

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	06 January 2016
<b>Application Number</b>	14/08906/FUL
<b>Site Address</b>	Kingsdown Golf Club Kingsdown Corsham Wiltshire SN13 8BS
<b>Proposal</b>	Installation And Commissioning Of Two Small Scale Wind Turbines.
<b>Applicant</b>	Kingsdown Golf Club
<b>Town/Parish Council</b>	BOX
<b>Electoral Division</b>	BOX AND COLERNE – (Cllr Shelia Parker)
<b>Grid Ref</b>	381541 167096
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

### **Reason for the application being considered by Committee**

The application has been called in by Cllr Shelia Parker to consider the effect of the development on the character and appearance of the area, in particular the impact of the development on the Green Belt and adjacent AONB.

### **1. Purpose of Report**

To consider the above application and to recommend that planning permission is GRANTED subject to planning conditions.

### **2. Report Summary**

The main issues in considering the application are:

- Principle of development
- Impact on the Green Belt
- Cumulative impact with other turbines in the vicinity
- Visual impact on the character and appearance of the area & AONB
- Ecological Impact and mitigation measures for site and surrounding land
- Construction and decommissioning of site impacts on adjacent highway network
- Affect on the public rights of way and the golf course
- WMS of 18 June 2015

Box Parish Council, Monkton Farleigh & South Wraxhall Parish Council object to the application, which has also generated 27 letters of objection and 5 letters of support.

## Site Description

The site is located outside of any defined settlement within the open countryside, Green Belt and within close proximity to the AONB boundary and will therefore be visible from within and outside of these designated areas. The site is approximately 56 hectares in total and is located within the curtilage of land owned by Kingsdown Golf Club.

The proposed development is approximately 500m from the closest residential dwelling and over 1km from the nearest Listed building (Hatt Farm). Box 73 public footpath and Box100 bridleway are in close proximity to the proposed wind turbines.

## 3. Planning History

N/07/03263/FUL Change of Use of Land to a 3 hole Golf Academy Course with a Driving Range Building and Car Park WITHDRAWN

N/08/01114/COU Change of Use of Land to Three Hole Golf Academy Course with a Driving Range Building and Car Park GRANTED

## 4. The Proposal

The installation of two 10kW Tozzi Nord Wind Turbines at a hub height of 14.9m and a tip height of 21.5m at Kingsdown Golf Club, Corsham. Since the original planning application was submitted to the Council the siting of the wind turbines has been amended due to recommendations set out in the updated ecological report.

The proposal also includes all ground works and electrical connections. The wind turbines' inverter will be located in the turbine cabinet adjacent to the turbine and will convert the variable current output of the wind turbine into a utility frequency alternating current, which can be utilised on site.

## 5. Planning Policy

Wiltshire Core Strategy Jan 2015:

CP1- Settlement Strategy

CP2- Delivery Strategy

CP3- Infrastructure Requirements

CP42- Standalone Renewable Energy Installations

CP48- Supporting Rural Life

CP50- Biodiversity and Geo Diversity

CP51- Landscape

CP57- Ensuring High Quality Design and Place Shaping

CP58- Ensuring the Conservation of the Historic Environment

CP62- Development Impacts on the Highway Network

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)

Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 7- Requiring Good Design (Paragraphs 56, 60, 61, & 64)

Chapter 8- Promoting healthy communities (Paragraph 75)

Chapter 9- Protecting Green Belt Land (Paragraphs 79, 87, 88, 89, & 91)

Chapter 10- Meeting the challenge of climate change, flooding and coastal change (Paragraphs 98, 100, 101 & 103)

- Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)
- Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

## **6. Summary of consultation responses**

Box Parish Council- Object. Inappropriate development in the Green Belt, AONB in a particularly prominent position which will have a visible impact on the landscape.

Monkton Farleigh Parish Council- Object on 5 grounds (noise, visual impact, alternative development, birds and future developments)

South Wraxall Parish Council- Object The wind turbines would be ½ km to the nearest property which would impact on visibility causing shadow flicker and, as importantly, noise pollution in an area where there is currently no noise. It is an unacceptable development in the Green Belt and The Parish Council is also concerned that there is a bridleway nearby.

Bath and North East Somerset Council- B&NES Council does not wish to come to a definitive conclusion as to the merits (or otherwise) of the proposal but there are two areas of concern.

1. The proposed turbines therefore have the potential to affect views into and out of the World Heritage site as well as its setting;
2. In respect of ecological designations within the B&NES area

Landscape Team- Although the development site lies just outside the 'Cotswolds AONB', I do not consider that the proposed development will result in any significantly adverse landscape or far reaching visual effects to the AONB in terms of its setting, or far reaching effects to the wider countryside. While these two small turbines will be obviously visible from the adjacent public highway, viewed over the adjoining dry stone wall, the resulting visual effects will be of a short duration and of a transient nature resulting in localised and fairly minor landscape and visual impacts in my opinion. This is largely due to the local blocks of woodland and undulating topography within the local area restricting wider levels of inter-visibility.

I consider this type of development to be temporary in nature, so if the LPA is minded to grant planning consent I would request that you consider attaching a planning condition to the decision notice to ensure the removal of the column itself and all associated infrastructure connected with the development, either within an agreed timeframe, or if energy production ceases at the site (similar to solar development). The main purpose of this should be to ensure that parts of redundant energy infrastructure are not simply abandoned and left in-situ, at the end of its productive life etc.

If the LPA is minded to grant planning consent for development and it proves necessary to widen or alter the existing site access to accommodate the delivery of turbine components, I request that this is permitted only as a temporary measure.

Any dry stone walls which are necessary to remove in order to widen the existing access should be conditioned to be rebuilt within an agreed timeframe, to follow the commissioning of the turbines (or another suitably agreed trigger point).

Ecology- Having reviewed the available information, although the site has not been subject to the recommended level of bat survey, I am satisfied that the recommendation of relocating the turbines >50m from the nearest linear feature and removing the young trees from within this radius of the turbines would avoid potential significant effects of the turbines, and as such I would support such an amendment to the plans.

Highways- Amended Plans- No objection

RSPB- Object to original proposal. Objection withdrawn as a result of additional information and the amended plans according with the recommendations in the report.

MOD- No objection

English Heritage- No comments offered

Public Protection- Their impact is likely to be minimal with regards to noise.

Having read the acoustic report produced by “Life Long Energy”, the predicted noise level for each receptor is below 35dB for all noise sensitive receptors. The prediction model the report has used has taken worst case scenario for predicted noise levels on Noise Sensitive receptors. There should be no adverse impact based on this report, however the report concludes that a complaints procedure should be put in place to manage and investigate noise complaints generated from the use of the turbines.

I recommend that the following condition is attached to the permission:

*Prior to the first use of the development permitted, a Noise Management Plan (NMP) will be submitted to and approved by the Local Planning Authority. The Noise Management Plan shall include a methodology to receive, assess and respond to noise complaints and take preventative action where possible to manage future incidents.*

Sustainable Energy Team- Support

Cotswold Conservation Board- The Board would ask the Council to consider carefully whether the visual impact of these turbines, including their movement, would have an adverse impact on the setting of the Cotswolds AONB.

Public Right of Way Team- We would recommend erring on the side of caution with these developments as a spooked horse could lead to serious injuries. Recommend refusal.

### **3. Publicity**

The application was advertised by site notice and letters to local residents and generated 27 letters of objection and 5 letters of support

Objection:

- Site within the Bath and Bradford on Avon Special Area of Conservation for Bats and close to two SSSI's. Turbines could pose a serious threat to protected species.
- No ecology survey to look at environmental and nature conservation aspects for protected species
- Impact on Horses
- Impact on Bath World Heritage Site
- Intrusive form of development
- Noise impact on local residents
- Misleading information submitted
- Impact of flicker on adjoining residents
- Impact on highway safety
- Impact on birds
- Poor design
- Negative impact on the character and appearance of the area & AONB
- Inappropriate development in the Green Belt

## Support

- Good clean energy
- No harm to wildlife
- Design acceptable
- Help sustain the golf club in the long term

Wiltshire Bridleways Association- On the site plan, Box bridleway 100 is recorded as a track. There is no reference to it being recorded on the Definitive Map as Statement as a Public Right of Way. (Bridleways are for the use of Pedestrians, Horse Riders and Cyclists).

It appears from the site plan that the shortest distance from the base of turbine no 1 to the bridleway is approximately 85mtrs, well within, we suggest, the estimated shadow flicker range of the turbine blades. Horses, as you will appreciate are unpredictable creatures and whilst an animal may pass a construction of this nature on one occasion without incident, it may well be 'spooked' on a second or subsequent occasion. A spooked or out of control horse is not only a danger to itself and or rider, but also other users of the PROW.

The British Horse Society has produced an information leaflet relating to the installation of wind turbines. The recommendation of that pamphlet is that wind turbines should not be installed within 200mtrs of a bridleway. In view of the above recommendations and safety aspects involved, we wish to register our objection to this planning application and trust you will give serious consideration to recording a decision of refusal.

## 4. Planning Considerations

### National Energy Policy

The Energy Challenge July 2006 refers to renewable energy as an integral part of the Government's strategy for tackling climate change and the key role planning has in its delivery. The Energy White Paper, Meeting the Challenge May 2007, reiterates the importance of renewable energy in the response to the challenges of climate change and energy security.

The Climate Change Act 2008 sets a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO2 emissions of some 26% by 2020 against a 1990 base. The Act set up the Committee on Climate Change (CCC) to provide advice on the carbon budgets necessary to meet the binding target. The Energy Act 2008 drives the deployment of renewables with the aim of increasing the diversity of the UK's electricity mix, improving reliability of energy supplies and lowering carbon emissions from the electricity sector.

The Renewable Energy Strategy July 2009 (RES) seeks: to reduce CO2 emissions by 2030, promote the security of our energy supply, and to reduce fossil fuel demand by around 10% and gas imports by 20–30% against forecast use in 2020. The RES notes that the UK's contribution to the EU target to increase the share of renewables in the energy mix to 15% by 2020 represents a seven-fold increase in UK renewable energy production from 2008 levels. The RES seeks the delivery more than 30% of electricity generated from renewables of which some 66% will come via on and offshore wind projects. Whilst recognising there would be pressure on some local environments, the RES supports the swifter delivery of renewable and low carbon energy applications. The RES is an integral part of the overall Low Carbon Transition Plan to ensure delivery of clean, secure and affordable energy of the future. This plan established a roadmap for the decarbonisation of the UK, set 5-year carbon

budgets and reiterated the central role planning has in supporting the deployment of renewable energy.

The Renewable Energy Action Plan July 2010 reiterates Government support for renewable energy and reinforced the need to meet EU targets through the development of renewable energy resources. The Plan refers to the CCC advising on the scope for introducing more ambitious targets for renewable energy. In July 2010, the Annual Energy Statement was published reaffirming the Government's commitment to renewable energy and a commitment to drive renewables deployment through the implementation of a robust delivery plan.

The CCC in The Renewable Energy Review - May 2011 (RER) highlights that the 2020 ambition to develop renewables as an option for future decarbonisation requires large-scale investment to help support technology innovation and new policies to address barriers to uptake. The RER indicates that, compared with onshore wind, most other renewable energy generation technologies are expensive and likely to remain so until at least 2020, and in some cases, considerably later. As such onshore wind is seen as a key element of the portfolio of low carbon generation technologies which the CCC highlighted as being required to ensure that UK renewable energy targets and climate change commitments are met.

The *November 2013 RER Update*, highlights that despite a significant boost in renewable electricity in the 12 months to June 2013, the amount of extra renewable energy, across all 3 of the main sectors of electricity generation, in the period 2018 to 2020 will have to be greater than has been achieved in the entire period to date i.e. some 70TWh. The 2013 Update acknowledges there remain so many uncertainties and economic issues to be addressed for much of the overall pattern of supply that we have to continue to place great weight on the ability to deliver from the onshore wind sector without the need for the enhanced levels of support that other sectors are getting now or will need into the future.

*The CCC 5th Progress Report October 2013* reiterates that a step change in the pace of emissions reductions is required to meet carbon budgets and the implementation of measures designed to deliver a sustainable, low carbon economy which contributes to the global imperative to limit climate change and that a significant increase in the rate of decarbonisation.

The Roadmap Update, November 2013, confirmed that onshore wind continues to have an important role to play in UK energy policy. As with the 2012 Update, the 2013 Update emphasises the economic benefits presented by renewable energy. The 2013 Update emphasises: that renewable energy offers the UK a wide range of benefits from an economic growth, energy security and climate change perspective; that 4.1% of energy consumption came from renewable sources in 2012 against a target of 15% by 2020; that onshore wind is one of the most cost effective and proven renewable energy technologies and has an important part to play in a responsible and balanced UK energy policy and that renewable energy helps the UK achieve challenging decarbonisation targets and a key benefit of deploying renewable energy technologies is the potential reduction in carbon emissions.

### **International Energy Policy**

The 2015 United Nations Climate Change Conference (COP 21) was held in Paris, from 30 November to 12 December 2015. The conference negotiated the Paris Agreement, a global agreement on the reduction of climate change, the text of which represented a consensus of the representatives of the 196 parties attending it. On 12 December 2015 the participating 195 countries agreed by consensus to the final draft of the Paris Agreement, to reduce emissions as part of the method for reducing greenhouse gas. In the 12-page document the members agreed to reduce their carbon output "as soon as possible" and to do their best to keep global warming "to well below 2 °C.

On 30 November 2015 David Cameron addressed the summit and made the following points and statement:

*We all know exactly what is needed to make a good deal here in Paris. We need a deal that keeps 2 degrees alive. A deal with a binding legal mechanism.*

*But they would ask us why is it difficult to reach a legally binding agreement when in 2015 there are already 75 countries – including countries across most of the continents of our world – that already have legally binding climate change legislation?....*

*How can we argue that it's difficult when in London alone there's 5 trillion of funds under management and we haven't even really begun to generate the private finance that is possible to help in tackling climate change?*

*They'll ask us: was it really too difficult to agree to a mechanism to measure and verify what we've all signed up to? How can that be so difficult, that we agree that over time we must make sure that we are delivering on the things that we said we would deliver on here in Paris. And finally, would we really be able to argue that it was too difficult?*

*Too difficult to transfer technology from rich countries to poorer countries? Our grandchildren would rightly ask us: what was so difficult? You had this technology, you knew it worked, you knew that if you gave it to poor and vulnerable countries they could protect themselves against climate change – why on earth didn't you do it?*

*What I'm saying is that instead of making excuses tomorrow to our children and grandchildren, we should be taking action against climate change today. What we are looking for is not difficult, it is doable and therefore we should come together and do it.*

When the various national, EU and international policies and statements on renewable energy and climate change are read together it is clear that both nationally and internationally there is no dispute regarding:

1. the seriousness of climate change and its potential effects;
2. the seriousness of the need to cut carbon dioxide emissions
3. the seriousness of the Governments intention regarding deployment of renewable energy generation and reduction in CO2 emissions.

It is erroneous to suggest that somehow the need case for onshore wind has abated and that it is necessary that a scheme should do less harm than in circumstances when need was more urgent. The Paris agreement and the Prime Minister's speech at that meeting was explicit in recognising that there has been no lessening in the need for action in tackling climate change and wind generation plays a part in this.

### **Planning Policy**

In principle, new renewable energy projects are supported by local and national planning policies with a strategic commitment to decentralising energy production and meeting climate change targets. Policy CP42 of the adopted Core Strategy, which deals with standalone Renewable energy, states that projects, such as this, will be supported unless

the scheme would result in demonstrable harm to a designated historic area or natural landscape.

Paragraph 98 of the NPPF makes it clear that applicants need not demonstrate a need for renewable energy schemes as justification and the onus is to approve all such applications subject to satisfactory resolution of all site specific constraints. This includes the following:

- The landscape, particularly in and around AONBs
- The Green Belt
- Biodiversity
- The historic environment including the setting of listed buildings
- Site and its setting
- Use of the local transport network
- Residential amenity, including noise, odour, visual amenity and safety, and
- Best and most versatile agricultural land.

The core purpose of the planning system as stated within the NPPF is to contribute to the achievement of sustainable development. Sustainable development is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At the heart of the decision making process as set out by the NPPF is a presumption in favour of sustainable development. It goes further to identify that planning plays a key role in securing radical reductions in greenhouse gas emission which is central to achieving the economic, social and environmental dimensions of sustainable development.

Proposals for the generation of energy from renewable sources are in principle supported by National policy due to their contribution to sustainable development, meeting the challenges of climate change, air quality and fuel security. Policy asserts that such applications should be encouraged and any application be approved if its impacts are or can be made to be acceptable. This supportive stance towards development proposals which will generate renewable energy where the impacts of the proposal are or can be made acceptable is also found within the Core Strategy as outlined above.

With regard to the Core Strategy, the “Strategic Objective” to address climate change (Strategic Objective 2) and Core Policy 42 (Standalone renewable energy installations) directly reflect the national policy picture and as such are considered to carry weight.

Paragraph 14 of the NPPG sets out what should be considered when determining applications for wind turbines. This is a material consideration in the determination of the application.

The site is located within the Green Belt. Paragraph 91 of the NPPF states:

*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.*

The benefits of the proposal must therefore outweigh the harm and very special circumstances must be advanced for the development not to be in conflict with Para 91 of the NPPF. The planning balance and conclusion on this matter is addressed later in the report.



The Ministerial guidance issued on 18 June 2015 is material to the determination of the application and in summary states-

*Local people should have the final say on wind farm applications. When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:*

- *the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.*

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. The Wiltshire Core Strategy doesn't specifically allocate sites for renewable energy but requires decisions to be made on a case by case basis. Therefore the development can be supported in principle. The acceptability of the site for this form of development is set out in the report below.

The NPPF states that LPAs must take into account the benefits of the best and most versatile land, and that where development is considered necessary local planning authorities should seek to use poorer quality land rather than high quality land. The land quality in this instance is therefore a material consideration. In considering this aspect it is noted that the land forms an unused part of the golf course and is not used for agriculture.

Having considered the above the development could be considered acceptable in principle and this is discussed in detail below.

#### Impact on Amenities of Local Residents

Whilst the courts have found that individuals do not have the right to protection of a particular view from within their properties there comes a point when, by virtue of the proximity, size and scale of a given development proposal, a residential property would be rendered so unattractive a place to live that planning permission should be refused. The public interest is engaged because it would not be right in a civil society to force someone to live in a property, which, viewed objectively, the majority of people would consider to be unattractive.

The test of what would be unacceptably unattractive should be an objective test, albeit that judgement is required in its application in the circumstances of a particular case. Changing the outlook from a property is not sufficient to warrant a refusal. Indeed, even a fundamental change in outlook is not necessarily unacceptable. The visual component of residential amenity should be assessed "*in the round*" taking into account factors such as distance from the turbines, the orientation, size and layout of the dwelling etc. and each case has to be decided on its own merits.

At no dwelling would the turbine be visually overbearing, overwhelming or oppressive such that they would be rendered unattractive places in which to live. Given the limited scale of this development, the location of two turbines, the separation distances, the orientation of properties, landform, existing mature vegetation, built development, amenity space and openness of view, the site is such that the proposal would not harmfully change the living conditions of any local properties in respect of outlook, noise and shadow flicker. An assessment of potential noise impacts was submitted and has been considered by the

Public Protection officer who confirmed no objection, subject to a noise condition being attached to any grant of planning permission.

As for any shadow flicker, the nearest dwellings would be outside the turbine's zone of influence which would be less than 400 metres. On this basis, it is concluded that the proposal is unlikely to cause significant noise or shadow flicker nuisance to any nearby residents. In addition, there were no objections from the Council's Highway Officer to the proposal on highway safety.

#### Character and Appearance

The site is located in the Green Belt and in close proximity to the AONB boundary and around 2km from the nearest large settlements (Bathford, Box and Ashley). It stands in an area of manicured mown grass that forms part of the practice area for the Golf Club with an access road leading to a driving range and surface car park.

The area around the appeal site is dominated by the existing golf course, a series of electricity pylons interspersed with hedgerows, small plantations of woodland, occasional specimen trees and dry stone walling. The dominant landscape feature within the locality are the electricity pylons. The site is in close proximity to an AONB and the NPPF recognises that these are important landscapes and should be afforded significant protection. While there are no hard and fast rules about how suitable areas for renewable energy should be identified, the Core Strategy doesn't preclude such development in the AONB or green belt, suggesting that small scale wind turbines may be acceptable. Indeed, the AONB board have raised no specific objections to the scheme and trust the judgement and professionalism of the Council's landscape officer.

Though the Golf Course is over 100 years old, the recent approval of a replacement clubhouse, driving range, green keepers buildings and other structures around the site demonstrates that this is a landscape, or location that can accommodate some development without causing undue harm. Given the nature of the application site, officers and some local residents are satisfied that the proposed medium sized turbine would successfully blend into its immediate surroundings with negligible impact.

Nevertheless, as a tall feature it would be noticeable in the immediate area. In this regard, a series of photomontages and a LVIA were submitted showing how the turbine would appear from various viewpoints. It is noted that in some views the turbine would be partly obscured by vegetation and landform and in other locations existing built development. It is further noted that the surrounding landscape contains other man made features, such as overhead cables and pylons, which would still be the dominant feature within the landscape.

It is considered that the proposal would have a low to moderate visual impact from nearby vantage points and though partially visible from a far it is considered that the impact would not cause significant harm to the character and appearance of the locality in these longer range views, including the wider road and public footpath network.

As set out above, there is a bridleway and public right way in close proximity to the site. Within the immediate vicinity of the site, the turbine would be prominent and thus reducing the rural ambience of people using these paths, however, it is important to note that this is a long established golf course & driving range and the rural ambience that one would experience in a agricultural field has already been somewhat eroded. As such the turbine would result in some moderate harm with the level of harm reducing to minor the further one was away from the site. However, the turbine would still be seen in the backdrop of the more imposing and dominant electricity pylons.

It is concluded that that these turbines, when seen in longer views, would occupy only a small portion of any views towards it and in more distant views, the observer would have to be looking for the turbine in order to pick it out. In summary, having considered relevant local and national planning policies, comments from the landscape officer and consultation responses the development will have no significant adverse impact on the character of the area and can be supported on landscape grounds.

Many local residents have raised objections to the proposal because of impact on the character of the area without quantifying what this harm is. The fact that any wind turbine will inevitably result in landscape character and visual effects, sometimes extending over many miles, is recognised in national guidance at every level. What no objector has done is to go on to determine the acceptability of such impacts in the way that the applicant has done and which has been agreed by the Council's Landscape Officer. The extent and magnitude of harm is not in dispute. However, it is important to know how much harm should be weighed against the turbine in the planning balance.

The local objectors do not define over what extent of the local and distant landscape the turbine would dominate. In summarising they conclude that the turbine would cause significant adverse visual effects both locally and in longer distance views, some of which are many miles away. The objectors present no evidence to substantiate such an argument but appear to be relying on the ministerial guidance issued on 18 June 2015 (should the Council receive sufficient objections they believe that permission should automatically be refused). Some local residents suggest that the landscape is so sensitive to visual change that significant visual effects would extend out to Trowbridge and Bathavon and other settlements that are not visible from the site. This position and assertion is not considered to be accurate.

There would only be effects upon the landscape locally where the turbine would be prominent. Locally, up to about 1km from its location, the turbine would be visible, but only from certain directions. The area of visual dominance and prominence would be limited and the dominant feature within the landscape would still be the adjacent electricity pylons. As such, the turbine would not be a significant or defining characteristic of area and that the overall characteristic of an extensive settled landscape would prevail.

Based on these conclusions, whilst the turbine would result in some minor and limited harm to the setting of the AONB, that harm would not conflict with the duty to conserve and enhance the natural beauty of the AONB. Impact on the AONB and Landscape is addressed further below.

#### Cumulative impact of other renewable energy installations in the vicinity

With regard to cumulative impact with other schemes within the area, it was not possible to observe any turbines within long or short distance views. No extant permissions exist within this part of Wiltshire and it is unclear if turbines have been approved but not implemented in neighbouring authorities. There is a large distance to the next settlement in the neighbouring authority (approximately 2km), as such the effect of any other turbines and this proposal on the landscape would remain distinct.

In view of the scale of the turbines proposed and no other turbines within the locality, it is considered that the proposed turbines would not collectively become a significant or defining characteristic of the area such that they would have a harmful effect on the overall experience of the landscape, ANOB or Green Belt.

Consequently, the effect of this proposal on the character and appearance of the landscape and would not conflict with local and national planning policies.

### Ecology

An initial objection was received from the Council's ecologist and the RSPB. Additional survey work was requested and submitted to the Council. Subject to the development conforming to the suggested mitigation (amended plans have now been received) no objection is raised by the RSPB or the Council's ecologist. The impact of the development on bats, birds and the SSSI has been considered and the conclusion is that the development can be supported.

### Landscape

The Council's adopted policies and NPPF do not have an in-principle objection to the use of renewable energy in the AONB or where it is visible from the AONB.

The Cotswolds Conservation Board (CCB) has adopted a number of Position Statements with regards to wind turbines. The Cotswolds Conservation Board supports renewable energy generation within the AONB or contiguous areas provided it is consistent with conserving and enhancing the landscape and natural beauty of the area. The Board recognises that small scale renewable energy projects may well be able to be accommodated within the landscape without causing harm. However what constitutes "small" and the significance of any visual impact must be defined by the critical characteristics which make that landscape special. Projects which are close to existing settlements where the impact of manmade structures are more prevalent will be more acceptable than projects in the open countryside where visual clutter should be avoided. All renewable energy proposals must be justified by reference to a landscape impact assessment.

Having taken into consideration the tests of location, scale and integration within the landscape it is considered that the development will not have an adverse impact on the character and appearance of the AONB. National Planning Practice Guidance published in March 2014 confirmed that local planning authorities have a duty to consider if development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.

The landscape appraisal submitted by the applicant suggests that the turbines will be visible from locations within the Cotswolds AONB and this conclusion is correct. However, taking into consideration the proposals discrete location, in the backdrop of trees, electricity pylons, numerous manmade structures and the golf course, there is no conflict with local or national policies. Indeed the selection of this site for the siting of the turbines appears to be in accordance with the AONBs advice note and in accordance with local and national planning policies.

The views above are consistent with the evidence submitted within the LVIA and consultation response from the Council's landscape officer.

### Green Belt

As set out in paragraph 91 of the NPPF, 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. The NPPF then explains what might constitute very special circumstances.

Having considered the application, NPPG, NPPF it is considered that very special circumstances (Clean renewable energy, long term income for the golf club, the fact that the works are reversible and equipment will be removed when no longer needed) do exist to outweigh the harm to the green belt and taking into consideration the circumstances. Furthermore, the harm to openness is comparatively limited given the number and scale of

the turbines and the immediate surroundings and setting within the golf course. Permission can therefore be granted.

#### Horses

The Wiltshire Bridleways Association and other horse riders have raised concerns to the proposed development as a main road and bridleway are located within 100m of the proposed turbines. Information has been presented by them in the form of a leaflet from The British Horse Society, this leaflet recommends that turbines are located at least 200m from and bridleway. However, The BHS clarifies that every site is different and a blanket policy to cover all situations may be excessively restrictive for some sites. In this case the closest turbine is approximately 100m from the bridleway, however, there is a thick tree belt between the bridleway and the application site and thereby screening the turbines from clear view.

A very high percentage of operational wind farms are in rural locations in which horse riding can and does take place. There is no reliable empirical evidence to demonstrate that wind turbines are unsafe for horses and riders. The British Horse Society Scotland (BHS) Advice Note, is very positive in tone, recognising that horse riding and wind turbines can happily and safely co-exist. It also provides very practical advice regarding habituation and riding.

Taking into consideration the size and scale of the turbines there does not appear to be sufficient evidence to refuse the application.

#### Setting of the Listed Building

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The House of Lords in the South Lakeland case decided that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”

The proposed development is located over 1 km from the nearest listed building. Having viewed the site from various listed buildings surrounding the site it is considered that the proposal is unlikely to be visible and will therefore have a neutral impact on the setting of the listed buildings in the vicinity of the turbine. The proposal is considered to accord with CP58 of the Core Strategy and the NPPF. Even if the turbines were visible from these buildings the views would not be clear and would only be fleeting and there would be no significant adverse effect on any heritage asset in the locality.

In terms of the NPPF, if the turbines were visible from any designated heritage assets the adverse impact on this asset would amount to less than substantial harm, and this would be a consideration to be weighed against the benefits of the appeal scheme.

#### Setting of the World Heritage Site

Public consultation didn't directly identify an objection to the proposed turbines in relation to the Bath World Heritage Site. However, a request was made to carefully consider the potential of the development to affect views into and out of the World Heritage site as well as its setting.

The turbines are proposed to be located on a piece of land lower than the surrounding area, furthermore the land to the West of the sight, towards the World Heritage Site, gradually slopes up before suddenly dropping into the valley below. Before this drop there is extensive

woodland planting which means that the turbines will not be clearly visible if visible at all from the world heritage site or views into it.

The turbines will be located in close proximity to existing electricity Pylons which are far larger in terms of height and footprint when compared to the proposal. These pylons offer an excellent reference point in visually assessing the possible prominence of the turbines from the World Heritage Site. Visits have taken place in Bath City Centre, Bradford on Avon, Bathford, Bathampton, Warminster Road, Bath Golf Course, Gloucester Road and Cold Ashton. From these site visits it was difficult to identify the pylons in the wider landscape. It is therefore concluded that as the proposal is smaller than the pylons the proposal would not harm the setting of the World Heritage Site and is not in conflict with section 12 of the NPPF or paragraph 35 of the NPPG.

### Ministerial Statement

The ministerial statement is clear about the weight to be applied to neighbour representations and requires LPAs to give weight to objections and letters of support.

The Core Strategy does not specifically allocate land for wind energy development but does support the principle of it. The site is therefore in an area identified as suitable for wind energy development and fulfils the first requirement in the ministerial statement.

Consultation has taken place and all responses from local residents have been taken into consideration in the determination of the application.

The report above clearly demonstrates that that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal can be granted planning permission in the context of the ministerial statement for the reasons given below.

The objection relating to protected species has now been overcome with survey work and alterations to the siting of the turbines.

The objections relating to noise are noted but the Council's public protection officer has considered the comments and has concluded that the development would not have any adverse impact on the amenities of local residents. To protect their interests a condition has also been suggested. It is concluded that this concern has been overcome.

Having applied the transitional provisions in the WMS of 18 June 2015 to this case, the Council is satisfied that the planning impacts identified by the affected local communities have been addressed by expert analysis and supporting documentation. The planning impacts identified by local residents have been addressed but the proposal still does not have their backing.

The WMS of 18 June 2015 states that 'authorities should only grant planning permission if....' The statement therefore does allow flexibility in the decision making process. Had Greg Clark Minister for Communities and Local Government intended to always give local residents the final say, the WMS would have been explicit and stated that 'local authorities can not' or 'local authorities must not' grant planning permission. As such, the proposed scheme would have met the transitional arrangements set out in the WMS of 18 June 2015 as the concerns raised have been overcome.

### Benefits of the Scheme

The benefits in favour of the development are:

- the supply of a material amount of renewable energy and contribution to the achievement of the national target in terms of UK's energy demand from renewable resources by 2020. This remains an important material consideration in its own right.
- the contribution to mitigating climate change;
- energy security through contributing to a mix of renewable resources in Wiltshire.
- provision of renewable energy at lowest cost to the consumer;
- additional income for the golf club at a time when the numbers playing golf is decreasing and club membership fell 14 per cent between 2004 and 2013
- direct and indirect economic benefits recognised by the Government;
- the development is a wholly reversible form of development which would result in very limited harm to landscape character and leave the visual resource intact.

### Conclusion

The turbines would make a modest, but valuable, contribution towards national targets for the production of energy from renewable sources and thereby contribute to meeting the objectives of the Climate Change Act, and emerging National and International Energy Policy and this must be afforded significant weight. They would also help in sustaining the golf course and providing valuable additional income.

In terms of landscape impact, it is concluded that the landscape impact of the proposed turbines on the AONB and countryside setting would not be significant, and that the turbines would not result in harm to the AONB. It is considered that the proposed development would not conflict with the duty to conserve and enhance the natural beauty of the AONB, this must have weight in favour of the scheme in the planning balance.

It has been acknowledged that there would be some moderate and localised harm to the local landscape and similarly there would be a moderate adverse visual impact resulting in conflict with CP51. Limited weight is attached to the effect on neighbours' living conditions as perceived by the local community, despite the fact that the impact would not result in any property becoming an unacceptable or unattractive place in which to live.

It is considered that the proposed development as a whole contributes towards sustainability objectives and as such is inherently justified in principle. This level site is considered to be well suited for the installation of these medium/small sized turbines and will not stop the use of the land for outdoor recreation purposes. The concerns raised by the Parish Council and local residents have been taken into account and overcome through expert analysis and appropriate technical information. The development is considered to have overcome these concerns and can be supported and in compliance with local planning policies contained within the Wiltshire Core Strategy, in particular CP42, CP48, CP50, CP51 & CP58 and national planning policies.

In accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard has been afforded to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. The development can therefore be supported.

### **RECOMMENDATION**

Planning permission is GRANTED subject to planning conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

PS-01 Dated 27/08/2015

PS-02 Dated 27/08/2015

PS-03 Dated 27/08/2015

PS-04 Dated 12/09/2014

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The date of the 1st production of electricity shall be notified in writing to the local planning authority within 28 days of the event occurring.

REASON: In the interests of amenity and the finite operation of this type of development.

- 4 This permission shall remain valid for a period of 25 years from the date that electricity from the development is first generated. Within 12 months of the cessation of electricity production at the site, or the expiration of this permission, whichever is the sooner, all development comprised in the scheme hereby permitted shall be removed and the land restored in accordance with a scheme that shall have been submitted to and approved in writing by the local planning authority prior to the commencement of the development.

REASON: : To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

- 5 If the turbine ceases to be operational for a continuous period of 6 months, it shall be dismantled and removed from the site and the land shall be restored in accordance with the scheme referred to in condition 3 above.

REASON: : To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.



- 6 The development shall not commence until details of the colour and finish of the wind turbine have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall be maintained in the approved colour.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 7 The background noise emissions generated by the turbines shall not exceed 5dB(A) above the background noise at any dwelling that lawfully exists at the date of this permission.

REASON: In the interest of the amenity of local residents.

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) wheel washing facilities
- e) measures to control the emission of dust and dirt during construction

a scheme for recycling/disposing of waste resulting from demolition and construction works

f) works of restoration to the highway and dry stone walls which may be have to be removed to facilitate the installation of the turbines.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 9 Prior to the first use of the development permitted, a Noise Management Plan (NMP) will be submitted to and approved by the Local Planning Authority. The Noise Management Plan shall include a methodology to receive, assess and respond to noise complaints and take preventative action where possible to manage future incidents.

REASON: In the interests of amenity of local residents.

10 Development shall not commence until a scheme has been submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of electromagnetic interference in the event of any complaint, including remedial measures. The turbine shall be operated in accordance with the agreed protocol.

REASON: In the interests of amenity of local residents.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.