



<u>Committee and date</u> South Planning Committee 1 April 2014

<u>Item</u> 7 Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 13/03126/FUL	Parish:	Chetton
Proposal: Erection of two wind turbines (45m overall height); associated infrastructure and access track		
Site Address: North Of Sydnall Farm, Middleton Priors, Bridgnorth		
Applicant: Hallmark Power Ltd		
Case Officer: Grahame French	email: planningdmse@shropshire.gov.uk	

Recommendation:- That Members note this report prior to determining the application.

1.0 BACKGROUND TO THE REPORT

- 1.1 This application was considered at the previous meeting of this committee on 4th March. The officer appraisal report considered at the time by Members is attached as Annexe 1 to this report.
- 1.2 After a detailed debate during which Members also heard speakers for and against the proposals the Committee resolved not to accept the officer approval recommendation. This was on the basis of concerns about the visual impact of the proposed development and the associated implications for local amenities and leisure / tourism interests.
- 1.3 Some members of the Committee indicated they were minded to refuse the application and discussions took place on the wording of a refusal reason. However, there was no subsequent vote on the day and therefore no decision to refuse has yet been taken. Accordingly, the application is being reported back to the committee for members to make a formal decision.

2.0 DECISION TAKING PROCESS

- 2.1 As there have been no further representations at the time of writing or other significant developments in relation to the application since the previous committee meeting the Officer recommendation remains to approve the application as per the original report. However, if additional information is received in advance of the Committee officers will inform the Committee and advise members if this affects the officer recommendation.
- 2.2 It is suggested that the following or an amended wording to reflect any additional information considered by the Committee may form the basis of any decision to refuse the application on any specific grounds identified by members:
- The proposed turbines would be located in an area of high scenic quality in the vicinity of the Shropshire Hills Area of Outstanding Natural Beauty and would be visible from surrounding locations, including from nearby public footpaths. It is considered scale and location of the proposed turbines would have an unacceptably adverse effect on the character and scenic quality of the local landscape and also on local amenities and leisure and tourism interests. This would be contrary to the objectives of Core Strategy Policies CS5, CS6, CS13, CS16, CS17 and sections 28 and 109 of the National Planning Policy Framework.
- 2.3 As no formal decision has yet been taken the Committee could also choose to make a different decision on the application if it was so minded.

3.0 CONCLUSION

- 3.1 The proposals are being reported back to committee so that Members can reach a formal decision on the application. A refusal reason has been suggested in the light of Members' comments made at the previous meeting of the Committee. Members will be informed if any new information is subsequently received and advised if this affects the officer recommendation of approval if appropriate.

4.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

- 4.1 Risk Management: There are two principal risks associated with this recommendation as follows:
- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
 - The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its

planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

- 4.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.
- 4.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

5.0 FINANCIAL IMPLICATIONS:

- 5.1 There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

6.0 Additional Information

List of Background Papers: Planning application reference 13/003126/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Robert Tindall, Brown Clew
Appendices: Annex 1 – Officer report to 4 th March Committee including Appendix 1 – Conditions

ANNEX 1 – OFFICER REPORT TO 4TH MARCH COMMITTEE:



<u>Committee and Date</u>
South Planning Committee
4th March 2014

<u>Item/Paper</u>
Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

<u>Application Number:</u> 13/03126/FUL	<u>Parish:</u> Chetton
<u>Proposal:</u> Erection of two wind turbines (45m overall height); associated infrastructure and access track	
<u>Site Address:</u> North Of Sidnall Farm, Middleton Priors, Bridgnorth	
<u>Applicant:</u> Hallmark Power Ltd	
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmse@shropshire.gov.uk



Recommendation:- Grant Permission subject to the conditions and legal agreement set out in Appendix 1.**1.0 THE PROPOSAL**

- 1.1 It is proposed to erect two 250kw wind turbines and an associated access track. The turbines would be 3-blade models with a hub height of 30m and a blade diameter of 30m, giving a total maximum height above ground level of 45m. The turbines construction would require square concrete foundations, having dimensions of 8.7m, to a depth of 1.5m. Construction would be completed from a temporary working area (approx 60m x 60m) and storage areas in the vicinity of the turbines site. These temporary uses are considered to be “permitted development” and do not form part of this application.
- 1.2 Access to the turbines would be via the lane between Lightwood and Middleton Baggot, then utilising the existing farm track / public footpath to Sidnall Farm. From the farm track a new access track would be constructed. This would be a permanent construction, to allow access for maintenance over a 20 year period. The new access track would utilise an existing field entrance then follow the existing hedge line, to the south of the proposed turbines, to service both turbines and a new substation. The track would be constructed from imported 40mm limestone hardcore.
- 1.3 The turbines would be connected by underground cabling to the to the existing 11kV electricity line, which runs east-west, some 130m south of the nearest turbine. The footprint of the entire development, including access track and foundations, would be approximately 0.29 ha. The access track, constructed of 40mm imported limestone hardcore, would remain for the life of the project, and would be allowed to grow-over, to give a rural feel.
- 1.3 The applicant has made a voluntary commitment to make an annual payment for local community benefits throughout the lifespan of the development based on the power rating of the proposed turbine. This would be delivered through a legal agreement.

2. SITE LOCATION / DESCRIPTION

- 2.1 The application site is located 8kms to the west of Bridgnorth and is accessed by the B4634 Bridgnorth to Ludlow road. It is located on agricultural land, to the immediate northwest of Sidnall Farm and south of the lane between Lightwood and Middleton Baggot. The application site itself is located in a south-east sloping arable field with deciduous, boundary hedgerows at the centre of the landowner’s holding. The northern field boundary comprises tall, mature trees. Lightwood Covert, a small woodland, is located 350m to the northwest. The turbine locations are over 50m from any field boundary and will be relatively central to the field, with no surrounding buildings and minimal vegetation.
- 2.2 The nearest residential properties are within the landowner’s holding (Thornhill House 210m to the east and Sidnall Farmhouse 220m south). The nearest

privately owned property, Fairfield bungalow, is located 530m to the west. The Shropshire Hills AONB extends to within 3.3km to the west of the site.

3. REASON FOR COMMITTEE

- 3.1 An adjacent Parish Council, the CPRE and a number of local residents have objected to the proposal, and following consultation with the Development Manager the application is referred to the committee for determination.

4. CONSULTEE RESPONSES

- 4.1 Ditton Priors Parish Council – No objection to the principle of this application. However the Parish council ask Shropshire Council to ensure the following issues are correct and appropriate for this sort of development.

- i. There is no mention of a community contribution within the application. The Parish Council would like to see a contribution to the community of Ditton Priors Parish Council to compensate for the loss of visual amenity.
- ii. That the visual impact is as stated in the application. (The turbines will be considerably higher than the trees and the impact will be greater in the winter months when there is no foliage on trees.) The Parish Council would like to see the turbines painted a relevant colour to help with visual impact.
- iii. That the noise levels can be confirmed as correct for two turbines. (We understand that there have been no tests carried out to establish the existing level of background noise in the surrounding area, to assess the impact of the noise from the turbines. The area is quite rural and therefore quiet, therefore any constant noise throughout the day and night will have more of an impact)
- iv. That the footpath near the site is not comprised and that the turbines are situated far enough away that they will not fall onto the footpath. (Any trees or hedgerows should remain unaffected by the application.)
- v. That the shadow flickering that may occur will not affect neighbouring properties.
- vi. There should be a condition that the site is decommissioned at the end of the wind turbines life. (What happens if the company has gone bust before the end of the life of the turbine?)
- vii. that the cumulative effect of turbines in this area is considered. (There are a number of applications in the pipeline in addition to the ones already granted permission and there will be an a cumulative effect on the environment.)
- viii. Any damage to the roads, bringing the equipment on site will be made good.

- 4.2 Neenton Parish Council (adjacent PC): Objection. There are various proposals for industrial-sized wind turbines in neighbouring parishes, including those that are the subject of the following planning applications:

- Upton Cressett (13/01983/FUL)
- The Down (13/02194/FUL)
- Upper House Farm, Chetton (13/0253/SCR)
- Middleton Priors (13/03126/FUL)
- Upton Park Farm, Upton Cressett (13/0319/SCR)

The Parish Council discussed these proposals at its meeting on 27th August. There was real concern and a unanimous view that such developments would be highly prejudicial to both quality of life and the economy of the local area of which Neenton

is a part. In particular, the siting of these turbines in prominent positions on high ground would destroy the unspoiled character of the local landscape, ruining its appeal both for local people as well as for tourists looking to this part of Shropshire as a place of escape from the modern built environment. Such turbines sited on local hills as proposed would not only deter the many visitors who approach the area from the east by blighting the landscape in front of the Shropshire Hills AONB, they would blight the AONB itself. The AONB was designated in part in recognition of the outstanding panoramic views from places such as Brown Clee Hill, the highest point in Shropshire. The proposed turbines would sit in the middle of the view north-east across the midland plain, obscuring it and destroying its appeal and thus seriously diminishing the qualities of the AONB. Neenton is presently engaged on an ambitious project to regenerate the village and our surrounding area and the ability to attract visitors and tourists is critical to the success of that endeavour. We urge you in the strongest possible terms to reject these proposals, and any others of a similar ilk that may appear, because of the damage even one of them would do to the character and quality of the landscape that the Shropshire Core Strategy recognises to be Shropshire's greatest asset.

- 4.3 Ministry of Defence - No objection. The proposal will not adversely affect defence interests.
- 4.4i. CPRE: Objection. CPRE campaigns to protect the landscape of Rural England, whilst accepting the need to provide energy from sustainable sources. The recent Planning Practice Guidance for renewable and low carbon energy, July 2013 directs local planning authorities to recognise:
- the need for renewable or low carbon energy does not automatically override environmental protection.
 - Proposals in National Parks and Areas of Outstanding National Beauty and in areas close to them where there could be an adverse impact on the protected area will need careful consideration.

Both of these two new guidance notes are relevant to all the applications which are being put forward on the slopes of the Brown Clee Hill and Wenlock Edge. Even in areas outside the AONB they affect the views and character of the AONB, a designation which Shropshire Council have always valued and which has guided many of their planning policies. It is essential that we retain the character of the Clee Hills which are the first point of entry into the Shropshire Hills from the West Midlands, a phalanx of turbines on the approach to our hills would be a landscape disaster which could deter visitors both from the nearby conurbations of the West Midlands and from further afield.

- ii. Following the Foot and Mouth outbreak of 2001, it became very apparent that Tourism was one of the most important industries in rural Shropshire. More people were employed in tourism than in agriculture. This tourism depends on the attraction and amenities of our countryside. The Clee Hills are not only beautiful, they are also rich in cultural association, heritage and archaeology from the Iron Age Fort of Nordy Bank to the many historic houses and gardens which are open to the public. In short I do think that in this case the need for protection of this environment overrides the need for renewable energy. It would also have an

adverse impact on the AONB. Therefore the CPRE maintains it would be contrary to the new Planning Guidance.

Internal Comments:

- 4.5 SC Archeology: No objection subject to a recommended condition covering an archaeological watching brief.
- 4.6 Public Protection: No objection. The details of the original proposals and the additional submitted noise information have been inspected. As the predicted noise levels at non-finacillay involved residential receptors do not exceed 35(dB) current guidance indicates that a simplified approach that does not require the undertaking of a background noise survey is appropriate. Given the turbine type, location and predicted noise emissions, it is not considered that significant noise disturbance is likely to arise from the installation. There are therefore no objections to the proposals. However, conditions covering noise and complaints procedures are recommended (and have been included in Appendix 1).
- 4.7 SC Drainage: No objection.
- 4.8 Highways Development Control – No comments received.
- 4.9 SC Rights Of Way: No objection subject to the following comments:
- i. No public rights of way will be affected by the development itself however using the location plan provided, the Outdoor Recreation Team is concerned that turbine 1 appears to be approximately 44m to the east of footpath 22a Ditton Priors Parish which is within the fall over distance of the turbine. With regard to the separation distance from public footpaths, paragraph 57 of the Wind section of the Technical Annex to the Companion Guide to PPS22 states:
'There is no statutory separation between a wind turbine and public rights of way (footpath). The PPS22 Companion guide states that fall over distance is often considered an acceptable separation and that the minimum distance is often taken to be that turbine blades should not be permitted to oversail a public right of way'. The Outdoor Recreation Team would ask the developer to consider siting turbine 1 further away from footpath 22a so that the footpath sits outside the fall over distance of the turbine. There are no footpaths within the fall over distance of turbine 2.
 - ii. Footpath 21a runs from the county road to the north of Sydnall Farm and appears to the route that could be used by contractors etc. to access the site?
 - iii. It also appears that an underground cable will be sited alongside footpath 22a south of the proposed location of the turbines. The Outdoor Recreation Team has included advisory notes covering these matters which are included in Appendix 1.
- 4.10 SC Ecology: No objection subject to the following comments:
- i. Bats - The proposed wind turbines are located over 50m from the nearest hedge, tree or building with bat roost potential. Detailed bat activity and breeding bird surveys will not be required.

- ii. Great Crested Newts - There are no ponds within 100m of the proposed wind turbines. A great crested newt survey is not required to support this planning application.

4.11 Councillor Robert Tindall has been informed of the application.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been advertised in the press and by site notice and the nearest properties have been individually notified. The application has attracted 29 objections and one letter in support. The main concerns of objectors can be summarised as follows:

- i. Scale: I feel that wind turbines of this size are too large to fit in our naturally beautiful countryside. There is great concern that the turbines are too high and prominent which will be detrimental to the surrounding undulating landscape that is carefully managed.
- ii. Visual impact: Yes, we need renewable energy but not at the expense of local residents well-being or our naturally beautiful countryside. It would destroy the beauty of the surrounding countryside which brings in a lot of tourists to this part of England. I object to the installation of these wind turbines as they will destroy previously unspoilt views of the South Shropshire countryside. I live in Morville and feel that the siting of such high, moving industrial structures would be visually disturbing to the serenity of this area - an area in close proximity to the Shropshire AONB. To permanently scar the beautiful rural landscape with two turbines which are an unproven, uneconomic form of energy for generations is unacceptable. These turbines will dominate the skyline and have a negative effect on both those living close to them and those who visit the area to enjoy the beautiful countryside as I do. Will have an obtrusive visual impact on the surrounding countryside which includes AONB. Although not as large as the two previous applications for turbines west of Bridgnorth, they will still have a detrimental visual impact on the area. These wind turbines will, if the application is successful, be situated on a high stretch of land easily visible from large areas of the approaches to Bridgnorth as well as the Shropshire Hills A.O.N.B. especially from Titterstone and Brown Clee, as well as the hinterland between. Landscape is a major factor in the tourism industry and a large number of wind turbines can only have a detrimental effect, in this area. The hills around Bridgnorth provide the gateway to Shropshire for visitors from the north, south and east and these towering structures would spoil what is presently the beauty of the outstanding natural landscape that is Shropshire. Although windmills only turn a third of the time, when they are moving they distract the eye and they become even more pronounced than their already massive size would suggest. The documents produced by the applicant show that this turbine would be visible from the AONB areas of the Long Mynd, Wenlock Edge and of course Brown Clee and Clee Hill.
- iii. Highways / traffic safety: It will increase traffic along a rural road & bring heavy traffic along a road which is supposedly for light traffic only. The council have maintained the roads very poorly along this part of the road, recently only patching

up an area of road where the road surface has completely broken down rather than resurfacing which was what was needed. The roads are narrow in places and there are steep banks which will mean that increased traffic will cause problems for local people trying to go about their daily business.

- iv. Amenity: The potential noise levels; the potential blade flicker nuisance; the compromising of the nearby footpath; and the damage that would be done to the locality during their construction. I remain to be convinced that wind turbines are not damaging to mental and physical health of the population within the surrounding area.
 - v. Cumulative impact: There are now five applications for eight turbines in the hills to the west of Bridgnorth, with more being considered. The approval of just one application will open the door to the others, resulting in a devastating cumulative impact on the local countryside.
 - vi. Precedent for further development: To allow this application will simply encourage more individual applications and within a short time there would be many turbines erected at great public cost and damage to the local area.
 - vii. Questioning renewable energy benefits: The meagre yield from the proposed turbines does not weigh up against the overall environmental cost both at source and to the local area. It is clear that we allow even one turbine it will create demand for more in the area, how many turbines is too many? What makes this proposal worse is that the energy which would be generated is so insignificant and variable. Only biased subsidies make it worthwhile for the applicant. Other more efficient practical and environmentally friendly forms of green energy are available - for instance solar panel farms. The turbines will barely provide enough energy for the turbine warning lights, let alone energy for the community. The little energy produced will be horrendously expensive and benefit no one. Why do you think that the Prime Minister has issued an edict (Last Week) that no further subsidies will be granted for wind turbines. We simply cannot afford to keep pumping billions of pounds into these useless machines. If the landowner wishes to help his farming enterprise, he should adopt a smaller less intrusive scheme serving the needs of the farm and not wishing to cash in on subsidies at the expense of the lives of others living in the area.
 - viii. Other: The government has realised that local people should have a larger voice in influencing the siting of these turbines and the fact that there is no large community near this site should not lessen the weight given to the comments made
- 5.2 Support: I live on the Brown Clee Hill and have a beautiful and diverse view from my window. There is a wind turbine at the base of the hill and this imposes no noise, no vibrations and had very little impact on its erection. I have been to Wales and seen the large wind farms which I feel are beautiful modern architecture. I also feel that as a nation we need to embrace green energy and realise something has to be done to be more eco friendly and this will affect us all in some way. I would much rather see a wind turbine than re-start coal mining or build a nuclear power plant!

5.3 Bridgnorth & District Tourist Association: Objection. As an association we put an awful lot of voluntary time and effort, now without any Council funding support, in promoting the natural unspoilt rural beauty of this lovely part of Shropshire. Although technically outside the AONB taken together with other wind turbine applications nearby this proposal will have a significant detrimental impact on the area as a whole. Bear in mind also that all through the Corvedale is extensive helicopter training from RAF Shawbury to a beacon near Ludlow. These turbines could well pose a real danger of collision.

6. THE MAIN PLANNING ISSUES

- i) The justification for the proposals in relation to sustainability, climate change, energy policy and agriculture;
- ii) Whether the site is an appropriate location for the proposed development and other off-site impacts are acceptable including with reference to:
 - Landscape, visual and heritage impacts;
 - Noise and vibration;
 - Shadow flicker;
 - Ecology;
 - Access and traffic;
 - Tourism and leisure;
 - Equestrian interests;
 - Archaeology;
 - Aviation;
 - Process efficiency;
 - community benefits.

7.0 OFFICER APPRAISAL

7.1 Justification – general: The NPPF advises (s98) that planning authorities should:

- Not require applicants for energy development to demonstrate the overall 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 if its impacts are or can be made acceptable.

Notwithstanding this, the applicant has stated that the proposals would:

- i. help the UK to meet its renewable energy targets;
- ii. help to combat climate change by reducing emissions of greenhouse gases;
- iii. help to secure the future of the farming enterprise by providing stable profitability.

- 7.2 Justification – Energy and climate change: The UK Renewable Energy Strategy (July 2009) requires the UK to provide 14% of its final energy production from renewable sources by 2020. The government has stated that on-shore wind energy will have a major role to play in achieving this. The proposed facility would produce equivalent electricity to that used by around 300 residential properties. It is accepted that this would contribute locally to the objective of achieving the UK Renewable Energy Strategy target and providing more secure and diverse sources of energy supply. This is a significant material consideration.
- 7.3 Objective 9 of the Shropshire Core Strategy seeks to promote a low carbon Shropshire, mitigating the effects of climate change by promoting, among other things, the generation of renewable energy. The proposals would also assist in helping to address the effects of climate change by replacing energy from fossil fuels and associated greenhouse gas emissions. This is also in accordance with the climate change objectives of the NPPF (section 10).
- 7.4 Justification – location: The applicant advises that the proposed location was chosen for the following reasons:
- The on-site wind speed at 25m measures 6.5 m/s;
 - The availability of space on site, with an adequate separation distance from residential properties, ecology issues and other interests of acknowledged importance;
 - The ability of the surrounding landscape and built environment to have the capacity to absorb the development, in terms of visual and noise impact.
- 7.4 Agricultural justification - The proposals must be assessed against Core Strategy policy CS5 (Countryside and Green Belt), which advises that in the open countryside, new development will be strictly controlled in accordance with national planning policies. Development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate amongst other matters to small-scale new economic development diversifying the rural economy, including farm diversification schemes.
- 7.5 The proposals comprise a form of farm diversification and would improve the sustainability of the farm. The NPPF advises (s98) that renewable energy should be accommodated where technology is viable and environmental, economic and social impacts can be satisfactorily addressed. The wider environmental and economic benefits of renewable energy projects, whatever their scale, are material considerations that should be given significant weight. The saved companion guide to the former PPS22 states that “If the (renewable energy) targets are to be met, a greater diversity of renewable energy schemes will need to be developed in a wider variety of locations than in the past.” and “a step change will be required in order to achieve the targets”. The Government expects each authority to contribute to meeting the targets. Given the importance attached by planning policy and guidance to renewable energy and addressing climate change it is considered that although the current proposals would involve development in the open countryside,

there would be no conflict in principle with Core Strategy policy CS5. This is provided however that the proposals are also capable of satisfying other development plan policies with respect to environmental and other land-use issues.

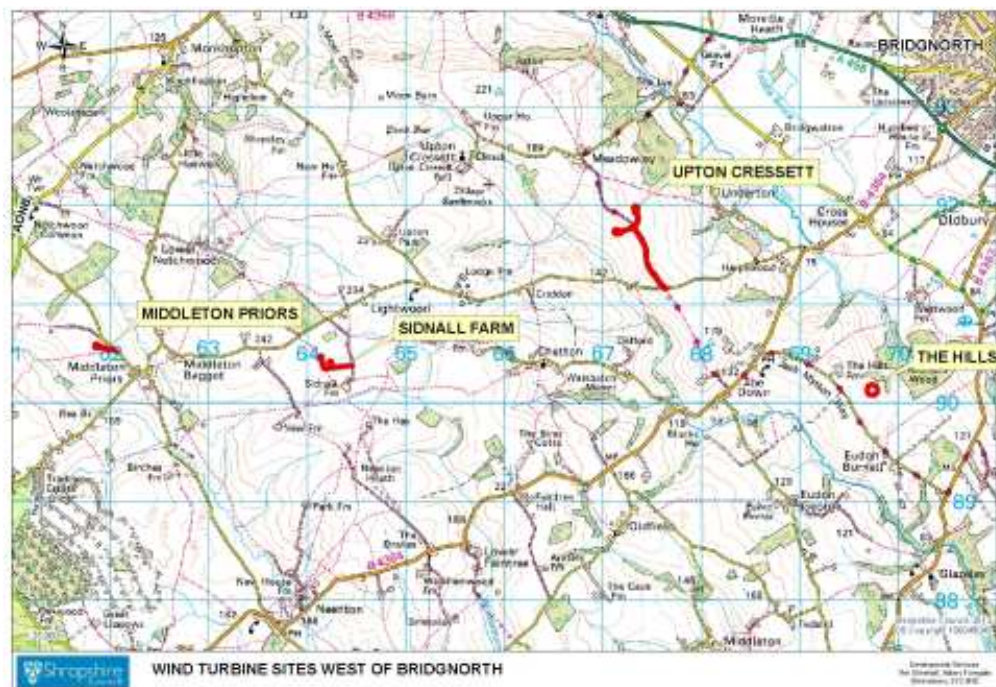
- 7.6 Farming in Shropshire is undergoing significant change. The current proposals would assist in providing a more stable profitability for the farm enterprise, including through providing an additional source of income to the farm through the sale of surplus electricity to the national grid.

The NPPF and Core Strategy Policy CS5 advise that local planning authorities should be supportive of well-conceived farm diversification schemes that contribute to sustainable development objectives and help to sustain the agricultural enterprise. It is considered that the proposals would comply with this objective by facilitating a sustainable and diverse farming business supporting the rural economy. It is therefore considered that the need for the proposals and the associated benefits in terms of renewable energy, climate change and farm diversification are capable of being supported in principle. This is provided however that the proposals are also capable of complying with other relevant development plan policies, guidance and other material considerations.

Landscape and visual impact

- 7.7 Landscape policy: Core Strategy Policy CS17 seeks amongst other matters to conserve, enhance and, where necessary, restore the quality, diversity and distinctiveness of Shropshire's landscape character. The saved guidance in the PPS22 companion guide advises that local planning authorities should recognise that landscape and visual effects will only be one consideration to be taken into account in assessing planning applications and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects.
- 7.8 The site does not lie within any designated landscape areas and falls within the Timbered Plateau Farmlands landscape type. A landscape and visual assessment (LVIA) reviews landscape character and evaluates a range of viewpoints around the proposal site, including through the use of photomontages and a Zone of Theoretical Visibility (ZVT) map. It is considered that the LVIA has been carried out to an appropriate standard and in accordance with relevant methodology. In terms of landscape the LVIA concludes that, at a local level the landscape comprises medium scale agricultural fields enclosed by hedgerows with relatively tall hedgerow trees. Woodlands to the south west of the proposed site provide enclosure and break up distant views from within the Shropshire Hills AONB. The local villages and associated vegetation provide features within the landscape. The relatively high level of vegetation tends to limit views across the landscape. The turbine would inevitably have an effect on the immediately surrounding area. The area within approximately 1.5km of the proposed site is considered to have a medium susceptibility to landscape change, and a medium landscape value. It does not have a particular recreational value.

- 7.9 In terms of visual impacts the LVIA states that the effects on visual amenity vary depending on distance from the proposed turbine and the degree of natural screening provided by the topography and vegetation. Views from surrounding village are restricted because of landform and vegetation. There would be a minor visual effect on a handful of views from the eastern edge of Ditton Priors but visual effects within the village are unlikely. There would be no views from Upton Cressett or Chetton because of the intervening topography and woodland. The LVIA states that the proposed wind turbines would be located within a large arable field with a character capable of accommodating them. Overall, the LVIA concludes that while the turbines are large structures, they are not out of scale with the surrounding landscape. They would be simple structures set within a relatively simple rural environment whose sensitive receptors are mostly beyond 1.5km. The LVIA accepts that there will be a degree of local visual impact but considers that the development would respect the scale and composition of the landscape. Therefore the significant effects would be very localised and the proposed development would be acceptable in this location. It is further stated that treating the turbines in a matt colour would reduce the distance over which they are visible, especially in dull or low light conditions.
- 7.10 The LVIA acknowledges that there would be some localised visual impact to some properties in the surrounding area. However, it is stated that none would have their outlook so affected that living conditions for their occupants would be unacceptably degraded. Whilst some views would be changed the LVIA considers that this does not necessarily equate to harm. It is stated that none of the properties would be so close that any views could reasonably be seen as oppressive or overbearing.
- 7.11 The applicant's photomontages generally validate the conclusions of the LVIA by highlighting the extent to which views are filtered / screened by intervening vegetation and topography and attenuated by distance. Whilst some views towards the site would be subject to change it is not considered that the extent of any such change would result in any unacceptably adverse visual impacts. Whilst therefore the concerns of objectors in relation to visual amenity are noted it is not considered that the level and extent of any visual impacts would be sufficiently adverse to justify a planning refusal, having regard also to the significant local and national policy support for renewable energy.
- 7.12 Visual Impact - Cumulative Impact: The Renewable and low carbon energy guide (DCLG 2013) advises of the need to consider cumulative impacts in considering onshore wind developments. The proposed wind turbine is located adjacent to a number of existing, in planning or proposed wind turbines (See plan 2). It is therefore necessary to consider the potential for cumulative impact.



Plan 2.

7.13 The details and status of the individual wind turbine developments in the local area are listed below:

- 13/03126/FUL (The current application) - Erection of two wind turbines (45m overall height, 0.5MW total); associated infrastructure and access track. North Of Sidnall Farm, Middleton Priors, Bridgnorth;
- 13/02194/FUL - The Hills, The Down, 77m, 0.5MW (also on this agenda, officer approval recommendation);
- 13/01983/FUL Upton Cressett - Erection of 2 no. wind turbines up to a height of 80.0m to tip and associated infrastructure including new access tracks, one control building, underground cabling, turbine foundations and crane hardstandings. Criddon Hall Farm, Criddon, Upton Cressett, Bridgnorth (1.5MW - pending consideration);
- 12/02160/FUL - Erection of a single 50KW Wind Turbine at Home Farm House Brown Clee Road, Middleton Priors Turbine (permitted 18/07/12). (2.3kms west of the application site).
- 12/00741/FUL - Erection of one wind turbine, tip height 27 metres at Oakridge Farm Ashfield Road, Ditton Priors (5kms southwest of the site).

7.14 Regarding cumulative impact, the LVIA advises that, “Beyond approximately 0.5km to 1.5km the scale of the turbines would reduce, becoming a much less significant visual element in the landscape, which because of its characteristics has a medium capacity to accommodate this type of feature”. The nearest other approved turbine, at Middleton Priors, is over 1.5kms away and there is intervening higher land. The LVIA therefore considers it unlikely that there would be any adverse cumulative impact. The approved turbine at Ditton Priors is 5kms away and would be a much less significant visual element in the landscape. The LVIA concludes that the

proposed turbines would not lead to any adverse cumulative visual impact on the landscape character.

- 7.15 This committee will also consider a proposal for a single 77m high turbine at The Down 5.3km to the east. It is considered that the applicant's photomontages demonstrate that views of the Sidnall development, if approved, would be sufficiently attenuated at this distance that there would be no potential for cumulative visual impact. Some sequential views may be afforded of turbines on the B4354 Bridgnorth to Ludlow road if all the proposed schemes proceed. However, the applicant notes that this is a hilly road with many bends and substantial roadside vegetation. The applicant states that given the distance between the proposed schemes and the limited nature of any views it is not considered that this would create a journey dominated or influenced by wind energy schemes. It is considered that the applicant's photomontages support this conclusion.
- 7.16 Visual impact – conclusions: The proposal is for two relatively tall structures in a countryside setting with a high scenic quality. However, the applicant's visual appraisal indicates that the site has been well positioned within the landscape and this is reinforced by the heritage appraisal (below). Cumulative impact must be assessed on the basis of the current situation. National planning guidance recognises that there is a need to balance the visual impact of onshore wind proposals against the renewable energy benefits of a scheme. In this particular case it is not considered that the effects of the proposals on the local landscape and views would be sufficient on their own to justify planning refusal, having regard also to the renewable energy benefits of the scheme (Core Strategy Objective 9, Policy CS5, CS17).
- 7.17 Heritage and archaeology: A heritage report assesses the potential impact of the proposed wind turbines on the and archaeological remains within the site and on the setting of the designated heritage assets within a 5km radius. The report advises that the undulating topography of the area means that the principal heritage assets are not particularly prominent landmarks in the surrounding rural landscape. The report concludes that setting or significance of designated heritage assets will not be affected. The proposed turbines may be seen in relation to the St Giles' church tower at Chetton in wider panoramic views but the proposals will not affect any key views of this church or detract from its overall prominence in the landscape. Consequently any effects will fall within the 'less than substantial' threshold referred to in the NPPF [p132]. The remaining churches and archaeological sites within the search area will be unaffected by the proposed development. It is considered that the applicant's photomontages support this conclusion.
- 7.18 A number of non-designated archaeological remains have also been identified within a 2km radius of the site, however the overall archaeological potential of the site is considered to be low to moderate. As the proposed development covers a relatively small area, with limited areas of ground disturbance the report concludes that the proposals are unlikely to cause any harm to any important extant below-ground archaeological deposits. The report concludes that the proposed

development complies with the heritage objectives of the NPPF. The historic environment section has not objected to the proposals but have recommended that an archaeological watching brief condition is imposed on any planning permission. Subject to this it is considered that the proposals are compliant with relevant heritage policies and guidance including Core Strategy Policy CS17.

- 7.19 Noise and vibration The nearest residential properties to the application site are Thornhill House and Sidnall Farm, both with financial involvement in the proposal. The nearest non-owned property is Fairfield, approx 543m to the west of the nearest turbine. The surrounding area is very sparsely populated. The main guidance on turbine noise comes from ETSU-R-97: "The Assessment and Rating of Noise from Wind Farms". This sets daytime noise limits for individual properties of 5dB(A) above the background or 35 dB LA90, whichever is the greater and nighttime limits of 43 dB LA90 or 5dB(A) above the background, whichever is the greater. An acoustic report advises that at a worst case the 35dB limit would be reached nearer than 350m to the turbines. As the nearest non-owned property to the application site is 543m to the west of the nearest turbine the report concludes that there should not be any unacceptable noise nuisance from the proposed turbines. Public Protection have not objected on this basis, subject to the imposition of standard noise conditions and the affecting residential amenities. In any respect, the applicant is content to have a standard condition imposed, setting a minimum rating level of noise emissions from the turbines and requiring complaints to be properly investigated and mitigated against.
- 7.20 The applicant has confirmed however that engineering solutions will be incorporated into the foundation design to maintain engineering compliance if abnormal ground conditions are encountered. A study of low frequency noise and vibration around a modern wind farm found that vibration levels from wind turbines, as measured at 100m from the nearest machine, were well below the criteria recommended for human exposure. At greater distances from turbines vibration levels will be even lower. Hence, there is no possibility of humans sensing the vibration and no risk to human health. Public Protection has not objected subject to imposition of appropriate noise conditions. These are acceptable to the applicant and are included in Appendix 1. It is considered that this would provide sufficient protection to the nearby residents and that an objection on noise could be sustained, given also the distance of the proposed site from the nearest private properties.
- 7.21 Shadow flicker and Reflective Light: With respect to potential shadow-flicker nuisance, relevant guidance in BERR (2007) advises that this only occurs within 10 x rotor diameters of a turbine. Furthermore, only properties within 130° either side of north, relative to the turbine, can be affected at UK latitudes, as turbines do not cast long shadows on their southern side. For the proposed turbines, with 30m diameter blades, there are no occupied properties within the shadow-flicker zone (ie. within 300m of the turbine).
- 7.22 Ecology An ecological appraisal advises that the site is not affected by any significant ecological designation or habitat. The nearest designated sites are at Derrington Meadow SSSI (3.3kms to the west) and Devil's Hole SSSI (3.6kms north east). The distance between these sites and the proposed turbines means that they are unlikely to be adversely affected. Natural England recommends maintenance of a 50m buffer

between bat habitats and wind turbines and the proposals comply with this. The ecology report also advises that there is a sufficient separation distance to avoid any direct impact on bird species. The survey makes a number of recommendations with respect to protected species and an appropriately worded condition has been included in Appendix 1. SC Natural Environment has not objected and has advised that Bat and Great Crested Newt surveys will not be required in this case. It is considered that the proposals can be accepted on this basis in relation to relevant ecological policies including Core Strategy Policy CS17.

- 7.23 Access and traffic: The temporary construction period would involve visits to the site by standard HGVs and not abnormal load vehicles. The site is easily accessible by highway, utilising the A458 and B4364, as far as Harpswood Bridge and then the Middleton Baggot road. The applicant advises that the nearest turbine would be located over 300m from this highway and does not consider therefore that the proposal would cause any adverse distraction to motorists. This conclusion is generally accepted subject to the imposition of a construction management plan condition to allow management of temporary construction traffic. It is concluded that the proposals are capable of being accepted in highway terms subject to the recommended condition.
- 7.24 Tourism and leisure: Objectors have expressed concerns that the proposed turbine would deter visitors from the area by adversely impacting on visual amenities, heritage assets and the visitor's appreciation of leisure assets. Tourism forms an important component of Shropshire's economy and Core Strategy Policy CS16 recognises that this is sensitive to Shropshire's intrinsic natural and built environment qualities. The effect of the proposals on landscape / visual and heritage interests is discussed above. The effects of the proposal upon the enjoyment of the countryside by members of the public must also be considered, including those using the lanes and public footpaths in the vicinity of the site.
- 7.25 There are a number of public footpaths and bridleways in the surrounding area, the closest footpath is located about 50m to the west of the site. The turbines would be visible locally across the adjacent fields from these rights of way, but most views would be mitigated by vegetation, including mature tree planting. From many footpaths, the proposed turbines would appear within the periphery of the rider's / walker's vision due to the direction of travel. Views from the Jack Mytton Way would be minimal due to the distance from the turbines. The LVIA acknowledges that there would be a significant but local effect on the nearest right of way, but effects on rights of way which are further away would be negligible. The AONB is over 3kms from the application site and the LVIA concludes that any deterrence to recreational usage of the area would be marginal in these circumstances and should be weighed against the benefits of the proposals.
- 7.26 As no rights of way would be impeded by the proposals the Outdoor Recreation section has not objected. Available evidence indicates on balance that the proposals would not result in a significant visual intrusion within the wider landscape or give rise to significant / widespread impacts on heritage or leisure assets. It is not considered that refusal on grounds of tourism / leisure effects could be justified. (Core Strategy Policy CS17)

- 7.27 Footpath separation distance: The outdoor recreation service advise that the western turbine is located within the potential topple distance of the nearest public footpath and has asked the applicant to consider micro-siting the turbine slightly further to the east. The applicant has confirmed that this is acceptable and an appropriately worded condition covering micro-siting is included in Appendix 1.
- 7.28 Equestrian interests: The DCLG renewable and low carbon energy guide advises that 'Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances (16)'. The nearest proposed turbine would be located over 300m from the public highway. This is significantly beyond the recommended safe minimum separation distance of 4 times the overall height recommended by the British Horse Society. One right of way is located within this distance, but is not a bridleway. It is not therefore considered that refusal could be justified for equestrian reasons.
- 7.29 Aviation: An aviation report concludes that objections from the MOD regarding Shawbury radar and NATS/NERL regarding Clee Hill radar are unlikely. The proposed wind turbine is located within a low priority military low flying area where concerns are less likely to be raised and is within uncontrolled airspace". The report recommended reducing the tip height of the originally proposed scheme to avoid radar line of sight issues with Shawbury. As a consequence, the proposed turbine was replaced by two smaller models, which are considered to be out of the Line of Sight to Shawbury. The MOD has not objected to the proposals. The nearest licensed airfield is at Wolverhampton/Halfpenny Green, over 18kms to the east, and therefore outside the consultation zone. There is an unlicensed airfield at Bridgnorth, approx 3km to the east, however, its distance from the proposal is considered sufficient not to cause any aviation issues. It is therefore considered that the proposed turbines would not have an adverse impact on aviation interests.
- 7.30 Community benefits: In June 2013 the Government announced that the community benefit payment associated with major on shore wind development would change from £1000 per installed Megawatt per annum to £5,000. This has been reflected by the wind turbine industry in the document 'Onshore Wind: Our Community Commitment - A commitment by the onshore wind industry to local communities. Renewable UK - October 2013). The company has indicated that it wishes to share the benefits of the development with the local community and mitigate any perceived impact. It proposes to do this by making a financial contribution to Ditton Priors Parish Council towards ongoing community projects. We are in negotiation with the Parish Council, to explore the possibility of a payment. The Parish Council has indicated that it will give further consideration to this offer. Any payment would be based on the current industry standards. The applicant has expressed a wish that any contribution should be done by way of a private contract with the Parish Council but has indicated that it would be happy to submit a Section 106 Unilateral Undertaking, should that be considered more appropriate. Officers have welcomed this offer and have indicated that it would be appropriate to express this in the form of a Unilateral Undertaking.

- 7.31 Electro-Magnetic Interference: The applicant has indicated that this proposal is not for not for a large wind farm. There will be no properties within the “interference shadow” of the proposed turbine and many properties will already benefit from digital or satellite reception. In the circumstances, the applicant considers that it is highly unlikely that any properties will be adversely affected through television interference. An Ofcom Search, centred on the application site has identified a single fixed EE/Ericsson telecom link within 500m of the site. It is understood that this link runs approx 250m southeast of the nearest turbine and should not be affected. Clarification has been sought from Ericsson. Furthermore, research has confirmed that there are no Joint Radio Company fixed links in the vicinity of the site. The terrestrial digital TV signal is less susceptible to interference. Nonetheless, it is considered that an appropriate planning condition should be imposed to employ standard mitigation measures in the event that there is any loss of TV reception quality following any commissioning of the development.
- 7.32 Process efficiency: In order for the proposed development to maximise use of the available wind speeds in the area the proposed turbine would be sited perpendicular to the south west. Assumed wind speeds in the area according to the NOABL database are 6.5 m/s at 25m and above. Such wind speeds should allow the turbines to consistently generate electricity at the anticipated combined power level of 500kw, providing good commercial returns which justify the investment.
- 7.33 Other issues: In terms of ice throw, the westernmost turbine would be micro-sited slightly further to the east and would be sufficiently far from public footpaths that this is not considered to be an issue. Whilst house prices are not a planning matter, studies on this subject conclude that there is no correlation between property prices and proximity to wind turbines.
- 7.34 Environmental Impact Assessment: The development exceeds the relevant height threshold under Schedule 2 of the EIA Regulations. A screening opinion request has not been submitted by the applicant. Officers are however satisfied that the proposals would be unlikely to give rise to any significant adverse environmental effects or particularly complex or cross-boundary effects which would indicate the need for EIA. It is considered that the information submitted in support of the proposals is sufficient to allow the effects of the development to be adequately defined without the need for EIA.
- 8.0 CONCLUSION
- 8.1 The proposed turbines would be tall structures in the countryside and they have attracted a number of objections from local residents. The surrounding landscape is generally natural in character and is not dominated by man-made features. However, it is considered that the applicant’s visual appraisal demonstrates that proposed turbine has been carefully sited and is capable of being integrated into the landscape without causing an unacceptable visual intrusion. Available information also suggests that there would be no unacceptably adverse impacts on any other interests of acknowledged importance, including with respect to residential amenity, leisure, tourism, economy, ecology, aviation and telecoms operators.

8.2 The benefits of the proposals with respect to renewable energy, climate change and supporting the rural economy are recognized, as is the applicant's willingness to make an annual community payment. The NPPF advises that the ability to generate renewable energy is a significant material consideration. Objective 9 of the Core Strategy also expresses an intention for Shropshire to be a leader in renewable energy technology. It is concluded on balance that the development is sustainable and the proposals are capable of being accepted in relation to relevant development plan policies, guidance and other local considerations. It is therefore recommended that planning permission is granted subject to the conditions and legal obligation set out in Appendix 1.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management: There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS:

9.1 There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND:

10.1 Relevant guidance

National Planning Policy Framework (NPPF) (DCLG – July 2011)

10.1.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012. The Framework replaces most former planning policy statements and guidance notes and is a key part of Government reforms to make the planning system less complex and more accessible. The NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can be approved without delay. One of the core planning principles is to ‘support 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)’. The NPPF expands further on this principle in paragraph 97: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative and visual impacts;
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- Support community-led initiatives for renewable and low carbon energy, including developments outside areas that are being taken forward through neighbourhood planning; and
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

10.1.2 Paragraph 98 advises that when determining planning applications, local planning authorities should:

- Not require applicants for energy developments to demonstrate the overall 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 if its impacts are (or can be made) acceptable...”

10.2 Relevant planning policies:

10.2.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth during the period to 2026. The strategy states, “Shropshire will be recognised as a leader in responding to climate change. New development which has taken place within Shropshire will be acknowledged by others as being of high quality sustainable design and construction that promotes safer communities, is respectful of local character, and planned to mitigate, and adapt to, the impacts of climate change.”

10.2.2 The Core Strategy has 12 strategic objectives, the most relevant is Objective 9 which aims “To promote a low carbon Shropshire delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management”. Policies of relevance include:

Policy CS5 - Countryside and the Green Belt:

New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:

- Small-scale new economic development diversifying the rural economy, including farm diversification schemes;
- Dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and Policies CS11 and CS12;

With regard to the above two types of development, applicants will be required to demonstrate the need and benefit for the development proposed.

Policy CS6 - Sustainable Design and Development Principles

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment, which respects and enhances local distinctiveness and which mitigates and adapts to climate change. And ensuring that all development:

- Is designed...to respond to the challenge of climate change
- Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate
- Makes the most effective use of land and safeguards natural resources including

high quality agricultural land.

Policy CS8 – Infrastructure provision positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

Policy CS13 Economic Development, Enterprise & Employment - recognises the importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular it focusses on areas of economic activity associated with agricultural and farm diversification.

Policy CS16 - Tourism, Culture and Leisure

To deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities

Policy CS17 - Environmental Networks seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

- 10.3 The Shropshire and Telford and Wrekin Joint Structure Plan There are no relevant saved policies in this plan.
- 10.4 Bridgnorth Local Plan - The site is not affected by any other specific designations in this Plan. Formerly relevant policies have been superseded by the Core Strategy.
- 10.5 Site Management and Allocation of Development Document (SAMDEV) – The site is not subject to any specific designations within the emerging SAMDEV. Draft policies are being prepared. Whilst these cannot yet be accorded any weight it is considered that the proposals are in general compliance with the objectives of this emerging planning policy.
- 10.6 Other Relevant Guidance
- 10.6.1 The UK Renewable Energy Strategy (July 2009) - The UK Government published the Renewable Energy Strategy in July 2009. The strategy explains how it intends to “radically increase our use of renewable electricity, heat and transport”. It recognises that we have a legally binding commitment to achieve almost a seven-fold increase in the share of renewables in order to reach our 15% target by 2020. It suggests that the amount of electricity produced from renewables should increase from 5.5% to 30%.
- 10.6.2 Planning practice guidance for renewable and low carbon energy (DCLG, July 2013). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice has specific relevance to onshore wind energy:

Do criteria based policies have a role in planning for renewable energy?

14. Policies based on clear criteria can be useful when they are expressed positively (i.e. that proposals will be accepted where the impact is or can be made acceptable).

In thinking about criteria the National Policy Statements⁶ published by the Department of Energy and Climate Change provide a useful starting point. These set out the impacts particular technologies can give rise to and how these should be addressed.

15. In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- protecting local amenity is an important consideration which should be given proper weight in planning decisions

Energy development and other land uses

16. Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis.

What are the particular planning considerations that relate to wind turbines?

29. The following questions should be considered when determining applications for wind turbines:

30. The report, 'The assessment and rating of noise from wind farms' (ETSU-R-97)¹³ should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97. It is available on the Department of Energy and Climate Change's website.

Is safety an issue when wind turbine applications are assessed?

31. Safety may be an issue in certain circumstances, but risks can often be mitigated through appropriate siting and consultation with affected bodies:

- Buildings - Fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. This is often less than the minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and due to visual impact
- Power lines - National Grid, and/or the relevant Distribution Network Operators will be able to advise on the required standards for wind turbines being separated from existing overhead power lines
- Air traffic and safety - Wind turbines may have an adverse affect on air traffic movement and safety. Firstly, they may represent a risk of collision with low flying aircraft, and secondly, they may interfere with the proper operation of radar by limiting the capacity to handle air traffic, and aircraft instrument landing systems. There is a 15 kilometre (km) consultation zone and 30km or 32km advisory zone around every civilian air traffic radar, although objections can be raised to developments that lie beyond the 32km advisory zone. There is a c.15km statutory safeguarding consultation zone around Ministry of Defence aerodromes within which wind turbine proposals would be assessed for physical obstruction. See the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002. Further advice on wind energy and aviation can be found on the Civil Aviation Authority¹⁵ and National Air Control Transport Services websites¹⁶
- Defence - Wind turbines can adversely affect a number of Ministry Of Defence operations including radars, seismological recording equipment, communications facilities, naval operations and low flying. Developers and local planning authorities should consult with the Ministry of Defence¹⁷ if a proposed turbine is 11 metres (m) to blade tip or taller, and/or has a rotor diameter of 2m or more
- Radar - In addition to air traffic radar, wind turbines may affect other radar installations such as weather radar operated by the Meteorological Office
- Strategic Road Network - The Highways Agency / Department for Transport¹⁸ have produced advice for siting wind turbines safely in relation to the strategic road network.

Is interference with electromagnetic transmissions an issue for wind turbine applications?

32. Wind turbines can potentially affect electromagnetic transmissions (e.g. radio, television and phone signals). Specialist organisations responsible for the operation of electromagnetic links typically require 100m clearance either side of a line of sight link from the swept area of turbine blades. OFCOM acts as a central point of contact for identifying specific consultees relevant to a site.

How can the risk of wind turbines be assessed for ecology?

33. Evidence suggests that there is a risk of collision between moving turbine blades and birds and/or bats. Other risks including disturbance and displacement of birds and bats and the drop in air pressure close to the blades which can cause barotrauma (lung expansion) in bats, which can be fatal. Whilst these are generally a relatively low risk, in some situations, such as in close proximity to important habitats used by birds or bats, the risk is greater and the impacts on birds and bats should therefore be assessed. Advice on assessing risks is available from Natural England's website.

How should heritage be taken into account in assessing wind turbine applications?

34. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.

Is shadow flicker and reflected light an issue for wind turbine applications?

35. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.

36. Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at a specific property or group of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of conditions.

37. Although problems caused by shadow flicker are rare, where proposals for wind turbines could give rise to shadow flicker, applicants should provide an analysis which quantifies the impact. Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it.

How to assess the likely energy output of a wind turbine?

38. As with any form of energy generation this can vary and for a number of reasons. With wind turbines the mean wind speed at hub height (along with the statistical distribution of predicted wind speeds about this mean and the wind turbines used) will determine the energy captured at a site. The simplest way of expressing the energy capture at a site is by use of the 'capacity factor'. This though will vary with location and even by turbine in an individual wind farm. This can be useful information in considering the energy contribution to be made by a proposal, particularly when a decision is finely balanced.

How should cumulative landscape and visual impacts from wind turbines be assessed?

39. Cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

40. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site,

the proposal will not create any cumulative impacts.

What information is needed to assess cumulative landscape and visual impacts of wind turbines?

41. In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

42. In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change.

43. The English Heritage website provides information on undertaking historic landscape characterisation and how this relates to landscape character assessment.

44. Guidance is provided on Information to inform landscape and visual impact assessments

Decommissioning wind turbines

45. Local planning authorities should consider using planning conditions to ensure that redundant turbines are removed when no longer in use and land is restored to an appropriate use.

10.6.3 The UK Low Carbon Transition Plan (July 2009) aims to deliver emission cuts of 18% on 2008 levels by 2020. This will be achieved amongst other matters by getting 40% of our electricity from low carbon sources by 2020 (30% from renewables) and by substantially increasing the requirement for electricity suppliers to sell renewable electricity. The plan also sets out measures to promote greener homes and industries. The Government has put in place a legally binding target to cut emissions 80% by 2050 and a set of five-year “carbon budgets” to 2022 to keep the UK on track.

10.6.3 The Climate Change and Sustainable Energy Act 2006 sets out the Government's long term goal of reducing carbon dioxide emissions by 60% by 2050.

11.0 RELEVANT PLANNING HISTORY:

11.1 No previous applications relate directly to the current application site.

12.0 Additional Information

List of Background Papers: Planning application reference 13/003126/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Robert Tindall, Brown Clew
Appendices: Appendix 1 – Conditions

APPENDIX 1

CONDITIONS AND LEGAL AGREEMENT

1. LEGAL AGREEMENT:

- 1.1 Agreement by the applicant to make an annual payment for a period of 20 years towards a local community fund at a level equivalent to that indicated by the wind farm industry body Renewable UK in October 2013.

2. CONDITIONS:

Commencement of Development

- 1a. The development to which this planning permission relates must be begun not later than the expiration of three years from the date of this permission.
- b. Not less than fourteen days prior notice shall be given of the intended date for the commencement of any development under the terms of this permission, including Site preparation and construction works. Such date shall be referred to hereinafter as "the Commencement Date".
- c. Not less than seven days prior notice shall be given in writing of the intended date for the commencement of electricity generation operations at the site, hereby referred to as the "Commissioning Date".

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a), to define and provide appropriate advance notice of the Commencement Date (1b) and to facilitate proper monitoring of Site operations linked to the commencement of the use hereby approved (1c).

Definition of Site and Development

2. This planning permission shall only relate to the area edged red on the approved planning application boundary plan (Drawing No. M5398-01), hereinafter referred to as "the Site".

Reason: To define the area to which this planning permission relates.

3. Except as otherwise provided in the conditions attached to this permission the operations and uses hereby permitted shall be carried out strictly in accordance with the approved scheme comprising:-
- i. The application form dated 22nd July 2013 and the accompanying design and access statement.
 - ii. The supporting documents, namely:

- Planning Statement, incorporating Design and Access Statement (revised 14 August 2013);
 - The Heritage Statement by Trig Point Conservation & Planning Ltd dated July 2013;
 - The Landscape and Visual Impact Assessment by FPCR Environment and Design Ltd dated 17th July 2013;
 - The Ecology Appraisal by Avian Ecology dated 12th August 2013;
 - Wind turbine Noise Performance Assessment by MLM Acoustics dated 4th November 2013;
 - Turbine Technical Specification sheet.
- iii. The permitted drawings, namely:
- General Location Plan;
 - Site Location Block Plan;
 - Wind Turbine Elevations Plan;
 - Foundations Plan;
 - Cabling Plan (1:1250);
 - LVIA Viewpoint Locations Plan;
 - Landholdings Plan.
- v. The following supplementary documents:
- The letter from Hallmark Planning dated 15 October 2013;
 - The emails from Hallmark Planning to Shropshire Council dated 25th October 2013 and 29 November 2013.

Reason: To define the permitted development.

Micro-siting

- 4a. The turbines may be micro-sited within 20 metres of the position shown on the approved location plan.
- b. The westernmost turbine shall be micro-sited at least 5m to the east of the position shown on the approved location plan in order to provide greater separation between the turbine and the public footpath which runs to the west of the site.

Reason: To provide an appropriate degree of flexibility to accommodate minor changes in placement of the turbine within the site for engineering reasons (4a) and to place the tople distance of the western turbine beyond the public footpath which runs along the western boundary of the turbine field.

Access and construction

5. No access to or egress from the Site shall take place other than by means of the approved internal farm track linking to the site as shown on the approved block plan.

Reason: In the interests of highway safety.

6. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the following:
 - i. The management of vehicles using the minor road between the B4364 and the site at times when deliveries of machinery are being made.
 - ii. Works, planned or remedial, to be undertaken to the highway to permit deliveries to be carried out on the minor road between the B4364 and the site.

Reason: In the interests of highway safety and protecting the integrity of the highway structure.

- 7a. The hours of work during the construction phase of the development and any traffic movements to or from the site associated with the construction of the development shall be to 0730 to 1900 hours on Mondays to Fridays and 0730 to 1400 hours on Saturdays other than as allowed for under condition 7b.
- b. Notwithstanding the provisions of condition 7a, delivery of turbine and crane components may take place outside the hours specified subject to not less than 24 hours prior notice of such traffic movements being given to the Local Planning Authority and such deliveries first being approved in writing by the Local Planning Authority.

Reason: In the interests of general and residential amenities (7a) and to provide some flexibility with respect to delivery of specialist components (7b).

- i. *Note (Rights of Way) - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the rights of way at all times. Building materials, debris, etc. must not be stored or deposited on the rights of way. There must be no reduction of the width any right of way. The alignment of the right of way must not be altered without a legal order. The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged. No additional barriers such as gates or stiles may be added to any part of the rights of way without authorisation. If the applicant feels the safety of the public is at risk while development is taking place, they should contact the Outdoor Recreation Team to apply for a temporary closure of either the footpath or bridleway, or both.*

Surface Treatment for Turbine and Hard Surfaces

8. Prior to the commencement date a scheme detailing surface treatments for the turbine and hard surfaces within the Site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall confirm the following:
 - i. The finish and colour of the wind turbines;
 - ii. Confirmation of the exact extent and nature of concrete and other hard surfaces within the Site.

The scheme shall be implemented in accordance with the approved details.

Reason: To confirm surface treatments within the Site in the interests of visual amenity (8i) and final restoration (8ii).

Archaeology

- 9a. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority advised by the appropriate member of Shropshire Council's Historic Environment Team'.
- b. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow the archaeologist to observe excavations and record items of interest and finds.

Reason: To safeguard any archaeological remains which may be present at the Site.

Vegetation and ecology

10. All existing hedgerows, shrubs and trees on the margins of the Site and the internal access track from the public highway which are not allocated for removal as part of the development shall be protected from damage during construction period.

Reason: To avoid damage to existing vegetation during the construction period in the interests of ecology and visual amenity.

11. Work shall be carried out strictly in accordance with the Ecological Assessment conducted by Avian Ecology (12th August 2013).

Reason: To ensure the protection of Terrestrial Mammals.

Notes:

- i. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.*
- ii. *Operations should be managed to avoid the need to commence work affecting vegetation in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.*

- iii. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If there is ever any evidence of a bat strike then the turbine should be shut off and discussions held with Natural England before it is allowed to resume activity.*
- iv. *Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*
Television interference

12. Prior to the commencement date a scheme to secure the investigation and alleviation of any electro-magnetic interference to terrestrial TV caused by the operation of the turbine shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for alleviation of any electro-magnetic interference to terrestrial TV attributable to the wind turbine hereby approved. This shall include, if necessary, funding by the applicant for engineers to visit to any affected properties within an agreed timescale to rectify any identified problems.

Reason: To provide satisfactory mitigation for any electro-magnetic interference to terrestrial TV which is attributable to the wind turbine hereby approved

Noise

- 13a. The noise emissions from the wind turbine (including the application of any tonal penalty) shall not exceed a sound pressure level LA90 10min of 35dB at the curtilage of any dwelling (including garden areas) lawfully existing at the time of this consent (excluding that in the ownership or control of the applicant extant at the time that planning permission was granted) at wind speeds up to and including 10 m/s-at rotor centre height.
- b.. The wind turbine hereby permitted shall be maintained to operate and perform in accordance with the manufacturer's specifications/recommendations.

Reason: In order to protect the amenities of the occupiers of nearby properties and the area in general.

- 14 Following notification from the Local Planning Authority (LPA) that a justified complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease if the specified level is confirmed

as being exceeded and shall not resume until the reason for the exceeding the noise limit has been rectified.

Reason: In order to protect the amenities of the occupiers of nearby properties and the area in general.

Time Limits / Decommissioning

15. Subject to condition 16b the wind turbine and its associated ancillary equipment shall be removed from the Site not later than 30 years from the date of this permission and the Site shall be restored to agriculture in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. Such restoration shall be completed not later than 31 years from the date of this permission and the restoration works shall be undertaken in full accordance with the approved details.

Reason: To facilitate decommissioning and restoration of the Site to agriculture within an acceptable timescale following the end of the planned design life for the facility in accordance with Government advice in the Renewable and Low Carbon Energy Guide (DCLG, July 2013).

- 16a. The developer shall notify the Local Planning Authority if the wind turbine fails to produce electricity to the grid for a continuous period of 12 months within the period referred to in Condition 15 above. Such notification shall be given to the Authority within one month of the end of the 12 month period.
- b. Notwithstanding Condition 15, within 12 months of any notification under Condition 16a above and unless otherwise directed by the Local Planning Authority the wind turbine and its associated ancillary equipment shall be removed from the Site. The Site shall then be restored to agriculture in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. Restoration in accordance with this Condition shall be completed by not later than 12 months following any notification under Condition 16a. The restoration works shall be undertaken in full accordance with the approved details.

Reason: To facilitate decommissioning and restoration of the Site to agriculture within an acceptable timescale in the event that electricity production at the Site ceases prior to expiry of the period referred to in Condition 15 above.