

20 June 2013

Agenda Item: 8 (b)

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

STRATEGIC PLANNING OBSERVATIONS ON A PLANNING APPLICATION FOR A SINGLE MICRO SCALE WIND TURBINE, BYRON FARM, KIRKBY-IN- ASHFIELD

Purpose of the Report

1. To seek Committee approval for comments set out in this report to be sent to Ashfield District Council (ADC) in response to the request for strategic planning observations on the above planning application for a single micro scale wind turbine at Byron Farm, Kirby-in-Ashfield.

Information and Advice

2. A planning application was submitted to Ashfield District Council on the 21st March 2013 for the erection of a 14.97m single wind turbine on land at Byron Farm, Kirkby-in-Ashfield.
3. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the application and this report compiles responses from Departments involved in providing comments and observations on such matters. On the basis of Committee's decision, comments will be sent to Ashfield District Council in their role as determining planning authority for this application. A site plan is provided at Appendix 1.
4. The planning application is accompanied by a Design and Access Statement and a range of other supporting documents. This report is based on the information submitted with the application in the context of national, regional and local policy.
5. The application site lies within the Green Belt.

Description of the Proposal

6. The development comprises a single micro scale wind turbine and will be 14.97m in height. The tower is a matt grey colour and the turbine housing and blades are coated white. The turbine will be grid connected to a Three Phase supply and will provide energy for Byron Farm.

Planning Policy Context

National Planning Policy Framework (NPPF)

7. There are clear aims and policies at a national strategic level that underline the need to meet renewable energy targets. The Governments renewable energy target seeks to generate 10% of UK electricity from renewable sources by 2010, its aspiration by 2020 is 20%. As a minimum, the UK must meet its legally binding target of 15% by 2020 as set out in the EU Renewable Energy Directive.

Ashfield Local Plan

8. The Ashfield Local Plan Review (2002) contains policies to ensure that the Green Belt is protected from inappropriate development.
9. The emerging Ashfield Local Plan 2012-2023 Preferred Approach contains Policy CC1, criteria 3 seeks to support stand alone renewable energy developments, including micro regeneration schemes provided they do not have an adverse impact on the surrounding built and natural environment and the highway network.

Strategic Planning Issues

Green Belt

10. What constitutes acceptable development within the Green Belt is set out in the NPPF, wind turbines are not considered to be acceptable development in the Green Belt and as such the onus lies with the applicant to demonstrate that there are very special circumstances to justify such inappropriate development in such a location.
11. The proposal is inappropriate and thus by definition harmful to the Green Belt. The proposal impacts upon one purpose for establishing Green Belts; that of “assisting in safeguarding the countryside from encroachment”. It also impacts upon the openness and visual amenity of the Green Belt, which the NPPF seeks to protect.
12. The applicants have set out in their application documents, in particular the Design and Access Statement; Green Belt Statement that they have assessed a number of locations and it is considered that they have demonstrated ‘very special circumstances’ in relation to locating the proposed wind turbine within the Green Belt. It should be noted that the proposed turbine is intended to provide sustainable renewable energy for Byron Farm, and as such requires a location within its boundary. It is considered that the applicant has demonstrated ‘special circumstances’ and that the proposed development would not harm the Green Belt.
13. Detailed planning policy in relation to the Green Belt is set out in Appendix 2.

Landscape and Visual Impact

14. The proposed turbine will have a slight adverse visual impact since existing vegetation and undulating ground filters the view. For landscape character, there will be a slight to moderate adverse effect since it would be an additional detracting feature in a relatively coherent landscape.
15. Detailed landscape and visual comments are contained at Appendix 3.

Conclusions

16. The overall National Planning Policy context in relation to wind turbines, as outlined above, is strongly supportive of the principle of wind turbines and the wider benefits of deploying renewable energy technologies in tackling climate change, subject to a number of considerations. The responsibility for determining planning applications for wind turbines lies with district planning authorities.
17. Concern in landscape terms is principally a matter of the effect upon the existing landscape. It should be acknowledged that the siting of any wind farm in any rural location will have a significant impact on the surrounding landscape, by its very nature, and the scale of the turbine.
18. On Green Belt matters the harm from this “inappropriate development” is principally its effect on openness. However, as stated above, the “wider environmental and economic benefits” demonstrate the ‘very special circumstances’ for allowing development in principle. There is a clear need to respond to climate change by developing renewable energy production and this presents a significant argument, backed by National planning policy, to support the proposal. It is concluded, that the applicants have justified the location of the proposed wind turbine within the Green Belt.
19. It is noted that the development will have a slight to moderate adverse impact on landscape character and a slight adverse impact for most receptors, however the proposal and the applicant’s conclusion that the development will not have an unacceptable impact on landscape or visual amenity are supported by the County Council’s Landscape and Reclamation Team.

Other Options Considered

20. This report considers all of the relevant issues in relation to the above planning applications which have led to the recommendations, as set out below. Alternative options considered could have been to express no or full support for the application.

Reason/s for Recommendation/s

21. It is recognised that significant weight is given to renewable energy at a National and strategic planning level.
22. On the grounds of impacts on visual amenity Nottinghamshire County Council does not raise any objections to this application.

Statutory and Policy Implications

23. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

24. There are no direct financial implications.

Implications for Sustainability and the Environment

25. There are no direct implications for Sustainability and the Environment.

RECOMMENDATION/S

1) That Ashfield District Council be advised that the development is supported in principle as it is recognised that significant weight is given to renewable energy at a National and strategic planning level.

2) The County Council has no significant concerns over the impact of the proposal of this scale and in this location on the landscape and openness of the Green Belt, and consequently does not raise any objections in landscape terms.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, ext 73793

Constitutional Comments (NAB 16.05.13)

26. Environment and Sustainability Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference.

Financial Comments (SEM 22/05/13)

27. There are no specific financial implications arising directly from this report.

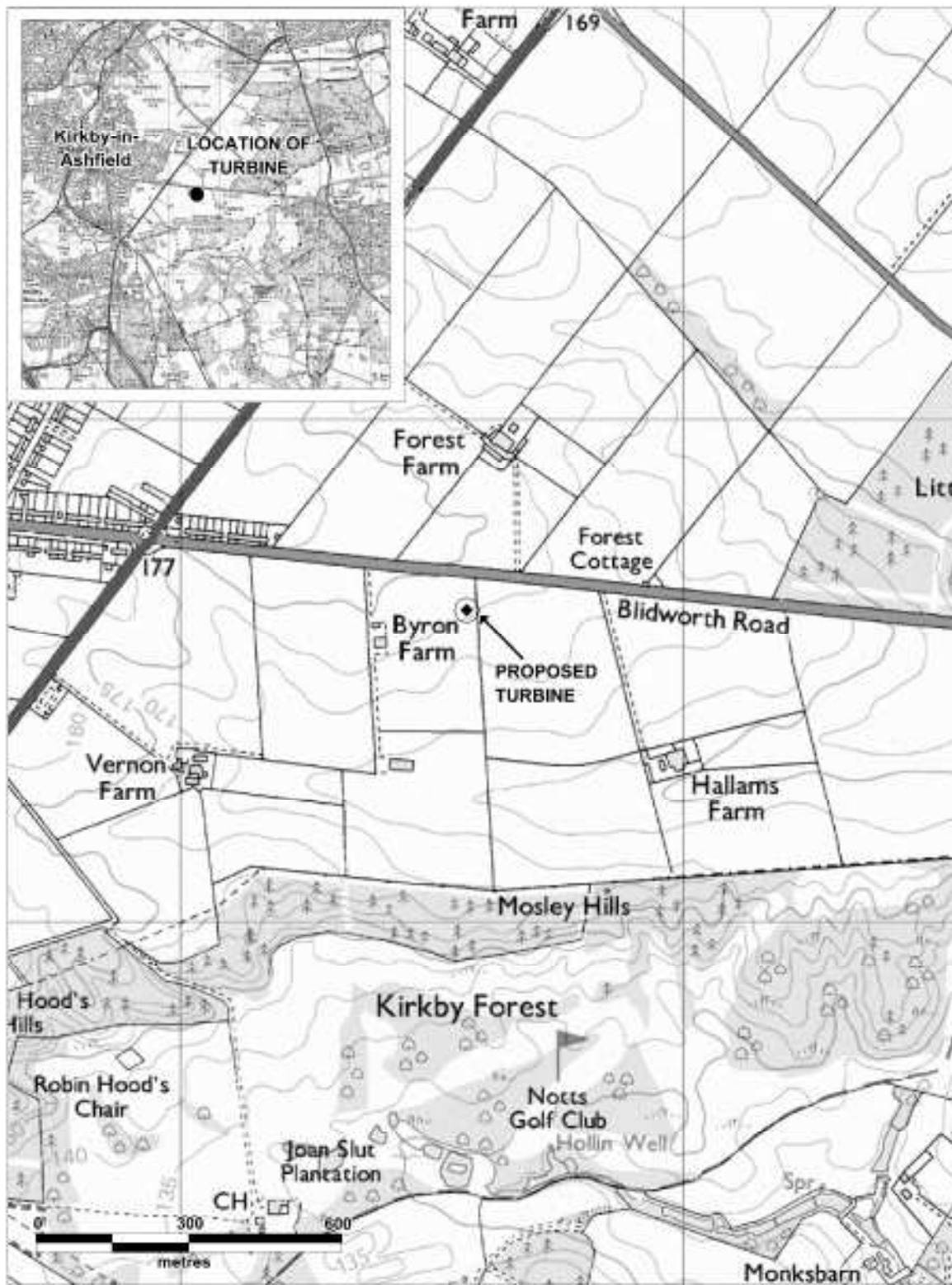
Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

Councillor John Knight – Kirkby-in-Ashfield North
Councillor Rachel Madden – Kirkby-in-Ashfield South

Appendix 1 – Site Location Plan



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823

Proposed installation of 1 No. Micro Scale Wind Turbine, (14.97m to hub).
Byron Farm, Blidworth Road, Kirkby in Ashfield, Nottinghamshire.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2013)



Scale 1:10,000
Produced by: JW
Date: JUNE 2011

Appendix 2 – Detailed National Planning Policy

The proposed development relates to the generation of electricity from renewable energy resources. As such, elements of the UK and EU Energy Policy are significant material considerations, including the UK Energy White Paper (2007), the Energy Act (2008), the UK Renewable Strategy, Low Carbon Transition Plan 2009 and the Renewable Energy Roadmap of 2011.

Fundamental aspects of national energy policy are set out in 'Meeting the Energy Challenge: A White Paper on Energy' (2007) which sought to increase the production of energy from renewable sources. The Energy Act 2008 strengthens the Renewable Obligation to drive greater and more rapid deployment of renewables in the UK.

There are clear aims and policies at a national strategic level that underline the need to meet renewable energy targets. The Government renewable energy target seeks to generate 10% of UK electricity from renewable sources by 2010, its aspiration by 2020 is 20%. As a minimum, the UK must meet its legally binding target of 15% by 2020 as set out in the EU Renewable Energy Directive.

In terms of the most recent Government policy documents, on the 12th July 2011 the Government published 'Planning our Electric Future: A White Paper for secure affordable low-carbon electricity' and 'The UK Renewable Energy Roadmap'.

The White Paper sets out the Government's commitment to transform the UK's electricity system to ensure that future electricity supply is secure, low-carbon and affordable. The Roadmap sets out a comprehensive action plan to accelerate the UK's deployment and use of renewable energy, with the aim of putting the country on the path to achieve the national 2020 renewable energy target, while driving down the cost of renewable energy over time.

In terms of National Policy Statement (NPS) The Overarching Electricity Infrastructure NPS EN-1 and the renewables specific NPS EN-3 were designated by Parliament on the 19th July 2011. The Government has confirmed that its policy on the need for renewable energy is clear and the local planning authorities and decision makers may treat the NPSs as a material consideration when dealing with smaller infrastructure projects (such as wind farms below 50MW).

The National Planning Policy Statement (NPPF) was published in March 2012. This document is considered to be a material consideration in the determination of planning applications and therefore must be taken into consideration when examining the above proposal.

Paragraph 87 of the NPPF states that, in relation to development within the Green Belt,

"As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

Paragraph 88 states that,

“When considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Paragraph 91 states that,

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”

In relation to renewable energy the paragraph 97 NPPF states that,

“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 landscape 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 such areas 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”.*

Paragraph 98 states that,

“When determining planning applications, local planning authorities should:

- Not require applicant’s 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...”*

Appendix 3 – Detailed Landscape and Visual Comments

We have now gone through the planning proposal for the Micro Scale Wind Turbine (14.97m), Kirkby in Ashfield, ref: V/2013/0179, Ashfield DC, and made the following observations:

- To support the conclusion that “*the development will not have an unacceptable impact on landscape or visual amenity*” the applicant should have provided an assessment demonstrating what the Landscape and visual impact will be. The assessment provided has good description of what is seen from each viewpoint but no conclusions regarding Visual Impact.
- There is no photographic evidence showing the view from the closest neighbour to support the visual impact assessment regarding that important receptor.
- It is assumed the circle on the site location map is the 1km zone of theoretical visibility. That needs to be labelled and/or be a part of the legend.

To summarise the Landscape Character and Visual Impact;

For most receptors the proposed turbine will have a slight adverse visual impact since existing vegetation and undulating ground filters the view. For landscape character, there will be a slight to moderate adverse effect since it would be an additional detracting feature in a relatively coherent landscape. I outline the impacts below.

LANDSCAPE IMPACT

Landscape sensitivity: SH11 – sensitivity Moderate, Condition Moderate

Magnitude of change: Low adverse to medium adverse.

The landscape has a coherent pattern of elements with large geometric arable fields and blocks of woodland. There are some detracting features, and the proposed wind turbine would be an addition to those detracting features.

Landscape Impact = slight to moderate effect

VISUAL IMPACT:

Viewpoint 1:

Receptors: residential +travellers along road

Sensitivity = high

Magnitude of impact = minor

The wind turbine is barely visible on the picture, there are elements filtering the view, and there are other vertical elements (electric poles) with the same height.

Visual Impact = Slight to moderate adverse impact

Viewpoint 2:

Receptors = People travelling through by car

Sensitivity = low

Magnitude of Impact = Negligible

The wind turbine is barely visible with trees filtering the view.

Visual Impact = Neutral to slight adverse impact

Viewpoint 3:

Receptors = People travelling through by car

Sensitivity = low

Magnitude of Impact = Moderate

The wind turbine is clearly visible and is an element disturbing an otherwise continuous route.

Visual Impact = Slight adverse impact

Viewpoint 4:

Receptors = People travelling through by car + footway along highway

Sensitivity = low to medium

Magnitude of Impact = no change to negligible change

The wind turbine is barely visible with hedging etc. filtering the view. Several electric poles are forming vertical elements in the area

Visual Impact = Neutral to slight adverse impact

Viewpoint 5:

Receptors = Entrance to leisure – golf club

Sensitivity = Medium

Magnitude of Impact = negligible

The wind turbine is barely visible having hedging, trees and a farm filtering the view.

Visual Impact = Neutral to slight adverse impact

Viewpoint 6:

Receptors = People travelling through by car + footway along highway

Sensitivity = medium

Magnitude of Impact = Negligible

The wind turbine is barely visible having hedging, trees and a farm filtering the view.

Visual Impact = Neutral to slight adverse impact

Viewpoint 7:

Receptors = residential with secondary views
Sensitivity = Medium
Magnitude of Impact = No to negligible change

The wind turbine is barely visible with trees and housing filtering the view

Visual Impact = Neutral to slight adverse impact

Viewpoint 8:

Receptors = residential with potential secondary views
Sensitivity = Medium
Magnitude of Impact = No change

The wind turbine isn't visible due to topography

Visual Impact = No change

Viewpoint 9:

Receptors = People travelling through by car
Sensitivity = low
Magnitude of Impact = No to negligible change

The wind turbine is barely visible due to intervening land

Visual Impact = Neutral to slight adverse impact

Viewpoint 10:

Receptors = People travelling through by car
Sensitivity = low
Magnitude of Impact = No to negligible change

The wind turbine is barely visible due to intervening land

Visual Impact = Neutral to slight adverse impact

Viewpoint 11:

Receptors = People travelling through by car
Sensitivity = low
Magnitude of Impact = Neutral

The wind turbine is not visible – under the horizon

Visual Impact = No change

Conclusion,

It is noticed that the development will have a slight to moderate adverse impact on Landscape character and a slight adverse impact for most receptors, but I support the proposal and the applicant's conclusion that the development will not have an unacceptable impact on landscape or visual amenity.