

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01428/FPA
FULL APPLICATION DESCRIPTION:	Proposed wind turbine of 36.6 m maximum tip height with associated meter house and access track.
NAME OF APPLICANT:	Mr D Hodgson
ADDRESS:	Land east of Van Farm, Green Lane, Hutton Magna
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Peter Herbert Senior Planning Officer 03000 261391 peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application site lies approximately 1.3km west of Hutton Magna village at the southern edge of County Durham within agricultural land. Green Lane runs in an east-west direction 0.3km to the north, the main trans-Pennine A66 trunk road runs in an east west direction 1.6km to the south. To the east lies the village of Hutton Magna, to the west lies Thorpe Farm at 2km distance.
2. The nearest residential property is Van Farm 580m to the north-west of the site. The next closest dwellings are all over 1km away, they being Souththorpe Farm to the north-west (1.2km), Thorpe Farm to the west (1.8km) and Newsham Grange to the south (1.2km). Bridleway No 13 and Footpath No 19 (Wycliffe with Thorpe) lie approximately 175 m to the east of the proposed turbine.
3. The landscape characteristic of the site and its surroundings is one of gentle undulation, within which there is a small number of villages, hamlets and a few groups of rural dwellings. The site does not lie within any locally or nationally designated landscape. The Yorkshire Dales National Park lies 7km to south-west and the North Pennines Area of Outstanding Natural Beauty (AONB) lies 3.5km to the west. An Area of High Landscape Values lies over 2km to the west and approximately 1.5km to the north.

- Listed buildings are located over 1.2km to the east in Hutton Magna. The village of Whorlton lies approximately 2km to the north and is a conservation area. Barnard Castle is 7km to the north-west and also has a conservation area and a number of listed buildings.

Proposal

- Planning permission is sought for the erection of a single three blade wind turbine with a tip height of 36.6m, a hub height of 25m, and rotor diameter of 23.2m. Output would be 95kW. The turbine would be erected on a concrete base, with a 17.5m² flat roofed communications and transformer kiosk of 1.8m in height located at the foot of the turbine. From this point electricity generated from the turbine would directly feed land drainage pumps at Hutton Farm, with any surplus connected to the grid. All cable connections would be located underground. Access would be via an existing track running south from Green Lane, and from there it is a short distance to the site. The access track runs adjacent to the Bridleway from its junction at Green Lane and only share a bridge over an existing drainage channel. The turbine would be delivered in sections and have an operational life of 25 years, after which it would be decommissioned and removed from site.
- The applicant operates a mixed land holding at Hutton Farm consisting of arable and grazing land capable of supporting up to 1400 sheep. The application site lies within a high risk flood zone. Two land drainage pumps were installed more than 25 years ago adjacent to the site to help ensure all ground and surface water is directed into existing water courses. These pumps were maintained by various agencies, the Environment Agency being the most recent. However, two years ago this ceased following a change in the Agency's responsibilities. It therefore fell to the applicant to manage the pumps in order to minimise the risk of flooding resulting from inadequate drainage to both his land and that of surrounding properties. The pumps drain over 100 acres of land belonging to both the applicant and a neighbour, helping to safeguard arable fields and livestock.

PLANNING HISTORY

- An earlier planning application (6/2013/0291/DM) for two wind turbines in a similar location to that now under consideration was withdrawn in 2013 following officer advice that unacceptable landscape impact would result.

PLANNING POLICY

NATIONAL POLICY

- The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.

9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. One of the twelve core principles is support for the transition to a low carbon future in a changing climate, and encouragement for the use of renewable resources. Paragraph 98 advises that when determining applications, local planning authorities should not require applicants to demonstrate need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve the application (unless material considerations indicate otherwise) if its impacts are acceptable.
11. *NPPF Part 1 – Building a strong, competitive economy* – The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system.
12. *NPPF Part 3 – Supporting a Prosperous Rural Economy*. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
13. *NPPF Part 4 – Promoting Sustainable Transport*. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
14. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* – Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment* – The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment* – Local Planning Authorities should have a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets, recognising that

these are an irreplaceable resource and conserving them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: conserving and enhancing the historic environment; consultation and pre-decision matters; design; flood risk and coastal change; health and well-being; natural environment; noise; public rights of way and local green space; renewable and low carbon energy; transport assessments and statements; and use of planning conditions. The advice on renewable and low carbon energy includes detailed advice on particular considerations for wind development and includes a recent update following a Written Ministerial Statement on 18th June 2015.

<http://planningguidance.planningportal.gov.uk/> (*National Planning Practice Guidance*)

LOCAL PLAN POLICY:

Teesdale District Local Plan 2009 (TDLP)

19. *Policy GD1 – General Development Criteria* permits – development that (inter alia) is in keeping with the character and appearance of the area, and would not unreasonably harm the rural landscape of the area or the residential amenity levels of those who live within it.
20. *Policy C6 –Other Forms of Renewable Energy* – permits single wind turbines provided that unacceptable harm does not result to the character and appearance of the area, to residential amenity, the ecology of the area, archaeology, or the performance of military radar or military low flying operations.
21. *Policy ENV1 – Protection of the Countryside* – allows (inter alia) development in the countryside for the purposes of an existing countryside use provided that it does not unreasonably harm the landscape and wildlife resources of the area.
22. *Policy ENV2 – Development within or Adjacent to the North Pennines ANOB* – only permits development capable of protecting the landscape quality and natural beauty of the designated area.
23. *Policy ENV3 – Development Within Or adjacent To An Area Of High Landscape Value* – allows development only where it does not detract from such an area's special character and pays special attention to the landscape qualities of the area.
24. *Policy ENV12 – Protection of Agricultural Land* – states that development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.
25. *Policy ENV14 – Protection of Water Quality* – states development will not be permitted which would unacceptably prejudice the quality of surface or ground water.

26. *Policy ENV15 – Development Affecting Flood Risk* – state development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. All applications for development in flood risk areas and/or where the development would result in an increased risk of flooding elsewhere will be accompanied by a flood risk assessment.
27. *Policy ENV16 – Development Affecting Rivers Or Streams and Their Corridors* – states that the Council will resist development, which would have a significant detrimental impact on natural features and wildlife habitats of rivers and streams or their corridors.
28. *Policy BENV3 – Development Adversely Affecting the Character of a Listed Building* – precludes development that would adversely affect the character of a listed building or its setting.
29. *Policy BENV4 – Development within and /or adjoining Conservation Areas* – precludes development that would adversely affect the setting of a conservation area or the views into or out of the area.
30. *Policy TR10 – Development affecting Public Rights of Way* – precludes development that would directly affect a public right of way unless an acceptable and equivalent route is provided. Where possible, development should facilitate the incorporation rather than diversion of public rights of way.

RELEVANT EMERGING POLICY:

The County Durham Plan (CDP)

31. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report. Relevant policies are listed below, and the weight to be afforded to them is discussed in the main body of the report.
32. *Policy 22 – Wind Turbine Development* sets out the Council's direction of travel in respect of wind energy. This states that planning permission will be granted for the development of wind turbines unless, amongst other things, there would be significant harm to residential amenity, landscape character and important species and habitat. In order to safeguard residential amenity, turbines should be located a minimum separation distance of 6 times the turbine height from a residential property. The Policy also seeks to protect designated heritage assets and their settings, airport radar systems, and sets a clearance distance from public rights of way and the public highway.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Wycliffe with Thorpe Parish Meeting* – opposes the application. Having canvassed the 112 households consulted by the Council as part of its public consultation process, the Meeting received 14 responses in support and 26 against. Reference has been made to the recent ministerial guidance now reflected within the PPG concerning the requirement for community support for wind turbine applications to succeed, it being concluded that opposition to this proposal is overwhelming.
34. *Highway Authority* – offers no objection. However, requests that access to the site must be west bound along Green Lane, and the reverse for the return journey.
35. *Newcastle International Airport* – offers no objection. The turbine's modest nature and distance from the airport offer no risk to the safe operation of the airport.
36. *Durham Tees Valley Airport*. – offers no objection. The proposed turbine is considered unlikely to have an impact on air traffic services, and as a result, would not impact on current operations at DTVA and has no objections in relation to aerodrome safeguarding.
37. *Ministry of Defence* – offers no objection. The proposal is not considered to have any impact on air traffic movements, or interference to Air Traffic Control and Air Defence radar installations.

INTERNAL CONSULTEE RESPONSES:

38. *Landscape* – offers no objection. It is considered that visual impact would be limited mainly to from local roads, with views from the A66 restricted by roadside planting and topography. The site does not lie within locally or nationally designated landscape, although it is noted that it would be seen from the adjacent Area of High Landscape Value (AHLV) and the North Pennines Area of Outstanding Natural Beauty (AONB) to the west. No cumulative impacts with other turbines are considered to result from this proposal. Visual impact is considered to be only moderately negative, but acceptable subject to turbine colour and design in respect of hub height relative to blade length to be secured by condition.
39. *Design & Conservation* – offers no objection. Noting that there are number of heritage assets within Hutton Magna and within the surrounding area it is considered that the proposed turbine would have minimal impacts upon nearby designated heritage assets.
40. *Archaeology* – officers offer no objection noting that there are no archaeological issues raised by the proposal.
41. *Ecology* – offers no objection. Provided the stand-off distance of 50 m between the turbine and likely foraging/commuting route (i.e. the water course/stell to the immediate north of the proposed site) is adhered to the, the likely impacts on protected and priority species is deemed to be low.

42. *Environmental Health* – offers no objections provided any planning approval is subject to a condition addressing noise control in order to minimise environmental impact.
43. *Access & Public Rights of Way* – offers no objection. It is noted that Bridleway No 13 and Footpath No 19 (Wycliffe with Thorpe) are adjacent to the application site, approximately 175m away from the proposed turbine at its closest point. This is recognised as being beyond current guidance on separation distances concerning public rights of way and is close to the British Horse Society recommended separation distance of 200m. Officers are satisfied with the proposed access arrangements in relation to proximity to the Bridleway but advise that the storage of materials, delivery vehicle movements and barriers must at no time interfere with the use of these public rights of way by members of the public.

PUBLIC RESPONSES:

44. This application has been publicised by site notices, and notification letters have been sent to those living in the vicinity of the site. Seven letters of objection (including from the Campaign to Protect Rural England (CPRE) and the Open Spaces Society and Ramblers Association (OSSRA), five letters of support and one other have been received.

Objections

45. Those who object to the proposal consider the turbine to be visually harmful within the landscape, the approval of which would set an unfortunate precedent. There are also concerns regarding the turbine being higher than that required purely to power the drainage pumps. However, there would be support for a much lower 9m high turbine.
46. *CPRE* objects to the application on the grounds that the benefits would not outweigh the visual harm. The turbine height is stated to be excessive relative to the demands of running the pumps, and it is questioned how the pumps would be powered on a day of high flood risk when there be insufficient wind to power the turbine.
47. *The Open Spaces Society and the Ramblers Association* consider the proposed turbine to be visually detrimental to the beauty of the countryside. Furthermore, it is considered that it would have an adverse visual impact upon those using local footpaths, including the Teesdale Way approximately 1 km away, and bridleways. In respect of the latter, it is suggested that shadow flicker would potentially be a serious problem for horses, causing them to take fright.

Support

48. Those in favour of the proposal testify to the good husbandry employed by the applicant in respect of the farming of his land, the absence of significant visual impact resulting from the proposed turbine, and support renewable energy use. It is also acknowledged that the pumps to be powered by the turbine are of community benefit in terms of the drainage of the local land, accordingly benefits are said to outweigh perceived harm.
49. A local resident, although neither supporting nor opposing the application, has written to question the Parish Meeting's calculations, stating that 112 households were consulted of which only 26 objected, which does not constitute an

overwhelming 65% vote against the proposal. It is added that the Parish Meeting has not endorsed the Clerk's objection letter.

APPLICANTS STATEMENT:

50. To date there have been no objections from any statutory consultees. We have worked closely with the LPA since the withdrawal of the last application to ensure the most appropriately sized proposal. This has been accompanied by a full Landscape and Visual Impact Assessment which has demonstrated its acceptance in the landscape. This combined with all other planning impacts identified in the submitted planning statement have concluded that on balance the scheme is acceptable as it complies with all local and national planning policy.
51. In response to issues raised by third parties, the pumps would use the majority of the electricity generated when the turbines are operating. Any surplus when the pumps are not in use will be exported into the local grid network for direct use by surrounding properties. The pumps will remain connected to the grid network if the turbine is not in operation and they require electricity.
52. Wycliffe with Thorpe Parish is not the 'host' parish council and we would therefore argue they do not represent the local 'host' community of Hutton Magna.
53. The turbines would still operate if any revised tariffs for wind generation were removed. The purpose of the proposed turbine is to provide renewable energy at a cost far less than the current import rate, which will in turn reduce the running costs and guarantee the long term viability of the land pumps.
54. A petition has been received. We have no comments on this as the numbers are self-explanatory. However, in regard to a suggested 9m high turbine, this type of machine is financially unviable for the site. They are inefficient machines that produce little power and would not be sufficient enough to power the land pumps.
55. There have been 5 individual letters of objection received, and two of these are from the same property. In addition, one objection does not state an address. As such only 3 properties have objected. There have however been 6 individual letters of support received.
56. In regard to the precedent concern, this site has very special specific circumstances which would be very difficult to replicate elsewhere. Each case must be assessed on its own merits, and in this case the applicant considers the benefits to outweigh any harm. We would happily provide more details of the turbine design by condition if required. Ecology has been fully assessed by the applicant, and the proposal has been positioned far enough away from all watercourses as recommended by national guidance.
57. On balance, based upon individual letters, this application has a significant level of community support.

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://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

58. 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 development, residential amenity, landscape impact, ecology, heritage assets, flood risk, access and public rights of way, aviation and radar, economic and public benefit, degree of community support and other matters.

Principle of Development

59. TDLP Policy ENV1 seeks to protect the countryside allowing for development in the countryside for the purposes of an existing countryside use provided that it does not unreasonably harm the landscape and wildlife resources of the area. Renewable energy development is not cited an example of development that is acceptable in the countryside in principle. The proposed development would be contrary to TDLP Policy ENV1. TDLP Policy ENV1 is restrictive and the approach is only partially compliant with the NPPF and therefore limited weight is attributed to this Policy.
60. The TDLP in Policy C6 contains a specific saved policy providing guidance on single wind turbines. TDLP Policy C6 specifically permits single wind turbines provided that unacceptable harm does not result to the character and appearance of the area, to residential amenity, the ecology of the area, archaeology, or the performance of military radar or military low flying operations.
61. One of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourage the use of renewable resources (for example by the development of renewable energy).”
62. The NPPF also advises at paragraph 98 that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that applications should be approved (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.
63. The Planning Practice Guidance (PPG) includes dedicated guidance with regards to renewable energy and in principle also supports renewable energy development considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The PPG includes advice more specifically relevant to wind turbine development including an updated section following a Written Ministerial Statement dated 18th June 2015. This includes advice that planning permission should only be approved for wind farm development where it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. A specific section of this report is dedicated to this guidance.
64. Only very limited weight can be given to the emerging County Durham Plan (CDP) Policy 22, however, the policy does not object to the principle of wind turbine development though there is a presumption against some wind farm developments within the AONB, which is not applicable in this instance. The proposed development is some distance from both AONB and AHLV designations.

65. There is national support to the principle of on-shore wind energy development, being compliant with Part 10 of the NPPF. However, the acceptability of the scheme in terms of TDLP Policy C6 rests with the assessment of these issues and impacts in the following paragraphs of this report including the scope for control by condition or legal agreement.
66. It can therefore be concluded that there is a presumption in favour of wind turbine development that does not result in unacceptable harm. TDLP Policies GD1 and C6 are considered to be fully consistent with the NPPF and therefore carry full weight. Policy ENV1 is considered partially consistent with the NPPF in taking a more permissive attitude towards development in the countryside.

Residential Amenity

67. The nearest residential property unconnected with this proposal is Van Farm 580 m to the north west of the turbine site, 16 times rotor tip height. Within the supporting Landscape and Visual Impact Assessment it is stated that, although the property would have some views of the proposed turbine, they would be filtered by vegetation, with a consequent reduction in impact. The applicant therefore concludes that the property would not be affected to such a degree that the turbine would be either oppressive or overbearing, rendering it to be an unattractive place in which to live, and this is accepted by Landscape officers. No other property would be so affected.

Noise

68. The National Planning Policy Framework at paragraph 123 requires LPAs to consider the impact of noise relating to new development giving rise to health and amenity issues for adjacent residents. Planning Practice Guidance commends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97) (launched in March 2014). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. Among other things, this document states that noise from wind farms should be limited to 5dB (A) above background noise for both day and night-time periods. The now defunct PPS24, former national planning guidance in relation to noise, advises that a change of 3dB (A) is the minimum perceptible to the human ear under normal conditions. Thus it is not intended that with developments there should be no perceptible noise at the nearest properties, rather the 5dB (A) limit is designed to strike a balance between the impact of noise from turbines and the need to ensure satisfactory living conditions for those individuals who might be exposed to it. The ETSU guidance also recommends that both day and night time lower fixed limits can be increased to 45dB(A) where the occupier of the affected property has some financial involvement in the wind farm.
69. Environment, Health and Consumer Protection officers have assessed the application and submitted assessment and raise no objections. Officers recommend that, through condition, maximum noise levels are specified and procedures for dealing with complaints.
70. The potential noise impacts accord with the relevant guidance for such developments and no objections are raised by Environment, Health and Consumer Protection subject to appropriate conditions.

Shadow Flicker

71. Under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker', and only occurs inside buildings where the flicker appears through a window.
72. A property must therefore be within 10 rotor diameters of the turbine in order to experience shadow flicker, 232m in this case. There are no properties within 10 times. It is therefore considered unlikely that there would be any incidences of shadow flicker.
73. It has been suggested that shadow flicker could affect horses using the bridleway closeby. Shadow Flicker only occurs when rotating wind turbine blades cause a flickering effect by periodically casting shadows as they turn when viewed through constrained openings such as windows. It is not considered that this would occur in the open.
74. No objections are raised with regard to the impact of the development upon residential amenity having regard to TDLP Policies GD1 and C6 and Parts 10 and 11 of the NPPF.

Landscape Impact

75. Part 11 of the NPPF requires the planning system to safeguard valued landscapes. Policies GD1 and C6 protect the Teesdale countryside from unreasonable harm to its character, appearance and rural landscape, but allow single wind turbines where unacceptable harm does not result.
76. Landscape officers have reviewed the submitted Landscape and Visual Impact Assessment and accept its conclusion that there would be some localised effects on the landscape within the immediate vicinity of the site and up to approximately 1.2kms away, but that it would be no greater than moderate. It is also accepted that effects on neighbouring landscape character areas would be slight, and that there would be no cumulative impact with any other turbines within the area.
77. The site lies in open farmland outside any locally or nationally designated landscape, with scattered plantations and dispersed farms. The turbine would be visible from the adjacent AHLV and North Pennines AONB, but the impact would be diminished by distance. Views from the A66 to the south are increasingly restricted by roadside planting and topography.
78. The turbine would inevitably be readily apparent from public viewpoints along local roads, footpaths and bridleway, but once again the impact is judged to be no greater than moderately negative. The topography of the area would result in the turbine being seen partly or wholly against a background of land or vegetation rather than sky in many views, therefore it is considered important that the turbine be coloured dark grey. This would significantly reduce the turbine's visibility in those views where it is seen against ground, and help it to be inconspicuous in the longer distance and more panoramic views. This would be secured through condition.
79. Policy ENV2 of the TDLP seeks to safeguard the North Pennines ANOB and, as discussed, Landscape officers consider visual impact to be no greater than slight due to the distance between it and the turbine (3.55 km). Accordingly, the objectives of Policy ENV2 are considered to have been complied with in respect of the protection

of the landscape quality and natural beauty of the AONB. Nor is it considered that the proposal would conflict with TDLP Policy ENV3 in respect of impact upon the AHLV some 2km to the west and approximately 1.5km to the north.

80. Officers raise no objections to the impact of the development upon the landscape and character and appearance of the area with the development compliant with TDLP Policies ENV1 and C6 and having regard to Parts 7, 10 and 11 of the NPPF.

Ecology

81. Policy ENV1 seeks to safeguard wildlife from unreasonable harm resulting from countryside related development proposals. Ecology Officers do not consider the application site or its surroundings to be particularly ecologically sensitive. However, Natural England guidance should be followed in terms of stand-off distances from potential wildlife foraging and commuting routes such as hedges, watercourses and wetland. The proposed turbine position respects the 50m minimum separation distance from such features. Accordingly the application is again considered to be compliant with TDLP Policy C6 and Part 11 of the NPPF.

Heritage Assets

82. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm to the setting of a listed building is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
83. The NPPF defines the setting of a heritage asset as; “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
84. There are conservations areas at Whorlton some 2km to the north and at Barnard Castle is 7km to the north-west. It is considered that the turbine would be sufficient distance away so as to ensure that the character and appearance of the conservation areas would not be affected, and would not conflict with TDLP Policy BENV4.
85. St Mary’s Church, Wycliffe (Grade I) is located some 1.6km to the north east of the application site. The proposed turbine would appear to have with less than substantial harm on designated heritage assets within the surrounding landscape. St Mary’s Church and Wycliffe Hall (Grade II*) are situated at a lower level on the slopes of the River Tees, given the changes in level, the stand off distance and the presence of existing mature trees, inter visibility would be very limited and the turbine is not considered to have any adverse impacts in this respect. Views of the turbine from Thorpe Hall (Grade II*) would be somewhat restricted due to stand offs and mature trees.

86. The closest heritage assets to the application site are the complex of buildings at Hutton Hall (Grade II), St Mary's Church, Hutton Magna (Grade II) and the scheduled monument to the south of Hutton Hall on the eastern side of Hutton Magna. These assets would have an open and largely uninterrupted view of the turbine. However, at approximately 1.2km distance, and taking into account its relatively modest height, the turbine would be viewed within the wider landscape as merely a further feature, with less than substantial harm to the significance of those heritage assets.
87. The NPPF at paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The economic and public benefits of the proposal can be summarised as making a contribution to the rural economy by providing low carbon energy to an agricultural holding, benefitting the local community by draining land at risk of flooding, with implicit environmental benefits resulting from the use of natural resources and flood protection. Notwithstanding the statutory presumption against the grant of planning permission as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the harm has been considered and the public benefits are considered sufficient to outweigh any harm to the significance of the designated heritage assets.
88. Archeology officers have confirmed that there are no archaeological issues raised by this proposal.
89. No objections to the development on heritage grounds are raised having regard to TDLP Policies GD1, BENV2, BENV3 and C6 and Part 12 of the NPPF

Flood Risk

90. The nearest fluvial watercourses to the site are the Main Stell which flanks the northern site boundary, and Smallways Beck which flows along the eastern site boundary. The Main Stell has a sluice outfall into Smallways Beck on the north eastern corner of the site. The application site is located within Flood Zones 2 and 3, with the turbine being located within sub category Zone 3a. A Flood Risk Assessment has been submitted with the application. The assessment considers that due to the nature and location of the proposed development the site passes the sequential test of alternative sites, whilst the sustainable benefit of renewable energy combined with safe development allows the site to pass the exception test.
91. In addition the turbine would be connected to two existing land pumps which would form an important mechanism in ensuring suitable and adequate flood protection from surface and ground water runoff. It is considered that the turbine would help safeguard the future of the pumps in providing a secure and viable energy source to the benefit not only of the application site but also the surrounding farm land and properties. It is not considered that there would be unacceptable impacts in relation to flood risk. The proposed development would therefore no conflict with TLP Policies GD1, ENV14, ENV15, ENV16 and Parts 10 and 11 of the NPPF.

Access and Public Rights of Way

92. Proposed access arrangements to the site during the construction phase from Green Lane to the north are considered to be acceptable. No objections are raised by the Highways Authority. Although adjacent to the proposed access, public footpaths and bridleways would not be affected by the proposal. The proposal would not conflict with TDLP Policy TR10.

Aviation and Radar

93. Wind turbines may represent a risk of collision with low flying aircraft and interfere with the proper operation of radar. The rotation of the turbine blades would be detected on the airport's primary radar creating clutter, which could be highly distracting for air traffic control. No objections have been received from DTVA and Newcastle Airports or the Ministry of Defence. The proposal would therefore accord with TDLP Policy C6 in this regard.

Economic and Public Benefit

94. Part 1 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which incorporates three dimensions which give rise to the need for the planning system to perform a number of roles: economic, social and environmental. In this respect it is clear that the proposed development would make a contribution to the rural economy by providing low carbon energy to an agricultural holding, benefitting the local community by draining land at risk of flooding, with implicit environmental benefits resulting from the use of natural resources and flood protection.

Degree of Community Support

95. A Written Ministerial Statement (WMS) made on 18th June 2015 set out new considerations to be applied to wind energy development. The PPG has also been updated to reflect the content of the WMS. Where an application was already valid at the point of this new guidance emerging then transitional provisions apply. The guidance advises that with regards to this application local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. The PPG advises that whether the proposal has the backing of the affected local community is a planning judgement for the local authority. No definition of what constitutes the affected local communities is provided.
96. It should be noted that there has been no change to the NPPF as a result of the Ministerial Statement, therefore this remains the primary source of national policy for onshore wind energy development. Accordingly, very significant weight must be attached to Part 10 of the NPPF, and in comparison less weight afforded to the WMS and PPG, although they are material considerations.
97. Following extensive publicity, that has included site notices and individual letters sent to 112 local households, 5 responded in support and 5 against. Reaction to the proposal can therefore be described as evenly balanced. The Parish meeting has stated an overwhelming level of opposition to the scheme, based upon its own consultation with the same 112 households. However, a return of 14 letters in support and 26 against cannot be said, as the Parish Meeting Clerk suggests, that this represents 65% against the proposal and thus overwhelming opposition. In actuality 26 as a percentage of 112 is 23%. It must therefore be concluded that the proposal has both support and opposition within the local community, and this should be factored into the balance of whether the proposal is acceptable. Moreover, even if objections do outnumber supporters, as the Parish Meeting suggests, the numbers are a comparatively small proportion of the overall number of local households.

98. The PPG states that, following consultation, planning permission may be granted if it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the development proposal has their backing. The prime concern has been identified as landscape impact, and the precedent a turbine in this location would set. It has been demonstrated to the satisfaction of Landscape officers that landscape and visual impact would be modest given the application site's location, distance from roads, and the height of the proposed turbine. There is also the opportunity to further reduce the impact of the turbine by ensuring it is dark grey in colour. No precedent would be set as each planning application must be assessed on its individual merits. It is therefore considered in these circumstances that the test set by the PPG has been met.

Other Matters

99. The application site is on agricultural land (Grade 3) but given the size of the footprint of the wind turbine it is considered that the proposal would not conflict with TDLP Policy ENV12 which seeks to protect best and most versatile agricultural land.

CONCLUSION

100. National guidance contained within the NPPF and PPG highlight the national need for renewable energy and the wide economic and environmental benefits that accompany renewable energy proposals are significant material considerations which have to be given substantial weight. The NPPF identifies provision of renewable energy and associated infrastructure as central to the economic, social and environmental dimensions of sustainable development. Therefore there is a presumption in favour of the principle of wind turbine proposals. Part 10 of the NPPF states that such proposals should be approved if impact is, or can be made, acceptable.
101. The visual impact of this proposal would be on the landscape immediately surrounding the application site rather than in long distance views, the turbine's height being considered moderate within the wind turbine hierarchy. No other negative impacts are likely to result, confirmed by an absence of objections from both statutory and internal professional consultees. Therefore such limited impact must be balanced against benefits.
102. Given the distance from the application site to the nearest residential properties it is highly unlikely that there would be any adverse impacts upon residential amenity. It is considered that there would be no detriment to the local highway network or public rights of way. Consideration has been given to ecology, heritage assets, flood risk, access and public rights of way, aviation and radar and it is considered that the proposal would not adversely impact upon them.
103. The number of objectors and supporters is finely balanced despite there being more of the former. This is a material consideration in respect of community support as required by the PPG. The main concern is landscape impact, but as already established, this would be limited. Therefore it can be said that community concern has been carefully considered and satisfactorily addressed.
104. Weighed against such comparatively modest impact are the benefits of the proposal. These are the implicit benefits of renewable energy generation, the economic benefit to the applicant in terms of reducing the cost of powering drainage pumps, and the community benefit of reducing flood risk in the area.

105. Therefore on balance this is considered to be sustainable development, the environmental, economic and community benefits of which outweigh any harm to the character and appearance of the landscape. There is therefore no conflict with planning policy.

RECOMMENDATION

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

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

SITE LOCATION PLAN FIGURE 001
SITE LAYOUT PLAN FIGURE 002
TYPICAL TURBINE ELEVATION FIGURE 003
E-4660 ELEVATION 24 M TOWER CLASS II 005668 REV 1

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

2. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of Commissioning of the Development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason: To define the consent.

3. Notwithstanding the information shown on the submitted drawings, no development shall commence until the turbine model and colour, and metre box design, size, colour and location are agreed in writing with the local planning.

Reason: In the interests of the visual amenity of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan. Required to be pre-commencement as essential to the acceptability of the hereby approved development, and to be implemented at an early stage in order to achieve early and full effectiveness.

4. Prior to the commencement of any works, a Construction Method Statement shall be submitted in writing to, and approved in writing by, the Local Planning Authority. Development shall be carried out in compliance with the approved Construction Method Statement.

Reason: In the interests of the amenity of nearby residents and in accordance with objectives of Policy GD1 of the Teesdale District Local Plan and advice contained within Part 11 of the NPPF. Required to be pre-commencement as essential to the acceptability of the hereby approved development, and to be implemented at an early stage in order to achieve early and full effectiveness.

5. No development shall commence until there has been submitted to the Local Planning Authority details of a nominated representative for the development to act as a point of contact for local residents, together with arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for dealing with any noise complaints made

during the construction, operation and decommissioning of the wind turbine development and liaison with the Local Planning Authority.

Reason: In order to prevent noise disturbance in accordance with advice contained within Part 11 of the NPPF. Required to be pre-commencement as essential to the acceptability of the hereby approved development, and to be implemented at an early stage in order to achieve early and full effectiveness.

6. All electrical cabling shall be located underground. Thereafter the excavated ground shall be reinstated to its former condition within 3 months of the commissioning of the wind turbine.

Reason: In the interests of the visual amenity of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan.

7. Not later than 12 months after the development hereby approved becomes operational, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires, or from the date of any earlier cessation of use as required by Condition 7 below, whichever is the earlier.

Reason: In the interests of the visual amenity of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan

8. If, prior to the expiry of the temporary planning permission hereby approved, the wind turbine generator hereby permitted ceases to operate for a continuous period of 6 months, the works agreed under the terms of Condition 8 above shall be completed within 12 months of the cessation of operations.

Reason: In the interests of the visual amenity of the area in accordance with Policies GD1 and ENV1 of the Teesdale District Local Plan

9. Should any complaint be received within 12 months of the final commissioning of the turbine relating to TV interference, the developer will undertake an investigation of the complaint within 1 month of the complaint being received. Should the investigation validate the complaint a mitigation plan will be prepared and agreed with the local planning authority and the agreed mitigation plan implemented.

Reason: In the interests of residential amenity and in accordance with the objectives of Policy GD1 of the Teesdale District Local Plan.

10. Before commencement of any work on site a report and plans confirming the proposed access routes to the site, and showing the maximum length, width and height of loaded delivery vehicles shall be submitted and approved by the Local Planning Authority. The report shall include details of any works required to the highway infrastructure to facilitate the deliveries associated with the approved works.

Reason: In the interests of highway safety and in accordance with the objectives of Policy GD1 of the Teesdale District Local Plan.

11. In relation to the development hereby permitted, construction machinery may be operated, construction processes may be carried out, and construction traffic may enter or leave the site between the hours of 0800 hours and 1800 hours Monday to

Friday and between the hours of 0800 hours and 1300 hours on Saturdays and at no other times nor on Sundays or Bank Holidays.

Reason: In the interests of the amenity levels of those who live in the area and in accordance with the objectives of Policy GD1 of the Teesdale District Local Plan.

12. Noise emissions from the site, as measured according to procedures outlined in ETSU-R-97 at any dwelling in existence at the date of this permission and not financially involved with the development, shall not exceed the greater of 35 dB LA90, 10min or 5 dB(A) above the established quiet day-time background noise level at any property between 0700-2300 and shall not exceed the greater of 43 dB LA90, 10min or 5 dB(A) above the pre-established night-time background noise level at that property between 23:00 and 07:00. The measured noise emissions shall include any tonal penalty if such is identified in accordance with the requirements of ETSU-R-97, "The Assessment and Rating of Noise from Windfarms".

Reason: In order to prevent noise disturbance in accordance with the Policy GD1 of the Teesdale District Local Plan.

13. Within 14 days of a written request of the Local Planning Authority and following a complaint to the Local Planning Authority from a dwelling occupant, the operator of the development shall measure and assess at its expense 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 as published by ETSU for the Department of Trade and Industry. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 2 months of the date of the written request of the Local Planning Authority.

Reason: In order to prevent noise disturbance in accordance with the objectives of Policy GD1 of the Teesdale District Local Plan.

14. Wind speed, wind direction and power generation data for the turbine shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with the attached guidance notes entitled 'Noise Conditions Guidance' within 28 days of such request. Such data shall be retained for a period of not less than 12 months.

Reason: In order to prevent noise disturbance in accordance with the objectives of Policy GD1 of the Teesdale District Local Plan.

15. In the event that the results of the above measurements indicate that the noise limits specified at Condition 13 have been exceeded at any dwelling then, within 21 days of notification in writing of this by the Local Planning Authority, the operator shall submit in writing to the Local Planning Authority:

- i) A scheme of noise control measures to achieve compliance with condition 13 of this permission;
- ii) A timetable for implementation of the noise control measures; and,
- iii) A programme of monitoring to demonstrate the efficiency of the noise control measures.

The noise control measures will be implemented and the monitoring undertaken in accordance with the scheme and timetable agreed in writing by the Local Planning Authority.

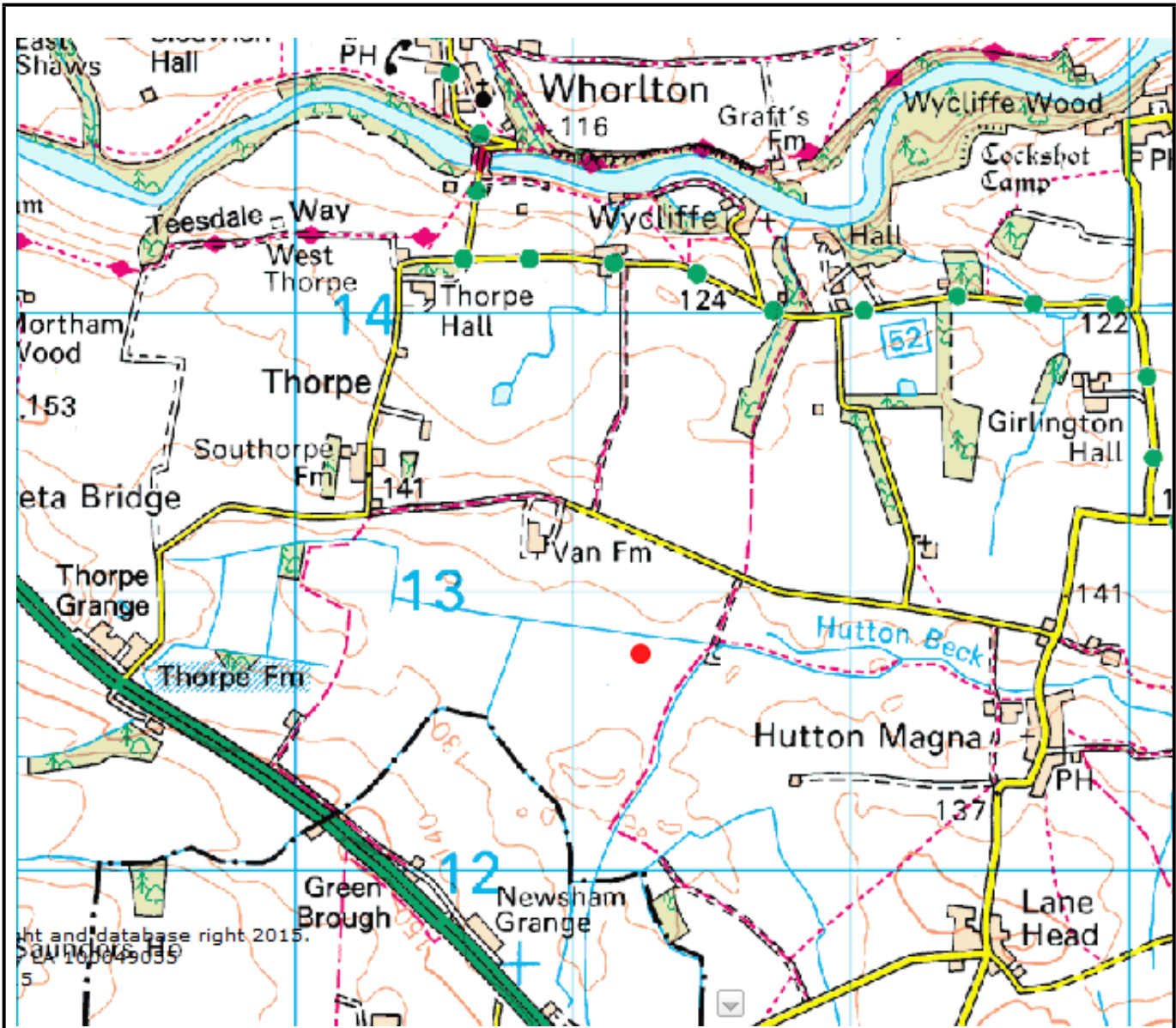
Reason: In order to prevent noise disturbance in accordance with The objectives of policy GD1 of the Teesdale District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application forms, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Teesdale District Local Plan (2002)
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



Planning Services

Proposed wind turbine of 36.6 m maximum tip height with associated metre house and access track at Land to East of Van Farm, Green Lane, Hutton Magna (DM/15/01428/FPA)

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Comments	
Date	Scale
September 2015	Not to scale