

The application is for the installation of a 500kw wind turbine (maximum tip height 77m) and associated infrastructure, including an access track, at Fields Farm in Betley. The application also involves the diversion of a public footpath.

The site lies within the North Staffordshire Green Belt, within the Rural Area, and within an Area of Landscape Enhancement, all as indicated on the Local Development Framework Proposals Map.

Church Lane is a C class road.

The 8 week period for the determination of this application expired on 17th October 2014, but the applicants have agreed to extend the statutory period, presently to the 12th December 2014.

RECOMMENDATION

Subject to confirmation from Environmental Health that the most up to date guidance on conditions has been followed, permit subject to the following conditions;

- 1. Standard time limit**
- 2. Approved plans and supporting information**
- 3. Submission and approval of specific turbine and associated infrastructure details**
- 4. Turbine colour**
- 5. Notification to LPA of development commencement date**
- 6. Temporary works reinstated once the turbine is operational**
- 7. Development carried out in strict accordance with Delivery Route Assessment and Traffic Management Plan dated 03/10/2014 (as advised by HA)**
- 8. Submission and approval of further badger survey**
- 9. Mitigation measures as per approved ecology report**
- 10. Decommissioning and removal of all infrastructure hereby approved once it ceases to be required for energy generation purposes**
- 11. Turbine to be located over 77 metres from any public footpath/ right of way**
- 12. Construction hours**
- 13. Noise limited to an $L_{A90,10min}$ of 35dB(A) at wind speeds of up to $10m/s^{-1}$ as measured or calculated at 10m height**
- 14. Submission and approval of an assessment/ mitigation measures to limit the potential for shadow flicker**
- 15. The temporary site access of Church Lane shall be provided before the commencement of the development.**

Reason for Recommendation

The proposed development does not meet one of the exceptions for appropriate development within the Green Belt and therefore represents inappropriate development with the Green Belt. In this instance it is considered that there would be a degree of harm to the openness of the Green Belt and the construction of a turbine would be contrary to the purpose of including land within Green Belts that refers to safeguarding the countryside from encroachment. There would also be some harm to the character and quality of the landscape due to the scale of the development. The harm to the Green Belt and landscape would however be outweighed by the benefits of the development, most notably the wider environmental benefits associated with increased production of energy from renewable sources and the contribution to cutting greenhouse gas emissions to tackle climate change. There are considered to be the very special circumstances required to justify the development. Any harm to highway safety, residential amenity levels, ecology impacts and the users of public footpaths could be mitigated through the imposition of conditions. The proposed development therefore accords with the

policies of the development plan identified and the guidance and requirements of the National Planning Policy Framework.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The Local Planning Authority in order to work in a positive and proactive manner has requested additional information during the application which has subsequently been submitted.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Adopted 2009)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N12: Development and the Protection of Trees
Policy N14: Protection of Landscape Features of Major Importance to Flora and Fauna
Policy N17: Landscape Character – General Considerations
Policy N20: Area of Landscape Enhancement
Policy B2: Scheduled Ancient Monuments
Policy B5: Control of Development Affecting the Setting of a Listed Building

Other material considerations include:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (2014) including planning practice guidance on renewable and low carbon energy

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

ETSU- R-97 The assessment and rating of noise from wind farms

Onshore wind energy planning conditions guidance note – a report for the Renewables Advisory Board and BERR, 2007

Planning History

Nil

Views of Consultees

The **Environmental Health Division** have indicated that a noise assessment has been submitted. A theoretical analysis has been undertaken, stating that the worst case predicted noise levels at the nearest residential property does not exceed the 35dB LA90 ETSU-R-97 simplified noise limit. No objections are raised subject to a construction hours condition and a condition limiting noise from the operational turbine as measured at the nearest noise sensitive receptor limited to $L_{A90,10min}$ of 35dB(A) at wind speeds of up to $10m/s^{-1}$ as measured or calculated at 10m height.

The **Landscape Development Section** raise no objections following the submission of revised information as it would appear that the revised route for access would avoid the need for hedgerow

removal and replacement at the temporary site entrance on Church Lane. Conditions regarding the submission and approval of a detailed method statement to cover the removal and replanting of hedgerow removed and a detailed method statement to demonstrate the installation of the underground grid connection on the existing retained hedgerow are advised.

The **Highways Authority** raises no objections subject to conditions that the temporary site access off Church Lane shall be provided before the commencement of the development and shall be reinstated to hedgerow on completion of the works, abnormal indivisible loads shall access the site in accordance with the Delivery Route Assessment and Traffic Management Plan report; and The Traffic Management Plan shall be adhered to for all vehicles movements throughout the construction of the proposed wind turbine. Important 'informatives' are also advised.

The **Conservation Advisory Working Party (CAWP)** raises no objections

National Air Traffic Services (NATS) Safeguarding raises no safeguarding objections.

County Council Footpaths Officer has advised that often, fall-over distance is considered an acceptable separation (between a public right of way and a turbine), and the minimum distance is often taken to be that the turbine blades should not be permitted to oversail a public right of way. In this case the separation distance does not seem to be much more than 70 metres from the proposed new footpath at its closest point which is less than the tip height of the proposed turbine (77 metres) which could, potentially, cause disruption to path users. The developer needs to take account these comments and reconsider whether the current proposed location is the most appropriate.

Madeley Parish Council has advised that Councillors neither support or oppose the application and did not wish to comment any further.

Betley, Balterley and Wrinehill Parish Council resolved that the Council is not convinced that the proposed works represent appropriate development within the Green Belt; that it is a matter for the Borough Council to determine whether there are very special circumstances to justify granting permission; and that if the Borough Council is minded to grant permission the Parish Council would require that there would be no damage to existing hedgerows and other environmental features as a consequence of carrying out the development.

Audley Parish Council support the application subject to a satisfactory traffic management plan being provided by the applicant to demonstrate there is no negative impact on the Audley parish residents from HGVs and construction traffic entering and leaving the site, and it is also to the satisfaction of Betley Parish Council.

The **Council's Urban Design and Conservation Officer** agrees with the submitted information and particularly the heritage statement, that the topography of the area including woodlands restricts many views in general having walked the public footpaths in the vicinity. The most significant asset located closest to the turbine is Heighley Castle (remains of). Given the topography the turbine is unlikely to be visible from the south or north. It is not considered that the location of the proposed turbine would have any significant impact upon Heighley Castle. Strategically the castle and its surrounding landscape will be unaffected by the presence of the turbine. Other assets, such as those in Betley village are located so that principal views are within the village itself or not in the direction of the turbine. There are also other intervening features to ensure that the turbine will not be visible in the foreground. There is no visual link between Heighley castle and Audley castle and so there would be no harm caused by the presence of the wind turbine in the landscape.

Ministry of Defence Estates has not responded within the deadline for comments which expired on the 22.09.2014 and it has to be assumed that they have no comments to make upon the application.

Staffordshire Badger Conservation Group seek clarification on a number of points detailed within the ecology assessment and recommend a further survey of the fields when more favourable conditions are present. However, they agree with the recommendations regarding mitigation, the amendment of the development design or use of a disturbance licence from Natural England.

Representations

16 letters of representation have been received raising the following objections;

- It would result in an unacceptable level of noise and the health problems for nearby residents,
- Shadow flicker would cause a detrimental impact on health of nearby residents and highways safety,
- It would have a detrimental impact on the landscape due to its height and dominance,
- Substantial weight should be given to the impact on the Green Belt,
- The turbine would be dominant and intimidating to footpath users,
- It would destroy the area's heritage and beauty,
- Wildlife and Craddocks Moss wet-lands would be adversely affected,
- Significant highway danger from HGV's during the delivery and construction period,
- Noise, light flicker, concrete bases, infrastructure and loss of unspoiled countryside are forms of pollution,
- It would be an industrial structure encroaching into the countryside,
- Wind turbine noise is highly intrusive even at very low amplitude below 30db,
- The benefits of power output is limited with increasing concerns about the environmental costs and consumer subsidy costs of onshore turbines,
- The photomontages are prepared in summer. The picture would look much worse in the winter months,
- Still pictures of distant objects are notoriously ineffective in providing a real life assessment of a large moving object,
- Additional photomontages should be prepared,
- Property prices would be adversely affected requiring compensation from the applicant,
- It would ruin the enjoyment of the rural landscape by many users,
- The noise from the turbine may affect animals,
- Appropriate public consultation has not been carried out,
- There is no traffic management plan,
- Listed buildings and structures would be harmed by highway movements and works,
- Turbines are dangerous structures,
- Are the submitted plans accurate?
- Applications by this company have been rejected by other authorities.

Applicant/agent's submission

The application has been supported by a Planning Statement which includes a design and access statement. The Planning Statement includes a number of topics which include, social and economic context, planning policy, other material considerations, planning evaluation. A summary of the key points are as follows;

Benefits

- The provision of energy from a renewable source, amounting to approx 1.53 million kWh per year, the equivalent of providing electricity to 368 homes per year,
- A suitable contribution to address climate change and to meet national renewable targets. The proposal will offset approx 658 tonnes of CO₂ per year,
- Appropriate farm diversification, leading to a reduction in farming costs for the landowner,
- Compliance with national and development plan policies,
- No adverse impact on landscape character, residential amenity, heritage assets or ecology features,
- The on-site wind resource - with the wind speed at hub height measuring 6.8m/s,

EIA consideration

- It is considered that the scale of the proposed development at Fields Farm falls short of any threshold and that its likely environmental impact is not significant enough to warrant an Environmental Impact Assessment,

Site location and description

- The proposal site is accessed from Church Lane, between Betley and Heighley. The application site itself is located within an existing agricultural arable field, with indigenous hedgerows on the field boundaries,
- The site lies within a relatively sparsely populated area. The nearest other residential properties are Heighley Cottage, some 550m to the northeast; Craddocks Moss, 610m to the east; and Monkey Tree Cottage, 595m to the southeast of the turbine position,
- The proposed wind turbine will have a hub height of 50m and would be a maximum of 77m in height to blade tip,
- The development will include any necessary associated infrastructure, including appropriate substation and underground cabling link to the nearest available overhead power lines,
- The access route from Church Lane will utilise a temporary site entrance, then will follow a temporary track linking in to the existing farm track, before using a newly constructed permanent track built across the turbine field, to allow access for maintenance over a 20 year period,

Social and Economic Context

- This proposal will provide energy from a renewable source,
- The turbine will also act as a landmark for the area and will encourage people to think about green-issues such as renewable energy, recycling and energy saving measures,
- The proposal is of benefit to the environment whilst simultaneously reducing farming costs for the landowner,
- The turbines will provide a small contribution to climate change and renewable targets, the NPPF makes it clear that such benefits, whatever their scale, are material considerations that should be given significant weight in determining planning applications,

Landscape

- The site has no specific landscape designation. The site lies within the Shropshire, Cheshire and Staffordshire Plain National Landscape Character Area,
- Staffordshire Landscape Character Assessment - The Character Assessment was adopted in March 2013. It places the site within the Ancient Clay Farmlands Landscape Character Type,

Heritage Assets

- Heighley Castle Scheduled Ancient Monument and Grade II Listed Building, 750m south of the site,
- 35 Listed Buildings in the village of Betley,
- Grade I St Margaret's Church and Grade II* Betley Court,
- The village is a designated Conservation Area,
- 5 Grade II Listed Buildings in Wrinehill,

Landscape Visual Impact Assessment

- The LVIA concludes that, "Overall, it is considered that the proposed turbine can be accommodated without unacceptable landscape and visual effects. Significant effects are contained within relatively close proximity of the turbine and will affect a limited number of receptors, as topography and natural screening features combine to filter the effects to the wider area".
- There is only one operational turbine within proximity of the application site, a 35m tip height Endurance turbine at Lower Den Farm, to the west of Betley, within Cheshire East's jurisdiction,
- This turbine is 3kms from the application site and of a different scale. It is considered that the proposal will not result in any unacceptable cumulative effect or create a "wind farm landscape".

Green Belt

- It is considered that there are special circumstances that allow the proposal,
- The generation of renewable energy is a special circumstance,
- The electricity generated by the proposed wind turbine would be sufficient to power the requirements of 368 homes and would save at least 658 tonnes of Carbon Dioxide from being released into the atmosphere,

- The proposal for the turbine is the landowner's choice to maximise his business income in an appropriately windy location,
- Small farms are struggling in today's market and the income generated by the turbine would ensure that the farming legacy is continued,

Heritage Impact

- A bespoke Heritage Statement has been prepared by Trigpoint, qualified, professional conservation consultants which concludes that the construction of the proposed wind turbine will not have any adverse impact on any local heritage assets. This proposal therefore complies with the requirements of the Listed Buildings and Conservation Areas Act and the objectives of the NPPF and the local planning policies, that seek to ensure that the significance of heritage assets are not lost through development within their setting

A noise report, ecology assessment and routeing assessment and traffic management plan have also been submitted to support the application. A letter has also been received from the applicant's representative addressing the issues raised by objectors and consultees.

The application material is all available to view via the following www.newcastle-staffs.gov.uk/planning/1400636FUL

1. KEY ISSUES

1.1 The application is for the installation of a 500kw wind turbine (maximum tip height 77m) and associated infrastructure, including an access track at Fields Farm in Betley. The application also involves the diversion of a public footpath. The site lies within the North Staffordshire Green Belt, within the Rural Area, and within an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map.

1.2 The main issues for consideration are:-

- Is the proposed development is appropriate or inappropriate in Green Belt terms?
- Is the principle of the development, acceptable?
- Does the development comply with policies on development in the countryside and impact on the character and appearance of the landscape?
- Would there be harm to the setting of heritage assets?
- Would there be any material adverse impact on residential amenity?
- Would there be a severe adverse impact from the access and construction phase on highway safety?
- Would there be an adverse impact on users of the public footpath?
- Would there be an adverse impact on the ecology of the area?
- If inappropriate in Green Belt terms, do the required very special circumstances for the development exist as to justify approval?

2. Is the proposed development is appropriate or inappropriate in Green Belt terms ?

2.1 The site is located within the Green Belt. In these locations the NPPF details that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence; and their purposes include that of assisting in safeguarding the countryside from encroachment

2.2 The installation of a wind turbine does not meet any of the definitions of appropriate development as detailed within the NPPF and paragraph 91 indicates 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.”

2.3 Therefore the proposal is considered to represent inappropriate development and should not be approved except in very special circumstances (para 87).

3. Is the principle of the development acceptable?

3.1 A core principle of the NPPF is the use of renewable resources of which the development of renewable energy is one.

3.2 Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

3.3 Paragraph 98 of the NPPF details that “When determining planning applications local planning authorities should;

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application, unless material considerations indicated otherwise, if its impacts are (or can be made) acceptable..”

3.4 This message is carried forward into the local development plan with the adopted Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy containing a policy (CSP3) on Sustainability and Climate Change which refers in general terms to the encouragement of development which positively addresses the impacts of climate change.

3.5 In determining planning applications the NPPF details that “in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”

3.6 The applicant has detailed that the proposed turbine would generate approximately 1.53 million kWh per year which is the equivalent of providing electricity to 368 homes (per year). It would also make a suitable contribution to address climate change and to meet national renewable targets. The proposal will offset approx 658 tonnes of CO2 per year. It would also promote appropriate farm diversification, leading to a reduction in farming costs for the landowner.

3.7 In consideration of the strong policy support for developments that assist in meeting the challenge of climate change and the contribution that renewable energy sources has on this objective it is considered that the proposed development meets the guidance and requirements of the NPPF.

4. Does the development comply with policies on development in the countryside and impact on the character and appearance of the landscape?

4.1 The proposed turbine would be located within a field that forms part of the agricultural unit of Fields Farm. The turbine would have a hub height of 50 metres with a maximum height of 77 metres to the blade tip. The turbine would sit on a concrete pad along with a substation. Underground cabling would link the equipment to overhead power lines nearby and a temporary access track and permanent maintenance track are proposed.

4.2 Whilst details have been provided of the proposed turbine the applicants have asked that any approval should be subject to conditions that allow for the purchase of an alternative model of turbine. This is also applicable for the access/construction areas with the full details of the precise format only being available closer to the installation date. Suitable conditions could be

imposed to secure the submission and approval of these details prior to any work and activities commencing.

4.3 The access route from Church Lane will utilise an existing entrance through the main farm with a temporary track linking to an existing track before a further track connects to the turbine infrastructure.

4.4 The land is designated as an area of landscape enhancement (NLP policy N20) which seeks to enhance the character and quality of the existing landscape. The area is rural in character with farmsteads and agricultural land being the main attribute of the area but there is a sporadic distribution of residential properties throughout the landscape.

4.5 The proposed development due to the height of the turbine and the infrastructure required would undoubtedly have an impact on the area due to it introducing a commercial structure and apparatus within this rural landscape.

4.6 The application has been supported by a Landscape and Visual Impact Assessment (LVIA) which has been prepared based upon the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3).

4.7 The site lies within National Character Area 61 (NCA 61), "*Shropshire, Cheshire and Staffordshire Plain*".

4.8 The Staffordshire County Council document 'Planning for Landscape Change' identifies the location of the proposed turbine site as being within the 'Ancient Valley Farmlands' landscape character type. The visual character of these areas is predominantly mixed arable and pastoral farmland with varying tree and hedgerow density and landform which give changing scales from medium to large. The visual character is also gently rolling landform with a predominantly rural feel, with small winding country lanes, large red brick farms and numerous old villages, with localised industrial and commuter development not impacting to any great extent on the general character.

4.9 The submitted LVIA identifies the overall sensitivity of the local landscape to be Medium/High. It also details that the main focus of the assessment is the turbine due to its size and permanence with the potential for visibility from Betley, Ravenshall, Wrinehill and Madeley. However, the main views would be from public footpaths immediately adjacent to the site and Knowlbank Road and Church Lane. Views from the M6 and A531 (to the south and west) may also be possible but at a distance of more than 1km.

4.10 The first stage in the assessment is to map visibility. This can be done by a computer Zone of Theoretical Visibility (ZTV), or by manual methods, using map study.

4.11 The ZTV is carried out for a 25km radius of the proposed turbine location and identifies 11 viewpoints and photomontages have been prepared to show the likely appearance from these viewpoints and the impact.

4.12 The LVIA concludes that the installation of the turbine would result in a Moderate/Minor Adverse landscape effect over an area up to approximately 1.5km from the turbine, reducing beyond this range to become Minor Adverse/Negligible beyond 2.5km. The vegetation and screening limit the impacts on visual amenity, settlements and road users. The most significant visual effect would be experienced by the closest route to the site where the entire turbine would be visible resulting in Major Adverse visual effects. Effects reduce with distance as the natural screening and topography begins to filter the visibility of the turbine, with Moderate/Minor Adverse effects expected from parts of the Public Right of Way west of the turbine site within 500m-1km. and no effects greater than Minor Adverse/Negligible expected from beyond this distance.

4.13 An existing turbine on Den Lane, Wrinehill that falls within Cheshire East was permitted in 2011. The cumulative impact of this existing turbine and the proposed turbine has been

acknowledged but due to its relatively small scale and the distance between the two (approx. 2.8km) the impact is considered to be limited.

4.14 As discussed the turbine at 77 metres (to the blade tip) would have an impact on the landscape due to its commercial form. The infrastructure at ground level would not be visible from the wider landscape. Landscaping could be proposed to minimise this impact and the other associated works including the temporary track would have limited harm.

4.15 The turbine could not be said to enhance the character and quality of the existing landscape due to its commercial form but officers are of the view that due to the screening and limited views it would not significantly erode and harm the landscape character and quality which would loosely comply with policy N20 of the Local Plan. Officers also agree with the conclusions of the LVIA that the overall impact would be moderate to minor. It is also considered that any impact would be outweighed by the acknowledged benefits of the renewable energy source and farm diversification elements of the scheme which will outweigh the moderate/ minor visual harm arising from the proposed turbine in this location. A number of conditions seeking colour details, the turbine and associated infrastructure removed once they cease to be required, temporary works reinstated once the turbine is operational and landscaping would also limit the overall harm of the development.

5. Would there be harm to the setting of heritage assets?

5.1 Paragraph 132 of the recently published NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

5.2 The Council's Conservation Officer and the applicant's heritage statement have considered the impact of the proposed development on the setting of the heritage assets in the locality. The topography of the area including woodlands restricts many views of the proposed development from the heritage assets. Therefore officers are of the view that no significant harm would be caused to the setting of heritage assets in this instance.

6. Would there be any material adverse impact on residential amenity?

6.1 The NPPF details in paragraph 123 that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

6.2 A number of objections have been received regarding the impact of the proposed development in terms of noise disturbance, shadow flicker and health concerns.

6.3 The application has been supported by a Noise Impact Assessment (NIA) to assess compliance with the guidance contained within ETSU-R-97 - "Assessment and Rating of Noise from Wind Farms".

6.4 It is detailed within ETSU-R-97 for single turbines or when the separation distances are large, that if the noise is limited to 35 dB $L_{A90,10min}$ up to wind speeds of 10m/s-1 at 10m height, then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary. In addition ETSU-R-97 indicates that the fixed lower limit for properties financially involved with the proposed turbine can be increased to 45dB LA90.

6.5 The NIA details that the nearest noise sensitive location is Heighley Farm at approximately 545m away. The results of the assessments details that the worst case predicted noise level at the nearest residential receivers which do not have a financial involvement with the turbine do not exceed the 35 dB LA90 ETSU-R-97 simplified noise limit. The calculation results therefore indicate that the noise levels generated by the proposed 500kW turbine are compliant with

ETSU-R-97. This has resulted in the Environmental Health Division raising no objections subject to the condition advised in the NIA and ETSU-R-97. Therefore no significant adverse harm should be caused to noise sensitive receptors.

6.6 The issue of Shadow Flicker was covered in Planning for Renewable Energy – A Companion Guide to PPS22 and the Department of Energy and Climate Change prepared an 'Update of UK Shadow Flicker Evidence Base'. The risk of shadow flicker and the harm caused is likely to be minimal. However, the applicant will be required to submit further information to demonstrate that shadow flicker would not have an adverse impact on nearby residential properties and if it does what mitigation measures can be carried out to minimise any impact.

6.7 The nearest residential properties are over 500 metres from the application site and the area has a high level of vegetation, woodland and trees within an undulating landscape and so the likely impact on health and the amenity of residents is likely to be minimal and conditions would further mitigate any adverse impact.

7. Would there be a severe adverse impact from the access and construction phase on highway safety?

7.1 The application is supported by a Delivery Route Assessment (DRA) and Traffic Management Plan which has been revised following a number of concerns expressed by the Highways Authority (HA) and residents. The main concerns have been the delivery of the turbine and infrastructure due to the constraints within Betley village, in particular the junction of Bowhill Lane and Church Lane which is narrow in parts.

7.2 The above objections have resulted in an amended DRA being submitted which provides greater detail, as advised by HA. The DRA now identifies and considers the development proposals, the timescales for construction, the number and size of vehicle trips likely to be generated during the construction and operational phases. It also reviews the route that construction vehicles will take, and presents a drawing showing the swept path analyses of the largest vehicles accessing the site along the route. Finally it proposes traffic management measures to prevent damage to the public highway, and implement any repairs required as a result of the construction of the wind turbine.

7.3 Key points identified in the revised DRA are that the development will be completed in two phases. Phase One comprises the preparation of the site and the foundation works, and lasts approximately two weeks. Phase Two then comprises the installation of the wind turbine, approximately one month later. Phase Two will last approximately one week. Where possible, all deliveries (limestone, concrete, and wind turbine components) will be organised to occur during the working week, and outside of the highway network peak periods and school peak hours. The applicant will give at least three months notice of the traffic management requirements. This will limit the impact on highway safety and amenity levels of the area.

7.4 The HA has now raised no objections to the proposed development subject to the conditions advised

7.5 The revised DRA is now considered acceptable subject to the conditions advised by HA and the mitigation measures identified within DRA which should minimise any disturbance to the community and highway network which would be in accordance with the general requirements and principles of the NPPF.

8. Would there be an adverse impact on users of the public footpath?

8.1 Paragraph 75 of the NPPF details that planning policies should protect and enhance public rights of way and access and local authorities should seek opportunities to provide better facilities for users

8.2 The application documents recognise the need to divert Public Footpath No 15 Betley to ensure an acceptable fall-over distance can be achieved. The PROW officer has questioned this but the applicant has advised that the proposed wind turbine would not oversail the path and

would just exceed the fall-over distance from the new route proposed. In this respect, no disruption to users should occur.

8.3 An application has been received to divert the public footpath which currently runs across the agricultural field. The new route would divert the existing route so that it follows the field boundaries. An application has been submitted to the planning authority but Legal advice received is that it is possible for the council to make an order under section 257 Town and Country Planning Act 1990 so long as planning permission has been granted under part 111 of the act and the Council is satisfied that it is necessary for the diversion to be commenced in order to enable the development to be carried out.

8.4 The proposed route is considered a logical one and subject to the final siting and design of the turbine being over 77 metres from the revised route it is considered to be acceptable.

9. Would there be an adverse impact on the ecology of the area

9.1 An ecology assessment has been submitted to support the application which considers the impact of the proposed development on habitats, protected species and wildlife within the area. The assessment comprised an Extended Phase 1 habitat survey. It details that the survey area is considered to be of low to moderate ecological value in terms of habitats. The wider area is dominated by a similar mosaic of woodland, hedgerow and agricultural fields set in an undulating landscape.

9.2 Policy N3 of the NLP details that consideration of the impact of proposed development upon wildlife and where permitted development proposals will be expected to avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage of the Borough.

9.3 The ecology assessment details that the likely impact on protected species, habitats birds and other wildlife would be limited and mitigation and enhancement measures are recommended. A condition seeking these mitigation and enhancement measures is considered suitable. In particular a number of mitigation measures and surveys should be carried out prior to any works commencing particularly with regards to hedgerows in association with the route assessment and works (especially vegetation clearance) to avoid the breeding season (March to September inclusive). This could be secured via a separate condition.

9.4 A badger survey has been conducted and Staffordshire Badger Conservation Group has provided comments on the application. They have queried a number of points and these will be passed onto the applicant but generally they have no objections and agree with the recommendations set out.

9.5 In terms of specific objections about the impact on wildlife and Craddocks Moss wet-lands the submitted ecology assessment identifies these as Non-statutory designated sites and no direct or indirect effects are anticipated on any of these sites.

10. Do the required very special circumstances for the development exist to justify approval of a development that is inappropriate in Green Belt policy terms?.

10.1 Paragraph 87 of the NPPF details that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."The NPPF further details in paragraph 88 that "When considering any planning application, local planning authorities should ensure that 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."

10.2 In order to weigh in the balance the harm and other material considerations or benefits, it is necessary to first identify what harm arises from the proposal, other than that which inappropriate development causes by definition. The proposed development would result in a reduction in the openness of the Green Belt from the proposed structures and the development can be considered to be contrary to that purpose of including land within Green Belts that refers to safeguarding the countryside from encroachment. The overall effect on the openness of the

Green Belt is considered limited despite the height of the turbine and the footprint of the structure due to it being for one structure rather than a number of turbines of a smaller height. There would also be some landscape harm but as already indicated this has been assessed at present as being quite limited in degree with no other substantive harm being identified.

10.3 A core principle of the NPPF is the use of renewable resources of which the development of renewable energy is one. Furthermore, in Green Belts the NPPF details that the very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. In this instance the benefits identified by the applicant would be significant despite the development being for one turbine only. The height proposed maximises the wind energy potential and energy output.

10.4 Weighing these matters in the balance and having particular regard to the moderate to minor landscape impact it is considered that the benefits do outweigh the harm identified and accordingly that it would be appropriate to grant planning permission.

Background Papers

Planning file
Planning documents referred to

Date report prepared

05 November 2014