

Application Number: F/YR13/0290/F

Minor

Parish/Ward: Elm/Elm and Christchurch Ward

Date Received: 26 April 2013

Expiry Date: 21 June 2013

Applicant: Mr J Lawrence

Agent: Mr D Downs, ICL Renewables

Proposal: Erection of a 23.0m high (hub height) wind turbine.

Location: Land South East of Laddus House, Laddus Drove, Friday Bridge.

Site Area: 0.041 hectares

Reason before Committee: This proposal is before the Planning Committee as it is in the wider interest.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This is a full application for a proposed single wind turbine at land South East of Laddus House, Laddus Drove in Friday Bridge. The proposed wind turbine has a hub height of 23 metres with the blades taking it to an overall height of approximately 26.1 metres.

The key considerations for this application are:

- Policy Considerations
- Visual Impact/Landscape Impact
- Design and access
- Biodiversity

The proposal is considered to accord with national regional and local planning policy in contributing to the need for renewable energy. It has been assessed alongside the relevant local and national planning policy and is considered to be acceptable. As such the proposal is recommended for approval.

2. HISTORY

The following applications are relevant:

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| 2.1 | F/YR05/1011/F | Erection of a 4-bed detached house with detached double garage. | Granted 17 th November 2005. |
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3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that applications 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 Fenland Local Plan Core Strategy: Submission Version (September 2013):

CS14: Responding to climate change and managing the risk of flooding in Fenland.

CS16: Delivering and Protecting High Quality Environments across the District.

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.

4. CONSULTATIONS

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| 4.1 | Parish Council: | Supported. |
| 4.2 | CCC Rights of Way Team | Public Footpath 14 Elm lies beside the development site and the wind turbine is significantly far enough away, therefore no objection to the application. |
| 4.3 | Natural England | Makes reference to their standing advice. |
| 4.4 | Cambs Police Architectural Liaison | The only risk prevalent to the development is the theft of cabling therefore it is advised that any cabling is buried to a substantial depth – i.e. at least 1.8m below ground. |
| 4.5 | Chatteris Airfield | No objections due to the distance from the air field and the size of the turbine. |
| 4.6 | NATS/NERL Safeguarding | The proposal does not conflict with our safeguarding criteria. |
| 4.7 | Anglian Water | No concerns from a groundwater perspective. |

- 4.8 **Civil Aviation Authority** Requests that any structure 70 feet or over should be reported to the Defence Geographic Centre. Any structure over 150 metres must be lit.
- 4.9 **CCC Archaeology** No objections and no archaeological requirements.
- 4.10 **CCC Highways** The traffic anticipated to be generated during the construction phase is minimal and not of greater size than the agricultural vehicles generated by the farming uses in the area. Therefore no objections and no further comments.
- 4.11 **Cambs Environmental & Wildlife Protection** Object to the proposed development based on the potential risk to local bird and bat population. The proliferation of turbines in Fenland has led to the loss of feeding and breeding grounds forcing wildlife into pockets less affected. This application is sited within a pocket that supports the needs of many protected species. It is unlawful and unethical to erect structures that may be of potential risk to protected species and any survey or study carried out must be by a licensed professional. It is for the applicant to provide evidence that the development will not have an adverse effect. The Ouse Washes are within kilometres from the proposed sites.
- 4.12 **FDC Environmental Protection** Recommend that a condition is attached to any permission given relating to day-time and night-time noise levels and remedial action.
- 4.13 **Network Rail** No objections to the proposal.
- 4.14 **Environment Agency** In accordance with the NPPF small scale wind turbines are less vulnerable to flooding and are unlikely to result in any adverse impacts on the water environment. Provide advice for the applicant in relation to flood risk and pollution prevention.
- 4.15 **MOD** No objections to the proposal.
- 4.16 **RSPB** The RSPB is not aware that the area planned for the turbine is of high importance to populations of birds of conservation concern.

Given the small scale of the proposal, in particular the rotor swept area, the RSPB does not consider that the turbine would pose a significant risk to bird populations.

Following the additional ecological survey information provided comments were as follows:

The Protected Species Report does not include migratory or wintering birds and this information should be provided. Do not anticipate that the turbine will have a significant impact on birds, however there needs to be evidence provided in relation to migratory/wintering birds to confirm this.

4.17 *Wildlife Trust*

Application is for a single turbine, and a relatively small one, which is regarded as low risk. There may be potential for bats and breeding birds. Little evidence presented to support the biodiversity checklist however this is likely to be a low risk case for biodiversity. There should be a visit by a qualified ecologist to check for and rule out the presence of any significant bat roosts. In their professional opinion it is unlikely that there would be any priority species on the site.

4.18 *The Raptor Foundation*

Monitoring has found increasing populations of buzzards, red kites and barn owls throughout Fenland. Not in opposition to wind turbines providing adequate research is carried out regarding nesting birds of prey.

4.19 *Joint Radio Company*

Do not foresee any potential problems in relation to this application.

4.20 *Local residents/interested parties*

12 letters of objection received concerning (in summary):

- The turbine is 61m from a public footpath. This should be 200m.
- Another turbine on the landscape so close to the village is unacceptable.
- The design and access statement refers to Kings Lynn Validation Requirements rather than Fenland.
- The house is an eyesore and not in keeping with the character of the area and this turbine will make that worse.

- The owner will be able to sell any excess energy back to the grid making this a business as well as a personal turbine.
- Laddus Drove is on the flight path to the Wildlife and Wetlands Trust at Welney.
- Swans regularly use the fields on Laddus Drove to rest and forage.
- It is regular to see Barn Owls, Sparrowhawks, buzzards and a kestrel in the area as well as other garden birds.
- The diagram on Page 5 of the Design and Access Statement is misleading.
- The sun sets behind Laddus House and the galvanised steel of the turbine will cause glare and flicker which will affect the health of the neighbours.
- The Water Tower on Maltmas Drove is Listed.
- Concerned that if this is approved the mast will actually be taller and blades larger than in this application.
- Sound travels clearly over large areas so concerned about the noise impacts of the turbines.
- The turbine will disrupt the peace and tranquillity of walkers and dog walkers on the public footpath.
- The Landscape Capacity is already at its limit and the cumulative impact is unacceptable.
- It is unacceptable in visual terms as it is too near homes and too far away from existing clusters to blend in.
- The turbine will be sited within the 2km buffer zone of Friday Bridge.
- There are far too many turbines in the area already.
- Given the size of the house and now this application it appears the applicants are trying to stop people using the right of way.
- There will be no benefit to local people's electricity bills.
- The village has not been consulted by the applicant on this proposal.

- In conjunction with the Coldham and Stags Holt turbines this would result in the dwellings at the top of Laddus Drove having turbines in 225 degrees of their view.
- This will be much higher than traditional telegraph poles
- The Design and Access Statement says there will be 'little or no risk' so is a little risk acceptable to the applicant.
- New legislation has been announced in relation to wind turbines and the rules are not yet clear on how they would affect this application.
- Making planning decisions without due consideration of priority species is contrary to the Natural Environment and Rural Communities (NERC) Act 2006.

Following the reconsultation in relation to additional biodiversity surveys 2 residents objected again in relation to the timing of the study undertaken and to reiterate that there has been a decline in a variety of species in this area since the construction of the Coldham Wind Farm.

5. **SITE DESCRIPTION**

- 5.1 The site lies to the South of Laddus Bank and to the North of Laddus House in Friday Bridge. The area is characterized predominantly by open agricultural land. Laddus House is a large, detached, isolated dwelling and the proposed turbine is to be sited approximately 61 metres from the driveway access to the dwelling. The proposed turbine is to be 23 metres to the hub with a rotor diameter of approximately 6.4 metres.

6. **PLANNING ASSESSMENT**

6.1 Nature of Application

The application seeks full planning permission for the erection of a 3 bladed wind turbine with a hub height of 23.0 metres and an overall height of approximately 26 metres to blade tip. The turbine consists of a tower, nacelle and 3 blades. Access to the site will be via the existing access to the dwelling.

The following key issues have been considered;

- Policy Considerations
- Visual Impact/Landscape Impact
- Design and access
- Biodiversity

Policy Considerations

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, and the new Fenland Local Plan Core Strategy – September 2013; 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.

Visual Impact/ Landscape Impact

The turbine is to be situated within an existing area of domestic land located to the front of the existing dwelling and at a distance of approximately 284m from the road. The proposal is for a single turbine with a hub height of 23m and an overall height of approximately 26m. By the very nature of the development it will be visible within the landscape, which is flat and relatively open in nature. The Coldham Wind Farm sits to the South of the proposal at a distance of approximately 2.2km at its closest point to the nearest turbine. It is noted that the WTDPG advises that any new wind turbines, detached from existing turbine sites by more than 500m but within 4km are unlikely to be acceptable in visual terms however the WTDPG does point out that it refers to the impacts of a commercial turbine with a typical height of 100 – 125 metres, therefore the issues have to be taken in context and balanced with the need for, and benefits of providing, renewable energy. This turbine is 23 metres to the hub and approximately 26 metres height overall and as such is less than half of the height referred to in the WTDPG document in relation to existing turbines. As such, on balance it is considered that this turbine would be acceptable in terms of visual, landscape and cumulative visual impacts in this instance.

The nearest property to the proposed turbine, not within the applicants' ownership, is at a distance of approximately 278 metres. The height and positioning of the turbine is not considered to have an adverse impact on residential amenity. The Environmental Protection Team have assessed the proposal and advise that there is unlikely to be any adverse impact in terms of noise.

Design and Access

This application is for a single wind turbine within an existing domestic curtilage. The turbine is of a standard 3-bladed design with a hub height of 23 metres and an overall height of approximately 26 metres. The rotor diameter is 6.2 metres. The turbine is to be constructed of grey galvanised steel. The proposed turbine is relatively small in scale and would not have an adverse impact on the character of the area.

The access will be via the existing access to the dwelling and the turbine is to be sited to the front of this dwelling. The comments from the Local Highways Authority were that the traffic anticipated to be generated during the construction phase is minimal and not of greater size than the agricultural vehicles generated by the farming uses in the area. Therefore no objections and no further comments. As such the proposal is considered to be acceptable in terms of its design and access.

Biodiversity

The application has been accompanied by a biodiversity checklist and consideration was given to biodiversity issues within the submitted planning statements. Following the initial consultations on the proposal a number of residents identified that there may be impacts on the local biodiversity including swans, barn owls and sparrowhawks. Natural England's standing advice details that if it is identified that there may be various habitats present, even if this information comes from neighbouring residents, further biodiversity surveys are required. Following the letters of objection the applicant has carried out a further European Protected Species and Biodiversity Report which concluded the following points:

- The setting appeared to be unfavourable for most wildlife species to inhabit due to the limited habitat and intensive agricultural practices.
- No rare plant species or habitats of principle importance were found.
- No bat roosts were found on or near the site and surveys revealed a limited use of the area by bats, confined to low-level feeding along sunken ditches.
- It is likely that the bat foraging behaviour will continue once the turbine is in situ as there is satisfactory distance between the turbine and the feeding locations.
- No badger setts were present within several hundred metres.
- The drainage ditches were sampled and found to be unsuitable for water or great crested newts.
- No other protected species were found in and around the site and the proximity of the existing dwelling would be a disincentive to many species.

As such the report demonstrates that it would be unlikely that there would be any adverse biodiversity impact through the development of the proposed turbine.

Following receipt of this report the neighbours and relevant biodiversity consultees were reconsulted for their comments. 2 neighbours objected again, as detailed within Section 4 of this report. No further objections were received from the statutory biodiversity consultees. The RSPB responded and advised that the report had not sufficiently considered migratory or wintering birds and as such further works are being undertaken in relation to this aspect. In their correspondence the RSPB have advised that they do not anticipate, based on current information and knowledge, that the turbine will have a significant impact alone or in combination with other projects on birds of conservation concern or those associated with designated sites. As such, they advise that a desk-top survey on wintering birds will be sufficient.

The biodiversity impacts of the proposal have been fully taken into consideration and further studies have been undertaken to support the proposal, over and above the initial biodiversity statements submitted.

The site is very open with very little roost or habitat potential. As such, it is considered that there will not be any adverse impacts on biodiversity and habitats. It is noted that there is still some outstanding desk-study work to be done in relation to wintering birds, however the RSPB consider that there are unlikely to be any adverse impacts. It is therefore considered appropriate to recommend the proposal for approval subject to the RSPB confirming that they are satisfied with the additional survey work.

7. CONCLUSION

- 7.1 The proposed wind turbine has an overall height of 26 metres. The proposal is considered to accord with national regional and local planning policy in contributing to the need for renewable energy. The renewable benefits of the proposal should be considered in line with the impacts on the surrounding area. This proposal has been considered in line with the relevant policies and it is considered, due to its overall height and location, there would not be an adverse impact on the surrounding area or nearby residential amenity and as such, the proposal is considered to be, on balance, acceptable in this instance. Additional work on the biodiversity considerations have been carried out and it is considered that, given the lack of habitat potential of the area and the findings of the further studies, the proposal is acceptable in terms of biodiversity impacts. This is subject to the RSPB being satisfied with the additional survey work relating to wintering birds. The proposal is therefore recommended for approval with appropriate conditions.

8 RECOMMENDATION

Grant – Subject to the RSPB being satisfied with the additional desk-top surveys relating to wintering birds.

- 1 The development permitted shall begin before the expiration of 3 years from the date of this permission.**

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The noise emission (LA90, 10 minute) from effects of the wind turbine, as measured in free field conditions at any dwelling, shall not exceed during night hours 2300 – 0700, the greater of 43dB(A) or 5dB (A) above the night hours background (LA90, 10 minute) as measured in accordance with ETSU-R-97. Night-time fixed minimum levels can be increased to 45dB(A) or 5dB(A) above the night hours background noise (LA90, 10 minute) as measured in accordance with ETSU-R-97 where the occupier has a financial interest in the wind farm development.**

At all other times the noise emission (LA90, 10 minute) from the effects of the wind turbine, as measured in free field conditions at any dwelling, shall not exceed the greater of 35dB(A) or 5dB(A) above the Quiet Waking Hours background noise (LA90, 10 minute) at wind speeds within the site not exceeding 10 metres per second. Noise levels can be increased to 37dB(A) or 5dB(A) above the Quiet Waking Hours background noise (LA90, 10 minute) where the occupier of the property has a financial interest in the wind farm development.

For information the period of hours used are as defined in ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms). Quiet day-time periods are defined as all evenings from 6pm to 11pm, plus Saturday afternoons from 1pm to 6pm, plus all day Sunday 7am to 6pm. Night time is defined as 11pm to 7am.

Reason: In the interests of protecting residential amenity.

3. In the event that noise exceeds the limits specified in the planning permission remedial action must be taken to reduce the noise levels. This would include checking the source noise level of individual turbines (if this has not already occurred as part of any warranty agreement with the turbine supplier or by compliance testing). Mitigation applied may involve slowing of turbine rotational speed, thus reducing noise, or even shut-down of individual turbines, under critical wind conditions.

Reason: In the interests of maintaining acceptable noise levels from the development.

4. At the reasonable request of, and following a complaint to, Fenland District Council the operator of the development shall, measure and assess the level of noise emissions from the wind turbine generators, following the procedures described in "The Assessment and Rating of Noise from Wind Farms, ETSU-R-97" published by ETSU for the Department of Trade and Industry.

Reason: In the interests of maintaining acceptable noise levels from the development and to safeguard the amenities of nearby properties.

5. Within a period of 25 years from the date of the first electricity generation on site the development hereby permitted shall be removed from the site in its entirety and the site restored to its former condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the Local Planning Authority to re-assess the condition of the development in line with the potential lifespan of the installation.

6. Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the local planning authority. The scheme shall make provision for the removal of the wind turbines and associated ancillary equipment to a depth of at least 0.2 metres below ground. The scheme shall include the management and timing of any works, a traffic management plan to address likely traffic issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats and a programme of implementation. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

Reason: In the interests of the appearance of the locality.

- 7. If the wind turbine fails to produce electricity for supply to the grid for a continuous period of 12 months then, unless otherwise agreed in writing by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 3 months from the end of the 12 month period. The land shall be reinstated in accordance with a scheme (including management and timing of the works and a traffic management plan) submitted to and approved in writing by the local planning authority.**

Reason: In the interests of the appearance of the locality.

- 8. Approved Plans**