



Committee and date

Central Planning Committee

12 February 2015

## Development Management Report

Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/01802/FUL	<b>Parish:</b>	Westbury
<b>Proposal:</b> Installation of a 30m high wind turbine with control box and associated works		
<b>Site Address:</b> Hargreaves Farm Halfway House Shrewsbury Shropshire SY5 9DH		
<b>Applicant:</b> P And P Hughes		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 331935 - 310372



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Contact: Tim Rogers (01743) 258773

**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 The application seeks permission for the erection of a 225kW wind turbine with control box and associated works. The turbine would have a three bladed rotor attached to the nacelle, on a monopole steel tower. The swept diameter of the rotor blades would be 29 metres. The tower would be 30 metres from ground to the hub, and the maximum height of the turbine from ground to tip of blade would be 45 metres.

1.2 A control unit would be sited alongside the turbine, and have dimensions 3 metres x 2.5 metres x 2.5 metres high. It is proposed that the colour of the turbine would be RAL 7035 (Light Grey), however the applicant has confirmed that the colour can be as agreed with the local planning authority. The turbine would generate electricity during wind speeds of 4 – 25 m/s. The application states that the useful life of the turbine is expected to be around 30 years.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 Hargreaves Farm is an arable and pasture farm extending to 68 hectares, and includes large areas of hillside above the main farmstead. The application site is located in the centre of a pasture field, at an elevation of around 225 metres AOD. An area of woodland, parts of which are designated as ancient woodland, is located approximately 70 metres to the north. The height of the trees within this area is estimated to be 22-23 metres.

2.2 The nearest property is Hargreaves Cottage, approximately 530 metres to the west. The nearest public right of way runs in a generally northwest to southeast direction, approximately 380 metres to the southwest of the application site. Listed Buildings in the area include the Grade II\* Listed Hargreaves Farmhouse (approximately 600 metres to the west), Grade II Listed Buildings at Hall Mill (approximately 790 metres to the northwest), and the Grade II Listed dovecote at Marche Manor (approximately 880 metres to the east). The boundary of the Shropshire Hills Area of Outstanding Natural Beauty is approximately 6.6km to the southeast.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member has requested that the application is decided by Planning Committee, and this request has been agreed with the Committee Chair and the Development Manager.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee Comments

4.1.1 **Westbury Parish Council** The Parish Council neither object nor support the application. The Parish Council voted 3 for and 3 against this proposal. There was worry that granting this turbine would create a precedent for others to be erected on the Long Mountain, subject of course to the radar signature from RAF Shawbury

not being affected. It was recognised that the applicants had moved the turbine site down the mountain, and that for the future sustainability of the farm, there were limited income generation possibilities for the farmers. It was thought that if this were to go ahead, at £300k or similar it represented a significant local infrastructure development, and therefore the applicants should be encouraged to follow the spirit of the Localism Act and make a suitable contribution to the local community.

4.1.2 **Trewern Community Council (adjacent council in Powys, representing Middletown, Trewern, Buttington, Cefn and Hope)** No response received.

4.1.3 **English Heritage** Does not object. The proposed development would have an impact on the setting of a number of heritage assets, including nationally important scheduled monuments.

The proposed wind turbine will have an impact on the setting of a number of nationally important heritage assets, by the introduction of an industrial element to an otherwise fairly rural context. It is acknowledged that the rail line and roads run between some of the assets and the proposed location of the turbine but in general these are screened by vegetation and do not markedly detract from the rural setting of the assets. The distance between the assets and the proposed location reduces the impact but it will still introduce a change into the setting of the assets.

English Heritage would not object to the proposed turbine but we would recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.1.4 **CADW** No response received.

4.1.5 **MOD** No objections. The application is for 1 turbine at 45.07 metres to blade tip. The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Further comments from the MOD are as contained in the informative in Appendix 1.

4.1.6 **Shropshire Hills AONB Office** No response received.

4.1.7 **Powys County Council** No response received.

4.1.8 **SC Public Protection** No objections. The information provided in the Design and Access statement and subsequent manufacturer data has been considered in making this response. The noise data predicts that the nearest residential property is 640m away from the proposed location of the turbine. It is predicted that noise levels would be 31.1 dB(A) at a distance of 650m from the base of the turbine when the wind speed is 10m/s. As a result noise at the nearest residential receptor is predicted to be below the 35dB(A) level which would trigger the need for further assessment including background surveys on site according to the document "A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise" written by the Institute of Acoustics. As a result it is not

considered that any further assessment is required. It should be stressed that the noise data put forward is not general in respect that no noise data has been collected on the ground in the location proposed however it is specific to the wind turbine and I have no reason to question the noise levels put forward. As a result I have no objection in principal to the proposed development subject to the fact that a specific wind turbine has been specified and found to be suitable. Therefore should this application be granted permission I would recommend that a condition is imposed to require that the turbine is installed with the dimensions as proposed (see Appendix 1).

Given the turbine type, location and predicted noise emissions, I do not consider that significant noise disturbance is likely to arise from the installation. I therefore have no objection to the proposals. However, it is recommended that conditions are attached to cover the following: restricting noise emissions to 35db LAeqT; a requirement to maintain the turbine in accordance with the manufacturer's specifications; a requirement to measure and assess noise emissions if a justified complaint is received, and to cease operation if the specified level is confirmed as being exceeded (see Appendix 1).

With regards to shadow flicker I have consulted guidance and due to the position of the turbine it is not likely that any residential property in the vicinity will be affected by shadow flicker to a point which would be considered reasonable as stated in guidance on this matter.

4.1.9 **SC Drainage** No comments.

4.1.10 **SC Highways** No objections. The proposed wind turbine will be located a sufficient distance from any public highway not to present a danger if it should collapse. It is not clear if the installation will be visible from any public highway but in its proposed position I do not consider that it will cause an undue distraction to passing drivers. The construction of the turbine will require the delivery of large component elements and mass concrete. There are no details provided in the application as to how these will be delivered, but it would appear that they will be taken onto site via the existing main farm entrance. Should this not be the case and a temporary access arrangement be required, I would recommend that a construction management plan should be provided by the developer prior to any works commencing and once approved, implemented during the construction phase. I do not consider that there will be any vehicular access needed afterwards, other than for an occasional light maintenance vehicle.

4.1.11 **SC Rights of Way** No objections.

4.1.12 **SC Trees** No objections.

4.1.13 **SC Ecologist** No objections.

Bats: To avoid the danger of accidental collision with bats, it is advised that turbines of 30m or more to hub height are sited over 50m from the nearest hedge or tree. From the submitted plans it appears that this is the case and in this circumstance no bat activity or breeding bird surveys are required.

Nesting birds: No hedge or tree removal is indicated in the plans and with the existing gaps in hedgerows this should not be required.

#### 4.1.14 **SC Historic Environment team (Archaeology and Conservation)**

The proposed development comprises the erection of a 30m to hub height at c650m east of Hargreaves Farm.

The revised Heritage Assessment and associated additional photomontages and other visuals now meet the requirements set out in Paragraph 128 of the NPPF, thus enabling the impacts of the proposed development on the significance of the heritage assets affected to be determined.

It is noted from their consultation response, provided on 8 January 2015, that English Heritage does not object to the proposed development. However, they do indicate that the proposed development would impact on the settings of a number of designated heritage assets. Whilst acknowledging that the corridors of the A458 and the railway runs between some of these assets and the proposed development site, they indicate that in their opinion that, since they are at least partially screened by mature vegetation, they do not overly detract from the rural character of their settings.

On balance the Historic Environment team is in agreement with English Heritage's advice. It is observed, however, that the greatest impacts will be to the settings of the Scheduled Monuments of ringwork 540m north of Lane Farm and the motte castle 200m south west of Bretchel, together with the Grade II\* Listed Building at Hargreaves Farmhouse. With regard to the two Scheduled earthwork castle sites, the photomontages from Viewpoints 04 and 02 respectively illustrate that the full height of the turbine would be fully visible and largely unscreened from both locations, breaking the skyline on the higher ground to the south. This would introduce an incongruous modern element into the strategically significant views southwards from these monuments that would detract to some extent from their appreciation. It is, however, acknowledged that the turbine would be located at distances of over 1.5km from both assets, and would therefore represent one point in a wider panoramic view. In the case of Hargreaves Farmhouse, the Heritage Statement and the wireframe provided for Viewpoint 2 indicate that the upper section of the proposed turbine, including the full sweep of the rotor, would be visible from the building and its immediate environs. The setting of this building has a strong rural character and what modern buildings there are either agricultural or of a temporary nature, and do not therefore overly detract from one's ability to appreciate its significance.

Given the above, it is considered that the proposed turbine would impact on significance of these heritage assets as a consequence of development of their settings, but that in each instance this would amount to less than substantial harm. It is therefore advised in relation to Paragraph 134 of the NPPF that the decision taker needs to weigh this harm against the public benefits the proposed development would deliver. In the case of Hargreaves Farmhouse, when undertaking this balancing exercise the decision taker also needs to be mindful of the requirement, under Section 66(1) of the Planning (Listed Building and

Conservation Areas) Act 1990, to have 'special regard' to protecting the setting of the Grade II\* Listed Building.

With regard to direct impacts, it is advised that the archaeological potential of the proposed development site is considered to be low. In this respect, no further archaeological mitigation will be required as a condition of any planning consent.

If the decision taker is minded to approve the proposed development, it is advised that the turbine should be of an appropriately muted colour to reduce, in so far as is possible, its wider visibility in the landscape. Further, that some additional off-site tree planting with appropriate deciduous native species might, over time, reduce the visibility of the turbine from Hargreaves Farmhouse.

The applicant has indicated that they are willing to undertaking some tree planting to achieve screen the proposed turbine. If the decision taker is minded to approve the proposed development it is therefore advised that a standard landscaping condition is included on an planning permission.

## 4.2 **Public Comments**

4.2.1 There have been 206 letters of objection received and 55 letters of support.

Reasons for objection can be summarised into the following points:

- Visual impact, both locally and at distances further than 15km away
- Visual impact on Long Mountain, and on Stiperstones within the AONB
- motivation behind the application is not to benefit a local business but to make the farm more valuable, allowing the owner to sell the farm for more money.
- Adverse impact on quality of life due to noise
- Loss of property value
- Adverse effects on tourism
- Will impact financially on tourism businesses, such as caravan parks and holidays lodges
- Concern over precedent and possibility of further similar developments
- Impact on wildlife, such as Red Kites, Buzzards (both protected), Bats, Swallows and Larks
- No benefits to the community, only to the landowner
- acoustic assessor is no independent
- turbine would damage the environment due to materials used and short lifespan
- misleading photographs in visual impact assessment
- Government has advised that Britain already has enough wind turbines to meet wind generated energy targets
- Impact on aviation safety
- Solar panels or bio fuels should be used instead
- Revised application has not altered the height of the turbine and has increased output from 50kw to 250kw

- developments of this sort can interfere with other electronic and telecommunications equipment (radio, wi-fi, mobile phones etc.)
- query why Cardeston turbine is not included in cumulative visual assessment

#### 4.2.2 Reasons for support can be summarised into the following key points:

- visual impact would not be significant and turbine would barely be noticeable
- objectors have greatly overestimated the noise impact
- environmental benefits (e.g. reduction in greenhouse emissions) albeit on a small scale and there is a general feeling of support for green energy
- large pylons are far more of an eyesore, as are power plants
- two holidays parks have been created nearby after the erection of 2 nearby wind turbines
- questionable that tourism would be affected
- diversification should be supported, as should the sustainability of two young farmers' business

### 5.0 THE MAIN ISSUES

- Policy and principle of development
- Pre-application community consultation
- Siting, scale and design; impact on landscape character
- Local amenity and safety considerations
- Ecological considerations
- Community benefits; economic considerations
- Historic environment considerations

### 6.0 OFFICER APPRAISAL

#### 6.1 Pre-application community consultation

6.1.1 Under an Order which took effect in 2013 there is a statutory requirement that applicants undertake pre-application consultation on proposals for wind turbines.

6.1.2 The current application follows on from an earlier application for a wind turbine at land on land approximately 600 metres to the southwest that was submitted in 2013 and then subsequently withdrawn (ref. 13/04228/FUL). As a result of local concerns raised by that application, the current application proposes that the turbine would be located on a lower elevation than previously proposed. The applicant's agent has advised that account has been taken of the concerns of local residents. In particular the new proposal is for a smaller turbine (to the hub) and being located much lower down in altitude on the farm in order to reduce any concerns relating to visual, and to make every effort to mitigate the concerns expressed. The applicant's agent has advised that the applicant also attended the Westbury Parish Council to provide details on the proposal and to answer any questions.

6.1.3 On the basis of the above, it is considered that the steps taken by the applicant can be generally accepted as meeting the requirements of the 2013 Order.

## 6.2 **Policy and principle of development**

- 6.2.1 At the heart of the NPPF is a presumption in favour of sustainable development. Para. 93 states that planning plays a key role in supporting the delivery of renewable energy, and that this is central to the economic, social and environmental dimensions of sustainable development. One of the core planning principles set out in the National Planning Policy Framework (NPPF) is to support the transition to a low carbon future. This includes encouraging the use of renewable resources. The Planning practice guidance on renewable and low carbon energy reiterates the benefits of increasing the amount of energy from renewable and low carbon technologies by helping to make sure the UK has a secure energy supply, reduce greenhouse gas emissions and stimulate investment in new jobs and businesses.
- 6.2.2 The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 1), and that renewable energy generation is improved where possible (Policy CS6). Further, Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, where this has no significant adverse impact on recognised environmental assets.
- 6.2.3 In relation to economic considerations, one of the core planning principles of the NPPF is to proactively drive and support sustainable economic development. Core Strategy Policy CS5 allows for small-scale new economic development that diversifies the rural economy, including farm diversification schemes (although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts). In addition Policy CS13 supports rural enterprise and diversification of the economy.
- 6.2.4 The proposed development comprising the installation of a wind turbine would produce renewable energy. It is estimated that the turbine would produce in the region of 442,000 kwh at a wind speed of 6.0m/s (the estimated average wind speed at the site is 6.0m/s), which would provide enough electricity to power around 90 average UK homes. This would reduce reliance on non-renewable energy sources and thereby contribute to a reduction in carbon emissions and increase the security of energy supply. The NPPF states that planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (para.98).
- 6.2.5 In relation to farm diversification, the application states that the generation of renewable energy as proposed would benefit the applicant by reducing reliance on imported electricity, and it would create an income stream through guaranteed payments for exported power under the Feed-in-Tariff. The Parish Council recognises that for the future sustainability of the farm, there are limited income generation possibilities for the farmers. The proposal would therefore provide a financial benefit to the farming enterprise, thereby improving the economic viability of the farm business and contributing to securing the future of the farm. In this respect the proposal would have notable economic benefits.



6.2.6 On the basis of the above, it is considered that there is significant national and local planning policy support in principle for the proposal.

6.3 **Siting, scale and design; impact on landscape character**

6.3.1 Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the natural environment and be appropriate in scale and design taking into account the local context and character, having regard to landscape character assessments.

6.3.2 Siting: The application states that the proposed location of the turbine seeks to achieve a balance between maximising its output whilst protecting environmental and residential receptors. It states that the distance of the turbine from residential properties has been maximised in order to provide certainty that noise and shadow flicker effects to nearby residences would be acceptable. These matters are discussed further below.

6.3.3 Landscape typology:

6.3.4 The site lies within an area defined as Pasture Hills in the Shropshire Landscape Typology document published by the former Shropshire County Council. Key characteristics are described as prominent sloping topography; hedge fields with mainly ancient origins; pastoral land use; dispersed settlement pattern; medium to large scale landscape with filtered views.

6.3.5 The application is accompanied by Landscape and Visual Impact Assessments (LVIA). The applicant states that the most recent photos were produced using a 50mm lens and camera format recommended by Scottish Natural Heritage (SNH) as one of the most suitable and appropriate to use in photomontage production of wind turbines and wind farms. High the eye would see in the field.

6.3.6 The LVIA recognises that there is no right to a view. It states that the presence of buildings would reduce the visibility of the turbine from the village of Westbury, and from the main road through Halfway House. It states that a small number of residential properties within 3km would have an open aspect towards the turbine. For these residents, the LVIA evaluates their sensitivity to change as medium and the magnitude of change as slight. The LVIA considers that topography and the abundance of vegetation would help to screen the turbine from public rights of way. However it does recognise that from public rights of way, such as those within approximately 1km from the site, where clear views of the proposal would be available, a significant change in the view of these receptors would occur.

6.3.7 The LVIA has assessed impacts on visual amenity with reference to a number of public viewpoints, principally from public roads, from a range of distances, altitudes and directions. It considers that the impact on visual amenity from these viewpoints would be moderate/minor, and in some cases, minor. It considers that the proposal would not be detrimental to the existing landscape character or quality, and that the majority of public views would be from relatively long distances of 1km or more. In conclusion the LVIA concludes that the proposed turbine would have a limited effect on the baseline conditions in terms of both landscape character and visual amenity.

- 6.3.8 It is accepted that views of the site are frequently restricted due to intervening hedgerow, mature trees and the surrounding topography. In addition it is accepted that there are existing agricultural buildings, residential properties, and other man-made structures such as public highways in the general area. Nevertheless the proposed turbine and control unit would be sited at an elevated position (around 225m AOD), and on a relatively exposed part of the hillside. The turbine would introduce a feature not currently seen in the immediate area of this rural location (albeit that there are other turbines within the wider landscape), and would be taller than the trees in the nearby woodland. As such, where it is visible the turbine would have a degree of local impact. It is considered that the topography of the area and the existing woodland blocks in the vicinity would serve to limit unrestricted views of the turbine, nevertheless it would still be clearly visible from some public viewpoints. It is considered that the findings of the LVIA that there would only be a small number of properties within 3km with an open aspect of the turbine can be accepted. It is considered that the existence of the turbine may reduce the enjoyment of users of public rights of way in the area, where the turbine is visible. However it is accepted that users of these paths would be passing through the landscape and the turbine would only occupy a small part of the overall view.
- 6.3.9 The significant level of local opposition that has been received to the proposal is acknowledged, albeit that the amount of support for the scheme should also be noted. Nevertheless, whilst the site is within an attractive landscape, it is noted that it is not located within an Area of Outstanding Natural Beauty (AONB). Land within the AONB is visible from the application site. However, at a minimum distance of 6.6km away it is not considered that views of the turbine and control unit from the AONB would be significant and as such it is not considered that the visual qualities of the AONB would be adversely affected. The efforts made by the applicant to address local concerns by re-siting the turbine at a lower elevation and closer to an area of woodland which can provide some screening are acknowledged.
- 6.3.10 The turbine and control unit would have some impact on the local landscape and on visual amenity, and the magnitude of this is subjective. However on balance it is not considered that the level of impact would override the significant policy support for renewable energy developments of this nature. Furthermore, a condition can be imposed to require the removal of the turbine and control unit once it is no longer required or has passed its useful life.
- 6.3.11 Cumulative landscape impact and cumulative visual impact:  
Following advice from Officers, an additional Landscape and Visual Impact Assessment (LVIA) was submitted to further investigate the potential cumulative landscape and visual impact of the proposal, in respect of other turbines in the area. The LVIA has focussed specifically on the existing turbines at Braggington Hall (3.2km away), Hole Farm (2.9km away) and Wattlesborough Hall (3.6km away). The existing operational turbine at Cardeston has not been included in this further assessment but it should be noted that this is approximately 8km from the site, and therefore some considerable distance away.

- 6.3.11 Cumulative landscape impact: In relation to cumulative landscape impacts, planning policy guidance for renewable energy states that these are the effects of a proposed development on the fabric, character and quality of the landscape. It states that it is concerned with the degree to which a proposed renewable energy development will become a defining characteristic of the landscape, when seen in the context of other similar forms of development.
- 6.3.12 The additional LVIA states that fieldwork was unable to find visibility of all three of the closest operational turbines from any of the eight original viewpoints used in the visual assessment work. It states that at most, there would be cumulative visibility with one of these turbines from four of these viewpoints, with the remaining four viewpoints gaining no visibility of any of these operational turbines. It states that where there was visibility of existing turbines, this was consistently as part of a detailed view where the operational turbine would be a distant and discernible but not prominent element.
- 6.3.13 The additional LVIA has also assessed cumulative visibility from more elevated locations. It states that, from viewpoints B and C, all three of the operational turbines are discernible elements of the existing character of the landscape from these vantage points but that these viewpoints also indicate the extremely limited proportion of the overall view that the proposed turbine would occupy. It states that the addition of the proposed turbine within the current landscape context would result in a negligible change in landscape character.
- 6.3.14 On the potential for cumulative impacts on landscape character, the additional LVIA concludes that cumulative visibility of the Hargreaves turbine with other operational turbines would be very occasional, from a distance and generally (where available) of only one other turbine, with the result that cumulative impacts on landscape character would be extremely limited and not significant.
- 6.3.15 It is accepted that the character of the landscape in which the proposed site is located is well vegetated and undulating. This restricts the extent to which the existing operational turbines are, and the proposed turbine would be, visible beyond their respective local areas. It is noted that there are a small number of existing operational turbines in the area of the application site, and this in itself restricts the degree to which this type of development could be described as becoming a defining characteristic of the landscape. Overall, it is considered that the findings of the additional LVIA regarding cumulative impact on landscape character can be generally supported. As such it is not considered that the proposal would result in adverse cumulative impact on the landscape character of the area when considered in relation to existing turbines.
- 6.3.16 Cumulative visual impact: The renewable energy guidance states that cumulative visual impact concerns the degree to which the proposal will become a feature in particular views, and the impact this has upon the people experiencing those views. It states that 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. It states that it should not therefore be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts.

- 6.3.17 The additional LVIA assesses combined visibility, successive visibility and sequential visibility in relation to cumulative visual impacts. In terms of combined visibility, it recognises that from some viewpoints it would be possible to view the proposed turbine with one other operational turbine within the same 90 degree angle of view, i.e. without turning one's head. However it considers that such viewpoints do not represent consistent or recurrent views, and states that it is rare within the general landscape that more than one wind turbine would be clearly visible within a single view due to the well vegetated nature of the local landscape. In terms of successive visibility the LVIA also recognises that from some viewpoints it would be possible to see more than one turbine in a wider field of view, i.e. by turning one's head.
- 6.3.18 Whilst it would be possible to see more than one turbine from the same point, it is considered that this would only be the case for a limited number of viewpoints in the general area. Where this is possible it is considered that the view one or both turbines would be relatively distant, and would not be significant in the overall view.
- 6.3.19 In terms of sequential visibility, i.e. that experienced during a journey through the area, the LVIA considers that visibility of the other turbines in the area is intermittent and often partial.
- 6.3.20 The principal road route through the area is the A458. Whilst it is accepted that views of individual turbines are possible along different sections of this road, these views are generally short lived and partial due to existing vegetation and topography, rather than being open and clear views. It is accepted that views of individual turbines are variable when passing through the landscape, and that widespread visibility of each turbine is not possible. Overall it is considered that the visibility of the proposed turbine in combination with existing turbines would be minimal, and that any cumulative visual impact would not be unacceptable.
- 6.4 **Local amenity and safety considerations**
- 6.4.1 Core Strategy Policy CS6 (Sustainable Design and Development Principles) states that development should safeguard residential and local amenity.
- 6.4.2 Noise impact considerations:  
The planning application includes a prediction of noise levels at the nearest dwellings, based upon the sound power level of the turbine. This indicates that noise at the nearest properties would be less than 35db(A). The noise assessment concludes that the noise levels associated with the turbine would be low and that under most operating conditions it is likely that turbine noise would be completely masked by the background noise from the wind blowing through the trees and buildings and the shear distance from the turbine. It states that there would therefore be no noise disturbance to the neighbouring properties.
- 6.4.3 Based upon the details provided of noise levels the Public Protection Officer has confirmed that no further assessment is required. However the Officer has advised that planning conditions should be imposed on any permission granted to ensure that noise levels do not exceed the specified limit, and that noise monitoring is undertaken if complaints are received in order to provide reassurance of ongoing

compliance with the noise limits. The recommended conditions are set out in Appendix 1 below.

6.4.4 Shadow flicker and reflected light:

The application recognises that shadow flicker can cause a problem to nearby properties early in the morning or late in the evening, due to the rotating blades interrupting the light from the sun when the turbine is between the property and the sun. Based upon the dimensions of the proposed turbine the application states that care should be taken to ensure that any house within 291 metres (i.e. 10 rotor diameters) at a direction from 120 degrees west to 120 degrees east of the turbine location does not have a light sensitive outlook towards the turbine. The application states that as there are no properties within this range it is highly unlikely that any property would be affected by shadow flicker.

6.4.5 Based upon consideration of published guidance the Public Protection Officer has advised that it is not likely that any residential property in the vicinity of the turbine would be adversely affected by shadow flicker, due to the position of the turbine. On the basis of current guidance it is not therefore anticipated that that shadow flicker issues would arise.

6.4.6 Impact on air traffic safety

The application recognises that wind turbines can have an effect on aviation with rotating blades having the potential to impact on certain aviation operations, particularly those involving radar. The Ministry of Defence has advised that the principal safeguarding concern with respect to wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installation. Based upon the dimensions and location of the proposed turbine the MOD has raised no objections to the proposal on these grounds.

6.4.7 The applicant has used an assessment tool to indicate the potential for the proposed turbine to interfere with TV and radio reception, and has advised that this indicates that the development would not affect any properties.

6.4.8 General public safety considerations:

Surrounding land is in the private ownership of the applicant, and the nearest publicly accessible area is the public right of way approximately 380 metres from the site. No objections have been raised by the Rights of Way Officer. It is considered that the turbine would be sited a sufficient distance away from this footpath to avoid safety hazards, and any deterrent to users of the path. On this basis it is therefore considered that the proposal is acceptable in relation to Core Strategy Policies 7, 16 and 17 regarding the protection of the rights of way network.

6.4.9 Private health considerations:

Representation have been made by a local resident in respect of concerns that the proposed turbine may directly affect an existing health condition affecting member of the family, through flickering of the turbine blades. This matter has been discussed with the resident, who has requested that a copse of trees is planted on land between the property and the turbine in order to provide screening of the turbine. The applicant has confirmed that this can be undertaken, and has

confirmed that the land is within their control. Whilst it is not the function of the planning system to protect private views per se, it is considered that these are specific circumstances that justify the provision of mitigation measures to address an identified health issue. It is understood that the resident is satisfied with this approach. This planting, or alternative measures if deemed appropriate, can be secured through a planning condition (see Appendix 1).

6.4.10 Based upon the above assessment it is not considered that the proposal would result in adverse impact on residential or local amenity, subject to the imposition of the recommended conditions, and is therefore in line with Core Strategy Policy CS6.

## 6.5 **Ecological considerations**

6.5.1 Core Strategy Policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. Policy CS6 (Sustainable Design and Development Principles) requires that all development protects, restores, conserves or enhances the natural environment.

6.5.2 The proposed turbine would be sited on pasture land and as such it is not anticipated that its construction would result in the loss of land of particular ecological value. The Council's Ecologist has advised that, as the turbine would be located in excess of 50 metres from the nearest tree or hedgerow, no bat activity or breeding bird survey is required. On the basis of available information it is not considered that the proposal raises specific ecological issues. It can therefore be accepted in relation to Core Strategy Policies CS6 and CS17 regarding the protection of natural resource and environmental assets.

## 6.6 **Community benefits; economic considerations**

6.6.1 The Parish Council considers that the applicants should be encouraged to make a suitable contribution to the local community. Renewable UK, the renewable energy trade association, has published a Community Benefit Protocol, which sets out commitments for renewable energy developers to provide community benefits based upon the capacity of the proposal. However this only covers those wind farms of 5MW and above installed capacity. The current proposal for Hargreaves Farm would provide significantly less than this (224kw), and is therefore not covered by the Protocol. In any event, any community benefits by way of financial or similar contributions, would need to be negotiated independently of this planning application.

6.6.2 Core Strategy Policy CS16 gives support to sustainable tourism, and seeks to promote connections between visitors and the natural, cultural and historic environment. There is significant local concern that the proposed turbine would adversely affect tourism in the area, and therefore have a detrimental impact on local businesses. These concerns are acknowledged, and the importance of avoiding adverse impacts on rural tourism businesses is recognised. Nevertheless it is considered that there is insufficient evidence that the installation of the turbine would have a significant impact on local tourism.

## 6.7 **Historic environment considerations**

6.7.1 Core Strategy Policies CS6 and CS17 require that development proposals protect and conserve the built and historic environment, and do not adversely affect the heritage values of these assets. Planning practice guidance states that a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.

6.7.2 Following advice received by English Heritage and the Council's Historic Environment team a further Heritage Report has been submitted. The Council's Historic Environment Officers confirm that this meets the requirements of para. 128 of the NPPF to provide an assessment to enable an understanding of the potential impact of the proposal on the significance of heritage assets. The updated Heritage Report has assessed the impact of the proposal on Scheduled Monuments, Listed Buildings and the Westbury Conservation Area.

### 6.7.3 Scheduled Monuments:

The Heritage Report states that the turbine would not be visible from Caus Castle or Hawcocks Mount due to intervening topography. It states that the turbine would be at least partially visible from eight Scheduled Monuments. However it considers that due to a number of factors including the distance from these heritage assets, the limited size of the proposal and the partial visibility of the proposed turbine, no material impacts on the significance, setting or appreciation of these Scheduled Monuments would occur. In the assessment of the level of impact on each asset, the Report states that the proposed turbine would have a minor adverse impact on one Scheduled Monument, and a moderate/minor adverse impact on three Scheduled Monuments. It considers that due to factors such as intervening distance, location and partial views, the Heritage Report states that the proposed turbine would have no effect on either the setting or the significance of the remaining four Monuments.

### 6.7.4 Listed Buildings:

The proposed turbine would be located approximately 600 metres from the Grade II\* Listed Hargreaves Farmhouse. The Heritage Report acknowledges that the full rotor sweep of the turbine would be visible from the property. The Heritage Report considers that, given the medium sensitivity of the asset, the turbine would have a moderate/minor adverse impact on the setting of the Listed Building. It states that the turbine would be partially visible from Vennington Farmhouse (approximately 1.6km to the southeast), and assesses this as a moderate/minor adverse impact.

6.7.5 The Heritage Report has also assessed the impact of the proposal on the setting of other Listed Buildings in the wider area, including two at Hall Mill (approximately 790 metres away), Marche Manor (approximately 880 metres away), Winnington Hall (approximately 1.4km away), Lower Trefnant Farmhouse (approximately 1.6km away), and The Porch House (approximately 1.5km away). It concludes that the

impact of the proposal on these Listed Buildings would be no greater than minor adverse. The Heritage Report concludes that whilst there would be partial visibility of the turbine from Listed Buildings, there would be no material impacts on their significance, setting or special interest.

- 6.7.6 In the case of Hargreaves Farmhouse, the Heritage Statement and the wireframe provided for Viewpoint 2 indicate that the upper section of the proposed turbine, including the full sweep of the rotor, would be visible from the building and its immediate environs. The setting of this building has a strong rural character and what modern buildings there are either agricultural or of a temporary nature, and do not therefore overly detract from one's ability to appreciate its significance.
- 6.7.7 Conservation Area: The Heritage Report states that there would be no effect upon the special interest of Westbury Conservation Area, or upon its character or appearance. It is noted that Westbury Conservation Area is located approximately 2.8km from the application site. It is accepted that views of the turbine from central parts of the Conservation Area would be unlikely to be possible due to the built up nature of the village. In any event it is considered that any views of the turbine from the Conservation Area would be at such distance that adverse impact on the character of the area would be avoided.
- 6.7.8 Whilst not objecting to the proposal, English Heritage has advised that the turbine would have an impact on the setting of a number of nationally important heritage assets, by the introduction of an industrial element to an otherwise fairly rural context. The Historic Environment Officer considers that the proposed turbine would introduce an incongruous modern element into the strategically significant views southwards from the Scheduled Monument ringwork (approximately 1.56km to the north) and motte castle (approximately 1.7km to the northeast), and that this would detract to some extent from their appreciation. The Officer does acknowledge however that the turbine would be located at a distance of over 1.5km from both assets, and would therefore represent one point in a wider panoramic view. The Officer considers that, whilst the proposed turbine would impact on significance of these heritage assets as a consequence of development of their settings, in each instance this would amount to less than substantial harm. Therefore in relation to para. 134 of the NPPF it is necessary to weigh this harm against the public benefits of the proposed development. There is also a need, under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, to have 'special regard' to protecting the setting of the Grade II\* Listed Building.
- 6.7.9 In relation to the comments of the Historic Environment team regarding the need for landscaping, the applicant has confirmed that the applicant owns the land between Hargreaves Farmhouse and the application site, and has identified an area of land where tree planting could be undertaken. This area is at a relatively elevated position, and it is considered that the planting of a copse of trees would in time reduce the extent to which the turbine would be visible from the Listed Building. It is considered that details of species, numbers and location of this planting can be agreed by an appropriate planning condition. However in principle it is considered that the provision of tree planting in this area would be an appropriate means of reducing the impact of the turbine on the setting of the Listed Building to acceptable



levels.

- 6.7.10 In relation to the proposed development the public benefits relate to the generation of renewable energy, and are as set out in section 6.2 above. The proposal would also help to improve the economic viability of the farmholding, as also discussed in section 6.2 above. The identified harm that the proposal would have on heritage assets is fully acknowledged, however on balance it is considered that the benefits of the proposal outweigh this level of harm.

## 7.0 **CONCLUSION**

- 7.1 The proposal for the generation of renewable energy is supported in principle by the NPPF and planning policies and guidance. The significant number of local objections to the proposal are recognised. However it is not considered that the impacts of the proposed turbine on residential amenity would be unacceptable or cannot be satisfactorily mitigated through conditions. The impacts of the proposed wind turbine on landscape character, visual amenity and on the setting of heritage assets including Listed Buildings need to be given careful consideration. However on balance, it is not considered that the identified harm to these natural and heritage assets is sufficient to outweigh the benefits of the proposal in terms of the generation of renewable energy and through farm diversification. As such it is considered that the proposal can be accepted in relation to Development Plan and national planning policy and guidance, and that planning permission can be granted subject to the conditions set out in Appendix 1 below.

## 8. **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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than six weeks 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 give 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. Financial Implications

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

## 10. Background

### 10.1 Relevant Planning Policies

#### 10.1.1 Shropshire Core Strategy

This promotes a low carbon Shropshire by promoting the generation of energy from renewable sources (Strategic Objective 1)

- Policy CS5 (Countryside and Green Belt) – new development will be strictly controlled in accordance with national planning policies protecting the countryside; 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, although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts;

- Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change; improving renewable energy generation where possible; ensuring that all development: 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; contributes to the health and wellbeing of communities, including safeguarding residential and local amenity; makes the most effective use of land and safeguards natural resources;
- Policy CS8 (Facilities, Services and Infrastructure Provision) which positively encourages infrastructure that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, where this has no significant adverse impact on recognised environmental assets
- Policy CS13 (Economic Development, Enterprise and Employment) to develop and diversify the Shropshire economy, and seek to deliver sustainable economic growth. Emphasis to include: supporting rural enterprise
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets

## 10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF): Amongst other matters, the NPPF: encourages the use of renewable resources (para. 17 - Core Planning Principles); promotes good design as a key aspect of sustainable development (Chapter 7); supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10); advises that lpa’s recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve applications if its impacts are (or can be made) acceptable (Chapter 10); states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to unacceptable levels of soil, air, water or noise pollution (Chapter 11).

10.2.2 Planning practice guidance for renewable and low carbon energy (March 2014), states that the particular planning considerations relating to wind turbines include: noise impacts; safety; interference with electromagnetic transmissions; ecology; heritage; shadow flicker and reflected light; energy output; cumulative landscape and visual impact; decommissioning.

## 10.3 Emerging policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: The SAMDev Plan was submitted to the Secretary of State in August 2014 and is currently being examined. The site and surrounding area are not subject to any specific allocations in the SAMDev.

10.3.2 Draft Development Management policies: Relevant draft Development Management policies include:

- MD2 (Sustainable Design)
- MD7b (General Management of Development in the Countryside)
- MD8 (Infrastructure Provision)
- MD12 (Natural Environment)
- MD13 (Historic Environment)

10.4 Relevant Planning History:

- 13/04228/FUL Installation of a 50Kw 36.7m high wind turbine (46.3m blade height) with control box and all associated works, Hargreaves Farm, withdrawn 19<sup>th</sup> December 2013

**11. Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The application ref. 14/01802/FUL and supporting information and consultation responses.

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Roberts (Loton)

Appendices

APPENDIX 1 – Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until details of the external colour and finish of the turbine hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and permanently retained as such.

Reason: To ensure a satisfactory colour in order to protect the local landscape character.

4. No development shall take place until details of the control unit, including detailed siting, external materials and colour, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory design and appearance in order to protect the local landscape character.

5. No development approved by this permission shall commence until a mitigation scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:
  - (i) details of landscape planting to reduce the visibility of the turbine from Hargreaves Farmhouse, and
  - (ii) details of landscape planting or other mitigation works to reduce the visibility of the turbine blades from The Butts.

The submitted details shall include: location and specification of species; method of maintenance; provision for replacement of any failures; timetable for implementation.

The approved scheme shall be implemented as approved, and in accordance with the approved timetable.

Reason: To ensure the protection of residential amenity in recognition of the health concerns of the resident of The Butts, and to protect the setting of the Listed Building.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

6. The specification of the turbine shall be as specified in the revised Design and Access statement received on 22nd August 2014.

Reason: To protect the amenity of the area.

7. The noise emissions from the wind turbine (including the application of any tonal penalty) shall not exceed a sound pressure level of 35dB LAeqT at 8m/s hub height wind speed free field 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).  $T = (4 \times \text{Turbine blade diameter})$  seconds.

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

8. The wind turbine hereby permitted shall be maintained to operate and perform in accordance with the manufacturers specifications/recommendations.

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

9. 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.

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

10. Within 6 months of the wind turbine ceasing to be used for the generation of electricity, it shall be permanently removed from the site and the site restored in accordance with details to be submitted to and approved in writing by the local planning authority prior to these works being carried out.

Reason: To avoid the unnecessary accumulation of redundant structures in the open countryside.

11. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the

occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

### **Informative(s)**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy policies:  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS8 Facilities, Services and Infrastructure Provision  
CS13 Economic Development, Enterprise and Employment  
CS17 Environmental Networks

3. Defence Infrastructure Organisation Safeguarding (DIOS) has requested that they are advised of the following:
  - the date construction starts and ends;
  - the maximum height of construction equipment;
  - the latitude and longitude of every turbine.

DIOS has advised that this information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

The contact details are: Kalie Jagpal, Assistant Safeguarding Officer, Ministry of Defence, Safeguarding - Wind Energy, Kingston Road. Sutton Coldfield, West Midlands B75 7RL E-mail: DIOODC-IPSSG2a2@mod.uk

4. 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.

All vegetation clearance work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.