Parish:	**Outwell**	
Proposal:	**Supply and install 2 x Victory 24-60 wind turbines (22m)**	
Location:	**Oakley House Nurseries Hall Road Outwell Wisbech**	
Applicant:	**Oakley Nurseries**	
Case No:	**15/00137/F (Full Application)**	
Case Officer:	**Mr K Wilkinson** **Tel: 01553 616794**	**Date for Determination:** **6 April 2015** **Extension of Time Expiry Date:** **5 June 2015**

Reasons for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation

Case Summary

The land is agricultural, under the ownership of Oakley House Nurseries, situated on the southern side of Hall Road, Outwell, in the Countryside, as designated in the Development Plan.

The application relates to the construction of an additional two x 3 bladed wind turbines on the land, each with an overall turbine tip height of 34m. Members may recall that two turbines of this size were granted permission under application ref: 14/00605/F. This application seeks to add two further turbines in a line to the east of those already approved with similar separation.

The National Planning Policy Framework 2012, the King's Lynn and West Norfolk Core Strategy 2011 plus the emerging policies contained in the Submitted Site Allocations & Development Management Policies Document are relevant to this application.

Key Issues

Principle of development
Visual impact
Ecology
Heritage assets
Amenity
Highway safety
Other material considerations

Recommendation:

APPROVE

THE APPLICATION

The land is situated on the southern side of Hall Road, Outwell and accessed via existing farm tracks. The area is rural in nature, although there are dwellings located to the west of the site in Wisbech Road and north and north-west of the site along Hall Road.

There are two sites, both located on the northern side of an existing drain and to the east of the previously approved two turbines. The new turbines will be located approximately 110 metres apart and a distance of approximately 530m south of Hall Road and 650 metres east of A1101 Wisbech Road.

Planning consent is sought for the installation of two further wind turbines (Victory 24-60) – the first of the two previously approved has already been erected. The proposed turbines would have a tower height of 20 metres (hub 22 metres) and an overall height of 36 metres. Each turbine will have three blades and each blade will have a length of approx. 12 metres. The tower will be of galvanised steel with hub and blades coloured white.

SUPPORTING CASE

The application is supported by a Design and Access Statement, an Ecology Assessment and Noise Assessment.

The Design and Access Statement summarises that the foundations shall be installed to a design, which has been developed specifically for Victory 24-60 turbines. Unlike other wind turbines, the Victory product does not require an additional concrete pad to allow for erection.

Following the preparation of groundworks and foundations each turbine shall be erected in one working day (subject to site and weather conditions). There will be no disruption caused to occupants of any buildings or dwellings within the vicinity in terms of noise or traffic during the period of installation.

There are no public rights of way within the vicinity of the proposed site and access to the site will be via Beaupre Farm.

The proposed location of the turbines is approx. 330m to the nearest property which is not owned by the applicant, which is situated on Langhorns Lane. The turbines are installed more than 200m from the nearest neighbour so no shadow flicker should occur.

The technical drawings demonstrate that the scale, height and location of the proposed turbines will not pose significant harm to the open landscape.

There are not believed to be any known archaeological remains at the proposed location. In the event of future decommissioning of the turbines the foundations required for the Victory turbine require minimal disturbance of the ground beneath the tower.

No ancillary structures or buildings are required to house electrical equipment or controllers as these shall be housed in existing buildings.

The Noise Assessment concludes that noise emissions associated with the operation of the proposed wind turbines would operate within the target levels set using guidance in ETSU R97, provided that the source data does not vary significantly from that used in the assessment and that there is no tonality.

An Ecology Assessment concludes that the proposal would have a low likelihood of collision for bats. The reasons for this are that the boundary feature is not likely to be well used by bats; and the turbine blades maintain a considerable minimum height from the ground (12 metres). This does not preclude the remote possibility of a collision occurring, but it could not reasonably be predicted. Minor negative impacts on populations of common bats are therefore extremely unlikely. In terms of avoidance there is at worst a minor negative impact predicted.

A number of common bird species will use the area around the turbines, including ground-nesting species such as skylark. There may be limited use by small numbers of wintering waders, although large numbers are unlikely due to reasons outlined above. The data search revealed two records of separate flocks of 50 whooper swan within 2 km of the site, although, as in the case of wintering waders, the presence of nearby settlements and farm units are thought likely to deter the swans from foraging close to the area of the turbines. Barn owls may occasionally forage and transit up and down the ditch lines.

The scale of the turbines (relatively small hazard area) and the rotor height suggests they will not be a collision hazard for barn owls. This species generally hunts low to the ground, and flying at height would be a rare event.

The unlikely event of a collision might result in an intermediate negative effect on the local population; however there is a possibility of displacement for all bird species, though there is now a body of evidence which suggests by and large farmland birds are little affected by displacement from wind turbines. At most, minor negative effects from displacement are predicted. In order to avoid any negative effects from construction, the breeding bird season should be avoided.

The site consists of the following items which will require power:

Large onion drying floor
A grain drying store
Controlled atmosphere store – 38 workers caravans
Large fans
3 offices and 2 large workshops
Potato store with 12kw drying fans
3 seeding machines

Also, along with the standard lighting for his buildings, there are floodlights for night time packing during busy periods. Our client is looking to turn his potato store into a large cold store as well as putting in a drying wall which would require a lot more power. He is also looking to future proof his business energy costs for the next 20 years.

PLANNING HISTORY

14/00045/F: Refused 4/03/14 following Planning Committee decision 3/03/14: Installation of 2 x EC55 (34m) wind turbines

14/00605/F: Approved 29.07.14: Installation of 2 x Victory 24-60 (20m tower) wind turbines

RESPONSE TO CONSULTATION

Parish Council: OBJECT- There is fear that this will become a wind farm in the centre of a built up community. The location seems to be too close to the residential area. A visual blot on the landscape.

Environmental Health & Housing - Community Safety and Neighbourhood Nuisance: NO OBJECTION

Environmental Health & Housing – Environmental Protection: NO OBJECTION

Local Highway Authority (NCC): NO OBJECTION

Ministry of Defence: NO OBJECTION

Civil Aviation Authority: NO OBJECTION

National Air Traffic Service: NO OBJECTION

Natural England: NO OBJECTION to previous application

Norwich International Airport: NO OBJECTION

REPRESENTATIONS

ONE letter of **OBJECTION** received direct to this application raising the following concerns:
I live in a house which is completely surrounded by land owned by Oakley House Nurseries. The greenhouses and offices of this business are next door to my property, separated by a hedge. The business has recently constructed one wind turbine, with a second under construction, less than two hundred metres from my property.

The reason given by the business for the construction of these two turbines was to reduce electricity costs to the business. It is only a small family agricultural business. There is no justification for constructing more wind turbines for such a small business, they would produce far more electricity than the business could possibly consume. The construction of two more turbines, the only purpose of which is to increase the business revenue through selling electricity back to the energy companies, is not acceptable to me. Private homes should not be in danger of being encircled, in close proximity to wind turbines.

TWO further adverse reactions to the pre-application consultation procedure.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM20 - Renewable Energy

PLANNING CONSIDERATIONS

Key issues:

- Principle of Development;
- Visual Impact;
- Ecology;
- Heritage Assets;
- Amenity;
- Highway Safety; and
- Other Material Considerations.

Principle of development

The National Planning Policy Framework (NPPF) encourages the transition to a low carbon future in a changing climate through the use of renewable resources whilst ensuring any adverse impacts are addressed satisfactorily.

Paragraph 17,'meeting the challenge of climate change' supports the delivery of renewable and low carbon energy and recognises the responsibility on communities to contribute to 'energy generation' from renewable or low carbon sources. Paragraph 93 refers to the need to support the 'delivery of renewable and low carbon energy and associated infrastructure'. Local Planning Authorities are advised to approve applications for renewable technology (unless material considerations indicate otherwise) if its impact is acceptable. Paragraph 93 refers to the need to support the delivery of renewable and low carbon energy and associated infrastructure.

A positive stance with regards to renewable energy is also taken in the Core Strategy 2011 (Policy CS08 Sustainable Development) which supports and encourages the generation of energy from renewable sources and states that applications will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.

Furthermore recent National Guidance has been issued; 'Planning Practice Guidance for Renewable and Low Carbon Energy' (issued July 2013). This document identifies issues that should be considered when determining applications for wind turbines. This includes matters pertaining to noise, safety, electromagnetic transmissions, ecology, heritage, shadow flicker and reflected light. Advice is also given on how cumulative landscape and visual impacts should be assessed. Visual impact is covered in more detail below; in relation to cumulative impact, there are no other turbines in the immediate vicinity of the site.

The site is located within the countryside and approximately 7.5km away from any designated statutory site.

Policy DM20 – Renewable Energy - of the Pre-Submission Site Allocations & Development Management Policies Document also applies, and places emphasis on the significant loss of agricultural land. However the land-take of these turbines is relatively minimal and does not greatly affect agricultural production.

Visual impact

This application seeks permission for the construction of two wind turbines with a tip height of 34m.

The Council's Landscape Character Assessment (LCA) identifies this wider area as being within D5-Outwell. This document describes this area as:

"The sinuous, practically merged, villages of Outwell and Upwell, within a backdrop of arable farmland and plantations, dominate this very flat, low-lying landscape with its vast open skies. The small to medium, mainly regular fields are demarcated by dykes and ditches, which are often lined with reeds and rushes and other low vegetation...Both Outwell and Upwell encompass two roads on either side of a watercourse (the old course of the River Nene) with the buildings lining the roads. The presence of several small bridges giving access to the houses contributes to the unique, distinctive nature of the area. Settlement pattern further consists of several isolated farmsteads with associated farm buildings, dotted linearly along the rural roads... A strong sense of tranquillity is notable throughout the entire area, despite the presence of busy transport corridors such as the A1101 and the A1122. Views are generally open but the horizon is cluttered in places with a wide array of vertical elements such as buildings, mature trees, communication masts and overhead wires, rows of poplars and orchards. Structures and fences associated with horse and pony paddocks are also apparent landscape features. Fruit orchards are generally set back from the roads, channelling views and creating a sense of enclosure in places."

The visual impact of turbines in this area was assessed under the earlier application for two turbines.

The proposed turbines are once again 60kW wind turbines at 34m height to tip. In consideration of general appearance and siting, the turbines are of a relatively slim format, with the closest point of the new units to Hall Road being approximately 520 metres.

From the west the turbines would be seen behind the bungalows within Oak Drive further away from those already approved, but due to their height and the distance from Wisbech Road they would not dominate these bungalows.

In addition the turbines would be seen from various locations along Hall Road to the north, and due to the lack of field hedging immediately adjacent to the road, long views would be gained. It is however appreciated that there is a tree screen, further into the field, which will obscure the turbines in part. In the distance electricity pylons can be seen.

The turbines would also be seen from Langhorns Lane to the south, approx. 350m away at the nearest point, in a similar context as those views from the north/Hall Road.

There are existing vertical features within the vicinity of the proposal, trees, telegraph poles and pylons, and the introduction of further vertical features is not considered to detract from the open views of the fen landscape or create a cluttered skyline. The cumulative impact of effectively a row of 4 turbines would not detract from the appearance of this locality to a degree that would warrant refusal.

Ecology

A site specific Ecology report prepared by suitably qualified ecologists accompanies this application. This report states that the turbines are both within 10 metres of a seasonally wet ditch. The ditch is not considered to be a preferred route for bats to use, because of its inherent lack of shelter and invertebrate habitat. The semi-improved broad-leaf woodland area to the north, group of mature Oak trees to the west and tree lined garden wall and the ditch to the south with scattered bushes and trees are considered to be more favourable to bats. Taking into account the features of the site the report indicates that the likelihood of collision from bats is predicted to be low and accordingly minor negative impacts on populations of common bats are therefore extremely unlikely. In addition at worst minor negative impacts are predicated in terms of avoidance.

In relation to birds, it is stated that due to "the scale of the turbines and the rotor height suggest they will not be a collision hazard for barn owls. This species generally hunts low to the ground, and flying at height would be a rare event. The unlikely event of a collision might result in an intermediate negative effect on the local population; however, there is a possibility of displacement for all bird species, though there is now a body of evidence which suggests by and large farmland birds are little affected by displacement from wind turbines. At most, minor negative effects from displacement are predicted."

The report therefore suggests that mitigation is put in place; construction works should avoid the main bird breeding season; 1st March to 1st August, if however this cannot be avoided, the area affected should be inspected by a suitably qualified ecologist for ground nesting bird species. This could be secured by condition.

Heritage Assets

The site is not within a Conservation Area, nor is it adjacent to listed buildings. The nearest listed building is to the west of the site Beaupre Hall Farm, 98 Wisbech Road, which is Grade II listed. This dwelling is approximately 800 metres away from the site. The dwelling is two-storey with a Flemish gable to the road frontage. The dwelling and turbines would not be seen in conjunction with one another. To the south-west of the application site, over 1km from the site, is the Church of St. Clement (Grade I listed). Given the distance of separation and the intervening structures between the two sites they would not been seen together.

The proposed turbines are therefore not considered to harm the setting of these designated heritage assets.

Amenity

The Council's Community Safety and Neighbourhood Nuisance Team (CSNN) have reviewed and assessed the information submitted with the application, and state:

"Using the data provided within the report, it is predicted that the maximum noise likely at any of the noise sensitive receptors will be LA90 34dBa or less. Although a different calculation method was used in the previous application for two turbines, the report shows that noise levels will be similar to those previously predicted for two turbines and was approved and much closer receptors were assumed inaccurately.
It is difficult to predict in reality how much noise will be apparent from the turbines but the report suggests that any disturbance would be unlikely and I therefore do not object to the proposal."

An informative note is recommended to draw the applicants' attention to the requirements of the Environmental Protection Act 1990.

Highway Safety

Norfolk County Council Highways has reviewed the information accompanying this application and confirms that they have no objection to the proposal.

Other Material Considerations

There are no concerns relating to the relevant aviation authorities.

There are no issues relating to contaminated land or air quality.

The site is within flood zone 1, and therefore this application raises no flood risk issues.

There are no issues relative to 'crime and disorder'.

CONCLUSION

Renewable energy is generally supported in Planning Policy, subject to there being no significant adverse impacts upon issues such as air traffic control, ecological, visual and neighbour amenities. This proposal seeks permission for two wind turbines with a tip height of 34m, which takes the total approved up to 4, which will be seen as a row. Given the siting, height and design of the turbines, it is considered that the proposal would not create an adverse effect upon the landscape (including cumulative), highway safety, air traffic control, heritage assets, neighbour amenity or ecology. As such a recommendation of approval is made

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

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

1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan and turbine elevation drawing.

2 Reason For the avoidance of doubt and in the interests of proper planning.

3 Condition No construction works shall take place on site during the main bird breeding season 1st March to 1st August unless otherwise agreed in writing by the Local Planning Authority.

3 Reason To protect breeding birds in accordance with the principles of the NPPF.

4 Condition Within 2 months of the cessation of electricity production from the turbines hereby approved, the units shall be decommissioned and the structures and all their above ground associated infrastructure shall be removed from the site.

4 Reason In the interests of the visual amenity of the locality in accordance with the NPPF.