

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00811
FULL APPLICATION DESCRIPTION:	Erection of 70 metre high wind turbine and associated meter housing and access track
NAME OF APPLICANT:	Mr A Layfield
ADDRESS:	Tanners Hall Farm, Stockley Lane, Willington, Crook County Durham
ELECTORAL DIVISION:	Brancepeth
CASE OFFICER:	Mrs Sinead Turnbull

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site constitutes agricultural land which is part of the applicant's farm. The site lies approximately 200m to the northwest of the farmhouse and would be sited approximately 580m from the nearest neighbouring residential property. The landscape at the site is moderately level and exposed. To the north of the site is a corridor of mature woodland, to the east is agricultural land, to the south is the farmstead and to the west is agricultural land abutted by highway. The turbine has been sited to keep the creation of the new access track to a minimum.

The proposal

2. Planning permission is sought for the erection of 1 no. 70m high three blade wind turbine and creation of associated meter housing and access track at Tanners Hall Farm, Stockley Lane, Willington, Crook, County Durham. The proposed turbine would have a height of 70m to blade tip.
3. Existing road networks will be used to deliver the materials required for the turbine to be constructed. The proposed access to the turbine site is from the minor road known as Stockley Lane, and through the farm access track which is already in place. A new access track will be taken from the site entrance to the turbine base where a crane pad will be constructed. The new track will be 5m wide and constructed of stone aggregate.
4. This application is reported to committee at the request of a Durham County Council member.

PLANNING HISTORY

5. 4/11/00522 Erection of 64m high wind turbine, associated meter housing and access track Withdrawn 23/8/2011

PLANNING POLICY

NATIONAL POLICY

6. In July 2011 The Government published the National Planning Policy Framework in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
7. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Governments overarching planning policies on the delivery of sustainable development through the Planning System.
8. *Planning Policy Statement 9: (PPS9) Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
9. *Planning Policy Statement 22: (PPS22) Renewable Energy* sets out Government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small-scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small-scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

REGIONAL PLANNING POLICY

10. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;
11. *Policy 3 – Climate Change* encourages the use of renewable energy sources.
12. *Policy 8 – Protecting and Enhancing the Environment* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

13. *Policy 39 – Renewable Energy Generation* requires at least 10% of the energy requirements of development proposals to be met by decentralised and renewable or low carbon sources.
14. *Policy 40 – Planning for Renewables* sets out the criteria by which renewable energy proposals shall be considered.

LOCAL PLAN POLICY:

15. *Policy U15 Energy Conservation – renewable Resources* – sets out the criteria by which renewable energy schemes shall be assessed.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. *The County Highway Authority* raises no objections as per the previously withdrawn application.

INTERNAL CONSULTEE RESPONSES:

17. *The County Ecologist* raises no objections
18. *The Landscape Section* states that the main concern with this application is the cumulative impact of turbines in the area. This is however a subjective matter. Due to the orientation of dwellings within Stanley Crook, and their tendency to screen each other, there would not generally be a significant impact on views from public areas within the village. The proposed turbine appears in the same view as some of the existing turbines, as shown in the photomontages. In addition, the proposed turbine would be a dominant feature in views from public footpaths immediately east of the village, while the Broom Hill turbines are already dominant features in views from paths to the north. Views from some points north and east of Stanley Crook would contain the Broom Hill turbines in one direction and the proposed turbine in the opposite direction. The approach to Stanley Crook from the north west, through Tow Law, is dominated by large wind turbines over a considerable distance. This proposal would extend the conspicuous presence of turbines to the other side of Stanley Crook.

PUBLIC RESPONSES:

19. One e-mail objecting to the development has been received making the following comments:
20. An additional turbine in the area would be detrimental to the character of the area.
21. Would be detrimental to views.
22. The photomontages make the area look as industrialised as possible.
23. Do not like the way in which the applicant is donating money to the community centre to gain support for the planning application.

APPLICANTS STATEMENT:

24. The applicant's statement is based on the submitted planning statement.
25. The landscape is considered to have low to medium sensitivity. The development would cause slight adverse change, as it will cause slight change to the existing landscape resources.
26. The impact of the development will be localised.
27. Any potential cumulative impacts from other existing and proposed wind farms in the 30km study area, are arbitrated by various factors including distance, localised screening by the intervening topography, vegetation, buildings and settlements.
28. It is anticipated that the turbine would be decommissioned after 25 years.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

29. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, visual impact on the landscape, impact on neighbouring properties, ecology and other matters.

Principle of the development

30. National planning policy applies a presumption in favour of the prudent use of natural resources. The proposed development would provide a valuable contribution to the renewable energy output and to meeting energy needs locally. The site is located within a rural area; PPS 22 recognises the importance of renewable energy creation in rural locations particularly in terms of its economic and social benefits, specifically but not inclusive to job creation, community pride, securing reliable power supply in rural areas, reducing energy costs and farm diversification.
31. Policies 3 and 39 of the North East of England RSS supports the increase of renewable energy capacity and policy 39 – Renewable Energy Generation aspires to increase renewable electricity generation to achieve 20% of regional consumption by 2020. Policy 40 encourages renewable energy proposals subject to the impact on the landscape and wildlife being acceptable. The proposal accords with PPS 22: Renewable Energy and the North East of England RSS policies 3, 39 and 40 in terms of the principle of development.
32. Local plan policy U15 supports development for the generation of energy from renewable resources provided there is no unacceptable adverse impacts on the landscape and openness of the green belt, nature conservation interests, the amenity of local residents or on the historic environment. These issues are addressed in detail below.

33. It is considered that the proposed development would be acceptable in principle in terms of national, regional and local planning policy.

Visual impact on the landscape

34. The issue of visual impact should be considered in terms of overbearing impact to neighbouring properties and in terms of whether or not the wind turbine would be detrimental to the appearance of the surrounding landscape. Given the distance of the wind turbine some 580 metres from the nearest neighbouring residential properties, it is considered that the wind turbine would not be unduly overbearing to occupiers of neighbouring properties. Due to the orientation of dwellings within Stanley Crook, and their tendency to screen each other, there would not generally be a significant impact on views from public areas within the village. The wind turbine would however be relatively prominent in views along the road when approaching Stanley Crook from Willington. However it is considered that the wind turbine would not appear incongruous in the landscape as it would be viewed against operational wind farms at Tow Law and Broomhill.

35. The landscape section has concerns as to the cumulative impacts of an additional wind turbine in the area. The siting of the turbine would extend the area in which wind turbines are present. The proposed development must be considered in relation to its setting. The submitted photomontages show the proposed wind turbine against the backdrop of operational wind farms at Tow Law and Broomhill. It is considered that the proposed wind turbine would have an impact on the landscape however it is considered that the cumulative impact of wind turbines in this part of County Durham would not be significantly detrimental to the quality of the landscape in accordance with policy U15 of the City of Durham Local Plan 2004.

36. It is considered that the proposed wind turbine would not be detrimental to the visual appearance of the area. The proposal is therefore in accordance with policy U15 of the City of Durham Local Plan 2004.

Impact on neighbouring properties

37. In terms of noise impact to neighbouring dwellings the proposed wind turbine has been designed to have minimal noise impact in the surrounding area of the application site. Planning Policy Statement 22: Renewable Energy (PPS 22) accompanying guidance advises that 'noise levels from turbines are generally low and under most operating conditions, it is likely turbine noise would be completely masked by wind generated background noise'. It is therefore considered that given the distance to neighbouring properties the likelihood of noise nuisance originating from a wind turbine the size and design of the turbine subject of this application, is relatively low provided that the turbine is maintained in accordance with the manufacturers specification. It is more likely that the noise it would make would be drowned out by existing sound within the environment surrounding the site. This is in accordance with policy U15 of the City of Durham Local Plan 2004 and PPS 22.

38. In relation to shadow flicker Planning Policy Statement 22: Renewable Energy (PPS 22) accompanying guidance advises that shadow flicker only affects properties within 130 degrees either side of north, relative to the turbines. There are neighbouring properties to the application site within this latitude however the turbine is sited at a significant distance from the properties to mitigate any shadow flicker as shadow flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore as the turbine has a blade diameter of 52 metres, the potential shadow

flicker effect could only be felt up to 520 metres from the proposed wind turbine. The nearest neighbouring property to the application site would be located 580 metres from the proposed wind turbine. The proposal accords with policy U15 of the City of Durham Local Plan 2004 and PPS 22.

Ecology

39. The presence of protected species such as bats is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
40. The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three tests are that:
- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative; and
 - favourable conservation status of the species must be maintained.
41. Notwithstanding the licensing regime, the Local planning authority (LPA) must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
42. Durham County Council's ecologist has raised no objections to the proposed development and has no concerns as to the impacts of the proposal on protected species. The proposed development would be in accordance with policy U15 of the City of Durham Local Plan 2004, PPS9 and the Habitats Directive.

Other issues

43. The applicant has informed the local planning authority that he has offered to donate £3000.00 per year to the Stanley Crook Community Centre as community benefit from the proposed wind turbine. Office of the Deputy prime minister (ODPM) Circular 05/05 states that planning obligations should never be used purely as a means of securing for the local community a share in the profits of development, i.e. as a means of securing a "betterment levy". In basic terms planning permission cannot be bought. Members are reminded that the applicants offer to the community must not be considered in deciding this application.

CONCLUSION

44. National and regional planning policy supports the prudent use of natural resources through the development of renewable energy systems. The proposed scheme would contribute to the renewable energy output and to local energy supply. This is in accordance with policy U15 of the City of Durham Local Plan 2004, the North East of England Plan – Regional Spatial Strategy to 2021 (RSS) and PPS 22.
45. The proposed wind turbine by reason of its siting, design, mass and scale would not have an adverse impact upon the appearance of the site or surrounding area. It would not appear over dominant within the landscape or to occupiers of neighbouring properties. This is In accordance with policy U15 of the City of Durham Local Plan 2004 and the North East of England Plan – Regional Spatial Strategy 2021 (RSS).
46. The proposed development would not create any adverse impacts for protected species. This is in accordance with PPS9.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
SB1009/001/c	Site Location Plan	21/10/2011
SB1009/002/b	Site plan	6/10/2011
SB1009/005/b	Photomontage 1	6/10/2011
SB1009/006/b	Photomontage 2	6/10/2011
SB1009/007/b	Photomontage 3	6/10/2011
SB1009/008/b	Photomontage 4	6/10/2011
SB1009/009/b	Photomontage 5	6/10/2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policy U15 of the City of Durham Local Plan.

3. If the wind generator hereby permitted ceases to operate for a continuous period of 12 months, a scheme for the decommissioning and removal of the wind turbine generator and any other ancillary equipment and structures relating solely to that generator, shall be submitted to and agreed in writing by the local planning authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 3 months of the date of its agreement in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area and to comply with policy U15 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

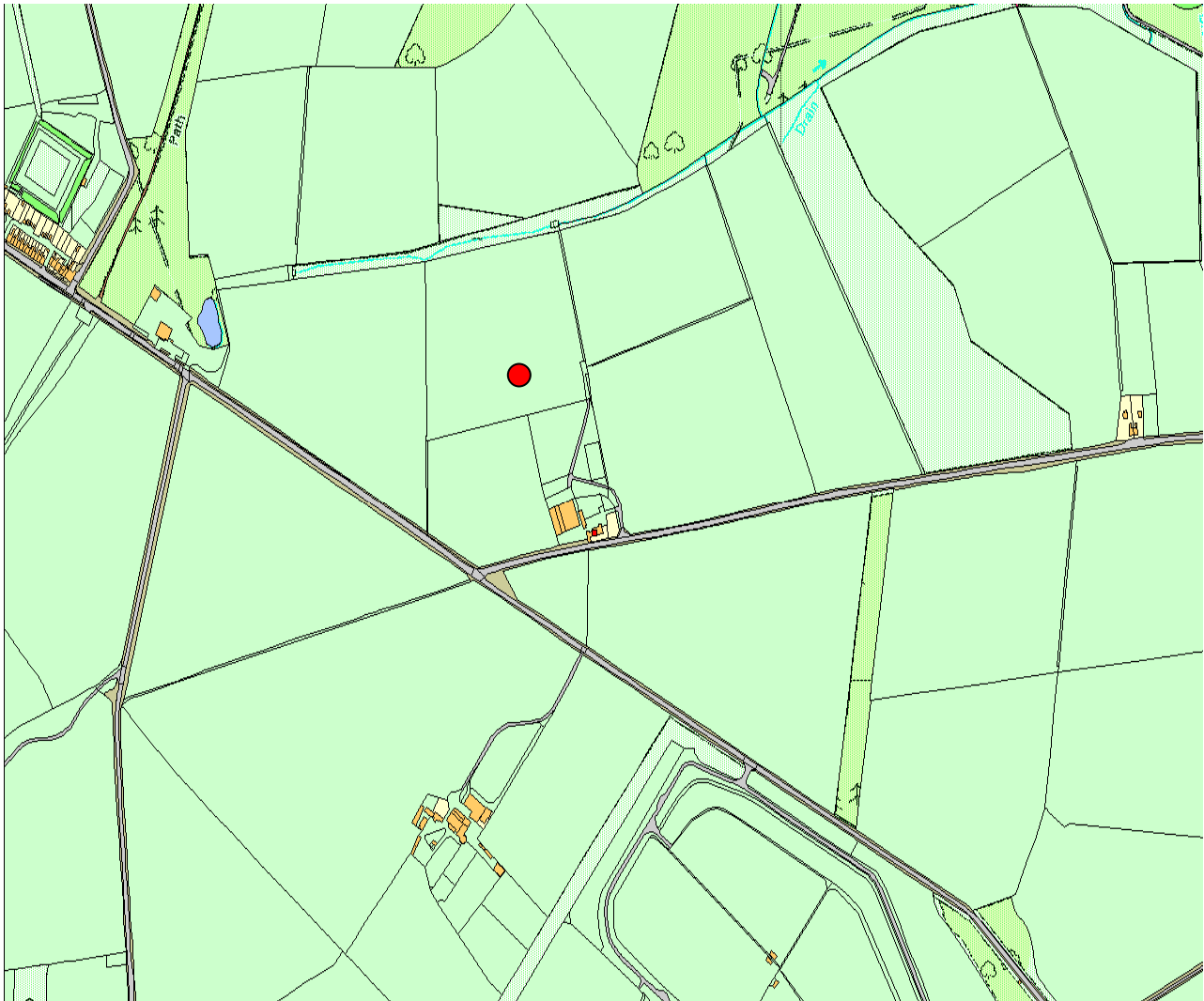
1. The proposed scheme accords with national and regional planning policy which supports the prudent use of natural resources through the development of renewable energy supplies. The proposed scheme would contribute to the renewable energy output and to local energy supply. This is in accordance with PPS1 and PPS22.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

2. The proposed wind turbine by reason of its siting, design, mass and scale would not have an adverse impact upon the appearance of the site or surrounding area. It would not appear over dominant within the landscape or to occupiers of neighbouring properties. This is in accordance with policy U15 of the City of Durham Local Plan 2004.
3. The impact on protected species would be acceptable. This is in accordance with the policy U15 of the City of Durham local Plan 2004, the Habitats Directive and PPS9.

BACKGROUND PAPERS

Application files
consultation responses
The City of Durham Local Plan 2004
Regional Spatial Strategy (RSS)
PPS1
PPS9
PPS22



Planning Services

Tanners Hall Farm, Stockley Lane, Willington,
Crook co Durham

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Comments

Erection of 70m high wind turbine and associated meter housing and access track

Date 13th December 2011

Scale 1:5000