

**LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE  
GOLF COURSE  
KEELE UNIVERSITY**

**18/00933/FUL**

The application is for the development of **two wind turbines** known as “The Low Carbon Energy Generation Project (Wind development)” one of up to 77 m to tip and one up to 67 m to tip, along with associated infrastructure.

With the exception of a small part of the site at its northern end off Innovation Way, which lies within the area covered by Policy E8 in the Local Plan, the application site lies within an area which on the Local Development Framework Proposals Map is in the Green Belt and an Area of Landscape Maintenance. With the same exception, the site lies within the Grade II Registered Park and Garden (RPG) of Special Historic Interest at Keele Hall. The site lies adjacent to, but not within, the Keele Hall Conservation Area. A map showing the extent of the Keele Hall Conservation Area, Keele Hall, and the Registered Park and Garden will follow as a Supplementary to this report and that for application 18/00934/FUL. Keele Hall is a Grade II\* Listed Building.

Verdun Plantation, Pie Rough, Hands Wood, Brickkiln Plantation and the majority of Springpool Wood are included in Tree Preservation Orders. Springpool Wood is a Site of Biological Importance

A separate application (18/00934/FUL) has been submitted for a solar farm, and is considered next in the agenda. There are certain common elements shared by the two proposals including an access track, a temporary construction compound (on a site previously used for the drilling of two exploratory coalbed methane boreholes), and an electricity substation that includes two compounds (one for the university and one for the power company) and a shared substation building.

Elements unique to the Wind turbine application include the turbines and their towers, and turbine transformer units (very small structures at the foot of each turbine).

The application is accompanied by an Environmental Statement which presents the findings of the Environmental Impact Assessment (EIA) under the Town and Country Planning (EIA) Regulations 2017. The EIA has been undertaken on the basis of a proposed layout and design selected, in accordance with the Regulations to provide a ‘worst case’ scenario

**The 13 week period for the determination of this application expires on the 11th April 2019 but an extension of the statutory period has been agreed by the applicant to 25th June 2019**

## **RECOMMENDATION**

**Permit** subject to conditions concerning the following matters

1. Commencement of development
2. Approved plans,
3. 25 year temporary consent and Decommissioning Method Statement
4. Removal upon cessation of energy generation if earlier
5. Construction Environmental Management Plan
6. Construction Traffic Plan
7. Details of windturbine design, specifications and colour
8. Details of the substation building
9. Details of transformers
10. Height of both turbine blades and hubs
11. Direction of rotation of blades
12. External lighting controls
13. Undergrounding of cabling to compound
14. Archaeology, as recommended by the County Archaeologist
15. Scheme of planting to reinstate former parkland trees to the south west of Brickkiln Plantation
16. Keele Conservation Area Management Plan
17. Shadow Flicker
18. Noise emissions during construction
19. Noise emissions from turbines
20. Complaints system for noise emissions
21. Logging of wind speed, direction and power generation date
22. Aeronautical issues, as appropriate in the light of any comments received from the Ministry of Defence
23. Specification for a protected species survey, submission of results and programme of any required mitigation measures
24. Breeding birds nest survey specification, submission of results and any mitigation measures
25. Biodiversity, habitat management and enhancement and additional planting adjacent to Pie Rough woodland
26. Trial blade delivery run

## **Reason for Recommendation**

The development would cause harm but less than substantial harm to the setting of the Grade II\* Listed Keele Hall, and thus to the Keele Conservation Area and the Keele Hall Grade II Registered Park and Garden. As such the decision with respect to the impact on heritage aspects rests on whether there is clear and convincing justification exists. The University's Smart Energy Network Demonstrator (SEND) project provides clear and convincing justification for renewable energy generation at Keele rather than at any other location, whilst the finding that there are no realistic alternative sites at Keele for significant solar generation, does, it considered provide similar justification for the harm to the heritage assets. The public benefits outweigh the harm.

The proposed development does not meet one of the exceptions for appropriate development within the Green Belt and therefore represents inappropriate development in Green Belt terms. 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 turbines 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 and its historic landscape designation. The harm to the Green Belt, heritage assets and the 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.

Taking the above and other considerations examined in the following report and in the submission into account, it is considered that the application should be approved.

## **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning 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.

### **Key Issues**

#### **1.0 Introduction**

1.1 The application is for two wind turbines one (T1) of up to 77 m to tip and one (T2) up to 67 m to tip, along with associated infrastructure. The turbines would have a hub height of up to 55m in the case of T1 and up to 45 m in the case of T2. T1 is positioned just to north east of a woodland known as Brickkiln plantation on a spur in the landscape, whilst T2 is positioned lower down on a slope between Brickkiln plantation and Springpool Wood. Each turbine is would have a level crane pad built next to it for use during construction. Other elements of the scheme include underground cabling. Features common to both applications are the onsite access tracks (of about 1200m in length), and a 132 kv substation, with a building of about 5 m wide x 7m long x 5 m tall and two quite extensive compounds and a connection to a 132 kv line. Once operational the two wind turbines are expected to be rated at between 0.5MW and 1.0 MW each. Based on an assumed total installed capacity for the site of 1.9MW and an assumed 'capacity' factor of 26.94% (the UK average) it is estimated that approximately 4,484 MWh of electricity could be generated per year. This is equivalent to the amount of energy used annually by approximately 1,186 average UK households per year.

1.2 The 132kv power line runs north to south through the east of the site and the Wind turbines would connect to it via the new substation. A replacement pylon would be required to achieve this connection.

1.3 The application seeks a temporary planning permission for this development – it being indicated that the lifespan of such a development is 25 years and that at the end of this period all major equipment and structures would be removed from the site with only the cabling and the turbine bases left in situ but covered over, with farming activities being then able to resume over the foundations of the turbines. Some details of the project are not yet known – for example the choice of turbines would be made closer to the date (various candidate turbines having been used for the EIA) and the permission sought for some features is in the nature of an 'envelope'. A micro-siting allowance of 20m per wind turbine is sought, and one of 5m for the on-site tracks. This is a standard approach in wind turbine applications.

1.4 As indicated above the site lies within an area which on the Local Development Framework Proposals Map is in the Green Belt and within an Area of Landscape Maintenance. The land is also part of the Grade II Registered Park and Garden of Special Historic Interest at Keele Hall. The site lies adjacent to but not within the Keele Hall Conservation Area. Keele Hall is a Grade II\* Listed Building.

1.5 Planning Practice Guidance suggests that in addition to the factors that should be considered regarding the acceptability of a location for any form of renewable energy development there are particular considerations for wind turbines. With respect to the former it is indicated that in considering planning applications prior to the inclusion of criteria based policies in Local Plans (the current position in the Borough) it is important to be clear

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;

- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

1.6 Given the consultations and representations received, the statutory duties upon the Local Planning Authority in this case and the provisions of the development plan it is considered that the main issues which the Local Planning Authority must address, before seeking to assess where the planning balance lies, are :-

- Does the proposed development have any adverse impact upon the character and appearance of the Conservation Area, the setting of any Listed Buildings or the character and appearance of the Keele Registered Park and Garden?
- What justification has been advanced in support of the proposal in the context of national and local policy on the consideration of heritage assets and is it sufficient to outweigh heritage concerns?
- Is the location and design of the proposed development acceptable in a wider landscape context?
- Would it be appropriate, were approval being considered, to seek to secure any matters by means of planning obligations?
- Given the site is in the Green Belt is the development appropriate development and if not do the required very special circumstances exist to justify approval of the development despite it being inappropriate development?

At the conclusion it will be necessary to consider whether any particular issue arises from the fact that the wind turbines are proposed to be co-located with a solar farm.

1.7 The application is accompanied by an Environmental Statement covering a wide range of issues. The scope of this Statement reflects a Scoping Opinion previously issued by the Local Planning Authority following the receipt of a draft Scoping document. A number of other matters would justify the application of conditions if permission were to be granted do exist, but the above are considered to be the main or key issues

2.0 Does the proposed development have any adverse impact upon the character and appearance of the Keele Hall Conservation Area, the setting of Keele Hall and the character and appearance of the Keele Registered Park and Garden?

2.1. There is a statutory duty (section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) upon the LPA to have special regard to the desirability of preserving Listed Buildings or their settings. Section 72 of the Act states that special attention must be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. There is no such statutory duty with respect to the Registered Park and Garden.

2.2 Section 12 of the NPPF emphasise the need for development to be sympathetic to local character and history, and to maintain a strong sense of place. Section 16 expressly focusses upon conserving and enhancing the historic environment.

2.3 The NPPF (para 190) indicates that Local Planning Authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. The significance of the asset should be taken into account when considering

the impact of a proposal on heritage assets, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

2.4 It goes onto states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

2.5 When considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.6 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of Grade II registered parks or gardens should be 'exceptional', whilst that to or loss of assets of the highest significance including Grade I and II \* Listed buildings should be 'wholly exceptional'.

2.7 Where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of certain criteria apply.

2.8 Finally the NPPF indicates 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.

2.9 Saved NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building. In the supporting text it is indicated that in many cases, the setting of a listed building is as important as the building itself, especially where gardens or grounds have been laid out as an integral part of the design.

2.10 Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

2.11 Saved Policy Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

2.12 National planning practice guidance on how heritage should be taken into account in assessing wind turbine applications indicates that as the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of heritage assets may cause substantial harm to the significance of an asset.

2.13 As indicated above the site forms part of the Keele Hall RPG. The plan that will be provided as a supplementary report shows the application site both in relation to the RPG and the Keele Hall Conservation Area. Keele Hall Conservation Area has not been the subject of an appraisal, either at the time of its designation in 1993 or since. Keele Hall is a Grade II\* Listed Building of special architectural or historic interest.

2.14 The applicant's Heritage Statement concludes that the development would cause harm but 'less than substantial' harm to the setting of Keele Hall, the RPG and the Conservation Area and sets out in detail how such conclusions have been reached.

2.15 It is accepted by all parties that at time the parkland design at Keele Hall was laid out in the mid-18th century the application site was not enclosed parkland. The surrounding fields, including the application site would have been readily visible from the Hall and the pleasure gardens. There is now no intervisibility between the Hall and this section of the RPG – at least at ground level. At the time of the development of the historic park a principal element of the landscape was the formation of a lake to the east of the Hall linking to a series of cascades and pools running south eastwards down the valley to Springpool Wood and pathways were formed in the 1760's down this deep wooded valley and around the pools.

2.16 The Staffordshire Parks & Gardens Trust (SP&GT), jointly with the Gardens Trust, are of the view that it is still possible to appreciate the significance of this rolling landscape as the foreground of historic views towards the edge of the core pleasure grounds particularly when seen from the historic drive along Lymes Avenue from the Whitmore Road, from Park Lane, Butterton or in more distant views such as that from North Wood at Trentham. They describe the site as clearly part of the designed landscape and as properly included in the RPG. They submit that development of this type is in principle contrary to the historic purpose and character of the site and to the spirit of the legislation promoting its protection. Specifically they assert that the turbines will detract from foreground views of the Park and an appreciation of its context in the wider landscape. The turbines will be visible from the historic perimeter walks around the lake and cascade of pools and also over the tree line from the lawn by the Hall. The industrial nature of the turbine towers will be wholly at variance with their rural setting.

2.17 Historic England (HE) are concerned that, as demonstrated by the montages provided, the proposed turbines would be seen from important points throughout the formal gardens. They emphasise that the repetitive movement of the blades within an otherwise 'static' rural landscape will inevitably draw the eye and cause the turbines to be even more visually prominent. It is their view that they would be an incongruous and inappropriate intrusion into the historic landscape harming the significance of the Grade II\* Hall as a former country house set within a landscaped parkland. Whilst there are other modern structures in the landscape, they are distant, static and they do not justify additional harm anyway. Given that until now great care has been taken to ensure that the historic core around the Hall and Gardens has been protected from the wider expansion of the University Historic England are therefore extremely concerned by the principle of locating such alien industrial structures within this historically open setting. They remind the LPA that any harm to a heritage asset should require clear and convincing justification and even should the harm be viewed as less than substantial this should be weighed against the public benefits.

2.18 It is not the role of the LPA, or indeed other parties, to query, in the determination of a planning application, whether or not an application site was or was not properly included in the RPG.

2.19 The applicants note that HE have not expressly disagreed with their assessment - that there is harm but it is less than substantial. Furthermore they point out that two of the assets affected - a Grade II RPG and a Conservation Area are not of the highest significance. They acknowledge that at Grade II\* Keele Hall is an asset of the highest significance.

2.20 Your Conservation Officer shares the views of Historic England upon this proposal. Members are able to view the submitted photomontages, particularly those from by one of the principal elevations of Keele Hall and its formal gardens. There will also be some views of the turbines from the nearest part of the Conservation Area by the bottom lake, but it is the views from the Hall and its immediate formal gardens which for your officers are the key consideration in assessing the degree of harm. The change proposed, to the setting of the Hall, is such as to constitute harm but 'less than substantial harm'.

2.21 Turning to the role of the site as part of rolling landscape as the foreground of historic views towards the edge of the core pleasure grounds, the turbines even though they are not as tall as many that are now proposed onshore, they would undoubtedly impact upon those views. The substation and tracks would not be particularly significant, other than in views from the A53 for drivers travelling

northwards provided appropriate planting was undertaken to reinforce the effect of the Pie Rough woodland

2.22 Taking all of the above into account the view is reached that, in NPPF terms, there is ‘less than substantial harm’ to the setting of the Grade II\* Listed Hall, its Conservation Area, and it follows to the RPG as well, given that it is after all the RPG of Keele Hall.

3.0 What justification has been advanced in support of the proposal in the context of national and local policy on the consideration of heritage assets, and is it sufficient to outweigh heritage concerns

3.1 In the light of the conclusion reached above that the wind turbines would involve harm but less than substantial harm, to the significance of the designated heritage assets – the Listed Keele Hall, its Conservation Area and to the RPG - the decision maker, to justify approval, has to conclude that there is clear and convincing justification for the development. The case does not however have to be “exceptional” to warrant approval. Any public benefits associated with the development must be weighed against the harm. Full account must be taken of the fact that one of the heritage assets impacted is of the “highest significance”.

3.2 In terms of justification the applicants have explained that whilst the University have undergone some redevelopment over recent years which will certainly have improved its energy efficiency the overall effect of this is extremely limited in comparison to a dedicated renewable energy project such as this. It is likely that the wider sustainability agenda being pursued at the University will enable the growth of the campus with no net increase in carbon emissions but it will not help reduce them below this level. The proposed wind turbines will contribute significantly to the University’s annual electricity demand, generating significant carbon reductions.

3.3 Beyond the wider carbon benefits such a proposal brings, this development also forms an integral part of the wider Smart Energy Network Demonstrator (SEND) project. Details of the Business case for the SEND project are provided in an Appendix 5.1 to the ES. The project is described as being a unique opportunity for a world class demonstrator facility for smart energy research and development enabling businesses to test and evaluate new and evolving energy technologies, and allied services and the opportunity to assess their efficiencies, both individually and combined, in terms of energy reduction, cost and CO<sub>2</sub> emissions. It is indicated that the University has already invested £12 m in upgrading its energy network.

3.4 The applicant submits the following are the special circumstances or benefits that the LPA should take into account

Circumstance	Description
Increased production of energy from renewable sources and Climate change	The generation of approximately 4484 MWh of electricity per annum saving between 15,245t and 102,905t of CO <sub>2</sub> emissions depending upon the calculation method. Assisting towards meeting both domestic and EU targets as well as increasing quality of life and reducing risks associated with warming climate
Direct Economic Benefits	<ul style="list-style-type: none"> <li>• £2.4M direct spend</li> <li>• C.£1900 per year community benefit</li> <li>• Unlocks £16m investment through the SEND project</li> </ul>
Indirect Economic Benefits	Unlocks up to £80m indirect benefit by 2036
Job creation	Forms an integral part of SEND which will create up to 440 higher value jobs and support local businesses. Also helping to sustain future growth at the university and securing jobs by managing risk of exposure to volatile energy prices
Increase in security of supply of energy	Decentralised energy is promoted at NPPF para 151.
Improved sustainability at Keele University	Keele was 17th in the world green university

	rankings in 2017. One of only 22 Universities in the UK to make the top 200. The development will help maintain the university's exceptional ranking which is a key driver for students choosing to attend the university
Wider educational and societal benefits	<ul style="list-style-type: none"> <li>• Unique educational opportunity for engineers and environmentalist student</li> <li>• SEND project is a unique opportunity for energy research which could also contribute to promotion of the Higher Education Sustainability Initiative in the UK</li> </ul>
Temporary and Reversible land use	All the effects associated with the development are both temporary and reversible
Green Belt	During the temporary period a number of appropriate Green Belt uses such as agriculture can continue at the site and the intended permanence of the Green Belt in the long term will not be compromised
Alternatives	There are no suitable alternatives which will meet the university's sustainability objective and also allow the private wire connection essential for the success of the linked SEND Project

3.5 As explained in section 5 below the financial contribution the development might make towards a community benefit fund is not a material planning consideration and must not be taken into account by the Local Planning Authority.

3.6 On the issue of what weight should be given to the temporary nature of the turbines (25 years being their expected life), members need to be aware that there have been appeal decisions where Inspectors have weighed in the balance in favour of a scheme the likely temporary nature of the effects on the landscape and Listed buildings. That said the Secretary of State in considering an Inspector's report in one case agreed that although a scheme would be time limited, 25 years would represent more than a generation in which the heritage significance (in that case of the highest importance) would be diminished. Reversibility also does not avoid the development acting as a precedent either for further turbine development in the same area or repeated development of the same site after 25 years.

3.7 In considering the justification for the choice of this site the ES provides limited detail on the alternative sites that were considered. It does however list the relevant site selection criteria. It is indicated that potential for wind energy development at Keele University has been explored over a number of years, and critically that in order to comply with the aspirations of the SEND project there was a requirement for "self-generation" of energy rather than import from grid. This it is said effectively limited the off-site locations that could be considered as any generating plant would require a private wire connection to the University. It is indicated that a feasibility assessment was commissioned to look at the Keele University landholding and identify the most suitable area for development and the potential scale of the proposed development that might be accommodated. The ES provides detail of how through a series of iterations the proposed site layout that has been submitted was arrived at, but not of that wider feasibility assessment.

3.8 Further details have since been provided by the agents on whether certain sites within the University's estate could be considered as realistic alternatives for the wind turbine development. They were asked to comment on 3 general locations within the University's land ownership – the new development site, known as Keele Phase 3 (immediately to the north of the application site), the land to the east of Barker's Wood, and the field to the west of the junction of Keele Bank and Cemetery Road. With respect to Keele Phase 3 the agents indicate that the site is already laid out as a series of development plots, a number of which have already been built upon or now have full consent including the hotel and vet school. Although underpinning the sustainable ethos of the site the installation of renewable energy infrastructure such as wind turbines would adversely impact upon all of these developments and uses in a variety of ways including visual; noise and more general loss of

amenity. In respect of the Cauldwell's autism support/research centre and its users, the impact would be particularly significant. People on the autism spectrum have special sensory needs and fragilities, and the presence of wind turbines, within such close proximity, is likely to be therapeutically damaging by virtue of factors such as noise, visual distraction and light flicker. Wind turbines and autism spectrum services and facilities are generally incompatible.

3.9 Furthermore use of the undeveloped areas for wind turbines would effectively remove the development potential of the site for the uses for which permission exists. The site was originally allocated for high value and university related activities and was advanced and supported by key stakeholders and agencies on this basis.

3.10 As far as the land to the east of Barkers Wood is concerned the first point made is that insofar as the site has been identified in the Preferred Options Document of the Joint Local Plan to meet future university growth/expansion needs, it appears to them that use of the site for renewable energy infrastructure would fundamentally undermine the Joint Local Plan Strategy and the delivery of one of its key components.

3.11 The agents go onto indicate that from a technical viewpoint due to the higher elevation of the rest of the campus, in relation to the application for wind turbines outside the locations chosen, and the position of both the land to the east of Barker's Wood and that at the junction of Keele Bank and Cemetery Road would result in an objection from the Ministry of Defence (MoD) on the grounds of unacceptable interference to the operation of the Precisions Approach Radar (PAR) at RAF Shawbury. Noise constraints rule out the deployment of wind turbines anywhere else on campus or the above sites due to the proximity of dwellings and the reducing influence of the M6 on soundscape as one moves further away from the motorway.

3.12 The agents have provided plans which show the wider university landholding that they say clearly demonstrate that the application site for both technologies have been carefully selected to minimise impacts to a variety of stakeholders and receptors whilst allowing the university to dramatically cut its carbon footprint. In addition to the factors of noise and radar visibility, other known constraints such as radio communication links, overhead cables and their respective offsets are all plotted on these plans. These are available to view as application documents on the Council's website.

3.13 Your Officer has given careful consideration to this further submission. It would be wrong at this stage to give any significant weight to the inclusion of the land to the east of Barkers Wood within the JLP Preferred Options Document given that was for consultation. It needs to be remembered that whilst the footprint of wind turbines might be fairly limited the sweep of their blades covers a wider area. In summary it would appear that there are good planning constraint reasons why there are no realistic alternative sites for wind turbine development within the university's land holding.

3.14 The SEND project provides clear and convincing justification for renewable energy development at Keele rather than at any other location, whilst the finding that there are no realistic alternative sites at Keele for wind turbine development does, it is considered, provide similar justification for the harm to the heritage assets described in section 2 above. Furthermore the significant public benefits in terms of assisting addressing climate change, job creation and research are considered to outweigh the identified harm to the heritage assets, even when account is taken of the fact that one of the heritage assets is of the 'highest significance'.

#### 4.0 Is the location and design of the proposed development acceptable, including in the wider landscape context?

4.1 The site is within an Area of Landscape Maintenance as designated on the Local Development Framework Proposals Map and Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

4.3 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which provides both montages taken from viewpoints agreed by the Local Planning Authority (through its Scoping opinion) and a detailed assessment of the significance of the likely landscape and visual effects. The methodology employed is one that conforms to the EIA Regulations and associated government guidance.

4.4 The Non-Technical Summary of the LVIA states as follows

*“The proposed wind turbines would add large man-made moving structures into the site which would change the landscape character but visibility of this change from the surrounding area would be limited by the existing woodland to the north, east and west and surrounding built development and undulating landform. There are more open views into the site from areas within approximately 2km of the site to the south and south-east meaning people in these areas would experience some significant changes in views. In particular the turbines would become significant features in views from parts of Seabridge, Bunnyhill... and nearby properties in Butterton, and in the northbound views from the A53 between Shutlanehead and The Lymes. Beyond 2km the turbines would be visible but they would not be significant due to intervening vegetation, built development and undulating landform limiting views.”*

There are not considered to be sufficient grounds to sustain an objection to the proposal on landscape grounds alone.

5.0 Would it be appropriate, were approval being considered, to seek to secure any matters by means of planning obligations?

5.1 The Statement of Community Involvement submitted with the application refers to the Best Practice guidance on Community Engagement for Onshore Wind Developments and the desirability of such engagement processes including the ability to discuss if and how community benefits may be delivered. It is emphasised that where possible these discussions should be separated from those related to the planning process. Other best practice guidance addresses the expectation that voluntary monetary payments will be made from an onshore renewable energy developer to the community, usually on the basis of an annual cash sum. This is a voluntary scheme, not compensation payments. In this case it is being suggested by the applicant that they would contribute in a community benefit fund £1,000 per annum per MW of installed solar capacity, with approximately £1,900 per annum being made available to the community to spend as they see fit.

5.2 It is important to note that such community benefits are separate from the planning process and are not relevant to the decision as to where the application should be approved or not – they are not material considerations. It is the case that LPAs are required to have regard to any “local finance considerations in the determination of planning applications”, but this is only so far as they are material to the application, and the definition of local finance considerations does not include payments to the community in any case. The possibility of payment to a Community benefits fund were the development to process is not material to the determination of the planning application and should be disregarded by the Committee.

5.3 The applicant has suggested that there be a condition attached to any planning permission granted requiring the subsequent entering of a Unilateral Undertaking securing such community benefit, and the LPAs’ approval, but this does not appear to your Officer as appropriate having regard to the tests which planning conditions have to be meet – as the condition is neither necessary nor related to planning, and furthermore planning obligations whether within agreements or unilateral undertakings may only constitute a reason for granting planning permission if they meet the test that they are necessary to make the development acceptable in planning terms.

6.0 Given the site is in the Green Belt is the development appropriate development and if not do the required very special circumstances exist to justify approval of the development despite it being inappropriate development?

6.1 NLP saved policy S3, dating from 2003, sets out local policy for development within the Green Belt indicating that there will be a presumption against any form of development, subject to certain very limited exceptions, none of which refer to renewable energy developments. Whilst existing policies should not be considered to be out-of-date simply because they were adopted or made prior to the publication of the Framework in 2012, due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

6.2 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.

6.3 The NPPF indicates the circumstances where the construction of new buildings should be regarded as appropriate development. Insofar as the Wind turbine development involves buildings (the substation building) it does not fall within any of the specified circumstances. It is indicated that certain other forms of development are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Wind turbines do not appear on the list of such other forms of development. Paragraph 147 of the NPPF indicates that "*When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development*". Taking into account the whole development proposed with its two turbines, the formation of tracks, the substation compound and building there is no doubt that the development should be viewed as representing inappropriate development. This would be even more so if viewed cumulatively with the solar farm.

6.4 As inappropriate development in the Green Belt it should not be approved except in very special circumstances (para 143).

6.5 In terms of the Green Belt issue inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF para 144 indicates 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."

6.6 In respect of renewable energy projects the NPPF goes on to state in paragraph 147 that where they are found to comprise inappropriate development 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."

6.7 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 turbines and the footprint of the related features including the substation.

6.8 There would also be harm to the heritage assets, including to one of the 'highest significance as set out in detail in section 3 of the report. The harm is 'less than substantial'.

6.9 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 in this respect by the applicant would be significant.

6.10 Weighing these matters in the balance and having particular regard to that to the harm to the setting of the Listed Hall, its Conservation Area and the RPG, as well as that to the landscape and the Green Belt, it's considered that the benefits do clearly outweigh the harm identified and so the required very special circumstances do exist.

6.11 Some consultees have expressed further concerns about the proposal to co-locate the wind turbines and the solar farm. The mix is perhaps unusual but that does not make it unacceptable. In landscape terms the simplicity of the turbines will be to some degree diminished by the carpet of solar frames at their base, but this is not considered to be a sustainable basis for not permitting both to proceed, if they are individually found to be acceptable. Indeed the applicant puts the contrary argument that by doing so advantage can be taken of the shared features – the access tracks into the site and in particular the electricity substation and its connection into the grid. There is some merit in that point, but it is not one that would make an unacceptable proposal acceptable (if that were the view of Members on this proposal).

## APPENDIX 1

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3	Development in the Green Belt
Policy E8	(Part of site only) Keele University and Keele Science Park
Policy N2	Development and Nature Conservation – site surveys
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
Policy N13	Felling and Pruning of Trees
Policy N17	Landscape Character – General Considerations
Policy N19	Landscape Maintenance Areas
Policy B3	Other Archaeological Sites
Policy B5	Control of development affecting the setting of a Listed Building
Policy B9	Prevention of Harm to Conservation Areas
Policy B10:	The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13	Design and Development in Conservation Areas
Policy B14	Development in or adjoining the boundary of Conservation Areas
Policy B15	Trees and landscape in Conservation Areas

### **Other Material Considerations include:**

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Overarching National Policy Statement for Energy \(EN-1\) 2011](#)

[Planning Practice Guidance](#) (March 2014, as updated) including practice guidance on Conserving and enhancing the historic Environment & Renewable and Low Carbon Energy

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Onshore Wind Energy Planning Conditions Guidance Note – a report for the Renewables Advisory Board and BERR \(October 2007\)](#)

[The Assessment and Rating of Noise from Wind Farms, ETSU-R-97](#)

## Relevant Planning History

18/00605/EIA – Scoping opinion under the Environmental Impact Assessment Regulations given with respect to Wind Farm Proposal - October 2018

## Views of Consultees

**Historic England (HE)** has concerns regarding the detrimental impact of the proposed wind turbines and associated structures on the significance of the surrounding heritage assets, and does not consider that the resulting harm has been convincingly justified.

It is clear from the information submitted with the application that the proposals will impact upon the significance of the Listed Hall, Registered Park and Garden, and the adjacent Conservation Area.

Although it would appear that at the time the parkland design was laid out in the mid-18th century the application site was not included within the enclosed parkland, the surrounding open fields would have been readily visible from the Hall and its pleasure gardens

As demonstrated by the montages which have been submitted, regardless of the reduction in height, the proposed turbines would be seen from important vantage points throughout the formal gardens. Furthermore the repetitive movement of the blades within an otherwise 'static' rural landscape would inevitably draw the eye, and cause the turbines to be even more visually prominent. As such it is their view that they would be an incongruous and inappropriate intrusion into the historic landscape, harming the significance of the Grade II\* Hall as a former country house set within a landscaped parkland. Existing more modern structures in the landscape such as distant telephone masts whilst having some impact are static and the M6 is more of a ground level background intrusion. In contrast the location, position and movement of the turbines would be far more obtrusive. In any case the presence of such other elements does not justify additional harm. Given that until now great care has been taken to ensure that the historic core around the Hall and gardens has been protected from the wider expansion of the University they are therefore extremely concerned by the principle of locating such alien, industrial structures within this historically open, rural setting.

The NPPF states that any harm to a heritage asset should require clear and convincing justification and great weight should be given to an asset's conservation irrespective of the level of harm to its significance, and even should this harm be considered less than substantial, this should be weighed against the public benefits. Having considered the justification put forward, Historic England are unclear as to the magnitude to which the proposals would benefit the wider public or what other less harmful energy sustainability options or locations were considered by the University.

Even if the structures are temporary, such harm would be unacceptable

The proposed turbines would not only harm the significance of the Grade II\* listed Hall and its setting and the Grade 2 park and garden, but would also not preserve or enhance the character or appearance of the Conservation Area. Refusal is recommended

HE have been invited to comment on the further information received and any comments that they make will be reported.

The **Staffordshire Parks and Gardens Trust (SP&GT)** and the **Gardens Trust (GT)** objects to the application.

They describe in some detail the development of the historic park, noting that a principal element of the landscape was the formation of a lake to the east of the Hall linking to a series of cascades and pools running south eastwards down the valley towards Springpool Wood and pathways were formed in the 1760's down this dingle (deep wooded valley) and around the pools. The application site is described as just beyond the wooded dingle within an area of open undulating originally wood pasture, broken by long established spinneys of Pie Rough and Brickkiln plantation. A few of the field trees remain to the south and it is still possible to appreciate the significance of this rolling landscape as the foreground of historic views toward the wooded edge of the core pleasure grounds particular when seen from from the historic drive along Lymes Avenue, from the Whitmore Road, from Park

Lane, Butterton or in more distant views such as that from North Wood at Trentham. The site is clearly part of the designed landscape at Keele and is properly included in the RPG. The SP&GT and the GT object strongly to the proposal to locate two wind turbines and ancillary development within the RPG. The adverse impact of the development will be exacerbated by the related proposals to co-site a wind farm within the site boundary. Locating development of this type within an RPG is in principle unacceptable being contrary to both the historic character and purpose of the site and to the spirit of the legislation promoting its protection. Specifically the turbines will detract from foreground views of the park and an appreciation of its context in the wider landscape. Furthermore contrary to statements in the submission, it will be visible from the historic perimeter walks around the lake and cascade of pools and also over the tree line from the lawn by the Hall. The industrial nature of the turbine towers will be wholly at variance with their rural setting.

Whilst the merit and public benefit of proposals to reduce the applicant's energy usage and carbon footprint are appreciated, the applicants have not demonstrated that their proposals are the only way of achieving these goals and that this is the only realistic site to locate them. No guarantee has been offered that the use of the site will not continue beyond the projected 25 year working life so as to justify the applicant's claim that the impact of the development will only be temporary. In short they have not demonstrated their proposals are so exceptional to warrant the substantial harm that would be caused to the two heritage assets – namely the Keele CA and the Keele RPG. Should LPA be minded to grant permission for the development it is suggested that a condition requires the developer to not only to undertake replanting of wood pasture planting around the site, but also to fund a conservation plan for the wider park as well as a programme of management and enhancement works in the dingle immediately adjoining the application site.

The SP&GT and the GT have been invited to comment on the further information received and any comments that they make will be reported.

The **Conservation Advisory Working Party** does not object to wind turbines in general but the turbines in this proposal intrude into the designed landscape and their appearance especially relating to the view from Keele Hall is detrimental to the character of this part of the landscape. They also therefore affect the setting of the Conservation Area and the Registered Park and Garden given that they are all intrinsically connected. The turbines should not be seen or intrude upon this view. They should be reduced in height to mitigate this harm. There was a suggestion that much smaller turbines could be utilised in greater numbers, perhaps 3 or 4 as an option. The Working Party also raised concerns over the equipment required to facilitate the turbines and the solar panels, such as the inverters, cameras, substation and pylon and large number of battery containers etc. The Working Party wanted consideration to be given to the facilities and infrastructure for both the turbines and solar panels to be set underground to reduce their impact. Some members raised concern over the harm caused to the tranquil environment with noise from the turbines and the equipment.

The **Council's Conservation Officer** provided a single set of comments covering both applications. The following are relevant to the Wind turbine application

The development area is mostly within Keele registered Historic Park and Garden (P&G), and within the setting of Keele Hall, Grade II\* Listed Building and Keele Hall Conservation Area (CA). The top access road and temporary compound are not within the P&G boundary but are adjacent to it. The proposal is situated at the bottom of the lakes and woodland walks, and near to the Keele Hall Conservation Area boundary. The lakes and valleys are an engineered series of lakes as part of the pleasure gardens to Keele Hall and Park. More information is within the heritage chapter of the ES as part of the submission and includes the history of the estate and the 350 years of Sneyd occupation and the various key players involved in designing the landscape. This landscape is now included within the various heritage designations and its significance and special character of the designations is accepted by the applicant.

The details of turbines are 77m high (55m to hub) and 67m (45m to hub). Following pre-application discussions about the wind turbines and solar farm, concerns were raised by herself and Historic England over the potential impact on the heritage assets. Information at this stage was limited. The dimensions have been amended in an attempt to minimise the landscape and visual impact of the development from Keele Hall and the turbines were reduced in height by 23m and 33 metres respectively.

The proposed turbines are SE of Keele Hall within the extensive landscape park but outside the CA boundary. The series of lakes and engineered valleys undertaken by previous owners of the Hall and extensive bank of trees enclose this part of the garden very well. The view from the Hall in this direction is a significant one and one which is important to all the designations, namely the setting of the Hall, the CA and the parkland landscape. The applicant's case states that the bank of trees would screen the turbines (except the blade tips) from the Hall from this important viewpoint. This might be the case in high summer but they would be more visible during the winter months. The blades are still visible as shown in Viewpoint 3. There will be more open views from other parts of the gardens, parkland and farmland, particularly from the ha-ha. The undulating landscape and woodland plantations will help with screening from different viewpoints but they will still be visible from many others. The designed landscape is contained and generally free from harmful change and alien forms of development because the University campus has protected this area from development. Any changes of this kind will have a harmful effect in her opinion.

Indeed the very fact that the turbines will move with repetitive motion, will draw the eye towards them. The heritage statement (6.30) discusses this conscious design intention and exploitation of the views. The bank of trees screening the current University development is a strong landscape feature and maintains the feeling of escape, tranquillity and enjoyment of this distinctive and contrasting environment to much of the campus. She disagrees with the applicants' assertion at 7.29 that the harm caused to the view from the SE elevation of Keele Hall is relatively minor. The vegetation certainly helps with screening views but when in view they would be an alien contrasting modern intervention which would be harmful to the setting of the gardens.

This harm may be considered to be less than substantial, in line with the NPPF but harm nonetheless.

The case of the M6 and its detrimental impact is strongly presented by the applicant, but in her opinion this does not diminish the special interest of the P&G and it is not as damaging to the heritage assets as is being made out. Equally the presence of the M6 in some views does not justify the presence of the turbines and their additional harm.

The notion of the development being temporary and reversible is also stressed but 25 years is not particularly short-lived. And for that 25 years there will be harm caused to the heritage assets. There is always the chance that the turbines will be replaced with the next generation of turbines.

Whilst the Hall other buildings and lakes and woodland walks are significant parts of the historic character of the area, the applicant sees the wider designated parkland as less significant, but it still reflects how the estate has evolved and has been planned so it is still relevant to the RPG. The cumulative effect of turbines, solar panels and associated buildings and development deserves consideration and none of this ancillary development has been included on the photomontages but will also have an impact on the setting of the asset.

All of this infrastructure will be glimpsed through the edges of Springpool Wood

Any restoration of the historic landscape should be informed and set out in a condition, as suggested by the applicants.

The **County Archaeologist** regarding archaeological issues associated with the proposed development considers the application is supported by appropriate documents, supported by a geophysical survey. He recommends further archaeological work, but "pre-determination" archaeological works are not required.

The **Environmental Health Division** – No objections subject to conditions Noting that the construction works have the potential to create noise and fugitive dust nuisance to nearby properties and due to the nature of the works and the number of vehicle movements they recommend a Construction Environmental Management Plan is obtained by condition. Whilst the application is supported by an assessment of operational noise impacts which indicates that no adverse impact will occur as a result of the development, the turbine model has not been finalised and this may affect the noise emitted from the development so the model of turbine used should be subject to prior approval.

External lighting also needs to be controlled. Shadow Flicker mitigation measures specified will need to be implemented

The **Landscape Development Section** – no objections subject to conditions requiring submission approval and implementation of Tree Protection Plan, and an Arboricultural Method Statement

The **Highway Authority** has no objections subject to conditions requiring submission and approval of results of a Trial Run, and the completion of the development in accordance with an approved Construction Traffic Management Plan

**Keele Parish Council** - no objections following the reductions agreed following the pre-application consultation

**Natural England** No objection in that they consider that the proposed developments will not have significant adverse impacts on statutorily protected sites or landscapes, but have provided generic advice to the LPA on other natural environment issues

The **Environment Agency** has assessed the application as having low environmental risk.

NATS (En Route) public Limited Company (NERL) responsible for the management of enroute air traffic – have no safeguarding objection to the proposal

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no comments to make on the application

**Staffordshire Badger Conservation Group** have made comments on the application which are available upon request to members of the Committee

**Whitmore Parish Council** having been consulted and having made no comments by the due date must be assumed to have no comments to make upon the application

The comments of the **Ministry of Defence** are awaited

#### Representations

Three objections have been received. The grounds of objection are as follows

- A blot on the landscape
- Likely adverse health impacts as a result of noise effects of the wind turbines, impacting both residents and users of openspace including Newcastle Golf course and parkland at Seabridge
- Adverse impacts on wildlife especially birds of prey and lapwings
- Impact on the Green Belt
- Adverse impact on views from the Butterton Conservation Area with its noted panoramic views over farmland
- Lack of viability of wind turbines
- Unsuitability of the land

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- An Environmental Statement, and a non-technical summary of it
- Tree Survey
- Statement of Community Involvement
- Planning Statement
- Design and Access Statement
- Construction Traffic Management Plan

Since the application was received a response to consultation responses has been provided, copies of various appeal decisions considered relevant by the applicant, a list of suggested conditions, a plan

showing an illustrative concept for the reinstatement of parkland trees, a letter about the Council's Climate Emergency resolution of the 4th April, photographs taken from the lakeside walks, and a letter concerning wind turbine constraints together with 2 accompanying plans

All of these documents are available for inspection at Castle House and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00933/FUL>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared: 6th July 2019