

# A G E N D A

## Planning Committee

Date: **Thursday, 12th February, 2009**

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Time: **10.00 a.m.**

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Place: **The Shirehall, St Peter's Square,  
Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

*For any further information please contact:*

*Pete Martens, Committee Manager Planning &  
Regulatory, Tel 01432 260248  
E-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)*

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## Herefordshire Council



# AGENDA

## for the Meeting of the Planning Committee

To: Councillor TW Hunt (Chairman)  
Councillor RV Stockton (Vice-Chairman)

Councillors ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, G Lucas, RI Matthews, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

### 1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

### 2. NAMED SUBSTITUTES (IF ANY)

To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.

### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

#### GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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### 4. MINUTES

To approve and sign the Minutes of the meeting held on 14th November, 2008.

Pages

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**5. CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements from the Chairman.

**6. DCNW2008/1289/F - PROPOSED ERECTION AND OPERATION OF 4 WIND TURBINES AND ASSOCIATED ACCESS TRACKS, HARDSTANDING AND SUB STATION BUILDING AT REEVES HILL, REEVES LANE, NEAR KNIGHTON, HEREFORDSHIRE**

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For: Mr Corker per Mr Wilson Dulas Ltd Unit 1 Dyfi Eco Park Machynlleth Powys SY20 8AX.

To consider a planning application which has been submitted to the Committee because of its strategic importance to the County.

**Ward: Mortimer**

**7. DATES OF FORTHCOMING MEETINGS**

20/02/09;

*13/03/09 – additional meeting to deal with referred planning application green-waste composting facility; office / welfare facility, storage building, weighbridge, hardstanding process area, car parking, ancillary infrastructure and landscaping at Upper House Farm, Moreton-on-Lugg and;*

03/04/09;

15/05/09

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 14 November 2008 at 10.00 a.m.**

**Present:** Councillor TW Hunt (Chairman)  
Councillor RV Stockton (Vice Chairman)

**Councillors:** ACR Chappell, PGH Cutter, GFM Dawe, KS Guthrie, JW Hope MBE, B Hunt, RI Matthews, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

**In attendance:** Councillors JG Jarvis

**53. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H Davies, DW Greenow and G Lucas.

**54. NAMED SUBSTITUTES (IF ANY)**

The following named substitutes were appointed:-

Councillor KG Grumbley for Councillor GW Greenow.  
Councillor R Mills for Councillor G Lucas.

**55. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**56. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 26th September, 2008 be approved as a correct record and signed by the Chairman, subject to the inclusion of the name of Councillor Mrs JD Woodward in the list of those present.

**57. CHAIRMAN'S ANNOUNCEMENTS**

**Reeves Hill Wind Turbine Planning Application**

The Chairman was of the view that the recent site inspection to Reeves Hill and Corwen had proved to be most informative. The Head of Planning and Transportation said that the forthcoming briefing for Members on 27th November about wind turbines would be very helpful in providing background information regarding the planning application when it went to the Planning Committee on 9th January.

**58. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 24th September and 22nd October, 2008 be received and noted.

**59. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 1st October and 5th November, 2008 be received and noted.

**60. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 15th October 2008 be received and noted.

**61. WEST MIDLANDS REGIONAL SPATIAL STRATEGY: PHASE TWO REVISION**

The Planning Policy Manager presented the report of the Head of Planning and Transportation about a proposed response to the updated Phase Two Revision of the Regional Spatial Strategy, in the light of the proposed revised housing allocations published on 7 October 2008. He advised that the current version of the RSS was issued by the Government in 2004 and was followed by a phased review. The first phase, which dealt with the Black Country, had been completed and the second phase had reached an advanced stage. It dealt with housing, employment, the role of town centres, waste and some aspects of transport. The third and final phase had begun in November 2007 and covered rural services, gypsy and traveller sites, culture, minerals and environment policies. The Regional Assembly had worked closely with regional stakeholders in preparing the Phase Two Revision, and strategic planning authorities such as Herefordshire Council had submitted advice to the Assembly in 2006. Consultation was undertaken on Spatial Options which were considered by Cabinet in February 2007. A preferred option had been approved by the Assembly's Regional Planning Partnership in October, and submitted to the Secretary of State in December. It was reported to Planning Committee on 23 May 2008 and considered by Cabinet on 29 May 2008. Cabinet had offered general support to the Revisions subject to a number of issues regarding the infrastructure requirements of Hereford if growth was to be achieved; the peripheral expansion of market towns, housing targets and growth; retail floor space requirements; office development; waste policies and transportation issues. These matters were set out in the report of the Head of Planning and Transportation.

It was noted that throughout the process of preparing the revisions, the Government had been concerned about the need for a greater amount of affordable housing. It had taken advice from the National Housing and Planning and Advice Unit (NHPAU). The NHPAU had studied population and household formation trends at national and regional levels and had concluded that more housing was required. The Regional Office for the West Midlands had commissioned a study by Nathaniel Lichfield Partners (NLP) into the options for delivering a higher housing allocation, together with the impact that this would have within the regions. The NLP report had concluded that it was possible to deliver higher levels of housing without undermining the urban renaissance strategy for the Region. The examination in public into the Phase 2 Revision would not now commence until 28 April 2009 and that the proposals included an additional 1,200 dwellings for Herefordshire which would be allocated to the rural areas. Consultees had been given until 8 December 2008 to finalise their comments about the Phase 2 Revisions. The Phase 2 Revisions, included the revised figures and formed the starting point for the Council's Local Development Framework. and It was therefore essential to define the Council's position on the RSS document and the NLP study to establish a basis for the Core

Strategy spatial options.

The Committee noted the concerns of the Planning Policy Manager about the proposed distribution of the increased housing allocation between Hereford and the rest of the County. The Phase 2 Revisions had introduced a new requirement that half of the new housing should be directed to Hereford. This equated to a significant increase in the rates of development for Hereford, being an increase of 54% on the Herefordshire Unitary Development Plan and 50% on what had been achieved in the recent past. Outside Hereford, the position was reversed with the rates of development proposed to fall. Past completion levels and UDP rates of development were significantly higher than those being proposed. This had raised the issue about whether sufficient provision would be made outside the City, bearing in mind the need to accommodate for the growth of the market towns and sustainable settlements in the rural areas. The Planning Policy Manager was of the view that the approach of the Cabinet had been a comprehensive and coherent response to the challenges facing the spatial development of the region up to the year 2026. He also felt that the Council should maintain its broad support for the Phase 2 Revision as submitted. He was concerned however that the NLP proposals threatened the consensus which had been achieved so far and may cause significant problems in parts of the region. Although the potential additional of 1,200 houses to the rural was not objected to, the main concern for Herefordshire remained the infrastructure necessary to accommodate the proposed level of housing growth. However, elsewhere in the region the proposed increase in housing numbers suggested by NLP remained a matter of concern and he therefore felt that it would not be appropriate to express support for the latest proposals in their entirety.

The Committee discussed the details of the proposals and the Planning Policy Manager explained a number of issues and answered questions from Members, including the likely impact of the proposed additional 1200 houses. Councillor B Hunt had some concerns about the effect on the market towns but the Planning Policy Manager did not feel that the proposed number across rural Herefordshire and the market towns would have a detrimental effect. In answer to a question from councillor GFM Dawe, the Planning Policy Manager said that Policy CF2 included the proposed outer distributor road amongst other issues such as higher education, retail, water treatment and the future of Hereford. Councillor GFM Dawe expressed his opposition to the proposals for the outer distributor road.

Councillor J Jarvis the Cabinet Member (Environment and Strategic Housing) said that he had considerable concerns about the way in which proposals were being put forward for the development of rural communities and that there were a number of concerns about the options which had been put forward by NLP. In his view the original quotas for housing should be adhered to. The Committee discussed the alternatives which could be moved forward. Councillor KG Grumbley proposed that the wording in the recommendation within the report could be changed from "not to object to the allocation of 1,200 additional dwellings" to "welcome the allocation of 1,200 additional dwellings". Councillor J Jarvis was of the view, however, that if this was incorporated, there may be a danger that more housing could be allocated to Herefordshire if other Councils successfully objected to their allocations. The proposal was put to the vote and the amendment to change the wording was lost. It was decided that the recommendation as set out in the report should be approved. Councillor GFM Dawe voted against the resolution.

**RESOLVED: That it be recommended to Cabinet that the following representations be made:**

- (i) to re-affirm previous representations made in May 2008 to

**confirm general support for the Phase Two Revision with the reservations already set out;**

- (ii) not to object to the allocation of 1,200 additional dwellings in the rural areas during the plan period to 2026 as proposed in the Nathaniel Lichfield Study; and,**
- (iii) to express concern that the increase in housing allocations suggested in the Nathaniel Lichfield Partnership study for the Region may have adverse consequences for the overall regional strategy.**

## **62. ANNUAL MONITORING REPORT 2007 - 2008**

The Team Leader Strategic Planning presented the report of the Planning Policy Manager about the Annual Monitoring Report 2007 – 2008. He said that The Planning and Compulsory Purchase Act 2004 had introduced new provisions and requirements for development planning. The regular review and monitoring of Development Plans through mandatory Annual Monitoring Reports (AMR's) was a fundamental feature of the new planning system. AMR's were based on the period from 1st April to 31st March and had to be submitted to the Secretary of State by no later than the following 31st December. He advised that the AMR' were required to assess the impact of the Councils planning policies and framework

The Committee considered the contents of the AMR and the Team Leader Strategic Planning highlighted the main features and outlined the extent to which the objectives of the Herefordshire Unitary Development Plan (UDP) policies were being met. He advised the Committee of the key findings which had revealed the following:-

- (I) housing – between 01-02 and 04-05 completions were below the rate anticipated. Recent releases of UDP sites had resulted in an increase in the rate of housing completions in the County with 829 dwellings being completed in 2007-8 (gross). The levels of housing supply in the County had suggested that the UDP housing target was likely to be achieved by 2011, however, the downturn in the housing market may well impact upon the rates of completions in the next few years. The percentage of housing completions on previously developed or brownfield land at 73% (606) had again exceeded regional and national targets. In terms of affordable housing, 141 units were completed in 07/08, an increase over the previous year (120 units). Moreover, the number of planning permissions for affordable housing and such housing likely to be delivered on allocated UDP sites suggested that the rate of completions over the remaining UDP period would increase. In addition, the preparation of the Local Development Framework provided an opportunity to review the effectiveness of the UDP affordable housing policies;**
- (II) employment - The amount of land developed for employment uses over the monitoring period was 8.66ha ha, significantly less than the almost 25ha developed during 2006-7 but still above the average recorded since the 1980's. Around 59% of the completions in the year were located on previously developed (brownfield) land; and**
- (III) in the remaining areas of transport, town centres and retail, recreational and leisure, minerals, waste, development requirements, natural historic heritage and renewable energy, findings generally demonstrated that targets were being met or that there had been progress towards meeting**

targets or monitoring requirements during the 07-08 monitoring period.

The Committee discussed the main aspects of the report, recognised the importance of developing policies for renewable energy and climate change, and agreed with the approach proposed by the Team Leader Strategic Planning.

**RESOLVED THAT:**

**the Annual Monitoring Report 2007-8 be endorsed and commended to the Cabinet Member (Environment and Strategic Housing) for submission to Cabinet.**

**63. POLYTUNNELS SUPPLEMENTARY PLANNING DOCUMENT**

The Team Leader Local Planning presented a report about the comments which had been received to the draft Supplementary Planning Document (SPD) which had been prepared to provide planning guidance about polytunnel development. He said that it aimed to supplement and expand upon the policies which were contained within the Herefordshire Unitary Development Plan. The document had been under preparation for some time and had involved a considerable amount of consultation and information gathering. The process had started in July 2007 when the Council had published an Issues Report and had sought the views of Parish Councils, statutory undertakers, interested organisations, growers and stakeholders about the form that the document should take. This was followed by structured consultation events with representatives from the farming/growing community and with local individuals and representatives from interested lobby groups. The consultation process followed the Council's Statement of Community Involvement and the comments which had been received had helped to shape the draft SPD.

The draft SPD was endorsed by the Committee in April and approved for consultation purposes by Cabinet in June. Consultation took place from 26th June to 8th August 2008. The Team Leader Local Planning said that a summary of all the comments which had been made to the draft was set out in the report and that an additional letter of representation had been received from a local resident. In summary the request was for the reference to the zone of tranquillity being retained, because the buffer zone would not be as effective. The resident was of the view that a fifty-metre zone did not afford enough protection to a dwelling and should be increased to seventy-five metres from the boundary of a dwelling, which would better follow DCLG advice in respect of delegated powers on the proximity of polytunnels, and that the seventy-five metres would remain a viable piece of land for accepted agricultural use and be a truly useful tranquil buffer zone.

The Team Leader Local Planning advised that the SPD was aimed at assisting all those involved about the requirements and issues to be addressed in any polytunnel development through:

- helping to clarify the forms of development that would require planning permission;
- setting out the planning issues associated with the erection of polytunnels;
- setting out the UDP policies that will need to be addressed;
- make clear the additional information that would need to accompany an

application; and

- set out the Council's pre-application planning guidance.

The draft SPD had prompted many and varied comments from parish councils, residents groups, growers, statutory bodies, support groups, environmental groups, researchers and the local public. Many comments had been made with specific reference and knowledge of current local situations. All the proposed changes were shown in the final version of the SPD at Appendix 1 in the report. All written comments received had been summarised along with a Council's response in Appendix 2. The summary would be included in a full Consultation Statement to be published with the adopted SPD and an accompanying Sustainability Appraisal.

The main changes proposed were:

- redraft Section 2 – Planning Context, to simplify advise and interpretation of when development requires planning permission;
- update to use latest Defra statistics on soft fruit production;
- firm up requirements for applications to consider all/associated development of a polytunnel proposal (whole farm plans);
- redraft section on surface water/water quality/pollution prevention to encourage sustainable drainage systems;
- provide further clarification on table top growing;
- clarify the protection to be afforded to AONBs;
- clarify guidance related to noise and buffer zones; and
- re-order guidelines

The Committee discussed the various aspects of the document and noted the extensive number of comments that had been received. The Head of Planning and Transportation pointed out that in was an extensive and innovative area of work which was already being referred to by the planning inspectorate and would be used by other local authorities. The Chairman thanked the officers for their hard work in preparing such a comprehensive document.

**RESOLVED THAT:**

**the Cabinet Member (Environment and Strategic Housing) be requested to agree the changes to the draft Polytunnels SPD as identified in the report and to the document being adopted as part of the Council's Local Development Framework.**

**64. DEVELOPMENT CONTROL: HALF ANNUAL REPORT FOR 2008/09**

The Committee noted the report of the Head of Planning and Transportation about the Councils Development Control performance in the first six months of 2008/09 and thanked the Officers for their achievements.

**65. DCNW2008/1807/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE (TEMPORARY) OF LAND FROM AGRICULTURAL TO A ONE FAMILY TRAVELLERS SITE INCLUDING THE STATIONING OF ONE CARAVAN AND ANCILLARY STRUCTURE AT LOWER FIELD, ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ**

The Central Team Leader presented the report of the Head of Planning and Transportation. He said that at its meeting on 24th September, 2008, the Northern Area Planning Sub Committee was mindful to refuse the application contrary to Council policy and officer advice. He reported the receipt of a letter from the applicant's agent which stated that no other person was living on the site, except for occasional visitors, and the applicant had given assurances that a "party" which had been held there in August would not be repeated. The agent also referred to similar cases elsewhere in the country where "gypsy" status could be deemed to be a special circumstance when making a planning decision. He also reported that a letter (e-mail) of objection had been received from J Fieldhouse, Pear Tree Farm. The grounds were that it would cause a nuisance (reference is made to a "rave" held in the summer to which many people were attracted and which caused noise disturbance), the site was unsanitary and unsightly and there was concern that more people would move onto it to the detriment of the village. The Central Team Leader outlined the planning issues regarding the application and the need for such pitches within the County, at present there was a shortfall of some eighty-three pitches. He drew Members' attention to a previous enforcement appeal for an adjoining site which had been allowed. He said that whilst the Committee should consider the application on its merits, the appeal was a material consideration.

In accordance with the criteria for public speaking, Mr Bailey spoke in objection to the application and Mr Baines, the applicant's agent, spoke in support.

Councillor LO Barnett, the Local Ward member, said that the application would have been rejected if it had been for a house and she questioned the validity of a policy which allowed the siting of caravans in the open countryside. She was of the view that there was a need for such pitches within the County but felt that the application site was in the wrong location and that it would have a detrimental effect upon the village and surrounding countryside. She felt that such an application would be perfectly acceptable in the right location and pointed out successful sites which had been approved in Pencombe and in Aymestrey. She added that the site in question benefited from one of the best views in Wigmore and that a more suitable location needed to be found.

The Chairman drew attention to paragraphs 6.2 and 6.7 of the report which clearly set out that the application fulfilled all the planning policy and legal requirements for approval. Councillor KG Grumbley was of the view however that the Inspector had granted the original application as an exception to policy and that a stand could now be taken by refusing this application because of the adverse impact it would have on the local community and setting. The Central Team Leader reiterated that in the absence of any suitable alternative sites, it would be difficult to defend a refusal given the planning policy issues involved and the previous approach of the Inspector.

The Committee considered all the aspects of the application and the implications of the Councils planning policies regarding such sites. Whilst noting the views of the Officers and the Inspector, it was felt that there were several issues involved with the application which could successfully support it being refused. The Committee adjourned at 12:00 pm for the grounds for refusal to be prepared. On reconvening at 12:10 pm the Committee wished to discuss certain issues regarding enforcement and it was therefore resolved that the press and public should be excluded from the meeting for the duration of those discussions. At the conclusion of those discussions the press and public were readmitted to the meeting

**RESOLVED THAT:**

**the application be refused for the following reasons:**

- (i) **having regard to Herefordshire Unitary Development Plan Policies H7 and H12 the proposal is considered to be unacceptable. The Local Planning Authority does not consider that the proposal is located within a reasonable distance of local services and facilities and does not constitute a small site.**
- (ii) **in the absence of appropriate foul drainage arrangements or water supply, the proposed development is considered to be contrary to Policies DR4 and CF2 of Herefordshire Unitary Development Plan**

**66. DCCE2008/2464/L - INTERNAL REPAIRS AND IMPROVEMENTS TO A LISTED BUILDING. CASTLE CLIFFE, 14-16 QUAY STREET, HEREFORD, HEREFORDSHIRE, HR1 2NH**

The Central Team Leader presented the application and said that Listed Building Consent was sought for minor external and internal alterations to the property as follows:

1. repositioning of existing foul drainage pipes on the northern elevation.  
Lower Ground Floor;
2. use of the lower ground floor as a kitchen including installation of new floor to the utility and installation of gas fired stove.  
Ground Floor;
3. removal of existing modern partitioning and kitchen units within the current kitchen to create an open lounge, installation of wood burning stove and removal of modern door to provide an access to lower ground floor.  
First Floor; and
4. removal of existing bathroom from bedroom 2 and creation of new bathroom within  
bedroom 1.

He said that further information and an amended plan had been received from the applicants. The amendment sought to retain the ground floor partitioning in the landing area and details of the proposed cowls, flue lining and stove details were also provided. He also said that Hereford City Council had no objection to the proposals and was of the view that the additional information and the amendment were considered to be acceptable. He advised that the consultation period had expired and the application could now be determined.



**RESOLVED THAT:**

Listed Building Consent be granted subject to the following conditions and any further conditions considered to be necessary by the officers.

**1 D01 (Time limit for commencement (Listed Building Consent) )**

**Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**2 D06 (External finish of flues/cowls)**

**Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.**

**3 D11 (Repairs to match existing )**

**Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the interest of safeguarding the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

**1 N15 - Reason(s) for the Grant of PP/LBC/CAC**

**2 N19 - Avoidance of doubt - Approved Plans**

**67. DATES OF FORTHCOMING MEETINGS**

09/01/09; 20/02/09 and 03/04/09.

The meeting ended at 12.30 p.m.

**CHAIRMAN**



**DCNW2008/1289/F - PROPOSED ERECTION AND OPERATION OF 4 WIND TURBINES AND ASSOCIATED ACCESS TRACKS, HARDSTANDING AND SUB STATION BUILDING AT REEVES HILL, REEVES LANE, NEAR KNIGHTON, HEREFORDSHIRE**

**For: Mr Corker per Mr Wilson Dulas Ltd Unit 1 Dyfi Eco Park Machynlleth Powys SY20 8AX**

**Date Received: 19th May 2008**

**Ward: Mortimer**

**Grid Ref: 31955, 69049**

**Expiry Date: 8th September 2008**

Local Member: Councillor Mrs L O Barnett

**1. Site Description and Proposal**

- 1.1 The site for the proposed development is on Reeves Hill (also known locally as part of Stonewall Hill), and covers an area of approximately 3.81 hectares, across three separate farm holdings.
- 1.2 Knighton (Powys) is situated approximately 3km to the north of the site and Norton (Powys) approximately 2km to the west. Within 2km of the site are approx. 15 isolated dwellings mainly to the east and south of the application site. Approximately 1.2km to the north west of the application site is the site of the Knighton Space Observatory. Adjacent to the western side of the application site is the unclassified U91621 public highway, which leads from Llanshay Lane in a northerly-southerly direction towards Stapleton (Presteigne). The application site itself is divided by another unclassified public highway that runs from the adjacent U91621 in an easterly direction towards Lingen.
- 1.3 The land use is typical of the surrounding area, of mainly agricultural improved and semi-improved livestock grazing pasture. There is some arable (corn) production, within the immediate area of the site. However, grazing land is the most dominant farm use.
- 1.4 The site which forms part of a ridge line running north – south, that peaks at a height of just over 400 metres, encapsulating elements of two landscape character types, namely ‘Enclosed Moors and Commons’ and ‘Principal Wooded Hills’ (Herefordshire Supplementary Planning Guidance – Landscape Character Assessment – 2004).
- 1.5 The site does not form part of any local or national landscape designation. The nearest landscape designation to the site is the Shropshire Hills Area of Outstanding National Beauty (AONB), located approximately 3.5km to the north of the site. Offa’s Dyke National trail is located approximately 3km to the west of the application site. Also slightly further from the site in a westerly direction is another national trail known as Glyndwr’s Way. This trail starts/ends in Knighton (approximately 3km to the north of the site).

- 1.6 The application proposes the construction of 4 wind turbines and associated access tracks, hard-standing and sub-station building for a period of approximately 25 years.
- 1.7 In accordance with the Town and Country Planning (EIA) Regulations 1999, the applicant submitted an Environmental Statement (ES), as the result of a requested scoping opinion to Herefordshire Council dated 5<sup>th</sup> October 2007. This identified the proposed development as an EIA development under Schedule 2-3i DETR Circular 02/99 – Annex A (15).
- 1.8 Each turbine would be three-bladed with a maximum tip height of up to 105 metres. The maximum length of the blades would be 40 metres. The ES indicates that turbines are spaced from one another equal to six times the rotor diameter in the predominant wind direction in order to protect turbines from the localised wake and turbulence effects caused by other wind turbines. Each turbine would have a generating capacity of up to 2.3 megawatts (mw). The site has the potential of generating up to 9.2mw of electricity. This is the equivalent to the energy requirements of approximately 5,144 homes.
- 1.9 The ES accompanying the application indicates the electricity generated will be metered and exported to the local electricity distribution network. This would be the subject of a separate application under Section 37 of the Electricity Act 1989. The ES indicates the power generated would be linked to the national supply via an underground cable near either Greenway Farm (to the west) or Knighton Sub-Station approximately 3km north-west of the application site, also via a new underground line.
- 1.10 Further information in support of the ES (in the form of a Supplementary Environmental Report – October 2008 and Construction Traffic Management Plan – September 2008) has been received. These reports have been produced in response to officer's issues of concern and additional correspondence.

## **2. Policies**

### **2.1 Central Government Advice**

- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement: Planning and Climate Change, (supplementary to PPS1).
- Planning Policy Guidance 7: Sustainable development in rural areas.
- Planning Policy Guidance 8: Telecommunications.
- Planning Policy Statement 9: Biodiversity and Geological Conservation
- Planning Policy Guidance 15: Planning and the historic environment.
- Planning Policy 16: Archaeology and Planning.
- Planning Policy Statement 22: Renewable Energy
- Planning for Renewable Energy: a companion guide to PPS22
- Planning Policy Guidance 24: Planning and Noise.

### **2.2 Regional Government Advice**

- West Midland Regional Spatial Strategy – Adopted January 2008. (In particular Policy EN1, (iii). (See paragraph 4.1).
- A Sustainable Future for the West Midlands – Regional Sustainable Development Framework

- West Midlands Regional Assembly – Climate Change Action Plan – Draft Consultation July 2007

### 2.3 Herefordshire Unitary Development Plan – Adopted March 2007.

- Policy S1 Sustainable development
- Policy S2 Development requirements
- Policy S7 Natural and historic heritage
- Policy DR1 Design
- Policy DR2 Land use and activity
- Policy DR3 Movement
- Policy DR4 Environment
- Policy DR5 Planning obligations
- Policy DR6 Water resources
- Policy DR13 Noise
- Policy HBA4 Setting of listed buildings
- Policy LA2 Landscape character and areas least resilient to change
- Policy LA3 Setting of settlements
- Policy LA4 Protection of historic parks and gardens
- Policy LA5 Protection of trees, woodlands and hedgerows
- Policy NC1 Biodiversity and development
- Policy NC5 European and nationally protected species
- Policy NC7 Compensation for loss of biodiversity
- Policy NC8 Habitat creation, restoration and enhancement
- Policy NC9 Management of features of the landscape important for fauna and flora
- Policy ARCH 1 Archaeological assessments and field evaluations
- Policy ARCH 3 Scheduled ancient monuments
- Policy CF4 Renewable energy
- Policy M2 Borrow pits

### 2.4 Herefordshire Supplementary Planning Guidance

- Biodiversity
- Landscape Character Assessment
- Planning Obligations

### 2.5 Other Relevant Documents

- English Heritage – Wind Energy and the Historic Environment
- Department of Trade and Industry – Wind Energy and Aviation Interests – Interim Guidelines
- Energy White Paper 2007.
- Powys Unitary Development Plan Deposit Draft 2004, (as modified Nov 07 & May 08).
- Radnorshire Local Plan – Adopted 1999.
- Planning Policy Wales – Technical Advice Note 8 : Planning for renewable energy.
- Offa's Dyke Conservation Statement

### 3. Planning History

- 3.1 DCNW2008/1598/F - Proposed temporary meteorological monitoring mast at land to the east of Llanshay Lane, Reeves Hill. Approved 27<sup>th</sup> August 2008.
- 3.2 95/0598/N - Construction of 9 wind turbine generators, associated works, access road and cabling system as part of a larger development consisting of the erection of a 14 turbine. Refused 20<sup>th</sup> March 1996.
- 3.3 94/0499 – Erection of a 41 metre anemometer mast for twelve months only. Approved 10<sup>th</sup> October 1994.
- 3.4 94/195 – Construction of a total of 14 turbines on land in Herefordshire and Radnorshire and associated infrastructure. Refused 29<sup>th</sup> July 1994.
- 3.5 93/216 – Siting of two anemometer masts 40 and 10 metres high for evaluating wind speed for six months only. Approved 8<sup>th</sup> June 1993.
- 3.6 Also of relevance to this application is a current application registered with Powys County Council, ref: P/2008/1462; Full: Creation of access track to serve during period of construction and should maintenance require delivery of abnormal loads to Reeves Hill Community Wind Scheme on land at Llanshay Farm, Knighton – undetermined at time of writing this report.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 **West Midlands Regional Assembly (WMRA)** has responded to the application stating that the West Midlands Regional Spatial Strategy (WMRSS) has the status of a Development Plan and that this document comprises a material consideration in the determination of this application.

*The response concluded by stating “The application is in general conformity with current and emerging RSS. However, the WMRA are aware of local concerns raised in particular with regard to the impact upon Offa’s Dyke which goes through the region and that the Local Planning Authority are reminded of environmental and other criteria contained within RSS Policy EN1 iii.*

- 4.2 **Severn Trent Water** raises no objections.
- 4.3 **The Environment Agency** raises no objections subject to the attachment of appropriate conditions with regards to protection of existing natural water supplies and possible water pollution.
- 4.4 **EON Central Networks** raise no objections.
- 4.5 **National Air Traffic Service** raises no objections.
- 4.6 **The Civil Aviation Authority** raise no objections on the understanding that other air traffic consultees also raise no objections i.e. Defence Estates.

- 4.7 **Defence Estates** raise no objections. However, its response requests that in the event of planning permission being granted, it is informed with regards to commencement of development on site, maximum height of construction equipment and the latitude and longitude of every turbine on site.
- 4.8 **Shobdon Airport** – No response received.
- 4.9 **English Heritage** has raised no objections. Its response notes that documentation in support of the application takes account of English Heritage advice contained in its publication: Wind Energy and the Historic Environment.
- 4.10 **Natural England** in their response dated 29<sup>th</sup> January 2009 have stated :

*'As you are aware, Natural England had objected to this application due to the unmitigated and uncompensated significant impact on the Shropshire Hills Area of Outstanding Natural Beauty, as identified in the Environmental Statement accompanying this application.*

*The Town and County Planning (Environmental Impact Assessment) Regulations 1999 to which this application is subject requires an Environmental Statement to include "A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment". It was our considered opinion that this requirement had not been met.*

*Given the nature of wind turbines, mitigating (preventing and reducing) their impacts on the landscape is clearly not possible. However, taking into account the spatially limited extent of significant impacts upon the AONB it is our opinion that in this particular case, compensation to offset impacts would be appropriate. We therefore suggested in our responses dated 25/07/2008 and 13/11/2008 that the applicant considered ways to compensate for this impact.*

*We understand from your email correspondence dated 22/01/2009 that the applicant has agreed to pay the sum of £10,000 per annum for ten years and £5000 for a further four years into a landscape enhancement fund. Local groups within the area experiencing the identified significant impact on landscape could apply for grants to carry out landscape enhancement works, thus compensating for the impact.*

*We therefore conclude that our reason for objection has been dealt with and we now **withdraw our objection.***

- 4.11 **Shropshire Hills Area of Outstanding Natural Beauty Partnership, (AONB)**, raise no objection. However, its response does state that note is made of the application's viewpoint analysis on Stowe Hill and that a significant adverse impact on this part of the AONB is identified, and trusts that this will be taken fully into account in both determination of the application and any decisions about compensation measures should the development go ahead.
- 4.12 **The Countryside Council for Wales** raise no objections to the proposed development. However, its response acknowledges that there will be a local impact on local national trails such as Offa's Dyke and Glyndwr's Way. The response further states in relationship to Offa's Dyke, *"However, in this case and in the context of the 285km trail in its entirety, it is CCW's view that despite this acknowledged local impact, the scheme is unlikely to constitute a major detrimental impact on Trail users"*. The response also advised consultation with CADW.

- 4.13 **CADW (Welsh equivalent of English Heritage)** objects to the proposal. It expresses concerns about the serious harm the proposed development will have on the historic and visual character and value of Stanage Park. Concerns are also raised about the impact the proposed development will have on three scheduled ancient monuments within the vicinity, namely Norton Motte Mound and Bailey Castle and two sections of Offa's Dyke.
- 4.14 **The National Trust** objects to the proposed development because of the harmful effects that there would be on the setting of National Trust property, particularly the hill fort at Croft Ambrey and the setting of the Shropshire Hills AONB, and the precedent that this would establish for further harm.
- 4.15 **The Royal Society for the Protection of Birds** raise no objections subject to no soil stripping or vegetation clearance on site during the core bird breeding season.
- 4.16 **The British Horse Society** raise concerns that should planning permission be granted for the development proposed that consideration is shown to retention of existing bridleways within the vicinity of the application site with no destruction to their existing surfaces created by the developers of the wind farm. Their response also states they are keen to promote tourism; however, their understanding is that horse riders are very reluctant to use bridleways in the vicinity of wind turbines due to safety aspects.
- 4.17 **Hereford and Worcester Gardens Trust** raise concerns about the impact that the proposed development will have on several significant surrounding parks and gardens in north-west Herefordshire and the adjoining part of Powys.
- 4.18 **The Georgian Group** offer support to the Hereford and Worcester Gardens Trust, who object to the proposed development in consideration of the damaging impact the proposal, will have on the surrounding cultural landscape.
- 4.19 **The Garden History Society** object in consideration of the detrimental impact the proposed development will have on the surrounding historic and cultural landscape, and in particular on the visual and setting of Brampton Bryan Park.
- 4.20 **The Welsh Historic Gardens Trust** object to the proposed development in consideration of the detrimental impact the proposal will have on Stanage Park – a Grade One Listed park as well as Offa's Dyke.
- 4.21 **The Ramblers Association (Herefordshire Area)** object to the proposed development in consideration of the impact the proposal will have on the whole area.
- 4.22 **The Mortimer Group of the Herefordshire Area of the Ramblers Association** object to the proposed development due to the impact the proposal will have visually, and on tourism within the surrounding area.
- 4.23 **The Joint Radio Company Limited** (on behalf of the UK Fuel and Power Industry) raise no objections in consideration of radio systems operated by utility companies.
- 4.24 **CSS Spectrum Management Services Limited** raises no objections in relationship to UHF Radio Scanning Telemetry Communications used in the region.



- 4.25 **CSS Spectrum Management Services Limited** raises no objections on behalf of OFCOM.
- 4.26 **Shropshire County Council** raises no objection in principle to the proposed development. The response states that the Council do not consider the proposal will have any unacceptable level of harm to the aims and purposes of the AONB in Shropshire. However, its response dated 24<sup>th</sup> July 2008 requested further visual assessment of the impact of the proposal on Stowe Hill and Offa's Dyke, as well as further consideration to biodiversity, such as on bats and birds. It also raised that further consideration should be given to the nature of traffic generated on the trunk and local road network in Shropshire. They further responded to additional information received in support of the application on 25<sup>th</sup> November 2008 raising concerns that previous comments with regards to ecology issues still stood and that the additional information with regards to highway issues was considered insufficient in its present form.
- 4.27 **South Shropshire District Council** raise no objections and have also responded to the further information received in support of the application with no objections.
- 4.28 **Powys County Council** – on 22 December 2008 the Powys County Council Planning Committee offered the following response to the consultation by Herefordshire Council. It recommended that the application should be refused for the following reasons:

- The proposed wind farm by virtue of its location and size of machines would have a substantial detrimental impact as it cannot be accommodated without becoming a dominant and disruptive focal point in a traditional landscape which is remarkable for the integrity of its natural landform and undeveloped character.
- Reeves Hill has the unique quality, highly valued by the public, of being one of the few places on the English/Welsh Border accessible to all and which gives unrestricted views of a landscape untouched by modern buildings and structures and whose visual amenity and enjoyment the development would destroy.
- The proposal would have a substantial detrimental impact on the coherence, integrity and enjoyment of the unique cultural and historic landscape of the area, in particular by virtue of its affects on the Offa's Dyke Ancient Monument and Long Distance Footpath and the Stange Park Grade I Historic Park and Gardens and Grade II\* Listed Building.

In addition, if the applicants wish to proceed to determination on the basis of the current Environmental Statement as supplemented, it is recommended that the application also be refused on the grounds that

- Insufficient information has been provided to properly assess the impact on European and other protected species and their habitats.
  - The assessment of noise impacts does not fully demonstrate that the increased levels of noise experienced by local residents when the wind farm is operating will be acceptable.
  - The hydrological statement does not fully demonstrate that there will not be undesirable impacts on habitats and private water supplies.
- 4.29 **The Highways Agency** raises no objections.

Internal Council Advice

- 4.30 **The Forward Planning Manager** raises no objection to the proposed development and indicates that the issue of sustainable energy production is a high priority of the government and has become more so since the UDP was prepared and adopted.
- 4.31 **The Economic Regeneration Manager** raises no objection.
- 4.32 **The Building Control Manager** raises no objections. This response is in consideration of concerns raised by a Powys Councillor in consideration of 'Radon Gas'.
- 4.33 **The Public Rights of Way Manager** raises no objections.
- 4.34 **The Environmental Health Manager** has raised concerns about some of the data presented. However the response states that the proposed development falls within the criteria set by the ETSU-R-97 and that this is deemed to be the most appropriate assessment for this type of development and therefore raises no objections subject to conditions.
- 4.35 **The Tourism Manager** raises no objections, stating the application must be decided on its merits. However, concerns are raised in respect of precedent created in respect of future applications for similar development, and whether the proposed development will have a significant input into the power system. The response raises the matter of visual impact.
- 4.36 **The Council's Minerals and Waste Officer** raises no objections. However, comments are made that in the event of the application being approved the 'Borrow Pit' areas would require their own specific hydrological and hydro-geological surveys prior to any development on site. Also biodiversity enhancement measures should be put in place to encourage wild flora/fauna. The response also suggests a site waste management plan is put in place.
- 4.37 **The Council's Planning Ecologist** raises no objections subject to conditions with regards to a work method statement for nature conservation, habitat enhancement schemes and independent long-term monitoring of the impacts upon protected species. The response also recommends a planning obligation under Section 106 of The Town and Country Planning Act 1990 in respect of developer contributions for enhancement measures for local biodiversity off-site.
- 4.38 **The County Archaeologist** recommends refusal to the application in consideration of the negative impact the proposed development will have on the stretch of Offa's Dyke within the vicinity of the application site. The response acknowledges that the comments are made in respect of Offa's Dyke, which is outside of Herefordshire, and that in relationship to the County of Herefordshire, a recommendation for refusal could not be argued on archaeological issues alone.
- 4.39 **The Transportation Manager** recommends approval to the application subject to conditions and the applicant's agreement to a Section 106 Agreement to ensure a satisfactory highways management plan is in place during construction on site, and a bond is agreed in order to insure against any possible highway damage during equipment transportation to the site.

4.40 **The Conservation Team Manager** (this includes the comments on landscape issues) has responded to the application stating that analysis of the effects of this proposal upon the landscape should be evaluated not just in terms of impact upon individual components but upon their combination, including landscape character encompassing its origins and change over time.

## 5. Representations

5.1 **Stapleton Parish Council** object to the proposed development stating the natural beauty of the area the application site is located within outweighs the benefits to reduction in CO2 emissions the development will contribute towards.

5.2 **The Border Group of Parish Councils** objects to the application in consideration of their understanding of Policy CF4: Renewable Energy of the Herefordshire Unitary Development Plan.

5.3 **Presteigne Town Council (Powys)** have responded to the application with concerns about the proposed development, in that the size of the proposed turbines will have a significant detrimental impact on the surrounding landscape and biodiversity. Concerns were also raised about lack of clarity on distribution of the community fund as proposed.

5.4 **Knighton Town Council (Powys)** recommend refusal of the application. Its response states it also objects to the proposed access road subject to application P/2008/1462 registered with Powys County Council for planning consideration. However, in the event of the application registered with Herefordshire being approved, they recommend approval of the access route, and that the road should be adopted and used by the public.

5.5 **The Spaceguard Centre (Knighton, Powys)** raise no technical objections to the application on the understanding that no lights are fitted to the proposed turbines.

5.6 **Herefordshire Campaign to Protect Rural England** object to the proposed development on the basis of its adverse impact of the proposed turbines on a wide area of high quality and much loved landscape and the impact on residents, and visitors enjoying the landscape and on the local tourism economy.

5.7 **Herefordshire Wildlife Trust** raise no objections stating that it is impressed with the work that has gone into assessing the ecological value of the development area, and that proposals for mitigation appear suitable.

5.8 **South Shropshire Campaign for Protection of Rural England** objects to the proposed development due to the detrimental impact of the proposed development on the landscape and local community.

5.9 **Visit Herefordshire** raises concerns about the impact of such a development on the local tourism economy.

5.10 **West Midlands Friends of the Earth** states their commitment to the development of renewable energy sources. They also comment that the local community must be informed as to the reality of living close to wind turbines.

5.11 **Herefordshire Friends of the Earth** supports the application.

- 5.12 **Offa's Dyke Association** object to the proposed development, considering the proposed development will have an extremely serious detrimental effect on the setting on Offa's Dyke, a Schedule Ancient Monument of international significance and on the Offa's Dyke National Trail. There will also be an impact on Glyndwr's Way, National Trail, and the Mortimers Trail. It also considers that the proposal will impact negatively on other rights of way, Shropshire Hills AONB, Brampton Bryan Park and other local landmarks.
- 5.13 **The Radnorshire Society** request that due consideration be given to any historical and archaeological remains within the vicinity of the application site.
- 5.14 **260 households have responded in support of the application.** These are mainly from residents both in the immediate vicinity and in the wider Marches area. There are also letters of support from addresses in other parts of the United Kingdom.

The key issues raised in support of the application can be summarised as follows:

- Will provide clean sustainable development of low carbon energy.
  - Will assist in reducing carbon emissions and thus contribute to lowering greenhouse gases.
  - Herefordshire Council needs to contribute towards helping reduce carbon emissions.
  - Impact on surrounding landscape is subjective with little impact on biodiversity.
  - The proposed community fund will be an asset to the local Parish Council and stakeholders.
  - Impact on local tourism will be negligible.
  - The proposal will contribute towards the local economy.
- 5.15 **1053 objections** have been received from many households in the immediate locality, the Marches area, as well as others from throughout the UK and abroad. These include an objection from a local action group known as 'Stonewall Hill Conservation Group'.

The key issues of concerns raised can be summarised as follows:

- Impact on the surrounding landscape.
- Impact on Offa's Dyke and Glyndwr's Way.
- Impact on the surrounding historic and cultural heritage.
- Concerns about damage to local wildlife.
- If approved would lead to further applications for additional turbines.
- Queries as to whether wind farms do actually reduce carbon footprint.
- Impact on private water supplies to local dwellings.
- Will create unreasonable noise generating electricity.
- Will have a significant detrimental impact on local tourism.
- Loss of value to surrounding dwellings to the application site.
- Surrounding public highway infrastructure is inadequate to carry the traffic needed in order to construct the proposed development.
- Ice shards deposited on turbines.

## 6. Officer's Appraisal

- 6.1 The key issues that are relevant to this application are:-

- Planning policies (as identified in Section 2 of this report)
- Landscape/visual impact
- Archaeology and in particular in relation to Offa's Dyke.
- Ecology
- Icing on turbines
- Impact on hydrological features
- Noise
- Impact on surrounding tourism
- Impact on surrounding historic built environment.
- Public highway access and impact on surrounding highway infrastructure
- Planning Contributions.
- Shadow flicker and residential amenity.
- Electromagnetic interference and air safeguarding assessment.

### Planning Policy

- 6.2 Planning Policy Statement 22 (Renewable Energy), published in August 2004 sets out the national position on matters relating to renewable energy proposals. The government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper (Our energy future – creating a low carbon economy – Feb 2007). The development of renewable energy, alongside improvements in energy efficiency and the development of combined heat and power will make a vital contribution to these aims.

The Government has already set a target to generate 10% of UK electricity from renewable energy sources by 2010. The White Paper sets out the Government's aspiration to double that figure to 20% by 2020, and suggests that still more renewable energy will be needed beyond that date. The Kyoto protocol seeks to reduce greenhouse gases to 12.5% below 1990 levels by 2008-12.

- 6.3 PPS 22 sets out several key principles that local planning authorities should adhere to in their approach to planning for renewable energy. These principles include:
- Renewable energy development should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily.
  - Local planning authorities should set out the criteria that will be applied in assessing applications for renewable energy projects (see Policy CF4 of the UDP).
  - The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.
  - Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

6.4 A separate Companion Guide exists to PPS 22. It sets out practical advice on the implementation of PPS22. Chapter 8 of this Guide sets out information on wind turbines. It sets out that the principle of harnessing wind energy by wind turbines is well established and that wind turbines make a significant contribution to electricity supply in Europe and the UK.

6.5 The Guide sets out a number of issues specific to developments of this type that need to be considered when determining an application for planning permission. These are:

Noise – the Guide sets out detailed guidance.

Low Frequency Noise (infrasound) – the Guide indicates that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health.

Landscape and Visual Impact – the Guide indicates that modern wind turbines are large structures and will inevitably have an impact on the landscape, and the visual environment.

Listed Buildings and Conservation Areas – the Guide indicates that special care will be needed if proposed sites for wind turbines should happen to be near listed buildings or conservation areas.

Safety – the Guide indicates that experience indicates that properly designed and maintained wind turbines are a safe technology.

Proximity to Roads, Railways and Public Rights of Way and Power Lines – applicants are advised to liaise with statutory agencies on these matters. Detailed guidance is given on technical matters.

Ecology and Ornithology – Detailed guidance is provided. Paragraph 58 indicates that the impact of a wind farm on the local ecology should be minimal. Similarly paragraph 60 highlights that experience indicates that bird species and their habitats are rarely affected by wind turbine developments and the impact of an appropriately designed and located wind farm on the local bird life should, in many cases, be minimal.

Detailed advice is given on the following areas:

Electromagnetic Production and Interference  
Emissions from a Wind Turbine  
Interference with Electromagnetic Transmissions  
Specialist Consultation  
Shadow Flicker and Reflected Light  
Icing  
Archaeology  
Construction and Operational Disturbance

#### Regional Planning Policy

6.6 The West Midlands Regional Spatial Strategy (WMRSS) was adopted in January 2008 and therefore represents the most up to date policy in consideration of this application. It is part of the development plan with the Council's UDP.

- 6.7 The West Midland Regional Spatial Strategy (Section 2 paragraph 8.49) on Energy Generation states:-

*“The region should aim to contribute as far as possible towards the achievement of the national energy target – 10% of electricity produced from renewable energy by 2010, with an aspiration to double renewables share of electricity between 2010 and 2020.”*

- 6.8 Paragraph 8.50 states that in 2000, the region generated less than 0.1% of its consumption from renewable energy. The section on Energy Generation further elaborates stating that energy from wind is likely to become more feasible as technological advances widen potential areas for use.
- 6.9 The relevant specific policy in the West Midlands Regional Spatial Strategy is Policy EN1: Energy Generation. The policy indicates that local authorities should encourage proposals for the use of renewable energy resources subject to an assessment of the impact on the surrounding environment and access the extent to which such a proposal helps to achieve wider environmental benefits, such as reducing harmful emissions to the atmosphere, and contributions towards national targets for regenerating electricity from renewable energy sources. The policy further encourages community involvement in such proposals while also showing consideration to other relevant policies in the development plan.
- 6.10 Policy EN1: Energy Generation in the WMRSS, emphasises how local planning authorities should identify the environmental impact of proposals for energy generation on the landscape, visual amenity and areas of ecological or historical importance. The impact on surrounding residents, traffic implications and environmental impact of any additional requirements is also set out.
- 6.11 Paragraph 8.52 recognises that the location of renewable energy facilities is a cross-boundary, sub-regional and regional issue. The location for the development, subject to this application, is on the administrative boundary with Powys, (Wales) and therefore later in this report consideration will be given to Technical Advice Note 8 (TAN8) Planning for Renewable Energy, the national planning guidance for renewable energy in Wales.
- 6.12 Regional guidance on renewable energy is also set out in the West Midlands Regional Assembly Climate Change Action Plan – Draft Consultation Plan 2007. This document carries less planning weight than the West Midlands Regional Spatial Strategy. Nevertheless it re-iterates climate policy and concerns as outlined in the West Midlands Regional Spatial Strategy (guidance on sustainable development is provided including the increased use of renewable energy). These comments are also reiterated in ‘A sustainable future for the West Midlands – Regional Sustainable Development Framework Version Two July 2006.’

Herefordshire Unitary Development Plan 2007

- 6.13 The most relevant policy to this application is Policy CF4: Renewable Energy. Paragraph 13.4.14 of the UDP explanatory text to the Plan emphasises that the planning system has a vital role to play in helping to deliver the Government’s targets and goals for renewable energy. The paragraph also states that when considering proposals the wider environment, economic and social benefits of renewable energy projects whatever their scale are material considerations.

- 6.14 Policy CF4 clearly indicates that development proposals for the production of renewable energy will be permitted provided that they do not adversely affect the integrity of sites of international importance for nature conservation and that the objectives of the designation of nationally important sites and other areas of special interest, e.g. AONBs, scheduled ancient monuments and archaeological remains, will not be compromised and that any significant adverse effects on the qualities of the area are clearly outweighed by the environmental social and economic benefits. The Policy further states that outside of nationally designated sites and areas, proposals should not have a significant detrimental effect upon the character of the particular landscape qualities of the location or significant impact upon the amenity of neighbouring residents, through such issues as noise, odour or electro-magnetic interference, and that in assessing proposals for renewable energy regard is given to the wider environmental, social and economic benefits.
- 6.15 Also of particular relevance in relationship to this application are Local Plan policies LA2, LA4, HBA4, NC1, ARCH1 and ARCH3.
- 6.16 Policy LA2: Landscape character and areas least resilient to change; states how proposals that would affect either the overall character of the landscape will not be permitted and that proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection and where appropriate developers will be encouraged to restore degraded landscapes to their inherent character.
- 6.17 Policy LA4: Protection of historic parks and gardens; emphasises how development which would destroy, damage or otherwise adversely affect the historic structure, character, appearance, features or setting of a registered park or garden, will not be permitted and that development proposals that would affect an historic park or garden should be accompanied by an historic landscape appraisal report.
- 6.18 Policy HBA4: Setting of listed buildings; states that development proposals which would adversely affect the setting of a listed building will not be permitted and that the impact of the proposal will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations.
- 6.19 Policy NC1: Biodiversity and Development; states that in determining all development proposals, the effects upon biodiversity and features of geological interest will be taken into consideration, and that prior to determination of applications for development such as the proposal subject to this application field evaluations will be required, in order to evaluate impacts of proposals on existing biodiversity on site and to demonstrate that development proposals will have no adverse effects on any adjacent biodiversity, and features of geological interest.
- 6.20 Policy ARCH1: Archaeological assessments and field evaluations. This policy comments on the determination of applications for development on site and where there is reason to believe there are remains of archaeological importance. An archaeological field evaluation may be required in certain circumstances.
- 6.21 Policy ARCH3: Scheduled Ancient Monuments states that development proposals and works which may adversely affect the integrity, character or setting of scheduled ancient monuments will not be permitted.



Welsh Planning Guidance

- 6.22 The application site adjoins the Welsh boundary. As such consideration needs to be given to Welsh planning guidance in the form of TAN 8 (Planning for Renewable Energy). TAN 8 is the Welsh equivalent of PPS.22 Renewable Energy.
- 6.23 TAN 8 indicates that there are seven Strategic Search Areas (SSAs) in Wales that may be technically, economically and/or environmentally suitable for major wind power proposals (i.e. that produces in excess of 50mw of electricity).
- 6.24 The TAN also explains that large areas of Wales are excluded from consideration for SSAs (such as National Parks and AONBs). However, paragraph 2.12 states that local planning authorities should encourage small community based wind farm schemes (generally less than 5mw) where appropriate outside the SSAs to local circumstances. It indicates that consideration should also be given to the cumulative impact of smaller schemes in areas outside of the SSAs, stating a balance should be struck between the desirability for renewable energy and landscape protection, whilst acknowledging that such a balance should not result in severe restriction on the development of wind power capacity.
- 6.25 TAN 8 is different to PPS22 in that it actively encourages developers in consultation with local planning authorities to engage in pre-application discussions with regard to community involvement and benefits. Such benefits can be justified as mitigation of development impacts, through the planning process. Annex B on Planning Obligations in the TAN refers to community benefits such as highway infrastructure improvements, wildlife habitat management and communication network improvements. Also included are 'volunteer gains' for the local community. It is this latter gain that is not explicitly considered in PPS 22.
- 6.26 Local plan policy of relevance is the Powys Unitary Development Plan Deposit Draft. This is not, fully adopted, and therefore has limited weight. The present adopted local plan is the Radnorshire Local Plan (adopted in 1999).

Landscape/Visual Impact

- 6.27 The ES accompanying the application states that a full landscape and visual assessment was commissioned over a 20 km radius taking into consideration landscape character, landscape designations and main visual receptors. This included an assessment of the historic landscape, listed buildings, historic parks and gardens and conservation areas. The ES states that a full cumulative landscape and visual impact assessment is not required under the terms of EIA Regulations as there are no other wind farms within the zone of theoretical visibility and only one proposed wind farm within a 30 km radius of the site. (Pentre Trump wind cluster the site of which is located 16 km to the south west of the application site). Otherwise there are no existing wind farms to which cumulative impact is an issue.
- 6.28 The ES acknowledges that there will be long term but reversible effects on the landscape fabric of the site during its proposed operational life (25 years). These effects have been assessed as moderate to substantial/substantial. (Paragraph 2.6.2 in the ES non-technical survey on the landscape visual assessment).
- 6.29 The applicants acknowledge that there will be some significant effects of the proposed development on exposed high enclosed plateau landscape type (as identified in the landscape character assessment for the area) and some significant

views from the southern edge at Stowe. These effects are considered in the ES to be localised and contained within a small area of the southern edge of the plateau.

- 6.30 The ES also states that the development proposal has been situated sensitively in consideration of its relationship to the surrounding landscape character and that there will be no loss of existing characteristic features. The ES acknowledges that there will be substantial and moderate effects from nearby public rights of way of the development as well as from some dwellings and villages in close proximity to the site.
- 6.31 Paragraph 3.1.12.2 of the ES supplementary report indicates that following considerable discussions and research neither the Council's Landscape Officer nor the applicant's landscape specialist found a satisfactory methodology to report the information requested and that there is no clear parameter to the 'border landscape'. The applicant's additional supplementary report concludes that it was agreed that no further reporting on this topic be undertaken. The supplementary report on landscape and visual assessment issues included additional information on the impact of the proposed development on the character and views from the southern edge of the Shropshire Hills AONB on its southern aspect around Stowe, as well as further information about the impact on Offa's Dyke and Glyndwr's Way National Trails and further consideration to an appropriate method for assessing the impact on the cultural heritage.
- 6.32 The ES uses wire frames to analyse effects on visual amenity and concludes by stating that effects would fall to moderate at a distance of about 2.5km from the proposed wind turbines near the site and 4.5km in the Shropshire Hills AONB to the north of the site, therefore significant effects are likely up to approximately 2.5km except from the north where this could extend to 4.5km from the site. At distances from 5km the ES states the levels of effect drop away from slight to negligible (paragraph 4.13.5 of the E.S).
- 6.33 The ES indicates there are parts of three towns within 10km of a wind turbine with potential visibility and that there would only be some effects of a slight to moderate or lower magnitude from Presteigne and Knighton. On this basis it is considered that there are no significant effects on these towns as a result of the proposed development.
- 6.34 The applicants identify eight villages within 5km of the nearest turbine 3 of which will be significantly affected as a result of the proposed development. Most significant is the western side of Norton (Powys). Stowe to the north will also have significant visual impact as a result of the proposed development.
- 6.35 The ES indicates significance of effect on nearby dwellings to the application site has been assessed as being significant at these near distances for those with direct views over the site, or viewed in the context of the near wind turbines, at near distances under 1.5km from north and south facing properties and 2.5km from east and west facing properties. Over 2.5km no significant effect on private dwellings is anticipated.
- 6.36 The ES concludes on visual amenity by stating no significant effect as a result of the proposed development will be attributed to uses of 'A' class roads. On 'B' class roads the threshold of significance would be at about 1.5km to 2km from the proposed wind farm. There will be a series of views from minor roads with the wind turbines set against open sky or as back-drop to woodland. Therefore the magnitude

of view from some sections of minor roads, although intermittently in most cases, is assessed as being high.

- 6.37 The proposed development has the potential to be seen over long distances and will have visual impacts upon bridleways/footpaths within the area of the application site, to which the ES indicates impact as being moderate to substantial within 3.5km and substantial under 1.5km. Offa's Dyke long distance footpath is located 3km to the west of the application site. Other notable trails include Glyndwr's Way and the Mortimer Trail.
- 6.38 As previously indicated in this report, national, regional and local planning policy clearly emphasises that proposals of this nature subject must be assessed for their contribution to reduction of greenhouse gases, (CO2 emissions), as well as their impact on the surrounding landscape and in particular if there is a significant impact on designated areas, e.g. National Parks and AONBs.
- 6.39 The development is proposed for 25 years and on proposed decommissioning of the site, the harmful effects (as indicated in paragraph 6.24) will be reversed and there would be no reason why the landscape could not return to its current land use in agriculture. In any event the current land use of mainly agricultural livestock grazing can be maintained during the site's operational life around the proposed wind turbines.
- 6.40 There is no doubt that the proposed development of four wind turbines and its associated infrastructure will have an effect on the landscape character of the area during the site's life span. Therefore this has to be judged against relevant planning policy to consider whether the harmful effects, outweigh planning policy sufficiently to warrant refusal to the application on the issue of landscape impact. This matter is addressed in the conclusions to this report.

#### Archaeology and Impact on Offa's Dyke

- 6.41 As part of its ES, the applicants employed the services of Clwyd-Powys Archaeological Services, who completed a desk-based study, along with field work of the application area in consideration of archaeological issues. As a result of this study, mitigation measures are considered in order that there are no major or moderate changes to the visible archaeological resources of the area. As part of their supplementary environmental report, the applicants undertook further field evaluation work to establish the presence/absence of archaeological remains on site. The results of this further work reveal no archaeological remains of any significance on site.
- 6.42 The application site is situated within sight of Offa's Dyke, which is located approximately 3km in a westerly direction. Offa's Dyke is a frontier earthwork of the Welsh Marches, dating to the Dark Ages. It is a Scheduled Ancient Monument and is largely retained as a national trail between the English and Welsh border.
- 6.43 The proposed development will infringe on the setting of the Dyke, as well as (to a lesser extent), on other historic national trails within the locality, most notably, Glyndwr's Way and Mortimer's Trail (these latter two are at a greater distance from the application site than Offa's Dyke).
- 6.44 The Herefordshire County Archaeologist acknowledges that based on Herefordshire policies alone, the recommendation would not be one of refusal, although concerns

would be raised. The County Archaeologist considers that the proposed development fails to comply with Policy CF4; Renewable Energy and ARCH 3: Scheduled Ancient Monuments of the HUDP in that the objectives of the scheduling (of Offa's Dyke) would be compromised by the development as proposed, and the setting of the Dyke would be adversely affected to a significant degree.

- 6.45 Statutory consultees who raise concerns on this issue include CADW. Other consultees objecting due to concerns about the impact of the application on the Dyke include the Welsh Historic Gardens Trust, Offa's Dyke Association, (a registered charity established to protect and preserve the Dyke), who state the Dyke is considered to be of international importance. The Offa's Dyke Association conclude in their response to the application by stating that *"there is a strong case that the proposed development will tangibly, significantly and detrimentally impact visual appreciation of a large, historically important and hitherto unspoilt area of locally distinctive and well preserved Marches rural landscape in East Powys, South Shropshire and north-west Herefordshire"*.
- 6.46 The Countryside Council for Wales raise no objection to the proposed development. However it comments that *"there would be a local impact on local national trails including Offa's Dyke and Glyndwr's Way. However, in this case and in the context of the 285 km trail in its entirety, it is CCW's view that despite this acknowledged local impact, the scheme is unlikely to constitute a major detrimental impact on trail users"*.
- 6.47 Natural England and Shropshire Hills AONB do not raise any objections in relationship to the Dyke, and neither have English Heritage in their response to the application, who in their response dated 11<sup>th</sup> November 2008 have stated *'we note that the supplementary application documentation takes account of English Heritage advice contained in it's publication: Wind energy and the historic environment'*.
- 6.48 Many of the letters of objection from members of the public have also raised concerns and objections in consideration of the impact of the proposed development on Offa's Dyke. These include a letter from Michael Jefferson, a Professor of International Business and Sustainability, who considers Offa's Dyke a footpath of significant historic and landscape interest.
- 6.49 The Council's environmental consultants, advise in paragraph 2.5.2 of their report that the additional analysis presented in the applicant's supplementary report on potential effects on Offa's Dyke, is well set out and carefully considered, and that the conclusion of the applicant's report in that the proposed development would have no unacceptable effects on the setting of Offa's Dyke is well justified.

#### Ecology

- 6.50 The ES indicates that the application site has little significant natural cover or remaining habitat. The site and its surrounding area are mainly in use as semi-improved and improved agricultural land for either livestock grazing or arable corn production.
- 6.51 The ES indicates that land populations on site although diverse are low in numbers, and that the construction of wind turbines will involve very little land-take with very little loss of scrub or tree removal, and therefore little loss of breeding or foraging habitat. The ES states that surveys of wildlife populations on site were undertaken and these include species such as bats and great crested newts, the latter of which had the potential to use the remains of a dry stone wall alongside the western

boundary of the application site as a potential route. As a result of further survey work included in the additional Supplementary Environmental Report – October 2008 the proposed access to turbine number three was changed from the western side to direct access off the unclassified public highway that divides the site leading in the direction from the site towards Willey/Lingen.

- 6.52 The ES indicates the applicant's intentions to enhance habitat through mitigation measure such as fencing off three hectares adjacent to the southern boundary in order to encourage ecological enhancement objectives (such as an increase in plant populations upon the poorer shallower soil patches of this area). Also proposed is hedge planting alongside the field boundary to the south of the access track to turbine number two in order to encourage a diverse range of farmland bird species.

Further hedgerow restoration to the east of the application site is also proposed in order to enhance the value of native hedgerow plantings. The applicants also indicate that field edge habitat creation on the application site will further enhance wildlife corridors. Nonetheless consideration also has to be given in order not to enhance habitats within the vicinity of the turbines for species such as skylark (so as to avoid conflict with operation of the proposed turbines). Existing plantations to the north and east of turbine number two will be managed as small areas of broadleaved copses. The ES also proposes roadside verge management and preservation of the roadside stone wall in its present defunct state.

- 6.53 As part of its ecological assessment, the applicant undertook bat surveys. This included (on the advice of the Council's Planning Ecologist), an Autumn survey proceeding the application's submission to the Council. This survey, along with the early bat survey, has revealed no undue cause for concern.
- 6.54 The Council's Planning Ecologist has not raised any objections to the scheme, and considers that there has been a great deal of survey effort of the habitats and fauna present, and that her initial assessment of the site concurs with the findings of the applicant's ecological consultant. This concludes that the habitats are predominantly species poor, mainly sheep-grazed grasslands with occasional small blocks of plantation woodland.
- 6.55 The Planning Ecologist's response to the additional information submitted by the applicant recommends conditions be attached to any potential approval covering a working method statement for nature conservation issues. This would include a habitat enhancement management scheme and independent long-term monitoring of the impacts upon protected, endangered and Biodiversity Action Plan, (BAP), species with the scope to alter the usage of the turbines if there is found to be a significant seasonal impact.
- 6.56 The Planning Ecologist's response also recommends a Planning Obligation (under Section 106 of the Town and Country Planning Act 1990) for developer contributions for off-site enhancement measures for local biodiversity.
- 6.57 This matter is also a recommendation of Natural England, a statutory consultee to the application.
- 6.58 The applicants (in a letter dated 12<sup>th</sup> December 2008) agreed in principle to this request and details of the beneficial contributions towards habitat enhancement can be seen in the Draft Heads of Terms annexed to this report.

- 6.59 Members of the public have raised concerns about the impact of the proposal on local biodiversity. However, although substantial amounts of letters of objection were received it is considered no additional issues of significant concern were raised in relationship to biodiversity issues to those as outlined in the preceding paragraphs.
- 6.60 It is considered that no significant issues of concern on biodiversity issues have been raised to warrant a refusal of planning permission. The proposal generally conforms to all planning policies in relationship to biodiversity issues, and the applicant's agreement to off-site enhancement compensation under a Section 106 Agreement is considered acceptable.

Icing on turbines

- 6.61 The ES indicates that the build up of ice on wind turbine blades is no longer a problem with wind farms. Turbines fitted with vibration sensors will identify ice build up and cease operation, thereby avoiding any potential incident of ice throw.
- 6.62 Ice on turbines is an issue that has been raised by a number of objectors to the application. The applicant has indicated that the exact type of turbine to be constructed on site has yet to be decided. However, the ES indicates that modern technology prevents the problem that was an issue with older turbine designs. In the absence of any information to the contrary this is accepted by your officers.

Impact on hydrological features

- 6.63 The ES identified the existing water features within the site boundary, through a desk study and site walkover. The statement indicates that water features within a 500 metre buffer zone around proposed turbine and track locations were identified.
- 6.64 The information gathered as a result of the desk study and site walkover allowed the identification of potential impacts during the construction, operation and decommissioning phases in respect of hydrological conditions. Recommendations for mitigation to negate or minimise these impacts have been provided.
- 6.65 These include responsible chemical and maintenance/re-fuelling during construction, sufficient staff training, provision for run-off diversion into vegetated ditches and either infiltrates and discharges to spillways, located away from watercourses. Also proposed is the use of sulphate resistant concrete where required, in order to eliminate alkaline leaking from the buried turbine bases.
- 6.66 The Supplementary ES (on the identification of private water supplies) concludes that the issues raised can be addressed through appropriate conditions.
- 6.67 Various comments have been received to the effect that the ES appears deficient in that a 500 metre buffer as a hydrological study area around proposed infrastructure is not considered appropriate or adequate. Similarly the baseline survey had not identified private and farm water supplies that may be affected by the development and their mapping and recording of water features and catchments was not sufficiently diligent and that impact assessment was not undertaken on a source – pathway – receptor basis to enable a prediction of effects on the hydrology of the site and private water supplies in particular.

- 6.68 The Environment Agency (a consultee that does not object to the proposed development) was asked to comment further on this matter. Its response (8<sup>th</sup> December 2008) is as follows:

*“We have previously stated that ‘we would normally expect a comprehensive water features survey to include a site walkover and all water features (including the private supplies) to be mapped. This does not appear to have been undertaken and we therefore cannot confirm that the risks to water resources on a local scale are negligible’.*

*Notwithstanding the above, we previously stated that we agree that any assessment should be proportionate to the potential risks posed. In this instance we do not consider that the wider groundwater resource in this area is of high vulnerability, and due to the relatively small land take from the proposed development, and providing the proposed mitigation measures (as detailed within Section 7.5 of the ES) are implemented, we agree that the impacts on the wider groundwater resource within the area are likely to be minimal.*

*The Review document also mentions the River Lugg (SSSI) as a potentially sensitive receptor. We would draw your attention to Section 7.3.2 of the ES which confirms that the ‘site (only) drains into tributaries of the River Lugg, with the main channel at least 2.5km downstream’; and details some associated relevant impacts in Section 7.4 e.g. surface water run-off, with mitigation measures for potential impacts detailed within Section 7.5.*

*On the basis of the above, we would re-iterate that, if the LPA are minded to approve the application, we would recommend that a condition be imposed to secure the proposed mitigation measures including that any surface water be directed into swales or similar infiltration method, which will protect the water environment and ensure that ‘no measurable or significant adverse effect on the water balance will arise as a result of the proposed development’. Section 2.8.7 of the Review document also confirms that...‘potential hydrological impacts arising from wind farm developments can be addressed by way of appropriate water management and planning conditions...’.*

*We would also re-iterate our previous comments with regard to potential impacts from borrow pits including the recommended condition to ensure that “there shall be no excavations, during the excavation of borrow pits, below the water table”; to prevent impact on the groundwater environment. We have previously noted that any proposed excavation of borrow pits will be carried out ‘using the mitigation measures outlined within the relevant section of the ES, for example relating to the mitigation of crane pad excavation or similar’.*

*With regard to measuring impacts upon springs, we would also re-iterate that if you consider it necessary, in consultation with your Environmental Health Officer, we would advise you to consider securing the monitoring of springs (to assess the ‘rate of flow’ and ‘quality’) during construction and post-construction to ensure no significant impact is occurring, which may be secured through a suitably worded planning condition. However we would not wish to be involved in matters relating to this condition, it is just an advisory comment, for your consideration. For information such a condition is suggested as follows - “A monitoring scheme for springs shall be submitted to and approved by the LPA. The scheme shall include frequency and location of monitoring and nature of sampling. Thereafter monitoring shall be carried out and reviewed in accordance with the approved scheme. If the*

*monitoring scheme approved shows in the opinion of the LPA, any adverse risk of deterioration to springs then proposals:*

- i. to investigate the cause of deterioration*
- ii. to remediate any such risks*
- iii. to monitor and amend any failures of the remediation undertaken; shall be submitted to the LPA for their approval."*

- 6.69 The various mitigation measures that follow from this detailed response from the Environment Agency are translated into conditions in the event that Committee is minded to grant planning permission for the proposal.
- 6.70 In consideration of relevant national and local plan policies and the final comments made by the Environment Agency as outlined above (whose comments are similar to those of the applicant's Hydrology Specialist) and the fact that the Council's Environmental Health Manager in consultation with the Council's Environmental Scientific Officer and Severn Trent Water raise no concern in respect of water issues, it is considered that any remaining issues can be dealt with by condition.

#### Noise

- 6.71 Local residents (including the SHCG) have raised concerns and object on grounds of noise implications in respect of the proposed development.
- 6.72 The ES included an assessment of the potential noise impact based guidance as laid out in ETSU-R-97. The method of noise assessment is in accordance with guidance in PPS22.
- 6.73 The assessment indicates background noise measurements were taken at five locations neighbouring the proposed wind farm, based upon preliminary predictions. Analysis of the measured data was performed in accordance with ETSU-R-97 to determine the pre-existing background noise environment of these locations.
- 6.74 Predictions of wind turbine noise were made based upon a guaranteed sound power level for an Enercon E70 2.3 MW wind turbine. A calculation procedure (which was considered to be worst case predicted levels) and measured background noise levels indicate that for the majority of circumstances the proposed site wind turbine noise will meet the lower amenity hours and night-time noise criteria proposed within ETSU-R-97.
- 6.75 Amongst objections received from members of the public was a response from CGM Consulting on behalf of the occupiers of Tipton Farmhouse (located to the east of the application site). This report raises concerns about the applicant's noise survey. It is considered the Enercon turbine used in the calculation is one of the quietest and it was indicated that a noisier turbine could actually be used.
- 6.76 The Environmental Health Manager acknowledges that criticism has been received in respect of the suggested noise level issues and guidance used. It is accepted that the data provided for the noise study is based on the Enercon E70E4 and this may not be the noisiest turbine on the market. However, he acknowledges the noise survey employed in the ES was conducted using the most appropriate guidance for noise assessment of wind farms.



- 6.77 The noise predictions were based on data for an Enercon E70E4 wind turbine with a generating capacity of 2.3 MW and a hub height of 69 metres. This has a predicted sound power level (SWL) of 104 5dB(A) of a wind speed of 7MS-1 at 10 metres above ground level.
- 6.78 The Environmental Health Manager acknowledges that at some receptors, the turbines may be audible at certain wind speeds and directions and complaints may be likely, particularly during the night time period when background levels are usually lower. The Environmental Health Manager believes that to prevent night time sleep disturbance and prevent nuisance during the daytime, a noise limit of 38dB (A) should be set. This would be in-line with the ETSU-R-97 guidance of 42dB(A), if the amended World Health Organisation Guidelines on Community Noise 1999, figures are taken into consideration. There is also the likelihood of amplitude modulation of aerodynamic noise being caused.
- 6.79 The proposed development falls within the criteria set by the ETSU-R-97 (which is deemed to be the most appropriate document for this type of development) and provides a framework for measurement of wind farm noise, which can be used in conjunction with other noise guidance to ensure protection of the noise environment. The consideration of possible nuisance and any issues of concern in respect of noise levels can be addressed by the attachment of appropriate worded conditions with regards to noise levels and measurements, turbine specifications and a noise management scheme. With such conditions the proposal is considered to comply with National Planning Guidance and Policy DR13: Noise, of the HUDP. These conditions should be sufficient to avoid the worst case scenario mentioned above. The Environmental Health Manager acknowledges that the noise data provided for wind speeds above 8m/s is minimal but believes that conditioning the noise levels to 38dB(A) would provide adequate protection.
- 6.80 The Council's Environmental Consultant's indicate the information submitted as part of the applicants E.I.A. statement is acceptable, and concluded that "*overall the noise impact assessment meets current best practice and provides a thorough and comprehensive assessment of potential effect*".

#### Impact on surrounding tourism

- 6.81 Tourism is important to the local economy in general and in relation to farm diversification in particular in both England and Wales.
- 6.82 The ES addresses tourism. It is acknowledged that tourism plays an essential part in the local economy. However, the statement indicates that to date there is no evidence to indicate that wind farms are detrimental to tourism. Reference is made to 'The Review of Energy Policy in Wales' by the Welsh Economic Development Committee, (January 2003), which concludes that there is no objective evidence available as to whether wind turbines increase or decrease tourist interest in an area and that there have been several different surveys in other areas which generally report that the majority of people are not influenced one way or another by the presence of wind farms.
- 6.83 The Council's Tourism Manager has responded to the application stating 'whilst advocating a green position for Herefordshire we must be aware of the visual impact of our greatest asset the countryside' and that each application must be decided on its individual merits and questions whether the development is going to have a significant input into the power system and give benefit to the local grid.

- 6.84 It is considered that there is no information of a reliable nature on which to refuse this application in considering its impact on levels of tourism.

Impact on surrounding historic built environment

- 6.85 In response to concerns raised by your officers, (as well as Stonewall Hill Conservation Group's response), the applicants submitted further information in the form of a supplementary environmental report – October 2008. The Council's Area Landscape Officer was particularly concerned in respect of the applicant's original ES about the lack of information in respect of the historic and cultural heritage. However, as earlier referred to, neither the Council's Landscape Officer nor the applicant's landscape specialist found a satisfactory methodology to report information requested and that there is no clear parameter to the term border landscape.
- 6.86 The site for the proposed development is neither located within nor adjacent to any recognised Conservation Area. Two buildings of listed status are within its immediate surrounding area. The first is Tipton Farm House (which is located approx. 600 metres from the application site, in an easterly direction) and on which it is considered the proposed development will have no significant detrimental impact.
- 6.87 The second lies in excess of 2000 metres, in a north easterly direction, and is the site of the main dwelling house at Stanage Park. The house within this parkland setting is grade II\* listed. Given the surrounding land topography and vegetation cover, your officers consider that the impact on the setting of the listed house will be minimal. It is noted that CADW's response to the application raised concerns about the proposed development causing serious harm to the overall historic and visual character and setting of the parkland itself. Nonetheless woodland in the southern part of the park will partly obscure the turbines from parts of the park below the woods as noted in CADW'S response. It is accepted that the grounds form part of the setting of the house, and that the proposed turbines will have some impact on the overall nature and quality of this wider environment. This landscape and visual impact has been assessed earlier in this report.
- 6.88 It is considered that the development is acceptable with no serious overall harm as to the setting of nearby listed buildings and therefore on the subject of historic buildings the application is considered to comply with relevant national and local plan policies on this issue.

Public highway access and impact on surrounding highway infrastructure

- 6.89 The ES gives consideration to access to the site and impact on the surrounding highway infrastructure. It indicates that abnormal load vehicles will approach the site from the north along the A49 travelling west-bound along the A4113.
- 6.90 The proposed development would generate exceptional load movements during the construction phase. The lower sections, blades and turbine components would be transported by articulated low loaders. Access to the site would follow the existing unclassified public highway network to the site. This is subject to an existing application which has been made to Powys County Council.
- 6.91 The development proposed will also generate other vehicle movements such as concrete deliveries and stone from local quarries.

- 6.92 The initial information submitted by the applicants raised concerns by the three relevant separate local planning authorities and as a result of a meeting that took place as well as representation from the Highways Agency and the applicant's agent. Additional information in the form of a Construction Traffic Management Plan was submitted to the Council in September 2008 for further consideration.
- 6.93 This additional information contained detailed information with regards to construction traffic, abnormal loads, traffic impact and management.
- 6.94 It has been concluded that the most suitable approach would be to enter into a legal agreement to secure satisfactory detail with regards possible highway network damage by means of a suitable bond to be in place prior to any works undertaken on site. Details of the proposed Section 106 agreement can be found in the Draft Heads of Terms attached to this report.
- 6.95 This matter is inevitably complicated as there are two separate applications to be determined, and by different authorities. They will also not be determined at the same time. Members will be up-dated on the matter (and any decision made by Powys County Council on the access application) at the meeting.

Planning Contributions/Social Economic Impact

- 6.96 The ES indicates the application as 'The Reeves Hill Community Wind Energy Scheme', which would provide benefits both financially and environmentally.
- 6.97 The ES indicates the scheme will give local contractors opportunities to bid for the civil and electrical works and provision of site services. The developer will register a local community interest in a community trust fund based on the financial output of the scheme. Such a scheme will facilitate the distribution of funds for local initiatives which may be reasonably linked to the tied issues of energy education and energy efficiency for the local parishes. One such issue already mentioned in the ES is a renewable energy educational facility to supplement the current educational function of the nearby Spaceguard Centre.
- 6.98 The ES indicates that in the event that planning approval is forthcoming that a direct community benefits package financed from the project cash flows would be made available and that during the project's working life the local community would benefit from £10,000 per annum for each turbine of over 2 MW capacity. A co-operative organisation 'Energy4all' would also contribute £10,000 annually to a local community and parish trust funds for the project. These contributions to the local community would equal to £1 million over the 25-year life span of the development. The ES indicates that one turbine will be owned by the Co-operative Company Energy4all providing an opportunity for local investment up to a maximum shareholding of £20,000 per individual and will also contribute £10,000 annually to a local community trust.
- 6.99 Community contributions are not a direct material planning issue in accordance with PPS 22: Renewable Energy and Herefordshire Council has no Supplementary Planning Guidance on renewable energy. In this regard Members are advised to give no weight to this proposal in the determination of this application. However, the site for the proposed development is adjacent to the Welsh boundary and therefore some consideration should be given to TAN 8. In Annex B of its Companion Guide (Community benefits arising out of the development of wind farms in Wales) refers to

planning obligations for payments outside of highway infrastructure and improvements to wildlife habitat management, creation or mitigation to volunteer 'gains'. These gains can be offered as part of the planning process and the Courts have held that this approach is not in itself unlawful. However, the Annex makes it clear that they must not impact upon the decision-making process itself.

- 6.100 The nearest concentrated settlement to the application site is the village of Norton (approximately 2km to the west of the application site). Slightly further are the large settlements of Presteigne to the south, and Knighton to the north. On the English side of the application site, Lingen is the nearest smaller settlement. The applicants have indicated their agreement to enter into a Deed of Covenant and a Unilateral undertaking with regards to ensuring the community contributions are in place as indicated in the ES.

#### **Shadow flicker and residential amenity**

- 6.101 Shadow flicker happens when the sun passes behind a moving blade and casts a shadow on the window of a neighbouring property. The ES indicates that shadow flicker has been addressed with the new generation of wind turbines.
- 6.102 Five properties were identified in the ES as being within 710 metres of the wind turbines and that could potentially witness shadow flicker effects (turbine diameter of up to 71 metres, 10 x rotor diameter). Test results revealed that of these five properties, there was potential for some shadow flicker at four properties at some point during the year and that these tests were in worst case conditions.
- 6.103 In order to prevent any possible nuisance on this issue a wind farm control system is proposed by the applicant by which a computer model of the Reeves Hill turbine layout, together with details of the nearby properties would be combined with a model of the sun's path over the course of the year, to allow a control system to predict possible shadow flicker and shut the relevant turbine down for the required period of time.
- 6.104 The Council's Environmental Health Officer has considered the nuisance of shadow flicker and considers the applicant's analysis of the issue satisfactory. Your officers consider there are no planning issues of concern in respect of shadow flicker and residential amenity.

#### **Electromagnetic interference and air safeguarding assessment**

- 6.105 Prior to submission the applicants carried out consultation with TV/radio/telephone operators and air traffic bodies. As a result of this exercise the ES indicates no adverse responses were received. The applicant is willing to undertake an evaluation of any possible effects to local transmitters and introduce suitable mitigation measures that may be required.

#### **Other issues of concern as raised by objectors to the application**

- 6.106 Also raised in letters of objection, including the response from SHCG are concerns about whether wind farms do actually reduce the carbon footprint. National and local planning policy both emphasise that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and planning authorities

should not therefore reject planning applications simply because the level of output is small.

## 7. Conclusions

- 7.1 The application raises many issues, and has divided opinion both from the public and the various consultees. The positioning of wind turbines in the open countryside has predictable and well-documented impacts, many of which have been raised in this report. In determining the application Members will need to balance up several conflicting issues. The balance to be struck between the supportive nature of national, regional and local policies and the impact of the four proposed turbines on the character of the wider countryside and the associated visual impacts represents the biggest issue to address.
- 7.2 Earlier sections of this report have set out the nature and weight of national planning policy (paragraphs 6.2-6.5), regional planning policy (paragraphs 6.6-6.12) and local/UDP policies (6.13-6.21) and these will not be repeated save to emphasise that PPS22 sets out the key principle that renewable energy development should be capable of being accommodated throughout England in locations where the technology is viable, and environmental, economic and social impacts can be addressed satisfactorily. The supportive approach in national planning policy is appropriately translated into regional and local policies.
- 7.3 The application has been submitted in accordance with the principles set out in PPS22 and the accompanying ES sets out the impacts on the wider environment and proposes ways by which the impacts of the turbines can be mitigated.
- 7.4 The key material planning considerations which need to be balanced against this policy context are the impact of the proposed turbines on the surrounding landscape (paragraphs 6.27-6.40), and the particular impact of the proposed turbines on the setting and cultural frontage of Offa's Dyke. These matters have generated much debate and, indeed, differences of opinion amongst consultees.
- 7.5 The ES acknowledges that the visual impact of turbines on the landscape although the significance of effect has not been weighted either as being positive or negative (paragraph 4.13-6.4). Opinions on wind turbines in the landscape are very subjective, leading to a wide range of views from very negative to very positive.
- 7.6 Wind turbines, by their very nature, are modern industrial features that are atypical of this lush enclosed plateau landscape type. In particular several bodies, including CADW have detailed concerns about the harm that the proposed development will have on the historic and visual character and value of Stanage Park. This matter should be given detailed weight. The issue of the impact of the proposal on the wider landscape has been made by the vast majority of the objectors.
- 7.7 In determining the application Members need to assess the significance of these impacts. Whilst these impacts are widely recognised, it is a matter of judgement whether the impacts are of a sufficient nature to justify refusal of the application.
- 7.8 Your officers have considered these matters in great detail. It is suggested to Members that significant weight is given in your decision to the following factors:
- (a) The application proposes the retention of the turbines for a period of 25 years. Wind turbine development has little permanent impact on the wider landscape.

Similarly technological advancements are such that there is every probability that electricity will be generated in many different ways over the time period.

- (b) The application site does not fall within any special landscape designation type. The Shropshire AONB (approximately 3.5km to the north of the site) is the nearest land enjoying such designation.
- (c) The application site does not form part of or adjoin any historic garden or designated historic landscape type.
- (d) There is no overall agreed position on the significance of the impact of the proposed turbines on the wider landscape. English Heritage, the Countryside Council for Wales, the Shropshire Hills AONB Committee, Shropshire Country Council/South Shropshire District Council and Natural England do not raise fundamental objections to the scheme.
- (e) The design and positioning of the turbines has been developed in a way that will mitigate some of the impacts of the proposal.

- 7.9 On this basis, and whilst recognising the scale and nature of both other consultee objections to the proposal and the weight of local objection, your officers consider that on balance greater weight should be afforded to national, regional and local planning policies in respect of the generation of renewable energy. The four turbines would generate up to 9.2mw of electricity per year. This is equivalent to the energy requirements of approximately 5,100 dwellings. In comparable terms this is around 7% of all dwellings in Herefordshire. To approve the application would accord with the principle in PPS22 that appropriate weight should be given to all proposals, irrespective of their output. In this regard the applicant has proposed to bring forward four large turbines to reflect the expanded increase in power generation brought forward by the use of larger blades.
- 7.10 Several groups and organisations have also raised the related issue of the impact of the proposal on the setting and the cultural heritage of Offa's Dyke. Clearly Offa's Dyke is an important archaeological and cultural feature and accordingly needs to be fully considered.
- 7.11 As with the wider issue of the impact of the turbines on the landscape, it is common ground that the proposal would affect the wider setting of Offa's Dyke, which is generally located approximately 3km to the west of the application site. The proposed development will infringe on the setting of the Dyke as well as (albeit to a lesser extent) on other national trails and rights of way within the locality.
- 7.12 Organisations such as the Offa's Dyke Association consider that the proposed turbines would tangibly, significantly and detrimentally impact on the visual interpretation of a large, historically important and hitherto unspoilt area of locally distinctive and well preserved Marches rural landscape in East Powys, South Shropshire and north-west Herefordshire.
- 7.13 These comments are acknowledged. Nevertheless the application has not attracted objection on this matter from several of the key consultees. In particular the Countryside Council for Wales indicates that whilst there would be a local impact on national trails, including Offa's Dyke within the context of its full length, the proposed turbines are unlikely to constitute a major detrimental impact on trail users.
- 7.14 Your officers consider that this point is of significance to the matter. It is our judgement that whilst there will be local impacts on the setting and appreciation of the Dyke, the overall integrity, setting and historic and cultural importance will remain intact. This is particularly important as wind turbines become increasingly accepted

features on the wider landscape as compares to the applicant's response to the government's wider agenda to generate ever increasing amounts of electricity from renewable sources.

- 7.15 The officer appraisal (section 6) has set out detail consideration of the wide range of other material planning considerations that are relevant to the application. In all respects your officers consider that the various impacts are not sufficient to warrant the refusal of the application and can be satisfactorily mitigated.
- 7.16 Having considered all the factors set out in this report your officers consider that, on balance, the proposal should be approved. The application is well detailed and has addressed satisfactorily the wide range of environmental impacts. The proposal accords with national, regional and local policies and will generate energy from a renewable source in accordance with the wider Government agenda. Whilst there will be particular local impacts in the area of attractive countryside in the Welsh Marches, these impacts are not considered to be so significant as to warrant the refusal of planning permission. Subject to appropriate conditions the impact of the proposal can be mitigated to a satisfactory extent.

### RECOMMENDATION

**It is recommended that delegated authority to APPROVE the application be given to the Head of Planning and Transportation subject to;**

**(A) The applicants signing a Section 106 agreement in accordance with the terms as outlined in the attached Draft Heads of Terms and a Deed of Covenant for the purposes as set out in the E.S. with regards to the Community Fund.**

**(B) The imposition of the following schedule of conditions.**

- 1. The development hereby permitted shall begin not later than three years from the date of this decision.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2. The operational period of this permission shall expire 25 years after the first generation of electricity to the National Grid of which the Local Planning Authority will be informed in writing of the first generation of electricity to the National Grid. All the above ground elements of the development plus 1 metre of the turbine bases below ground level shall be removed from the site and the land shall be reinstated in accordance with a scheme to be approved in writing by the local planning authority. The scheme for reinstatement shall be submitted for the approval of the local planning authority not later than 24 years from the date of the first generation of electricity to the National Grid.**

**Reason: In order to protect the amenity of the surrounding area once the site has ceased producing electricity and to comply with policy LA2 of the Herefordshire Unitary Development Plan.**

- 3. Notice of the date of commencement of the development shall be given in writing to the local planning authority before any works commence on the site.**

**Reason:** In order to comply with condition 2 and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

4. **Before the development is commenced a scheme to alleviate incidence of any shadow flicker effect shall be submitted to and approved in writing by the local planning authority. The scheme shall included details of the photocells and any other measure proposed to remove any such effect. The scheme shall be implemented as approved.**

**Reason:** To protect the amenity of the surrounding area and to comply with Policy S11 of the Herefordshire Unitary Development Plan.

5. **Before the development is commenced a scheme to secure the investigation and alleviation of any interference to any form of electromagnetic transmission which may be caused by the operation of the wind turbines shall be submitted to an approved in writing by the local planning authority. The scheme shall be implemented as approved.**

**Reason:** To protect the amenity of the surrounding area and to comply with Policy S11 of the Herefordshire Unitary Development Plan.

6. **The wind turbines shall not be erected until details of the colour and finish of the nacelle, blades and supporting tower have been submitted to and approved in writing by the local planning authority. The colour and finish shall be implemented as approved.**

**Reason:** In order to protect the amenity of the surrounding area and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

7. **All the turbine blades shall rotate in the same direction. They shall be located in the positions shown on the plans submitted for approval unless otherwise agreed in writing by the Local Planning Authority.**

**Reason:** In the interests of the visual amenity of the surrounding area and to comply with Policies DR1 and DR4 of the Herefordshire Unitary Development Plan.

8. **If a wind turbine fails to produce electricity for supply to the grid for a continuous period of 12 months all of its above ground elements shall be removed from the site at the request of the local planning authority within a period of six months from the end of the 12 month period. Within the ensuing 12 months the land shall be reinstated in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. The scheme shall be submitted within two months of a request by the local planning authority under this condition.**

**Reason:** In order to protect the amenity of the surrounding areas and to comply with Policies DR4 and CF4 of the Herefordshire Unitary Development Plan.

9. **No part of the development shall be externally lit without the written consent of the local planning authority.**



**Reason:** To protect the amenity of the surrounding area and to comply with Policies DR4 of the Herefordshire Unitary Development Plan.

10. The level of noise emitted by the combined effect of the wind turbines when measured as prescribed in these conditions shall be demonstrated within 21 days at the request of the Local Planning Authority upon receipt of a written complaint of noise disturbance by a local resident.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

11. The level of noise from the wind turbines (inclusive of background noise) shall be measured at the dwelling of any person lodging a written complaint about noise disturbance, using an LA90 index over a minimum of 20 periods, each of a minimum of 10 minutes duration. These measurements shall be made between wind speeds specified by the Planning Authority and made in consecutive 10minute periods, provided that they fall within the specified wind speed range. Wind speed means speeds measured by the on-site anemometer.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

12. The measurements undertaken in conditions 10 and 11 shall be undertaken using a sound level meter of at least type 1 quality, incorporating a windshield and in free field conditions. The measurements should be made between 1.2 – 1.5 metres above the ground and at least 10 metres from any wall, hedge or reflective surface, the meter shall be set to a fast weighted response.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

13. The level of the noise emitted by the combined effect of the wind turbines, when measured in accordance with recommended conditions 10, 11 and 12 shall not at any time exceed 38dB(A) expressed as L90 10 minutes at wind speeds not exceeding 8 metres per second measured at a height of 10 metres above ground level at all houses existing at the time the wind farm was first commissioned.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

14. Compliance with the limits specified in condition 13 shall be determined by correlating measurements taken with wind speed as measured by the on-site anemometer. The LA90 10-minute noise level from the combined effects of the wind turbines (inclusive of background noise) shall be derived by a best-fit curve.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

15. At the request of the Local Planning Authority the developer and/ or site operator shall carry out measurements to determine whether the turbines exhibit any tonality. Tonality measurements being taken at the same time as broad band measurements for determining overall noise levels. Such an

assessment shall be undertaken in accordance with the DTI report *'The Assessment and rating of Noise from Wind Farms' (1996)*.

**Reason:** To protect the amenity of nearby properties so as to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

16. If the assessment in condition 15 reveals that tonal noise from the combined effect of the wind turbines exceeds the threshold of audibility by more than 6.5 dB, a penalty of 5dB shall be added to the noise level derived in recommended condition 11 and 12 for comparison with the 38dB (A) level specified in recommended condition 13. If the tonal noise exceeds the threshold of audibility by more than 2dB but less than 6.5dB, a penalty of 5/6.5 x audibility shall be added to the noise level.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

17. No turbines shall be erected on site until details and engineering specifications of the precise make, model and type of turbine have been agreed in writing with the Local Planning Authority.

**Reason:** In order to protect the amenity of the surrounding area and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

18. A noise management scheme shall be submitted and agreed in writing with the Local Planning Authority prior to commencement of use of the turbines. The monitoring and management of low frequency noise, blade swish, amplitude modulation, mechanical defect noise, tonal noise, infrasound, vibration, day and night-time noise levels should be included in the scheme. The scheme shall be in use for 2 years from the date of agreement. A new scheme should be agreed every two years by the Local Planning Authority, prior to the expiry of the previous scheme.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

**Reason:** To prevent pollution of the water environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

20. All foul drainage (from the temporary works construction phase) shall be contained within a sealed and water tight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

**Reason: To prevent pollution of the water environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**

21. **A monitoring scheme for all natural water supplies and watercourses within the application site shall be submitted to and approved by the Local Planning Authority. The scheme shall include frequency and location of monitoring and nature of sampling. There after monitoring shall be carried out and reviewed in accordance with the approved scheme. If the monitoring scheme approved shows in the opinion of the Local planning Authority, any adverse risk of deterioration to springs then proposals:**

- i. to investigate the cause of deterioration**
- ii. to remediate any such risks**
- iii. to monitor and amend any failures of the remediation undertaken; shall be submitted to the Local Planning Authority for their approval**

**Reason: In order to protect natural water supplies and to comply with Policy DR6 of the Herefordshire Unitary Development Plan.**

22. **Prior to any development on site a detailed plan will be submitted to and approved by the Local Planning Authority of an integrated surface water and ground water management plan. This will include details of associated drainage and sediment control.**

**Reason: To prevent impact on the groundwater environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**

23. **There shall be no excavations, during the excavation of borrow pits, below the water table and prior to any development on site details will be submitted to the Local Planning Authority and approved in writing of hydrological and hydro geological surveys in relationship to the Borrow Pits.**

**Reason: To prevent impact on the groundwater environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**

24. **An appropriately qualified and experienced ecological clerk of works will be appointed (or consultant engaged in that capacity) to oversee the ecological monitoring, mitigation and enhancement work.**

**Reason: To ensure great crested newts and all species of bats are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within Herefordshire Council's UDP.**

**To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.**

**To conserve and enhance biodiversity and comply with UDP Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.**

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

25. Prior to development works, full working method statements and mitigation strategies for protected and/or notable species (including bats, birds and great crested newts) based upon the recommendations in the Environmental Statement (May 2008) and the Supplementary Environmental Report (Oct 08) shall be submitted to the Local Planning Authority for written approval in consultation with Natural England. These shall be implemented as approved.

**Reason:** To ensure great crested newts and all species of bats are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within Herefordshire Council's UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

To conserve and enhance biodiversity and comply with UDP Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

26. Prior to development works, schemes for independent, long-term monitoring of the impact of the wind turbines upon protected and/or notable species (including bats, birds and great crested newts) shall be submitted to the Local Planning Authority for written approval in consultation with Natural England. The monitoring schemes must detail thresholds for injury and mortality and if these thresholds are exceeded and are shown to have a significant effect upon species populations, the wind turbine(s) must be decommissioned immediately until appropriate further mitigation is put into place. The monitoring schemes shall be implemented as approved and the results submitted annually to the local Planning Authority, Natural England and the RSPB.

**Reason:** To ensure great crested newts and all species of bats are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within Herefordshire Council's UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

To conserve and enhance biodiversity and comply with UDP Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

27. Prior to development works, a full habitat enhancement and management scheme based upon the recommendations in the Environmental Statement (May 2008) and the Supplementary Environmental Report (Oct 08) shall be submitted to the Local Planning Authority for written approval. This shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure great crested newts and all species of bats are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within Herefordshire Council's UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

To conserve and enhance biodiversity and comply with UDP Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

**28. H03 - Visibility splays**

**Reason:** In the interests of highway safety and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**29. H05 - Access gates**

**Reason:** In the interests of highway safety and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**30. H06 - Vehicular access construction**

**Reason:** In the interests of highway safety and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**31. H13 - Access, turning area and parking**

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy T11 of Herefordshire Unitary Development Plan.

**32. H21 - Wheel washing**

**Reason:** To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**33. H27 - Parking for site operatives**

**Reason:** To prevent indiscriminate parking in the interests of highway safety - and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**34. H30 - Travel plans**

**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

35. No development shall commence until a suitable alternative access to Llanshay Lane avoiding the existing junction with the A4113 public highway has been provided in accordance with Powys County Council highway requirements.

**Reason:** It is considered that the existing junction arrangement is unsuitable for the large vehicles likely to be required to service the site.

**Informatives**

1. N15 - Reason(s) for the Grant of Planning Permission
2. N19 - Avoidance of doubt - Approved Plans
3. HN01 - Mud on highway
4. HN04 - Private apparatus within highway
5. HN05 - Works within the highway
6. HN07 - Section 278 Agreement
7. HN10 - No drainage to discharge to highway
8. HN24 - Drainage other than via highway system
9. HN25 - Travel plans
10. HN28 - Highways Design Guide and Specification
11. The applicants or successors in title are reminded to advise Defence Estates, DE Operators North, Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, B75 7RL, tel: 0121 311 3714 of the date when construction starts in order for the turbines to be plotted on flying charts.

**Summary of reasons for approval of application**

The decision to grant planning permission has been taken having regard to the provisions of National Planning Policy and in particular Planning Policy Statement 22: Renewable Energy; and Regional Government Advice in the form of the West Midland Regional Spatial Strategy; and Herefordshire Unitary Development Plan 2007, the relevant policies of which are set out below.

In reaching the decision, officers of the Local Planning Authority were mindful of the particular circumstances of the case, and in particular the key issues of impact of the proposed turbines on the surrounding visual landscape, including Offa's Dyke and surrounding public rights of way as well as impact on amenity of the surrounding environment and landscape characteristics. Public Highway access to the site was also given consideration.

The application is accompanied by an Environmental Statement that sets out the scale and significance of the likely environmental impacts of the proposal if granted planning

permission. This Environmental Statement has been the subject of extensive consultation with consultees and other organizations and has been refined during the application process to reflect comments that have arisen.

The various objections made by members of the public and other bodies have been considered carefully. However many of the matters highlighted have not been supported by specific material evidence or views of key relevant consultees. It is acknowledged nonetheless that other consultees object to the proposed development.

Officers have concluded that on the basis of the submitted material and additional information received in support of the application that national, regional and local planning policies in relation to the generation of sustainable sources of energy outweigh the concerns raised by the many objectors on both environmental and other grounds. In doing so officers recognise that the application site itself is not affected by any national planning policy designations.

Relevant Policies considered in the Herefordshire Unitary Development Plan 2007:

- Policy S1 Sustainable development
- Policy S2 Development requirements
- Policy S7 Natural and historic heritage
- Policy DR1 Design
- Policy DR2 Land use and activity
- Policy DR3 Movement
- Policy DR4 Environment
- Policy DR5 Planning obligations
- Policy DR6 Water resources
- Policy DR13 Noise
- Policy HBA4 Setting of listed buildings
- Policy LA2 Landscape character and areas least resilient to change
- Policy LA3 Setting of settlements
- Policy LA4 Protection of historic parks and gardens
- Policy LA5 Protection of trees, woodlands and hedgerows
- Policy NC1 Biodiversity and development
- Policy NC5 European and nationally protected species
- Policy NC7 Compensation for loss of biodiversity
- Policy NC8 Habitat creation, restoration and enhancement
- Policy NC9 Management of features of the landscape important for fauna and flora
- Policy ARCH 1 Archaeological assessments and field evaluations
- Policy ARCH 3 Scheduled ancient monuments
- Policy CF4 Renewable energy
- Policy M2 Borrow pits

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**DRAFT HEADS OF TERMS**  
Proposed Planning Obligation Agreement  
**Section 106 Town and Country Planning Act 1990**

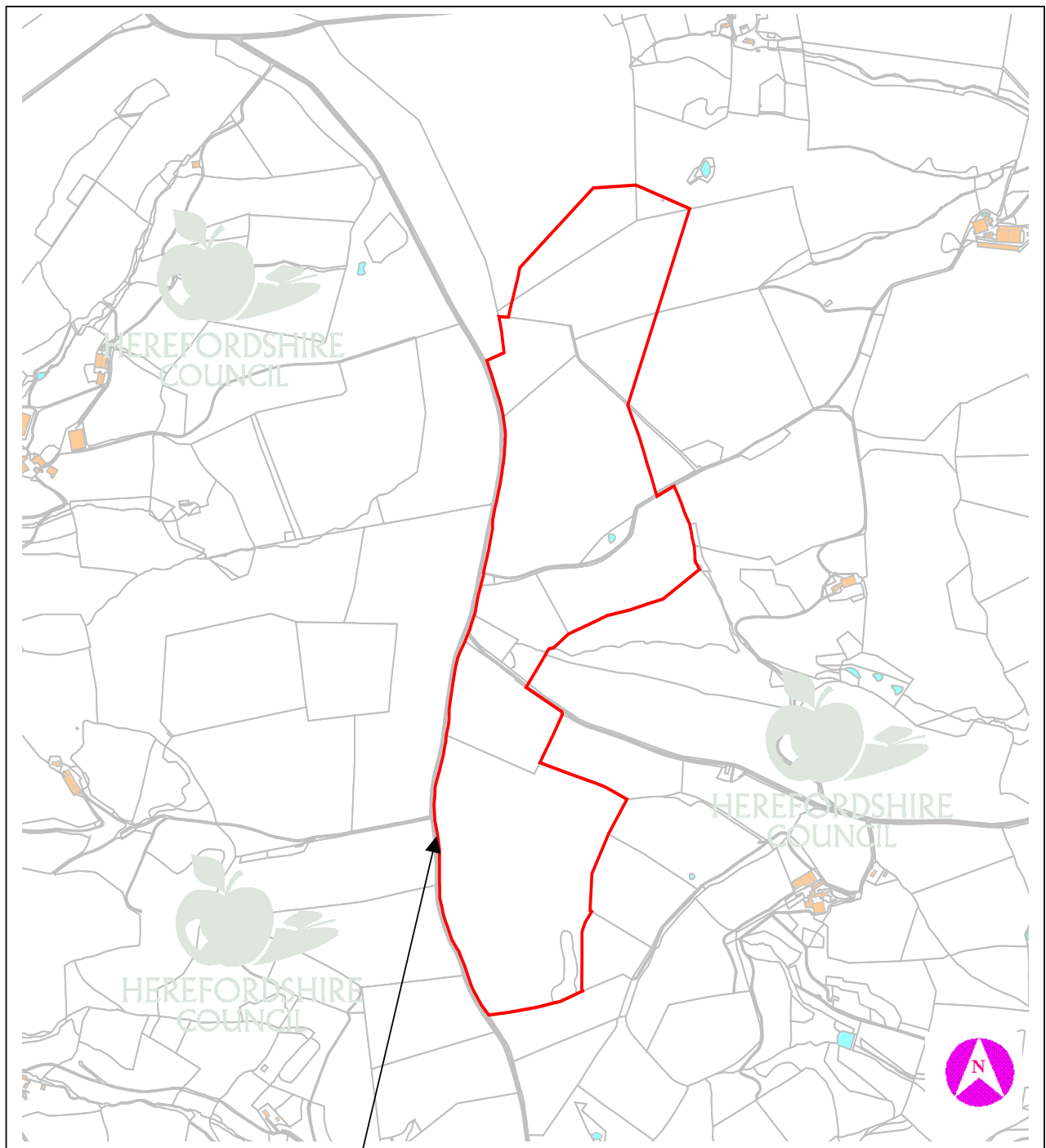
Planning Application – DCNW2008/1289/F

Proposed erection and operation of 4 wind turbines and associated access tracks, hard standing and substation building on land at Reeves Hill, Reeves Lane, Nr. Knighton, Herefordshire.

1. The developer covenants with Herefordshire Council to pay to the Council £10,000 per annum index linked for the first 10 years and £5,000 per annum index linked for the following 4 years of the wind farm's operational life, towards landscape/biodiversity enhancement/mitigation, following local consultation. The benefits of such funding will be available across administrative boundaries. The details of the operation and management of this environmental fund will be the subject of detailed discussion as part of the approval/management of this agreement.
2. The developer covenants with Herefordshire Council, in conjunction with The Highways Agency, Shropshire County Council and Powys County Council to obtain a bond of £1M to be in place prior to any development on site, as an indemnity against any resultant damage to the public highway network and separately to indemnify the local highway authorities against any/all third party claims arising from such damage to the public highway network. A further cash deposit of £300,000 index linked shall be made available on completion of the Section 106 agreement for use by the relevant authorities, to fund supervision, monitoring, design and methodology checking, administration, emergency repair works or any other additional works required associated with the proposed development.
3. Prior to any development on site a suitable access road and public highway improvements to the development site, to the satisfaction of Powys County Council's Highways Authority and Herefordshire Council shall be completed. This shall lead from the A4113 public highway on the entrance to Knighton.
4. A method statement for a trial run of the abnormal loads to be provided and agreed in writing by all the interested parties as indicated in Section 3 above prior to development on site. The trial run of the abnormal load vehicles transporting model size parts will be undertaken and a report of the findings submitted to the relevant Authorities as indicated in Section 3 above and the methodology to be agreed in writing with all relevant Highway and Police Authorities.
5. All accommodation works, (such as street furniture removal or reciting, road widening, junction improvements), undertaken at the expense of the developer and a methodology agreed in writing with the relevant Highway and Police Authorities prior to development on site.
6. A traffic management plan shall be submitted and approved in writing by the Highways Authority, Herefordshire Council, Shropshire Council, Powys County Council, West Mercia Police and Dyfed Powys Police prior to any development on site. The traffic management plan shall contain details of a schedule of roads and maps of routes to be used during the transportation phase and the construction phase of the proposed development.

7. A visual and scanner survey of all the highways to be used, either directly or indirectly, as part of this development proposal, (including all agreed formal and informal diversion routes, shall be undertaken at the developer's expense, prior to any development following the abnormal load transportation phase and on ultimate completion of the development. The information received will be used to determine any extraordinary maintenance liability on the part of the developer for which the £1M bond is to be used.
8. Prior to any development on site all design drawings, details and method statements of all works required to enable the transportation of the Wind Turbine units and their construction, including road and junction improvements, construction of lay-bys, alterations to street furniture (signs, barriers, lamp columns etc.) completed with liaison with the Public Transport Authorities (Herefordshire, Shropshire & Powys) and Public Transport Operators (bus and train) with respect to providing alternative transport solutions to passengers while maintaining an appropriate level of service, on all routes and to all destinations affected by the development. All additional costs to services will be borne by the developer. Liaison with all Parish Councils and any other recognised groups or individuals affected by the proposals.
9. In the event that the sum of monies as set out in Clause 1 not being administered within 5 years of each respective payment date, the developer shall be entitled to the repayment of any unspent part.
10. The sums referred to in paragraphs 1, and latterly in paragraph 2 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
11. The developer covenants with Herefordshire Council to pay a surcharge to cover the costs of administering and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

Philip Mullineux  
29 January 2009



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**APPLICATION NO:** DCNW2008/1289/F

Grid Ref: 331969, 269158

**SITE ADDRESS :** Reeves Hill, Reeves Lane, near Knighton, Herefordshire

**SCALE :** 1 : 12501

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

