a socio-economic adverse effect). Power lines and gas pipelines are also referred to, but the site of the proposed wind turbine falls outside of such routes, including the “buffer zones” that run either side of their alignments that would trigger the need to consult with the relevant infrastructure provider.

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, the nearest Area of Outstanding Natural Beauty, residential amenity, ecology or nearby heritage assets. It meets the requirements of national and local planning policies, and whilst the content of the NPPG is noted, it holds little weight in the determination of this application. Furthermore, the issues raised by the local community have been fully assessed against the policy requirements and deemed to be acceptable. Therefore despite changes to the NPPG during the determination period, the application is still recommended for approval subject to controls required by conditions.

Recommendation

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

1. Standard 3 year timescale
2. Development in accordance with approved plans
3. Material, colour and finish of wind turbine and control box (including no lighting, logos or advertisements)
4. Construction Traffic Management Method Statement
5. Details of access track
6. Shadow flicker controls
7. Noise controls
8. Wind turbine and associated infrastructure to cease use and be removed from the site entirely within 25 years of the date of it first producing electricity, or within 3 months following a period of 12 months of it not producing electricity
9. Decommissioning and restoration of land
10. No micro-siting unless otherwise agreed in writing with the local planning authority
11. Hours of construction
12. Cabling underground
13. No tree or shrub planting within 50m of the wind turbine

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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.