

Public Document Pack



MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 4 FEBRUARY 2014

Members Present: Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Casey, Todd, Shabbir, Sylvester, Harrington and Lane.

Officers Present: Nick Harding, Group Manager Development Management
Louise Lovegrove, Development Management Officer
James Fisher, Wildlife Officer
Richard Bowler, Pollution Control Officer
Jez Tuttle, Senior Engineer (Development)
Claire Dowsett, Engineering Assistant (Development)
Phil McCourt, Interim Head of Legal Services
Hannah Vincent, Planning Lawyer
Gemma George, Senior Governance Officer

1. Apologies for Absence

There were no apologies for absence received.

2. Declarations of Interests

Councillor Harrington declared that he has associations with the Newborough Landscape Protection Group, but only with regards to the proposed solar and wind farms at Morris Fen and Newborough. He had not been associated with any other solar or wind farm applications in the Thorney Area.

Councillor Serluca stated that Mrs Caprio, one of the speakers evening, was known to her family, however there had been no prior discussions undertaken in relation to the meeting.

3. Minutes of the Meeting held on 7 January 2014

The minutes of the meeting held on 7 January 2014 were approved as a true and accurate record subject to the following amendments:

- The inclusion of apologies from Councillor Sylvester; and
- Item 5.6, 13/01585/WCPP Battlefield Live, French Drove, Thorney. In the last paragraph prior to the resolution; removal of the words 'as per officers recommendation'.

4. Development Control and Enforcement Matters

The Committee agreed to extend the speaking times to allow:

- Mr Stewart Jackson MP – 10 minutes;
- Ward Councillor and Parish Councillor – 20 minutes in total;
- Objectors – 30 minutes in total;
- Supporters – 15 minutes in total; and
- Applicant – 15 minutes.

Councillor Harrington wished for it to be noted in the minutes that not all members of the Planning Committee had attended the site visit in relation to the application under consideration.

4.1 13/00933/FUL – Construction of four additional wind turbines to a maximum height of 100 metres (to vertical blade tip) with ancillary infrastructure including temporary construction compound, access tracks and crane hardstandings. French Farm, French Drove, Thorney, Peterborough

The application site was located to the northern most extent of the Peterborough City Council authority boundary area, on the northern side of French Drove. The site was situated on land comprising several flat arable fields which were interspersed with drainage ditches and farm tracks. Within the application site there was currently a 16 metre high meteorological mast with supporting guy-wires and associated instruments. This had been in situ since 2010 and was granted permission to be in place to 2 March 2014.

To the south of the application site were residential properties and farms which fronted on to French Drove. The rear gardens and yards to these properties faced onto the application site with interspersed vegetation comprising mature trees, shrubbery and hedgerows. Other residential properties in close proximity to the application site were located at Dowsdale, to the north-east, Empsons Farm to the north-west and Granger Farm to the south-east.

Beyond the application site, larger drains were located to the south (New South Eau drain) and east (Dowsdale Arm/Portland Drain). The surrounding area was characterised by the Fen landscape; large expanses of flat arable land divided by field margins of hedgerow and drains, with some small pockets of tree belts.

The application sought planning permission for the construction of four additional wind turbines along with associated ancillary development of a temporary construction compound; access tracks; underground cabling and crane hardstandings. The proposed wind turbines would stand at a maximum height of 100 metres to vertical blade tip, and be of three bladed, horizontal access design with solid tubular tower. The turbines would have a hub height of no more than 60 metres from ground level and blades extending up to 40 metres in length.

The proposed crane hardstandings, access tracks and construction compound would be constructed of crushed stone/aggregate. The access tracks would be approximately 5 metres in width whilst the temporary construction compound would extend to an area of 60 metres x 40 metres.

Included within the proposal was an allowance for micro siting of the wind turbines and associated crane pads by 40 metres and the access tracks, hardstanding and temporary construction compound by 5 metres.

Two wind turbines (up to 100 metres in height to vertical blade tip) along with an electricity substation, construction compound, vehicular access, access tracks and crane hardstandings were granted planning permission at appeal on 7 September 2010 following refusal of planning application reference 08/01365/FUL and this planning permission had been lawfully commenced following discharge of all relevant pre-commencement conditions and construction of the vehicular access and some internal tracks. The wind turbines themselves had not yet been constructed.

The Group Manager Development Management provided an overview of the application and the main issues for consideration, as detailed within the committee report.

Since the report had been published, a number of further representations had been received against the proposals. These were detailed within the update report to the Committee along with:

- A number of minor amendments to the planning report;
- Further assessment of the planning issues in respect of 'landscape character and visual impact' and 'cultural heritage';
- Additional consultation responses, including a response from the Ministry of Defence Safeguarding stating that the objection in respect of the ATC radar at RAF Coningsby, Waddington and Wittering had been removed, however the objection based on the unacceptable interference to the PAR at RAF Wittering was maintained; and
- Amendments to conditions C9 and C18.

The Committee was advised that the recommendation was to approve the application, subject to the imposition of relevant conditions, including those updated and the signing of a legal agreement.

Councillor David Sanders and Parish Councillor John Bartlett addressed the Committee in objection to the application and responded to questions from Members. In summary, points raised and responses to questions included:

- Many houses around the area would have an uninterrupted view of the farms. This would cause significant annoyance in the surrounding area;
- At times when trees were without foliage, the views of the turbines would be greater and this would be unacceptable;
- The development would cause significant harm to heritage assets not outweighed by any benefits;
- The environmental assessments were only predictive and should be reviewed by experts rather than City Council planning officers;
- Reassurances were sought that issues regarding noise and shadow flicker would be addressed;
- There was concern that if wind farms were dealt with on a piecemeal basis that the village would be surrounded by wind farms;
- The development was likely to make the village less attractive to potential developers;
- Whatever other objections there were, the visual impact was reason enough for rejection;
- The MOD's objections to the proposed farms should be considered; there had not been enough correspondence between Peterborough City Council and the MOD considered, there was significant danger to military aircraft;
- The precision approach radar (PAR) and the air traffic control radar were likely to be negatively affected, and even the MOD's report was to be criticised for not emphasising the danger enough. Student pilots relied solely on the PAR and there was high probability of an accident. This was also applicable for trained pilots in bad weather or during an emergency;
- The application should not be granted until the concerns regarding the PAR had been addressed;
- The development was likely to have a significant visual impact on Thorney Abbey and should be relocated;
- The development would have a detrimental impact on the whole village, not just the areas detailed within the committee report; and
- Letters dated 29 January 2014 still highlighted concerns by the MOD in relation to the PAR.

Mr Stewart Jackson MP addressed the Committee in objection to the application and responded to questions from Members. In summary, points raised and responses to questions included:

- If the committee feels a scintilla of doubt as to the efficacy of the application, it was within its rights to reject it;
- The arguments relating to renewable energy did not necessarily override other concerns of residents or other issues;
- The development was contrary to the Council's own policy and National Policy;
- There were concerns regarding the infrastructure during the building of the turbines as the roads would be more heavily congested;
- It was for the Applicant to demonstrate the safety of the application with regards to the MOD's concerns and not for the Committee to mitigate these concerns itself; and
- English Heritage's condemnation of the application should be given greater weight than it already had been;
- There was a presumption in terms of subsidies against on-shore wind. A number of applications had been rejected for the grounds mentioned earlier; and
- Many other Parish Councils were not in direct proximity to the proposed planning site, so it was unsurprising that there was not a strong opposition from these councils.

Ms Helen Godber and Mr Andrew Turner addressed the Committee in objection to the application and responded to questions from Members. In summary, points raised and responses to questions included:

- National Planning Policy Framework 2012 required developments to be visually attractive, the development would blight the area;
- There were unacceptable impacts on the local area in this case, particularly on the amenities of the local area such as dog-walking and cycling routes;
- The turbines would not be sensitive to the local area, and the impact would be significantly detrimental;
- Peterborough City Brownfield Sites would be a more acceptable backdrop for the turbines given the already industrial nature of the area. It was not necessary to further industrialise open countryside;
- There were already 13 turbines in Nuts Grove and Rycroft which were within 10km of French Drove;
- The views that Members had seen on their site visit were not as pleasant as the view of the abbey in summer;
- More views and sources should be considered, particularly the views of experts;
- Subsidies were already being reduced and this could have a significant effect on this application;
- The visual impact of the turbines had not been considered fully and this was likely to have a significantly negative visual impact on the area;
- The turbines were likely to have a negative impact on farms around the area and also on horses, which were unpredictable animals
- Other houses not considered by the Council would be affected by views of the turbines;
- Full tests had not been carried out to determine the archaeological viability of the area;
- The assessment of the impact on the local wildlife had been carried out by non-qualified people and was therefore inadequate;
- The methodology used in the assessment of how much noise the turbines would generate was unreliable;

- The supposed low impact to the transport infrastructure and safety in the local area had not been demonstrated beyond reasonable doubt; and
- It was felt that the Council had 'cherry picked' properties to include in its report which would have a visual barrier to the wind farm.

Mr Richard Olive, Mrs Caprio and Dr Dorothy Ball addressed the Committee in support of the application and responded to questions from Members. In summary, points raised and responses to questions included:

- Wind was a resource that was not going to run out and should be fully utilized;
- Climate change was an issue which needed to be considered and acted upon;
- Wind turbines took up less land area than solar panels and could be farmed around. They were also more efficient in the winter;
- There would be an educational benefit to the wind farms in demonstrating to children where energy comes from;
- Wind farms were a preferable energy source to gas or nuclear plants;
- Offshore wind turbines were more expensive to construct and their maintenance cost were high, as were the costs of transferring the power back to the shore; and
- The Fens would be affected by climate change going forward, with flooding becoming an issue.

Mr Owen Seward and Mr Matt Partridge, on behalf of the Applicant and Mr Anthony Harding, Planning Consultant, addressed the Committee and responded to questions from Members. In summary, points raised and responses to questions included:

- Planning permission already existed for two turbines, the permission being sought was for an extra four;
- The MOD had withdrawn the objection to the application regarding the effect on the air traffic control radar;
- 73% of residents polled were in favour of wind turbines in general and 68% of people across Peterborough were in favour, with only 18% opposed. Only 38% of those in PE6 postcodes near the site were opposed and 50% were in favour;
- The MOD had withdrawn its objection and there was money secured through legal agreements to be used by the MOD for PAR mitigation works;
- There had been no objection from the Environmental Health Officer;
- A 24-hour shutdown in order to recalibrate PAR had been agreed with the MOD; and
- The MODs none co-operation, in the way that they had in other developments could be down to budgetary constraints and work commitments.

Following questions to the speakers, Members debated the application and raised points for and against, including:

- The question was not whether or not the site was suitable for wind turbines, but whether there should be six instead of two;
- Issues regarding visual appearance were matters of personal opinion and not planning policies. National planning policies specifically specified renewable energy and reduction of carbon consumption as a goal;
- Climate change was not an abstract issue, it was an occurring event that was plainly visible to see;
- The officers responsible for areas such as archaeology, had not been present to be questioned by the Committee;
- Not all the facts had been presented, as Committee Members had not been provided with the opportunity to visit a wind farm;
- It was a fact that the turbines accounted for a significant number of bird deaths

each year;

- Many members stated that their concerns regarding the PAR had been allayed;
- The proposal would provide electricity to a number of homes;
- It was noted that no PCC officer had recommended refusal of the application;
- Visiting a wind farm that was similar to the proposed wind farm so as to be of meaningful comparison would have been difficult;
- The wind farms would be audible, but the question was not one of audibility but whether or not it met the standards to be non-detrimental to local residents; and
- Members who lived near wind turbines said they had no issue with them.

The Group Manager Development Management summed up, stating that an Environmental Impact Assessment submitted with the report had found that the proposals were acceptable. The representations from English Heritage found no issue with the proposals in relation to archaeology and the only issue was in relation to listed buildings in Crowland. The harm identified, however, was not identified as substantial and it was therefore considered to be outweighed by the environmental benefit provided by the turbines.

A motion was put forward and seconded to grant the application subject to signing of a legal agreement and the imposition of relevant conditions, including those amended and detailed in the update report. The motion was carried by 7 votes, with 2 voting against and 1 not voting.

RESOLVED: (7 For, 2 Against, 1 Not Voting) to approve the application, as per officer recommendation, subject to:

1. The signing of a legal agreement;
2. Conditions numbered C1 to C8, C10 to C17 and C19 to C21 as detailed in the committee report; and
3. The amended conditions C9 and C18 as detailed in the update report.

Reasons for the decision

Subject to the imposition of conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- Whilst the proposal would result in a degree of harm to the immediate vicinity of the site, it would not result in any significant impact to the landscape character of the area or unacceptable impact upon visual amenity, in accordance with paragraph 109 of the National Planning Policy Framework (2012), the Planning Practice Guidance for Renewable and Low Carbon Energy (2013), Policies CS11 and CS20 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- Whilst the proposal would result in some harm to the setting of Crowland Abbey (Grade I) and other local heritage assets, this harm was less than significant/substantial. It was considered that this harm was not substantially greater than the impact resulting from the two consented/implemented turbines at the site and that the benefit arising from the renewable energy generation of the development outweighed the harm that would result, in accordance with paragraph 134 of the National Planning Policy Framework (2012);
- The proposed development would not result in any significant environmental impacts, to the detriment of both avian or non-avian ecology populations, in accordance with paragraph 118 of the National Planning Policy Framework (2012), Policies CS11 and CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012);

- The proposed development itself would not be at unacceptable risk from flooding and would ensure safety throughout its lifetime, with its wider sustainability benefits outweighing any harm caused. The proposal was therefore in accordance with paragraphs 102 and 103 of the National Planning Policy Framework (2012), Policy CS22 of the Peterborough Core Strategy DPD (2011) and the Peterborough Flood and Water Management SPD (2012);
- The proposed development would accord with the relevant noise limitations (as set out in ETSU-R-97) and whilst some noise impact would result, it would be within acceptable limits so as to not result in significant harm to the amenities of neighbouring occupants, in accordance with the Planning Practice Guidance for Renewable and Low Carbon Energy (2013), Policies CS11 and CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- Whilst it was accepted that some disruption would occur to the highway network, it was considered that this would not be to unacceptable levels, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- The proposal would not result in any unacceptable impact to the amenities of neighbouring occupants by virtue of shadow flicker, in accordance with the Planning Practice Guidance for Renewable and Low Carbon Energy (2013), Policies CS11 and CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- The proposed development adequately addressed the concerns with regards to Ministry of Defence radar and would not result in any unacceptable danger to aviation safety, in accordance with the Planning Practice Guidance for Renewable and Low Carbon Technology (2013) and Policy CS11 of the Peterborough Core Strategy DPD (2011);
- The proposed development, by virtue of its design and layout, adequately addressed any concerns with regards to health and safety, in accordance with the Planning Practice Guidance for Renewable and Low Carbon Technology (2013), Policies CS11 and CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012); and
- On balance, it was considered that the benefits arising from the proposed development through the contribution of energy production through renewable sources outweighed any of the harm that would result, in accordance with paragraph 98 of the National Planning Policy Framework (2012).

The proposal was therefore considered to be acceptable.

5.30pm – 9.00pm
Chairman

This page is intentionally left blank