AGENDA ITEM NO.10

Application Number: F/YR12/0436/F
Minor
Parish/Ward: Manea Parish Council/Manea
Date Received: 6 June 2012
Expiry Date: **1 August 2012**
Applicant: Mr. M Fowler
Agent: Mr. M Peukert, Greenpower Solutions UK Ltd

Proposal: Erection of 3 x 15.545 metre high (hub height) wind turbines
Location: Bottom Farm, Days Lode Road, Fodder Fen, Manea

Site Area/Density: 217.14 sq metres

Reason before Committee: This proposal is before the Planning Committee as it is in the wider interest and contrary to the recommendation by the Parish Council.

1. **EXECUTIVE SUMMARY/RECOMMENDATION**

The proposed wind turbine has an overall height of 20.345 metres to the top blade tip. The proposal is considered to accord with national regional and local planning policy in contributing to the need for renewable energy. However, the application is not supported by adequate biodiversity information to enable a full consideration of the application and has failed to demonstrate that there will be no adverse effect on the nearby Ouse Washes site which is designed as a Site of Special Scientific Interest, a site of Special Protection Area, a site of Special Area of Conservation and a RAMSAR site. Inadequate visual representations have been submitted to enable a full consideration of the application in terms of both short and long distance views - accordingly the application is recommended for refusal.

2. **HISTORY**

Of relevance to this proposal is:-

2.1	**F/YR/12/0436/F**	Erection of 3 x 15.545 metre high (hub height) wind turbines	Pending
	F/YR/12/0261/F	Erection of 3 x 15.545 metre high (hub height) wind turbines	Withdrawn
	F/YR12/0260/F	Erection of 3 x 15.545 metre high (hub height) wind turbines	Withdrawn

3. **PLANNING POLICIES**

3.1 **National Planning Policy Framework:**

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.
Paragraph 14: Presumption in favour of sustainable development.
Paragraph 93: Meeting the challenge of climate change, flooding and coastal change.
Paragraph 109: Conserving and enhancing the natural environment.
Paragraph 98: Need for renewable energy and acceptable impacts.

3.2 **Draft Fenland Core Strategy July 2012:**

CS12: Responding to climate change and managing the risk of flooding in Fenland.

3.3 **Fenland District Wide Local Plan:**

EMP1: Proposals will normally be favoured for new, or the extension or expansion of existing firms … outside DABs the expansion of existing firms will only be permitted where certain criteria are satisfied.

E1: To resist development likely to detract from the Fenland landscape. New development should meet certain criteria.

E8: Proposals for new development should: allow for protection of site features, be of a design compatible with their surroundings, have regard to amenities of adjoining properties and provide adequate access.

E20: To resist any development which by its nature gives rise to unacceptable levels of noise, nuisance and other environmental pollution.

E3: To retain existing trees and hedgerows. To impose, where appropriate, conditions on planning applications requiring landscaping and tree planting schemes. To request the submission of a landscaping scheme with planning applications on visually important sites.

3.4 **East of England Plan:**

SS1: seeks to bring about sustainable development

ENG2: The development of new facilities for renewable power generation should be supported with the aim that by 2010 10% of the region's energy, and by 2020 - 17%, should come from renewable sources (excluding energy from offshore wind)

ENV2: Planning Authorities should protect and enhance the diversity and local distinctiveness of countryside character by developing area-wide strategies and landscape character assessments to ensure development respects/enhances local landscape character.

ENV3: Ensure that new development minimises damage to biodiversity.

Policy ENV4: Ensures that the landscape, historic and wildlife value of farmland is increased whilst responding to issues such as climate change.

ENG1: Carbon dioxide emissions and energy performance.

SS1: Achieving sustainable development.

3.5 **The Fenland Wind Turbine Development Policy Guidance June 2009 (WTDPG)**

Details contained under assessment section.

3.6 **Wind Turbines and Sensitive Bird Populations : Spatial Planning for Wind Turbines in the Fens Natural Area:**

Within Zone 6 Ouse Washes and surrounding arable area – Conservation status – Part SSSI, SPA, cSAC, Ramsar. Sensitive species are Bewick's and Whooper swans, wigeon, lapwing, golden plover. Risk Assessment: Collision risk high, disturbance high/medium. Presumption against wind turbine developments that are likely to have a significant effect on SPA's or functionally linked areas or on internationally important bird populations. Rigorous assessment of wind turbine applications required.

4. **CONSULTATIONS**

4.1 ***Doddington Parish Council***: Supported. In addition, the Parish Council would like to see a Section 106 Planning Obligation providing some form of community benefit attached to any consent.

4.2 ***Local Highway Authority (CCC)***: The additional traffic likely to be generated during the construction phase will be modest in terms of numbers, and the size of vehicle will not exceed that which could be generated by the agricultural business of the farm. I therefore have no objection to the proposal from the highway point of view.

4.3 ***Natural England*** The planning application submitted does not consider the potential environmental impacts of the scheme, particularly on ecology. As a result Natural England is unable to provide detailed comments on this application until further information is provided to demonstrate that the ecological effects of the proposal have been fully considered and any required mitigation identified. We have provided further details below regarding the specific issues that this additional information should address. We will be pleased to provide further comments on this application once a detailed assessment has been submitted.

For the location of the proposed turbines Natural England would recommend that, as a minimum, a full desk-based survey and walkover survey of the site should be undertaken to inform the assessment. This should be carried out by a professional ecologist, taking into consideration the issues raised above and any data or advice provided through consultation with relevant parties (see below). At least one years' worth of bird survey data is likely to be required if the initial survey identifies significant use of the site by sensitive bird species. Consideration should also be given to cumulative and in-combination effects resulting from other wind farm developments and proposals in the surrounding area. The developer should be aware that it is the responsibility of the

		proponent of the scheme to provide sufficient and robust data to meaningfully inform the assessment process. Reconsultation - Natural England has no further comments to make at this stage. We will be happy to review the ecological appraisal for this proposal once all survey and assessment work has been completed.
4.4	***Middle Level Commissioners***	The current arrangement appears to encroach within or close to the Boards maintenance strip which is immediately SE of the site. No application for encroachment within the access strip has been sought. Any application would not be recommended for approval due to the detrimental affect on the watercourse and the Boards operations. Additional technical information and advice is also offered.
4.5	***Cambridgeshire Architectural Liaison Officer***	No objection – advice offered.
4.6	***CAA***	Advice offered.
4.7	***Network Rail***	No comments to make at this stage.
4.8	***Chatteris Airfield***	No objections.
4.9	***Joint Radio Company***	Do not foresee any potential problems based on known interference scenarios.
4.10	***Environment Agency***	No objection – advice offered.
4.11	***NERL Safeguarding Office***	Require additional information.
4.12	***RSPB***	We object to the proposed development as submitted in the absence of adequate information on the risks posed by the development and the potential impact of the proposed development on Bewick's Swans and Whooper Swans as well as other waterfowl and waders. We therefore recommend that planning permission be refused on this basis. We will maintain our objection until the applicant has supplied information to demonstrate that the risks posed by the development can be satisfactorily addressed. We disagree with the applicants' statement in the Design and

		Access Statement that in this location 'The scheme will have minimal impact on the site and its species' and note that no independent evidence has been provided to support this statement. The proposed turbine locations are close to a highly sensitive area for bird species associated with the Ouse Washes Site of Special Scientific Interest (SSSI)/Special Protection Area (SPA)/Special Area of Conservation (SAC)/Ramsar Site. Bewick's and Whooper Swans use the Ouse Washes mainly for roosting purposes and travel out to arable farmland for daytime feeding. This means during the winter period there are regular movements of flocks of swans to and from the Ouse washes to surrounding farmland in all directions. Reconsultation - Having reviewed the documents attached to the email I can confirm the RSPB has nothing further to add to our previous comments. The applicant has yet to provide any convincing evidence to support the statements they made in their planning application.
4.13	***Local residents/interested parties***	<u>Objections received from 11 persons</u> Sensitive ecological nature of the site, Potential risk to the local bat population, Threat to wildlife, Swans fly low and we are trying to preserve them, Area is the winter feeding grounds of thousands of migratory swans which fly low and feed in the area, Bats are disorientated by the turbines and are a protected species, There are plenty of wind turbines in Fenland and they should not be put in this special designated area, We could find no figures in the associated documents to back up current and predicted output and CO2 emission reduction, A flood of other similar applications will follow, Views will be interrupted. <u>Save Our Swans – Again</u> A petition has been received containing 120 signatures concerned about the significant threat to local and migratory

		wildlife in the area, habitat disturbance, loss and collision with turbines
4.14	***MOD (Defence Infrastructure Organisation) Safeguarding Officer***	No objections
4.15	***Environmental Health***	No comments
4.16	***Wildlife and Wetlands Trust***	We have serious concerns about this particular proposal as none of the substantive points raised by WWT in its (original) objection letter seem to have been addressed (concerns listed below). The proposed site for the turbines is adjacent to the Ouse Washes which has been designated by the UK Government as a Special Protection Area (SPA) under Article 4 of the EC Birds Directive (79/409/EEC), for its internationally important numbers of Bewick's Swans (currently in decline), Whooper Swans and other species. Additionally, the site has been classified as a Ramsar Site under the Convention on Wetlands of International Importance especially as Waterfowl Habitat. The EC Habitats Directive (92/43/EEC) and the UK Habitats Regulations require that any plan or project likely to have a significant effect on an internationally important site for nature conservation be subject to "Appropriate Assessment". This assessment should be designed to enable the "Competent Authority" – in this case Fenland District Council – to be assured that the plan or project will not have an adverse impact upon the integrity of designated sites. In the absence of an Appropriate Assessment, or indeed any bird survey work, WWT believes that there is insufficient information to enable the Council to be assured that the development will not have an adverse impact on the integrity of Ouse Washes SPA, and that the application therefore should be refused. The total absence of any bird monitoring (and particularly detailed flight-line data) and a collision risk assessment therefore is a major omission from the application.

The site at Days Lode Road not only close to (1.8 km from) the Ouse Washes SPA/Ramsar Site boundary, but is also close to established feeding areas for a species – the Bewick's Swan – which is considered as Vulnerable in Europe (BirdLife International 2004). The species is protected through its inclusion in category A(3)c of the African Eurasian Waterbird Agreement (AEWA) and in Annex I of the EU Birds Directive. A Bewick's Swan Action Plan has recently been adopted by the African-Eurasia Migratory Waterbird Agreement (AEWA) of the Convention on Migratory Species (the "Bonn Convention"), to address the 27% decline in numbers between 1995 and 2005. Installation of wind turbines impinge on bird populations not only through the risk of colliding with the turbines but by displacing birds from favoured feeding areas. WWT therefore believes that the potential loss of feeding habitat as well as collision risk is an issue with this particular proposal.

Given the decline in the NW European Bewick's Swan population since the mid 1990s, WWT considers that the longer-term data should be taken into account when considering the potential impact of wind farm developments close to the Ouse Washes on Bewick's Swans wintering in the region. The Bewick's Swan Action Plan aims to reverse the downward population trend, and maintaining the swans' traditional feeding areas is an important action required for successful implementation of the plan.

WWT is increasingly of the view that the potential cumulative impact of these developments on wildlife and their protected habitats will need to be addressed.

It should be noted that, given their lay-out, the turbines proposed in applications F/YR12/0435/F and F/YR12/0436/F effectively amount to a single 6-turbine wind farm. The plans indicate that the 6 turbines are to be positioned at opposite sides of the same field.

Cumulative impact assessment should take into account collision risks presented by wind farms constructed or in the planning process in the vicinity,

WWT believes the proposed installation of wind turbines Bonds Farm may have a significant and unacceptable impact on the migratory Bewick's and Whooper Swans wintering on the Ouse Washes, and on the integrity of the Ouse Washes SPA. As such, WWT objects to this planning application.

5. SITE DESCRIPTION

5.1 The proposed site for 3 turbines is located on flat agricultural land at Bottom Farm, Manea approximately 3km from the Ouse Washes where there are SSSI, SPA, SAC, and Ramsar designations. This area has been designated because it supports internationally important populations of wintering Bewick's and Whooper Swans, as well as other species of breeding and wintering waterfowl and waders. This area is recognised as a high sensitivity area for wind turbine development in relation to possible impacts on a number of bird species. A similar application for 3 turbines is also pending approximately 170m from this application. A Middle Level Commissioners Boards maintenance strip is immediately adjacent to the application site

6. PLANNING ASSESSMENT

6.1 Nature of Application

The application seeks full planning permission for the erection of 3 x 3 bladed wind turbine assemblies with an overall height of 20.345 metres to the top blade tip. The turbines will be used to generate electricity to reduce the farms reliance on fossil fuels, energy bills and carbon emission. Access will be via the existing farm access roadway which serves Bottom Farm.

The following key issues have been considered;

- Site history
- Principle and policy implications
- Visual Impact/Landscape Impact/Cumulative Visual Impact
- Biodiversity
- Design
- Access.

Site History

Two planning applications (one for the same site) were recently withdrawn and this is a resubmission for one of the applications.

Principle and Policy Implications

The proposal has been considered in line with National Guidance, in the form of the new National Planning Policy Framework (NPPF) and Development Plan Policy in the form of the Fenland District-Wide Local Plan, 1993, the East of

England Plan and also the new Fenland Communities Development Plan Draft Core Strategy; these are listed in the relevant section of this report.

The Government has set a target of generating 20% of the UK's electricity by 2020 and also aims for the UK to be on a path to cut its carbon dioxide emissions by 60% by 2050, as well as maintaining reliable and competitive energy supplies. The development of renewable energy is considered to form a key part of meeting this target, which has led to the view that renewable energy schemes should be supported where they do not result in other adverse impact upon the area that outweigh the renewable energy benefits. This application is for the erection of a wind turbine and associated infrastructure. Wind turbines are a sustainable and efficient source of renewable energy and, therefore, comply, in principle, with the provisions of the NPPF and emerging Core Strategy.

The Fenland Wind Turbine Development Policy Guidance June 2009 (WTDPG)
This document provides local guidance in relation to wind turbine development and informs development proposals of all sizes. It is recognised that there is a need to ensure that future development is in balance with the local landscape and the population that lives within it. As a result the Wind Turbine Development Policy Guidance (WTDPG) was produced by landscape consultants for FDC in April 2008. The WTDPG has been adopted as Supplementary Planning Guidance by the Council. The WTDPG sets down a number of landscape character types and then sets out criteria for evaluating the sensitivity of each type.

Section 6 sets out the criteria for assessing planning applications based on Landscape character, Landscape capacity, Visual impacts, Cumulative landscape impacts, Cumulative visual impacts, Biodiversity considerations, Heritage considerations, Recreation and transport routes, Mitigation and Guidance on Form and Siting.

Where wind turbine development is considered appropriate in the light of the above criteria, schemes should then be considered in terms of how the form and siting of turbine(s) should relate to the characteristics of the landscape type in which it is to be situated. Under the above guidance the proposed site is situated within the following designations:

1 "The Fens" landscape character area which has a medium - high landscape capacity for groups of 17+,
2 A high landscape capacity for single turbines
3 A high landscape capacity for small turbine groups (2-5),
4 A high landscape capacity for small/medium turbine groups (6-10),
5 A medium-high landscape capacity for medium turbine groups (12-16),
6 A medium-high landscape capacity for large turbine groups (17+),
7 Within the 5km conspicuous zones for existing turbines,
8 Within the 2km 'prominent' zone for existing and proposed turbines.

In terms of landscape capacity within the Drained Fenland character type the WTDPG advises that the "cumulative impact of wind turbine development needs to be carefully considered".

In terms of visual impact the WTDPG advises that:

• Proposals within 400m of a settlement are highly unlikely to be considered acceptable in visual amenity terms.
• There should be no shadow flicker for any residential properties or on A or B roads.
• Proposals within 2km of a settlement should be carefully considered as turbines are likely to be highly prominent features
• Turbines should be set back a minimum distance of 200m from public footpath). The WTDPG advises that for National Trails this should be 3 times the distance of the overall height of the turbine.
• Residential properties and users of recreational routes/facilities are likely to be considered more sensitive as receptors.

In terms of cumulative landscape impact the WTDPG advises that that there is a danger that excessive development of wind turbines in any landscape would at some point result in such material change as to unbalance and overpower the existing key characteristics of the landscape. To prevent this it advises that within the Drained Fenland character type not more than 25% of the area should be within 2km of a turbine development (prominent zone) and not more than 75% within 5km (conspicuous zone).

• Proposals for new wind turbine development, detached from existing turbines sites by more than 500m but within 4km of existing turbine developments are unlikely to be acceptable in visual terms. In some circumstances a distance greater than 500m is required.
• Proposals for new development within 10km of existing turbine developments need to be carefully considered.
• Settlements of more than 10 dwellings should not have wind turbines in more than 90° of their field of view from public or residential viewpoints within or around the settlements from a distance of 10km from the settlement.
• No more than 25% of the length of A and B roads and railways should be within 2km of wind turbines (prominent zone) and no more than 75% of its length being within 5km of turbines (conspicuous zone)
• Turbines within 4km of each other are likely to demonstrate a significant cumulative impact from a number of locations and are less likely to be considered acceptable in visual/landscape terms, unless they form a relatively modest extension to an existing turbine development.

Visual Impact/ Landscape Impact/Cumulative Visual Impact
The nearest residential property is situated at a distance of approximately 120 metres from the closest turbine. The turbine would be visible in the immediate locality and is close to the settlement of Manea and other scattered residential properties where turbine proposals should be carefully considered as they are likely to be prominent features in the landscape. It is, therefore, important to consider the impact of the turbine on the overall appearance of the Fenland landscape in terms of visual impact, landscape impact and cumulative visual impact. The applicant has submitted inadequate visual representations to enable a full consideration of the application in terms of both short and long distance views and accordingly a case has not been made as to why planning permission should be granted.

Biodiversity

Natural England advise that the proposed turbines are located within approx 3km of the Ouse Washes SSSI/SPA/SAC/Ramsar Site, a site that is of European importance for wintering and breeding birds. This area is recognised as a high sensitivity area for wind turbine development in relation to possible impacts on a number of bird species. The Ouse Washes is designated at national, European and international levels and is one of the most important freshwater wetland sites for wintering and breeding bird populations in lowland England. Two of the SPA qualifying species are Whooper Swan and Bewick's Swan, migratory species that are present between October and March/April. A crucial consideration is that these species use the Ouse Washes mainly for roosting purposes and travel out to arable farmland for daytime feeding. There is regular movement of flocks of swans to and from the Ouse Washes to surrounding farmland in all directions during the winter period and there is particular concern regarding collision risk, disturbance and displacement impact from wind turbines on these bird species and movements. Winter movements around this site within the wider Fens Natural Area also occur for other species such as wigeon, golden plover and lapwing. Breeding birds that may be at particular risk from collision, displacement and disturbance include lapwing, redshank and snipe. At least one years' worth of bird survey data is likely to be required in order to identify and assess significant use of the site by sensitive bird species. A draft ecological appraisal has been submitted by 'Just Ecology' which involved both a desk and a field survey in July 2012. This appraisal is a draft interim report. Some disruption would be caused by the installation of the turbines, which could possibly impact on protected species, but further information requires to be collated and management plans developed. As a result of this appraisal Natural England advise that they have no further comments to make at this stage, but will review the ecological appraisal for this proposal once all survey and assessment work has been completed. In the absence of a complete appraisal of the impact of the turbines for this application, together with the cumulative impact of the adjoining application for 3 turbines planning permission should be withheld.

Design

Shadow flicker created by the turning of the turbine blades at certain times of day should also be considered. In terms of this proposal the impact is considered to be minimal given the proximity of the nearest property. It is unlikely that there will be noise impact from the turbine.

Access

Access to the site would be via the road serving the existing farm and no issues have been raised.

7. CONCLUSION

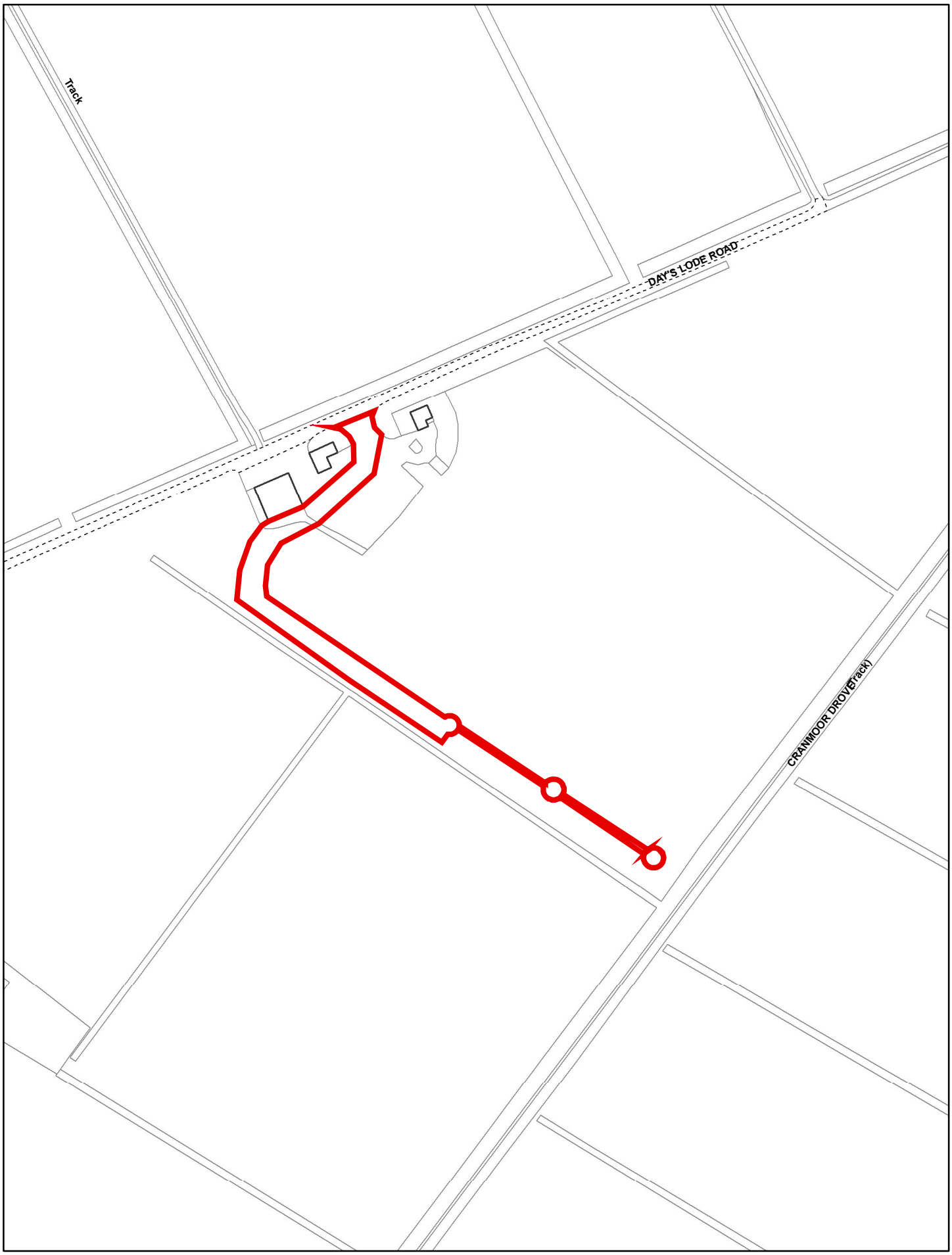
7.1 The proposed wind turbine has an overall height of 20.345 metres to the top blade tip. The proposal is considered to accord with national regional and local planning policy in contributing to the need for renewable energy. However, the application is not supported by adequate biodiversity information to enable a full consideration of the application and the applicant has submitted inadequate visual representations to enable a full consideration of the application in terms of both short and long distance views - accordingly the application is recommended for refusal.

8 **RECOMMENDATION**

Refuse Planning Permission the following reasons:-

1. **The proposal has failed to demonstrate that there will be no adverse effect on the nearby Ouse Washes site which is designed as a Site of Special Scientific Interest, a site of Special Protection Area, a site of Special Area of Conservation and a RAMSAR site and is therefore contrary to Policy ENV3 of the East of England Plan 2008, guidance contained within Section 11 the National Planning Policy Framework 2012, and Policies CS12 (Renewable Energy) and CS14 (Delivering and protecting high quality environments across the District) of the Draft Fenland Core Strategy July 2012.**

2. **The proposal contains inadequate information, particularly in the form of visual representations, to enable a full and proper consideration of the application in respect of both short and long distance views; accordingly the proposal has failed to demonstrate compliance with Policies E1 and E8 of the Fenland District Wide Local Plan which seek to resist development likely to detract from the Fenland landscape and have regard to amenities of adjoining properties.**



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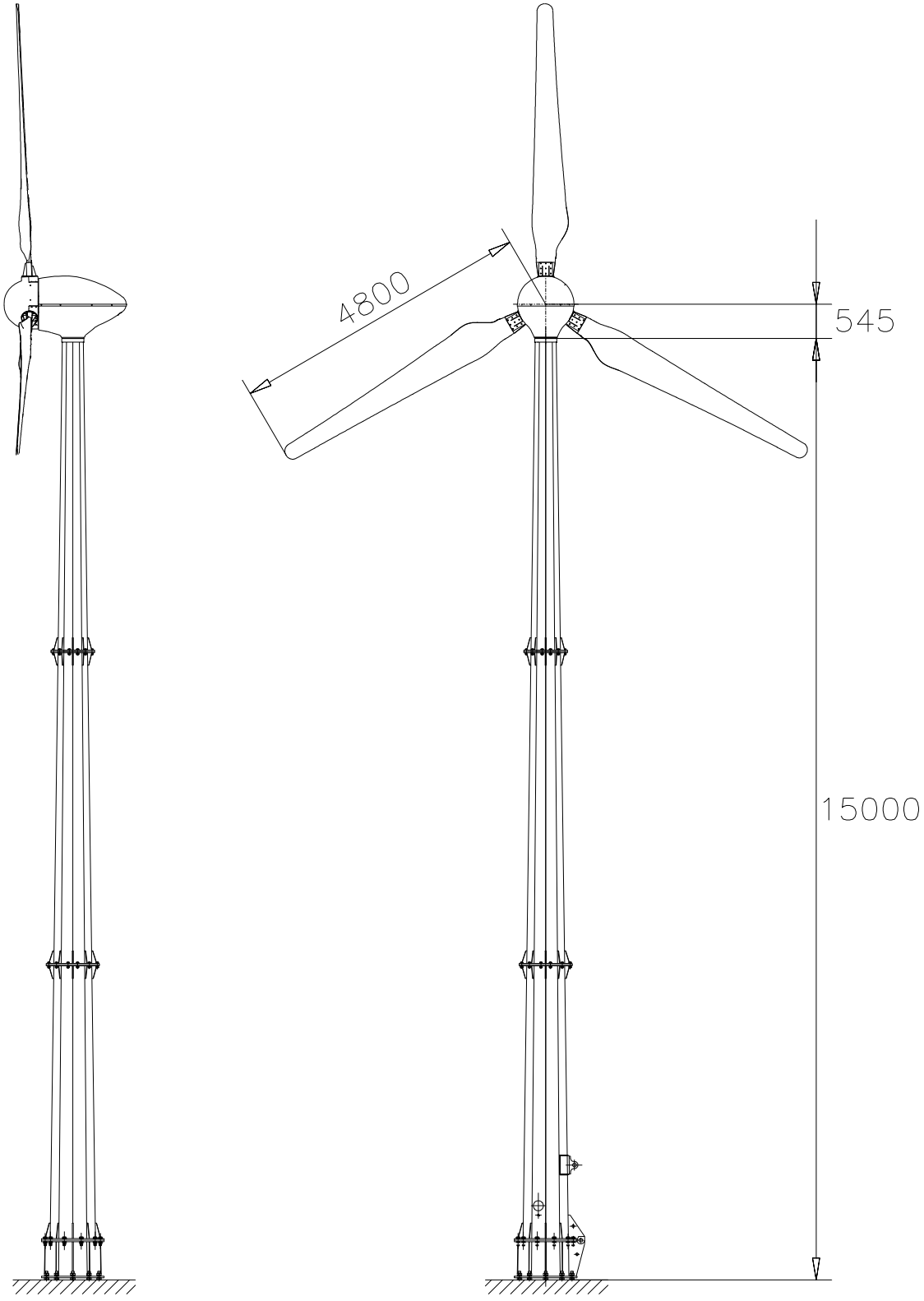
Fenland District Council



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ENG APPR.		
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COMMENTS:		

TITLE: EVOCO 10kW WIND TURBINE 15m TOWER

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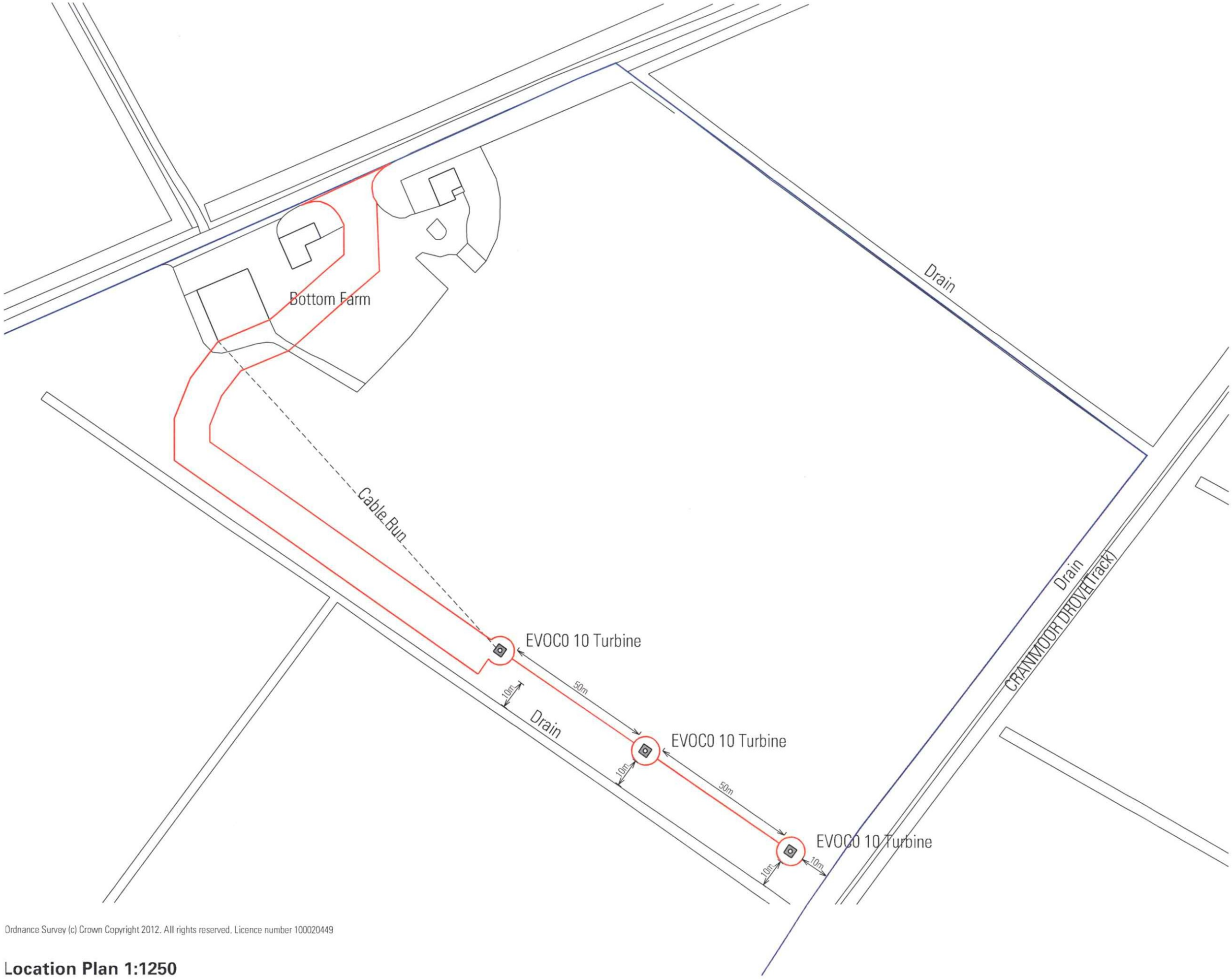

Location Plan 1:1250

A 02/04 Redline amended
revision notes

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project
Bottom Farm
Days Lode Road, Fodder Fen
Manea, March
PE15 0HH

drawing title
Location Plan

client
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paper size	date
A3	Mar' 12
scale	drawn
1:1250	WNS

job no.	drawing no.	rev
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