

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 14TH JANUARY 2008

REPORT OF THE DEVELOPMENT SERVICES MANAGER

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SWAFFHAM AND SPORLE: A WIND ENERGY DEVELOPMENT COMPRISING OF SIX TURBINES AND ASSOCIATED WORKS ON LAND OFF SPORLE ROAD

REFERENCE: 3PL/2007/0314/F

APPLICANT: NEXT GENERATION

DEFERRED ITEM

Summary: This report relates to a planning application for the erection of six wind turbines with hard standing areas, information board, electricity sub-station and a temporary construction compound on land off Sporle Road, Swaffham and Sporle. It is recommended that the application be refused.

1.0 Introduction

- 1.1 This report concerns a full planning application for the erection of 6 wind turbines with a maximum overall height of 120 metres, together with access tracks, hard standing areas, information board, electricity sub-station and temporary construction compound. The site is located between the Castleacre Road (A1065) and the Sporle Road with five turbines in the parish of Swaffham and one in that of Sporle.
- 1.2 The current use of the land is agricultural and it is anticipated that the majority of it would remain in this use. It is proposed that the grid connection would be by underground cable. The access track would be 1.77 km in length and four metres wide. A hard standing area of 30 metres by 40 metres would be set out adjacent to each turbine with the electricity substation being 10 x 5 x 3.65 metres.
- 1.3 The turbines, which are proposed to be of the same height as the Swaffham II turbine, would have a tower height of 78 metres and a blade diameter of 82 metres. Swaffham II has a tower height of 85 metres and a blade diameter of 70 metres.
- 1.4 The turbines are of the direct drive type, which means that there is no gearbox or drive-train. The total output would be 12MW.
- 1.5 A map showing the location of each turbine is attached as **APPENDIX 1**.

2.0 Key Decision

- 2.1 This is not a key decision.

3.0 Council Priorities

3.1 The following Council priorities are relevant to this report:

- A well planned place to live which encourages vibrant communities
- A safe and healthy environment
- A prosperous place to live and work

4.0 Site History

4.1 The site has no previous planning history.

5.0 Consultation

5.1 The consultation process has been extensive and a large number of responses received. These are summarised below.

5.2 Swaffham Town Council – Objection. Swaffham Town Council recommends to the planning authority that Policy ENV.23 and ENV.3 are referred to relating to this application. The context of these policies together with the noise, flicker, etc, all have a cumulative impact on this development. Therefore Swaffham Town Council objects on these grounds.

5.3 Sporle and Palgrave Parish Council Objection. This council has submitted a nine page critique with appendices opposing the planning application. Their concerns include the policy issues mentioned above by Swaffham Town Council, the potential for further applications in this area and a contention that the applicant's figures in support of the proposal are flawed and misleading.

5.4 Civil Aviation Authority is not a consultee for planning applications but has advised on those bodies which should be advised of the proposal. These groups have been so advised.

5.5 National Air Travel Services has no safeguarding objection to this proposal.

5.6 Highways Agency No objection – subject to visibility of the wind turbines to motorists.

5.7 Norfolk Landscape Archaeology – No objection – subject to conditions.

5.8 Environment Agency – Note that the site is within a Flood Zone 1 (low risk) area. They have no objection subject to conditions.

5.9 Defence Estates Object. on the grounds that the turbines would have an unacceptable impact upon the Air Traffic Control Radar and air traffic management procedures at RAF Marham.

5.10 GO-East cannot make comments on an application which may prejudice any future involvement by the Secretary of State.

- 5.11** English Heritage – consider that the impact on the landscape and heritage assets (Castle Acre Castle and Priory) are such that the scheme is unacceptable.
- 5.12** Norfolk County Council has raised a strategic objection as they feel that this proposal would have significant impact on the landscape contrary to Structure Plan Policies ENV.3, ENV.4 and RC.9.
- 5.13** Norfolk County Council (As Highway Authority) No objection subject to conditions.
- 5.14** Natural England – has no outstanding concerns in respect of reptiles.
- 5.15** Internal Consultees
- Environmental Health – No objection subject to conditions.
Environmental Planning – No objection.

6.0 Policies

Local Plan A number of Local Plan Policies which have previously been relevant to this proposal were Policies ENV8, 23 and 25. However, these have not been saved under the transitional arrangements for saved Local Plan Policies effective from the 27th of September 2007. Under the arrangements for saved Local Plan Policies the Local Planning Authority were not permitted to save these policies as they either repeat or have been replaced by more up to date, National Planning Policy. In this case the following national planning policy documents are relevant PPS1 Sustainable Development, PPS7 Rural Areas and PPS22: Renewable Energy.

- 6.1** The Local Planning Authority have a document entitled Wind Turbine Development – Landscape Assessment, Evaluation and Guidance, which is a joint report prepared by Land Use Consultants for this Authority and King's Lynn and West Norfolk Borough Council and sets out the potential for the various landscape types to accommodate different scales of wind farm development.
- 6.2** Government Guidance The Government has set a national target to generate 10% of the UK's electricity from renewable sources by 2010. The Government's intention is to double that figure by 2020.
- 6.3** National Planning Policy on renewable development is contained within Planning Policy Statement (PPS) 22 Renewable Energy which was published in August 2004. This indicates that the wider benefits to the environment and economic welfare of the area are material considerations and must be given significant weight when determining proposals of this type. A technical annexe accompanies this document and contains advice relating specifically to Wind Energy.

- 6.4** PPS 22 is also supported by the draft PPS Planning and Climate Change which indicates that Local Planning Authorities should look favourably on proposals for renewable energy and avoid restrictive policies for minimising the impact on the landscape other than in exceptional circumstances.
- 6.5** In addition, the Government's Energy Review published in 2006 indicates that the amount of energy from renewable energy sources needs to be substantially increased. It also indicates that there is a need to streamline the planning system and that the right balance between local concerns and national need must be addressed.
- 6.6** Regional Planning Guidance (RPG) 6 Regional Planning Guidance for East Anglia to 2016 requires Development Plans to include proposals for renewable energy generation. It also sets out the criteria by which such applications should be considered with reference to land use and environmental implications.
- 6.7** Norfolk Structure Plan The Structure Plan has been the subject of the same transitional arrangements as the Local Plan and as a result of this only Policy ENV3 remains applicable out of those set out in the response of Norfolk County Council. ENV3 seeks inter alia to protect areas of important landscape quality (AILQ) and only accepts development which can be shown to conserve and are sensitive to the appearance and character of these areas. However, AILQs have not been saved as part of the Local Plan.
- 6.8** Castle Acre Castle and Priory which are Scheduled Ancient Monuments are approximately two kilometres to the north.

7.0 Assessment

- 7.1** There is no doubt that if this proposal is permitted it would bring with it significant environmental benefits. Clean electricity from a renewable source would be provided for up to 9,500 homes. The applicant has estimated that the six turbines would save the emission of up to 31,474 tonnes of carbon dioxide, 481 tonnes of sulphur dioxide, 130 tonnes of nitrogen oxides and several tonnes of ash and slag on an annual basis. It would also contribute 1.8% of the capacity required to achieve the region's 2010 target or 7% of that identified for Norfolk.
- 7.2** The application site is within an area of open plateau farmland as identified in the Wind Turbine Development Report (see 6.1). This landscape type is considered to have a high capacity for small scale developments which are defined as up to 12 turbines. Paragraphs 9 to 25 of PPS22 provide the locational considerations for renewable energy proposals. This stresses that landscape and visual effects vary on a case by case basis, with impact dependent on size, number of turbines and type of landscape. In addition, it stresses the need to take account of cumulative impact at application stage. It is considered that in this case the cumulative impact of the proposed 6 turbines and the 2 existing turbines at Swaffham and to a lesser degree those at North Pickenham will not be significantly detrimental to the locality, and consistent with the constraints applicable to open plateau farmland.

- 7.3** It is considered that the turbines are suitably located in relation to residential properties so as to safeguard amenity.
- 7.4** In terms of highway safety, no objections were raised by the relevant consultees.
- 7.5** With regard to aircraft and radar, Para 25 of PPS22 states that:
- 7.6** “It is the responsibility of developers to address any potential impacts, taking account of Civil Aviation Authority, Ministry of Defence and Department of Transport guidance in relation to radar and aviation, and the legislative requirements on separation distances, before planning applications are submitted. Local Planning Authorities should satisfy themselves that such issues have been addressed before considering applications”.
- 7.7** The technical annexe of this document also relates to Wind Energy and Para 96 states:
- “Because topography, intervening buildings and even tree cover can mitigate the effect of wind turbines on radar, it does not necessarily follow that the presence of a wind turbine in a safeguarding zone will have a negative effect. However, if an objection is raised by either a civil aviation or Defence Estates consultee, the onus is on the applicant to prove that the proposal will have no adverse effect on aviation interests”.
- 7.8** In this case, following consultation with Defence Estates which includes re-consultation on the applicant’s most recent Supplementary Environmental Information Statement, they have stated that they object to the proposal on the grounds that the turbines would have an unacceptable impact upon the Air Traffic Control Radar and air traffic management procedures at RAF Marham. This objection has been substantiated by a comprehensive technical appraisal. In light of the detailed content of this document and having regard for PPS22 which emphasises the need to address concerns relating to radar and navigation as part of the process of determining an application.
- 7.9** In response to Defence Estates concerns, the applicant have requested that a “Grampian” condition be used which prevents the commencement of development until the Council, in consultation with the MoD, are satisfied that air defences are not compromised. They highlight paragraph 40 of Circular 11/95 “The Use of Conditions in Planning Permissions” and relevant case law which states that there is no mandatory requirement that there must be reasonable prospects that the condition can be fulfilled within the permission’s lifetime before a Grampian condition can be lawfully imposed and the recently published Guidance Note relating to the use of planning conditions in onshore wind energy applications which states:
- “Grampian or negative conditions should not be used when there are no prospects at all of the action in question being performed within the time-limit imposed by the permission”

7.10 Furthermore, the applicant emphasises past, current and future work relating to the resolution of problems relating to wind turbines and air traffic control radar and highlight details of such technology and the need to find such mitigation solutions given the Governments strong commitment to developing renewable energy.

7.11 In this instance, Defence Estates have specifically addressed the issue of mitigation and Grampian conditions within it detailed response. It concludes that:

“the use of any such negative condition may be found to be unreasonable and as such, unenforceable. It is therefore not possible to address our safeguarding concerns by way of a negative planning condition.”

7.12 On balance, it is considered that in light of the content of the detailed objection from Defence Estates and having consideration to all other material considerations, the application is unacceptable in planning terms.

8. Recommendation

8.1 Whilst there is an acknowledged need to secure suitable sites for Renewable Energy Sources, in light of the detailed objection from Defence Estates relating to the impact of the proposal upon air traffic control radar and air traffic management procedures at RAF Marham, the application is recommended for refusal.



APPENDIX
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