

**4a 3/11/1190/FP – Erection of a single wind turbine of up to 86.5m in height, substation, access tracks and ancillary infrastructure at Land east of Walkern Road and north and west of High Elms Lane, Benington for Mr Andrew Bott**

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**Date of Receipt:** 01.07.2011

**Type:** Full - Major

**Parish:** BENINGTON

**Ward:** WALKERN

**RECOMMENDATION**

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of five years commencing on the date of this notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The Local Planning Authority shall be notified in writing of the date when electricity from the development is first supplied to the grid, and other than the temporary construction compound, the development hereby permitted shall be removed from the site following the expiry of 25 years from that date. The turbine shall be decommissioned and all related above-ground structures shall be removed from the site and the land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority at least 18 months before the date of decommissioning. Such a scheme shall include details of the manner, management and timing of the reinstatement works to be undertaken and shall be accompanied by a Traffic Management Plan for the removal of large turbine components. The removal and reinstatement works shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the amenity of the area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. If the wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period unless otherwise agreed in writing by the Local Planning Authority.

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Reason: In the interests of the amenity of the area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. In the event that the wind turbine and its associated ancillary equipment are removed in accordance with Condition 3, the land shall be reinstated in accordance with a scheme to be submitted and approved by the Local Planning Authority; such scheme to include management and timing of the works and a Traffic Management Plan.

Reason: In the interests of the amenity of the area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. The temporary construction compound shall be removed no later than six months from the date of commissioning of the turbine, and the ground restored to its previous condition within one year of such removal.

Reason: In the interests of the amenity of the area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. Development shall not be begun until a Construction Traffic Management Plan has been submitted to and approved by the Local Planning Authority. The Construction Traffic Management Plan shall include details relating to:-

- a) Construction vehicle routing;
- b) The management of junctions and crossings of the public highway;
- c) The timing of abnormal load deliveries and details of escorts;
- d) Temporary warning signing;
- e) Proposed accommodation works and where necessary a programme for the removal and reinstatement of street furniture, where required along the route;
- f) Traffic management on the existing highway network;
- g) A method for crossing bridges, culverts and structures for the entire construction route.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety.

7. Prior to the commencement of development a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved Statement, unless otherwise agreed in

writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:

- a) Details of the timing of construction works and methods of working for the tracks and hard surfaces (including surface treatment); cable trenches; foundation work and substation;
- b) Details of the proposed temporary site compound for storage of materials and machinery (including areas designated for car parking);
- c) Siting and details of wheel washing facilities;
- d) Details of dust management;
- e) Disposal of surplus materials;
- f) Post construction restoration/reinstatement of the temporary working areas, including seed mixture, and a timetable for implementation;
- g) Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).

Reason: In order to protect the rural qualities of the area and amenities of neighbouring occupiers in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

8. The proposed access to the site from the public highway and temporary or permanent alterations to the public highway shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of the amenity of the area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

9. The hours of work during the construction phase of the development and any traffic movements to or from the site associated with the construction of the development shall be restricted to 0730 to 1900 hours on Mondays to Fridays and 0730 to 1400 hours on Saturdays. No work shall take place outside these hours (including on Bank Holidays) unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

10. Prior to the commencement of the development, details of the external appearance (including the finish and colour) of the wind turbine shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall incorporate a semi-matt finish for the turbine and shall be implemented as approved.

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Reason: In the interests of the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

11. All wind turbine cables shall be located underground.

Reason: To minimise landscape and visual impacts on the surrounding rural area in accordance with policy SD3 of the East Herts Local Plan Second Review April 2007.

12. Any lighting associated with the construction and operation of the wind turbine shall only be installed and used in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

13. Prior to the commencement of development, detailed drawings and specification of the external materials of construction for the substation building and external transformer shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

14. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This condition will only be considered to be discharged when the Local Planning Authority has received and approved an archaeological report of any required archaeological works.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

15. No works or development shall take place until full details of enhanced and proposed hedge planting have been submitted to and approved in writing by the Local Planning Authority. These details shall include (a) Planting plans (b) Written specifications (including cultivation and other

operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities (d) Implementation timetables. The development shall be carried out in accordance with the approved details and any plants that, within a period of five years after planting, are removed or die, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

16. No development shall take place on site until an Ecological Management Plan, including mitigation measures and a timetable of work, has been submitted to and approved in writing by the Local Planning Authority. This plan shall be implemented as approved and shall address the following matters:

Badgers: A pre-construction badger survey shall be undertaken to identify the location of badger setts and the interactions between them, and a watching brief shall be put in place. No development shall take place within 30m of a badger sett without a licence from Natural England.

Reptiles: A pre-construction survey shall be undertaken to establish the presence of reptiles.

Birds: Prior to the removal of any hedgerow/vegetation, a hand search shall be undertaken by a suitably qualified ecologist to establish the presence of any breeding birds.

Reason: In the interests of protected species in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007 and PPS9 'Biodiversity and Geological Conservation'.

17. The wind turbine shall not be erected until a scheme to secure the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the turbines has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved scheme.

Reason: To protect the amenity of nearby residents in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

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18. No infiltration of surface water drainage into the ground is permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

19. Where the access track crosses existing public rights of way, appropriate warning signs, details of which shall first be submitted to and approved in writing by the Local Planning Authority, shall be erected close to those crossing points. The signs shall be retained in place and maintained throughout the construction period and then removed in accordance with a timetable approved in writing with the Local Planning Authority.

Reason: In the interests of safety for users of the bridleways.

20. No development shall take place until full details of the turbine, including make, model, design, hub height, turbine base to tip height and blade measurements, power rating, sound power levels and tonal assessment have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development, surrounding rural area and neighbour amenity in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

21. Operational noise from the wind turbine shall not exceed  $L_{A90, 10 \text{ mins}}$  of 35 dB(A) up to a standardised 10m height wind speed of 10m/s at the nearest residential properties.

Reason: In the interests of the amenities of residential properties in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

22. At the request of the Local Planning Authority, and following a complaint relating to noise from the turbine, the wind turbine operator shall, at its own expense, employ an independent consultant approved by the Local Planning Authority, to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in ETSU-R-97.

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Reason: In the interests of the amenities of residential properties and to ensure compliance with Condition 21 in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

23. Details of an alternative permissive bridleway at a distance of at least 200m from the turbine shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and the bridleway shall be made available for public use prior to first operation of the turbine and retained thereafter as approved.

Reason: To minimise impact on users of local bridleways.

24. The applicant shall provide written confirmation of the following details to the Ministry of Defence prior to commencement of development:
- a) The date construction will start and end;
  - b) The maximum height of any construction equipment;
  - c) The position of the turbine in latitude and longitude.

Reason: In the interests of safety and security for military aircraft.

#### Directives:

1. Other legislation (01OL)
2. Public Rights of Way (18FD)
3. The applicant is encouraged to make arrangements for a programme of post-construction monitoring of bats in discussion with the Herts Biological Records Centre on 01992 556155.
4. In relation to Condition 24, contact details for the Ministry of Defence are as follows: Safeguarding – Wind Energy, Defence Estates, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL.
5. To ensure all work undertaken on the highway is constructed to the Highway Authority's current specification and standards, the applicant will need to apply to the Eastern Herts Highways Area Office, Hertford House Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL (tel 01438 757800) to determine the necessary procedures before proceeding with the proposed development, and to ensure that the works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

6. Prior to commencement or decommissioning of development the applicant is advised to contact the Eastern Herts Highways Area Office (details as above) to arrange a site visit to agree a condition survey of the surrounding areas of public highway network and the road network likely to be used for delivery vehicles to the development. Under the provisions of S59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Bearing in mind the vulnerability of the two structures in Watton-at-Stone with regards to parapet strikes, Herts Highways may require an Officer presence during movements of the larger loads or videoing of the movements may be considered.

#### **Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD3, GBC1, GBC3, GBC12, GBC14, TR2, TR15, TR20, ENV1, ENV2, ENV11, ENV16, ENV17, ENV20, ENV21, ENV23, ENV24, BH1, BH2, BH3, BH16, LRC10 of the Local Plan, ENG1 and ENG2 of the East of England Plan, and PPS1, PPG2, PPS5, PPS7, PPS9, PPS22 and PPG24. The balance of the considerations having regard to those policies, and the Inspector's decision for 3/08/0889/FP, is that permission should be granted.

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#### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract and comprises agricultural land owned and farmed by R H Bott & Son. The site lies approximately 1.7km south of Benington village, 1.9km north of Watton-at-Stone, 2.3km southeast of Aston, and 3.1km east of Stevenage.
- 1.2 The application proposes to erect 1 no. 800kW wind turbine with ancillary infrastructure including a concrete crane base, underground cables, electricity sub-station, access track, and a temporary construction compound with access off Walkern Road. The application proposes that the turbine is in place for a period of 25 years, and that the land could then be re-instated for agricultural purposes.
- 1.3 Members may recall that a previous application for 3 no. larger 2MW turbines was refused in January 2009 and later dismissed at appeal following a public inquiry. This turbine is in the same field but not proposed in an identical location to any of those previously dismissed; it



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will be sited approximately 80m southwest of the previous turbine 1. This is in order to maintain adequate separation distances to hedgerows and field boundaries for the protection of bats in accordance with more recent Natural England guidance.

- 1.4 Based on annual average capacity, enough energy would be expected to power 345 dwellings, and the proposal is anticipated to result in carbon dioxide reductions of between 654 tonnes (assuming displacement of gas generating plant) and 1590 tonnes (assuming displacements of coal generating plant) per annum.
- 1.5 The turbine will be located within the Rural Area Beyond the Green Belt, whilst much of the access tracks, sub-station and construction compound will be located in the Green Belt. There are no other land designations affecting the application site. There is a private airfield approximately 600m to the northwest.
- 1.6 The application intends to use an Enercon E53 800kW turbine; however this is dependent on availability. This turbine has a hub height of 60m and a rotor diameter of 53m, giving a total height to the tip of the blade of up to 86.5m. The tower diameter measures some 3.3m at the base of the turbine and 1.3m at the top. The turbine will rotate in a clockwise direction (when viewed from the front) at a speed of between 12rpm and 28.3rpm (revolutions per minute). It has a variable speed control allowing it to adjust to wind speeds and allow the optimum amount of energy to be captured. It is designed to cut in at a wind speed of 2m/s (approx. 4.5mph) and reach its maximum rated capacity at a wind speed of 13m/s (approx. 29mph). The turbine will cut out in high wind conditions for safety reasons (typically 28-34m/s or 63-76mph).
- 1.7 The turbine is expected to generate some 1,840MWh of electricity, meeting the annual electricity needs of 345 local homes. The applicant has calculated that the project would become energy positive within 2 years of operation, i.e. that it would offset the energy used in its development, manufacture, construction, operation, decommissioning and disposal within a 2 year period.
- 1.8 The concrete crane pad will comprise an area of hard-standing that will measure 30m by 20m and is necessary to allow for the assembly and decommissioning of the turbine by crane. It will remain in place for the lifetime of the project. An external transformer cabinet is proposed at the base of the turbine and will measure up to 4m by 2.6m with a flat roof up to 2.4m high. This is proposed as an option as it may be possible to incorporate this equipment within the base of the turbine depending on the selected model. The transformer is required to convert the electricity

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to a higher voltage (11kV) in order to be transported to the substation. This is because transporting electricity at low voltage apparently leads to substantial energy line losses. The transformers were previously proposed to be sited within the turbine bases on the larger three turbine scheme.

- 1.9 The hard-standing is proposed to be accessed by a new 4.5m wide access track proposed to extend some 330m across fields to the north of the turbine, then west to cross Cotton Lane and fields for a further 650m to the existing farm buildings off Walkern Road. The existing site entrance on Walkern Road will be used for construction access and require some modifications.
- 1.10 The electrical sub-station will provide the link between the underground cables of the turbine and the National Grid through a local electricity provider. Indicative details of the sub-station have been submitted and depending on the choice of supplier, will measure either 3.1m by 2.8m and up to 2.3m high, or 2.7m by 2.4 and up to 2.6m high. This is proposed to be located adjacent to the construction compound, approximately 250m into the site from Whitehall Farm, and full details can be controlled by way of condition.
- 1.11 The compound will comprise a hard-standing of approximately 30m by 40m with parking and storage areas, temporary offices, toilets and a re-fuelling area enclosed by security fencing. This compound is only required for the duration of construction works after which the land will be re-instated.
- 1.12 It is no longer necessary to erect a permanent meteorological mast as part of the project.
- 1.13 The application is accompanied by an Environmental Statement (ES) as required by The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

### **2.0 Site History:**

- 2.1 Members may recall that a previous application for a wind farm of 3 no. 2MW turbines was refused permission at Committee on 14<sup>th</sup> January 2009 and later dismissed at appeal following a public inquiry (reference 3/08/0889/FP). Those turbines measured up to 119m in height (to the tip of the blade) and the application also included more extensive access tracks and a permanent 80m high meteorological mast.

- 2.2 In dismissing the appeal, the Inspector concluded that there were four main issues, as below:
- Two of the three turbines would be inappropriate development in the Green Belt, would conflict with one of the Green Belt purposes, that of assisting in safeguarding the countryside from encroachment, and would significantly reduce openness – contrary to Local Plan policy GBC1, and PPG2;
  - The scale, motion and intrusion of the turbines would have significant adverse visual effects and impacts on landscape character in four of the five principal local Landscape Character Areas (LCAs) and lesser but still harmful effects on a further two such areas – contrary to Local Plan policy GBC14 and RSS policy ENV2;
  - There would be a serious adverse effect on living conditions in one local dwelling (Gregory’s Farm), but he concluded that *“without disrespect to those who would be affected, it is not something that can weigh heavily in the balance”* (para 114);
  - Some users of nearby rights of way would be likely to have their enjoyment of the countryside diminished by sight of the turbines at close range, especially where relative tranquillity and absence of development can presently be enjoyed. He concluded this was *“not determinative in itself but adds some further weight to the harm identified in terms of visual and landscape character impacts”* (para 115);
  - There would be significant harm to the setting of two listed buildings, Gregory’s Farm and Frogmore Hall, and to the character of the locally designated Frogmore Park. He states that *“in both cases important attributes of their settings would be damaged, namely rural isolation at Gregory’s Farm and the historic park in the case of Frogmore Hall”* (para 116) – contrary to Local Plan policies BH12 and BH16 and RSS policy ENV6.
- 2.3 In terms of benefits, he found that there would be a tangible contribution to regional and national targets for renewable energy generation in line with the positive thrust of RSS policy ENG2 and Local Plan policy SD3, and the benefits in terms of electricity development and carbon dioxide savings were significant. However, he concluded that *“the benefits of the proposal, substantial though they are, do not outweigh the harm to the natural and historic environment. So far as the Green Belt is concerned, the harm by reason of inappropriateness, and the other harm I have*

*identified, are not clearly outweighed by other considerations in the shape of benefits of the proposal; and the very special circumstances necessary to justify the development do not therefore exist” (para 120).*

### **3.0 Consultation Responses:**

- 3.1 The Environment Agency recommend consent subject to a condition on surface water drainage.
- 3.2 County Highways do not wish to restrict the grant of consent subject to conditions. They comment that “the highway issues associated with this proposal were considered in great detail during the consultation process associated with the previous application and subsequent planning appeal for three turbines 3/08/0889/FP. In a highway context this proposal does not raise any new issues and consequently the response of the highway authority remains one of a conditional approval.”
- 3.3 The Council’s Conservation Officer recommends consent. She comments that given the turbine’s scale it is inevitable there will be an impact on the visual, built and natural character and appearance of the area. However, in this instance, the visual harm of a single turbine on the setting of listed buildings and the wider area is much reduced and considered acceptable when balanced against a wider sustainable agenda.
- 3.4 The Council’s Landscape Officer recommends consent. He comments that the development will result in change to Landscape Character Area 71 and much of the surrounding landscape within a 1km radius including LCAs 38, 39 and 40, and would introduce a tall moving structure which is not characteristic of the current site landscape. In terms of landscape character, he comments that “the key issue is how far this landscape impact will extend and whether this change is acceptable. The turbine is quantifiable and can be easily described, and some negative impact on the landscape character of the area will be of reduction to characteristics such as tranquility and wildness. Tranquility and remoteness in the landscape are a valuable and seemingly elusive resource and should not be understated. It is promoted by visual, aural and to a lesser extent other sensory stimuli either as a direct response or a cue to memory. Tranquility induces and inspires feelings of calm and well-being and therefore has a positive effect on health and quality of life. The severity of impact however, on these qualities by the proposed single wind turbine which is of moderate (by wind turbine standards) size, should not (realistically in my view) be considered as excessive.”
- 3.5 In terms of landscape and visual impact, he goes on to conclude that “at

the broad landscape level, the turbine will appear as a single feature and will appear from many locations as the only built structure in the landscape, although this may not necessarily be aesthetically displeasing. At the local level and especially from Aston, Benington and Datchworth, the wind turbine will be an intrusion in an otherwise remote and tranquil setting. The wind turbine will still appear taller than anything else in the vicinity. However in my opinion the single turbine proposed does not excessively detract from or compromise the otherwise simplicity of this rural setting – it is important to recognise the manifest reduction in scale of this proposal in comparison to the previous application.”

- 3.6 In terms of landscape sensitivity and capacity, he concludes that the reduction in number to a single turbine, together with the associated reduction in height is enough to raise the capacity of the surrounding landscape sufficiently to accommodate the proposed development.
- 3.7 Finally, in terms of leisure and recreation the proposal is considered to be acceptable as the Inspector had concluded that “Where rights of way pass closest to the turbines, at distances between 85 m and 100 m, the effects upon those using the paths would inevitably be one of overwhelming scale but this does not in itself amount to unequivocal and unacceptable harm to enjoyment of the countryside. Much depends on the observer’s attitude to wind turbines and renewable energy development in general, and upon the extent to which the turbines would be seen in the overall walk, cycle or horse ride....etc.”
- 3.8 He concludes that “where the turbine will be seen on its elevated skyline as it will along Town Lane, Benington or on the road from the village to Aston, or where there is no intervening screening, as from the rights of way around Gregory’s Farm, it will be prominent in the landscape and be a dominant man made feature. However I do not consider a single turbine of reduced height to be so at odds with the character of the pastoral landscape and the uncluttered skyline as the previous application for a cluster of three larger turbines.
- 3.9 I consider that at 86.5m, the wind turbine can be reasonably accommodated in the landscape and on the proposed site. The scale and height of the turbine will not in my view have excessive negative visual impact upon the affected landscape character areas although the visual impact on Gregory’s Farm alone will be significant. I therefore (on balance) advise the LPA to support this application for renewable source of power generation of this scale in this location, in-keeping with the government’s national policy commitments to lower carbon emissions and climate change.”

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- 3.10 Environmental Health recommend consent subject to a condition on noise. They comment that at the previous appeal, the Inspector concluded that the 3 larger turbines would not cause an unacceptable noise nuisance for neighbouring properties. This application is for a single smaller turbine so the noise levels would be expected to be lower and the predicted noise levels calculated by the applicant's noise consultant confirm this expectation.
- 3.11 The County Archaeological Officer recommends consent subject to a condition requiring a programme of archaeological work.
- 3.12 English Heritage considers that the proposal may have adverse impacts on the settings of heritage assets within a 10km radius and urges these to be fully assessed before the application is determined. They comment that their guidance note *Wind Energy and the Historic Environment* emphasises that for towers over 60m in height, the zone of visual influence may well be in excess of this. The potential visual impacts should therefore be modelled and seasonal variations taken into account. They especially refer to the registered parks and gardens and conservation areas such as Benington and Watton-at-Stone as well as views to and from the Grade I or II\* listed buildings including Benington Church and Chapel Farm.
- 3.13 NERL Safeguarding has no safeguarding objection to the proposal. NERL stands for the NATS (National Air Traffic Services) En Route Plc which is responsible for the safe movement of aircraft in UK airspace.
- 3.14 BAA Airports have no objection from a safeguarding perspective for Stansted Airport.
- 3.15 The Ministry of Defence has no objection to the proposal but if permission is granted they must be informed of construction dates, the maximum height of construction equipment and the latitude and longitude of the turbine.
- 3.16 Natural England has no objection to the proposed development subject to it being carried out in strict accordance with the details of the application. They are satisfied that the development is not likely to give rise to significant adverse impacts on bat populations.
- 3.17 In response to the submission of an ecological report from the Action Group, Natural England comment that the appropriate document for a single wind turbine is *Natural England Technical Information Note TIN059 (Bats and single large wind turbines: Joint agencies interim guidance)*, rather than *TIN051 (Bats and onshore wind turbines interim*

*guidance*). This recommends that a bat survey be carried out for turbines within 50m of specific landscape features. The proposed turbine is located just over 50m from the nearest hedgerow and would normally be regarded as 'low risk' and bat surveys would not be mandatory under this guidance.

- 3.18 Herts Biological Records Centre recommend consent subject to a number of conditions to minimise impact on wildlife and habitats. In response to the Action Group bat report discussed above, HBRC conclude that the risk to bats is low in a local context. The LPA could ask the applicant to review the location of the turbine against the requirements of TIN059 but other than that, it would be unreasonable for the LPA to require further consideration. Finally, he comments that research on bats and single turbines is virtually non-existent, hence his recommendation for post-development monitoring and a research study.
- 3.19 The Campaign to Protect Rural England (CPRE) object on the grounds that the proposal would harm the visual amenities of the Green Belt contrary to PPG2, and the associated development is inappropriate in the Green Belt; very special circumstances must therefore be demonstrated. They comment that there is nothing in the East of England Plan to justify a wind turbine at Benington, and there is no suggestion in the Hertfordshire Renewable Energy Study (Entec 2005) that Benington would be a suitable location to provide this capacity. The Landscape and Visual Impact Assessment does not follow the Horner + MacLennan Landscape Architect's report to Hertfordshire County Council (2006), and there will be a significant impact on landscape character, receptors using public rights of way, and a major impact on the tranquillity of the area. They comment that the real impact is likely to be even greater due to the selective number of viewpoints.
- 3.20 The CPRE are also concerned that the applicant understates the impact of abnormal vehicle loads on local traffic which will have a significant impact and be likely to cause severe disruption to regular road users. Finally, the 25 year period is not considered to be temporary, and the proposal to run cables underground is not supported by a viability appraisal.
- 3.21 The British Horse Society raise a number of concerns over the proximity of wind turbines to public bridleways; however many of the points relate to the previous three larger turbine scheme. They request conditions that the turbine is not located within 200m of any public bridleway, byway or unclassified road; that all works affecting rights of way take place with the approval of Herts County Council; that where an access track follows a public bridleway there should be a post and rail fence separating users

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and drivers; that if a track crosses a bridleway it should be at a right angle, and that a newly dedicated circular route of restricted byway status be constructed prior to works commencing to allow horse riders to circumnavigate the turbine.

- 3.22 North Herts District Council have no comments to make except that the views of rural Parish Councils in the North Herts district should be sought. They advise that their authority determined an application for three larger turbines at Weston in 2006 and concluded that the wind turbines would appear imposing and compromise the landscape character of the area.
- 3.23 Welwyn Hatfield Borough Council comment that the turbine is some distance from the local authority boundary and the proposal is unlikely to cause a direct impact. They comment that although the site is not in the Green Belt, paragraph 3.15 of PPG2 states that consideration needs to be given to the visual impact of the proposal on the wider Green Belt.
- 3.24 Stevenage Borough Council make no comment as the distance between the turbine and the administrative boundary would ensure that there would be no significant material impact on residents or people who work in the Borough.

#### **4.0 Parish Council Representations:**

- 4.1 Benington Parish Council object for the following reasons:
- This application is not substantially different to the previous application;
  - Concern over the cost to the tax payer of fighting this application;
  - Immense visual and environmental impact; the turbine would be out of scale with the surrounding landscape and historic setting;
  - Loss of amenity to walkers, cyclists and horse riders; the turbine is 100-160m closer than the minimum recommended distances to bridleways;
  - Permanent ecological damage due to removal of hedges and danger of moving blades;
  - Enormous disruption during construction, particularly to Watton-at-Stone;
  - Impact on human health through noise, vibration and flicker;
  - Significant adverse visual impact on Gregory's Farmhouse, Frogmore Hall and associated park;
  - A village referendum showed 69% against the turbine, 29% in favour and 2% undecided (a 73% response rate from 666 people on the electoral roll).



4.2 Watton-at-Stone Parish Council object for the following reasons:

- This large industrial man-made structure will dominate the skyline and be out of proportion to the natural surrounding landscape;
- Visual impact will be harmful to the natural and historic Beane Valley;
- Negative impact on Gregory's Farm;
- A poll of 246 residents shows 70% were against this proposal, 16% for, and 14% undecided;
- An extraordinary Parish meeting was held on 10<sup>th</sup> July and 100% of the residents present asked Councillors to vote against the scheme.

4.3 Aston Parish Council object for the following reasons:

- The turbine is in an important and sensitive area and is out of scale with the landscape – paragraphs 26, 36, 37, 52, 53 and 113 of the previous Inspector's report still apply;
- The proposal conflicts with Local Plan policies SD3, GBC2, GBC3, Area 39 of the Landscape Character Assessment SPD, and PPG2 and PPS22;
- The balance between negative visual impact and energy benefit is worse than the original proposal by a factor of 2. They calculate that the combined heights of the 3 turbines was 360m compared to 86.5m (24% of original visual impact), and the 3 turbine scheme would generate enough electricity for 3,000 houses compared to 364 (12% of the original expected energy);
- The proposal is contrary to the Aston Parish Plan policy PD1 as it will alter the rural outlook from the village. 81.5% of Aston residents opposed the previous scheme and they have no reason to believe that views will have changed.

4.4 Datchworth Parish Council object for the following reasons:

- The benefits do not outweigh the harm to the natural and historic environment and the Green Belt;
- Very special circumstances necessary to justify the development do not exist.

4.5 Great Munden Parish Council object for the following reasons:

- Visual intrusion on the countryside and rights of way;
- Uneconomic to subsidise a turbine in one of the least windy counties in the UK – offshore wind potential is 10 times greater than onshore;
- Development should not be allowed in the Green Belt and may set a precedent for more unacceptable development;

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- Development should not be allowed in a rural area where the visual impact would have a seriously detrimental effect on otherwise beautiful landscapes;
- Adverse effect on the health of people living close by;
- Turbines would be too close to lanes, paths and bridleways and could frighten horses;
- Turbine blades have been shown to kill birds and bats; there is a large population of bats and barn owls in the area;
- Construction would have a major impact on the local area;
- Views of the turbine could cause driver distraction and increase road accidents;
- Amount of electricity produced would be insignificant compared to impact on the surrounding area.

#### 4.6 Little Munden Parish Council object for the following reasons:

- Hertfordshire countryside is already under much pressure and it would be irresponsible to permit a wind turbine in an area of unspoiled natural beauty;
- It is the most densely populated county in the UK and cannot afford to lose open space to a scheme that appears to be of little environmental value;
- Hertfordshire is also one of the least windy counties in the eastern region;
- Detrimental effects outweigh any benefits in terms of CO<sub>2</sub> emissions and climate change;
- Turbines are only economically viable through Government subsidies and the only financial winners are the developers;
- Concerns over turbine noise, adverse health effects, increase in road traffic during construction, impact on ramblers, horse-riders and wildlife, and reduced house prices in the vicinity.

#### **5.0 Other Representations:**

- 5.1 The application has been advertised by way of press notice, site notices and neighbour notification.
- 5.2 At the time of writing this report, a total of 701 letters have been received, comprising 603 objections and 98 letters of support.
- 5.3 Of the letters of support, 56% (55) have been received from addresses within the immediate vicinity (Benington, Whempstead, Watton-at-Stone, Dane End, Haultwick, Aston and Walkern), 43% (42) have been received from addresses elsewhere in Hertfordshire and the UK, and 1% (1) unaddressed. A petition of support with 20 signatures has also been

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received with 7 from Walkern addresses and 13 from beyond, along with a petition of 12 signatures from residents in Benington raising concerns that public money may have been used to fund the campaign against the wind turbine and that the local Member of Walkern has also previously spoken publically against the proposal.

5.4 Of the letters of objection, 56% (339) have also been received from the same local addresses with 41% (248) from addresses beyond and 3% (16) unaddressed.

5.5 The main issues raised in support of the application are as follows:

Landscape/Visual Impact	<ul style="list-style-type: none"><li>- Much reduced visual impact relative to the previous application;</li><li>- Turbines can be seen as elegant structures and mobile sculptures;</li><li>- The turbine will sit comfortably in the landscape and is suitable for the area;</li><li>- Would be a delight to see the turbine in operation from residential windows;</li><li>- Turbine would not amount to an industrialisation of the landscape – no more than windmills in previous generations;</li><li>- No impact on footpath walkers;</li><li>- Difficult to understand how the turbine would be out of proportion with the Datchworth Church spire some 2 miles away;</li><li>- Proposal employs all reasonable mitigation measures;</li><li>- Site is close to a previous windmill.</li></ul>
Green Belt	<ul style="list-style-type: none"><li>- The proposal is not on Green Belt land.</li></ul>
Residential Amenity	<ul style="list-style-type: none"><li>- Shadow flicker would not affect any building;</li><li>- The turbine would not increase noise levels in any habitable building and would be hardly noticeable in Cotton Lane;</li><li>- Impact on Gregory's Farm is clearly regrettable.</li></ul>
Highways and Traffic Impact	<ul style="list-style-type: none"><li>- Once built the proposal will not generate increased traffic.</li></ul>
Climate Change and Energy	<ul style="list-style-type: none"><li>- Renewable energy is necessary for future energy supply;</li><li>- Proposal will contribute to regional, national and international targets for reducing CO<sub>2</sub> emissions;</li><li>- HCC is committed to the Nottingham Declaration on reducing CO<sub>2</sub> emissions;</li></ul>

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	<ul style="list-style-type: none"><li>- Turbines are one of the most efficient renewable energy providers;</li><li>- Turbine will be carbon free after 2 years of operation;</li><li>- Makes sense for rural communities to generate electricity locally;</li><li>- Proposal will cause no pollution - clean energy;</li><li>- The area is prone to long and sustained wind;</li><li>- Better than sourcing energy from a nuclear power station.</li></ul>
Ecology	<ul style="list-style-type: none"><li>- Minimal impact on wildlife;</li><li>- Fulfils Natural England guidelines on bats.</li></ul>
Miscellaneous	<ul style="list-style-type: none"><li>- All of the criteria from the previous application have been met;</li><li>- Proposal complies with all local and national guidance;</li><li>- Proposal would be safe and secure with underground cabling;</li><li>- The scheme will provide local jobs;</li><li>- Approved by the Aviation Authority and Ministry of Defence;</li><li>- If the turbine becomes obsolete it should be removed;</li><li>- Very small land take will enable farming to continue;</li><li>- Positive contribution far outweighs impacts;</li><li>- Farmers need to make their business viable;</li><li>- Visits to other wind farms/turbines show no harmful impact.</li></ul>

5.6 The main issues raised in objection of the application are as follows:

Landscape/ Visual Impact	<ul style="list-style-type: none"><li>- Harm to landscape and Beane Valley – would dwarf anything else in its surroundings;</li><li>- The proposal conflicts with Local Plan policy SD3 and Landscape Character Area 39;</li><li>- Area of outstanding beauty is not the place for industrial machines;</li><li>- Precious landscape in a heavily populated county;</li><li>- Turbine will blight views of the countryside and be visible from houses;</li><li>- Although the turbine has been reduced in scale it will still be out of scale with the countryside;</li><li>- Impact on users of the countryside and visitors – walkers, cyclists, horse-riders;</li><li>- The turbine is too close to footpaths, bridleways and</li></ul>
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	<p>byways;</p> <ul style="list-style-type: none"><li>- The submitted visualisations show summer months – visual impact in the winter will be much more obtrusive;</li><li>- There are no pylons in the area because planning permission was refused for them to be above ground – the same arguments should apply today;</li><li>- Impact on listed buildings – Frogmore Hall, Gregory’s Farm, and Benington Park and Woodhall Park registered historic parks;</li><li>- Suggestion that the historic bridge at Watton-at-Stone will need to be demolished and re-built;</li><li>- The character of Benington village will be changed forever with many views dominated by rotating blades;</li><li>- Flashing light on top would ruin the area at night;</li><li>- One smaller turbine still causes the same damage as three larger ones by dominating the Beane Valley;</li><li>- Movement of the blades would draw the eye, increasing the visual impact.</li></ul>
Green Belt	<ul style="list-style-type: none"><li>- Impact on adjacent Green Belt.</li></ul>
Residential Amenity	<ul style="list-style-type: none"><li>- Noise nuisance to nearby residents and query what protection is afforded to residents if noise levels exceed the limits?</li><li>- Adverse health effects from low frequency noise – nausea, head-aches, depression and sleep deprivation;</li><li>- Harm to children’s’ health – school performance will suffer;</li><li>- Amplitude modulation noise has not been taken into account in ETSU-R-97, which is out of date and has been the subject of much criticism;</li><li>- The Enercon turbines have been particularly associated with noise problems;</li><li>- Scotland does not allow any turbines within 2km of housing. Other experts recommend 1.5km. Many dwellings are located within these distances;</li><li>- Inappropriate to place turbines in close proximity to dwellings in any part of the UK;</li><li>- Impact on residents due to shadow flicker and vibration as well as noise;</li><li>- Stress and sadness for residents faced with the turbine everyday;</li><li>- Potential television interference.</li></ul>

<p>Highways and Traffic Impact</p>	<ul style="list-style-type: none"><li>- Immense disruption to local traffic, amenities and local businesses during construction;</li><li>- Large construction vehicles would be a danger to residents, other motorists and cyclists;</li><li>- Widening of Walkern Road and removing trees and hedgerows to allow access would have a detrimental impact on visual impact and wildlife;</li><li>- Pollution and dust from heavy goods vehicles during construction;</li><li>- Driver distraction caused by moving blades, particularly on the bend at Heath Mount School;</li><li>- Local roads will not cope with the extra construction and 'sightseer' traffic this scheme would generate.</li></ul>
<p>Climate Change and Energy</p>	<ul style="list-style-type: none"><li>- Little contribution to reducing CO2 emissions;</li><li>- Turbines cannot produce the electricity that was hoped for and are not economically viable;</li><li>- Not an appropriate site as Hertfordshire is not particularly windy;</li><li>- Construction and maintenance uses more energy than can be produced;</li><li>- Support for renewable energy but the benefits do not outweigh the costs;</li><li>- Turbines should be placed off-shore;</li><li>- Money would be better spent installing solar panels on individual properties rather than benefitting just one land owner;</li><li>- Some European countries have stopped onshore wind farm developments;</li><li>- Electricity generation would be 89% less than previously proposed;</li><li>- Wind turbines are not reliable – back-up power stations are still required;</li><li>- Query whether the applicant has explored alternative renewable energy sources on their property, or alternative sites within the county;</li><li>- At the inquiry, the applicant had previously stated that if the turbines were any lower they would not be viable.</li></ul>
<p>Ecology</p>	<ul style="list-style-type: none"><li>- Impact on wildlife and habitats, including a breeding pair of red kites, buzzards, barn owls, skylarks, partridge, bullfinches, goldfinches, starlings, heron, woodpeckers, kestrels, brown hares, rabbits and deer;</li><li>- Bats and birds are regularly killed by wind turbines;</li><li>- Horses would spook at the turbine and the riding</li></ul>

	<p>experience in the area would be ruined;</p> <ul style="list-style-type: none"><li>- The distance between the turbine and bridleways/byways falls well short of British Horse Society regulations;</li><li>- The submitted ecology report does not meet the latest guidance for assessing impact on bats;</li><li>- Not clear whether there has been a proper and precise environmental audit of the scheme.</li></ul>
Safety	<ul style="list-style-type: none"><li>- Impact on safe use of the adjacent airstrip;</li><li>- Turbines can catch fire due to gear oil failure and scatter debris over the area;</li><li>- Ice can also form on the blades and fly off causing danger to walkers and horse-riders.</li></ul>
Miscellaneous	<ul style="list-style-type: none"><li>- Query how much these applications are costing the public purse;</li><li>- Anger, shock and disappointment that this application has been made;</li><li>- Surprise that the Council has allowed the application to be submitted;</li><li>- The Planning Authority and Members cannot ignore this democratic categorical rejection;</li><li>- Previous Inspector's reasons for refusal continue to apply – this application is no different;</li><li>- Change of use of land from agricultural to industrial is unacceptable;</li><li>- Concern that applications for more turbines will follow – a 'foot in the door' application for the previous proposal;</li><li>- Applicants submitted their application in the summer holidays;</li><li>- Reduction in property prices with no compensation, and loss of potential buyers due to this application;</li><li>- Some residents were not informed of the application by post, no notices were placed near their residences and there has been no consultation with the local community;</li><li>- The applicant had previously objected to a 50ft tower at Gregory's Farm;</li><li>- Although the turbine is proposed for 25 years, the developers will surely apply for an extension;</li><li>- No job creation benefits to the local community;</li><li>- Insufficient data to assess the financial viability of the project or to know whether there are any other more appropriate sites in Hertfordshire;</li><li>- The site lies outside an area identified by HCC in its</li></ul>

	<p>July 2005 Entec study as the best locations for wind turbines;</p> <ul style="list-style-type: none"><li>- The wind turbine at Ardeley is only 18m high;</li><li>- Formal complaint to the Advertising Standards Agency over the wording of the applicant's support leaflet – contains false and misleading information.</li></ul>
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5.7 The Stop Benington Wind Farm Action Group (SBWFAG) formed to oppose the previous application and have submitted an objection document raising the following points:

- Strongly argue that the reduction in number of turbines from three to one and a small reduction in height does not tip the planning balance in favour of approval;
- The benefit has been reduced by 90% but there continue to be considerable adverse impacts – this scheme is worse than the original scheme in terms of the planning balance as the benefits have been reduced more than the residual adverse impacts;
- Turbine is totally out of scale with the surrounding villages and rural landscape, and will adversely alter the existing landscape character and Gregory's Farm;
- Unacceptable dominating impact on visual amenity of Gregory's Farm;
- The sub-station and tracks will be in the Green Belt;
- Significant adverse visual impact on Gregory's Farm and Frogmore Hall and associated park contrary to national and regional policies;
- The enjoyment of the countryside would be compromised due to the strong and well used network of public Rights of Way in the area and proximity of the turbine;
- The proposal contravenes a wide range of national, regional and local planning policies;
- PPS22 clearly states that renewable energy developments should only be approved where the environmental, economic and social impacts can be addressed satisfactorily;
- The scheme is in a totally inappropriate location;
- The submitted ES repeats assertions for the three turbine scheme although the findings of the Inspector were in direct conflict with those assertions;
- Policies GBC2 and GBC3 provide protection against inappropriate development in rural areas and should still apply despite the Inspector's decision;
- Inadequacies in the submitted visualisations and chosen viewpoints – the Action Group have again submitted their own visualisations;
- Noise calculations may be inaccurate – the respective maximum sound power levels at 10m/s give a difference of 2.5 dB between the



two schemes and it is difficult to understand why this becomes a 7.8 dB difference at Gregory's Farm, and the 1 dB error factor in the manufacturer's sound power levels should be included as a worst case scenario;

- Smaller Enercon machines have had problems in the past with excessive noise;
- Small reduction in hub height will not significantly reduce visual impact on users of public rights of way – reduction in area of significance from 5km to 2km in the ES is unjustified;
- Significant adverse effect on horse-riders – the turbine does not comply with the British Horse Society's recommended separation distances;
- A more comprehensive assessment of television interference is required to enable the Council to make an informed decision;
- Hertfordshire is in the lowest wind speed area in the country;
- The amount of electricity produced will be negligible in terms of achieving any targets, and there is no pressing need for the turbine;
- Possibility of further wind turbine development if one is approved;
- The area is of greater than normal importance for bats and the ES has not undertaken a sufficiently robust, impartial and credible assessment of ecological impacts;
- No evidence in the ES to support the claimed capacity factor (26.3%) given that this is a low wind speed site – unlikely that the turbine will operate at a capacity factor of more than 19%;
- Opposition to this scheme is widespread and represents public opinion.

5.8 SBWFAG have also again commissioned LizLake Associates to produce a landscape assessment, which raises the following points:-

- No evidence that the ES has addressed the adverse impacts identified by the Inspector;
- No explanation for the reduction in landscape impacts assessment from 5km to 1km;
- No examination of how the one turbine scheme would reduce the adverse impacts on listed buildings identified by the Inspector.

5.9 A Bat Survey report has also been commissioned by SBWFAG and carried out by Phil Richardson raising the following points:-

- No surveys have been carried out in the spring, and those conducted were of very limited coverage;
- Bats that are difficult to detect on electronic detectors were largely ignored;
- No surveys were carried out at the height of the turbine blades;
- There is no information on weather conditions for the 2009 survey;
- The survey does not conform to Natural England or the Bat

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Conservation Trust guidelines;

- The roost survey was limited – no woodlands close to the site were surveyed for bat roosts;
- No attempt to explain the extreme differences between the 2007 and 2009 surveys.

5.10 Aston Village Society (representing 50 households in Aston) object for the following reasons:

- Turbine will dominate the landscape;
- It is inappropriate in this location and not in an area identified where wind energy development might be appropriate;
- Proposal is still in conflict with East of England Plan policy ENV2 and Local Plan policy GBC14;
- The balance between negative visual impact and energy benefits is worse than the original proposal by a factor of 2.

5.11 Oliver Heald MP objects for the following reasons:

- The land is next to the Green Belt and will damage the Green Belt;
- Visual impact on the historic village of Watton-at-Stone and the River Beane valley;
- Harm to the view from important historical buildings;
- Danger that businesses will be affected by a reduction in visitors and a less attractive area for horse riding;
- Damage to wildlife, including rare bats.

5.12 Cllr Ken Crofton (Walkern Ward) objects to the application and has listed a number of reasons which are covered in the residents' objection letters, as contained in the above table.

## **6.0 Policy:**

6.1 The relevant saved Local Plan policies in this application include the following:-

SD3	Renewable Energy
GBC1	Appropriate Development in the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC12	Agricultural Land
GBC14	Landscape Character
TR2	Access to New Developments
TR15	Protection of Equestrian Routes
TR20	Development Generating Traffic on Rural Roads

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ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV17	Wildlife Habitats
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV23	Light Pollution and Floodlighting
ENV24	Noise Generating Development
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH16	Historic Parks and Gardens
LRC10	Tourism

6.2 Of further relevance are adopted East England Plan (Regional Spatial Strategy) policies:

ENG1	Carbon Dioxide Emissions and Energy Performance
ENG2	Renewable Energy Targets

6.3 Government Guidance is also provided in the following guidance notes:

PPS1	Delivering Sustainable Development
PPS1	Supplement: Planning and Climate Change
PPG2	Green Belts
PPS5	Planning for the Historic Environment
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPS22	Renewable Energy
PPG24	Planning and Noise

6.4 Government have published a draft National Planning Policy Framework (NPPF) to replace the above planning policy statements and guidance notes; however little weight is given to this document as it is only at the draft consultation stage.

6.5 A draft Planning Policy Statement 'Planning for a Low Carbon Future in a Changing Climate' was issued in March 2010 to amalgamate PPS1 and PPS22; however little weight is given to this document due to the release of the draft NPPF.

## **7.0 Considerations:**

### **Principle of Development**

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- 7.1 The proposed turbine will be located in the Rural Area Beyond the Green Belt, and policy GBC3 does not specify wind turbines as an appropriate form of development. This was one of the reasons for the Local Planning Authority refusing previous application 3/08/0889/FP. However, regard is had to paragraph 23 of the appeal decision where the Inspector stated the following:
- 7.2 *“Although renewable energy schemes are not included in the categories of development deemed not inappropriate, it is hard to see what harm is alleged in terms of GBC2 and GBC3, other than a conflict with the strict wording of policy. Also, although adoption of the Local Plan postdates publication of PPS22, these Policies are arguably in conflict with advice in the latter that the approach to renewable energy should be promotional and encouraging rather than restrictive.*
- 7.3 *“There would also appear to be an internal conflict with LP Policy SD3 which supports exploitation of renewable energy, including wind power, in principle and without reference to specific areas where it is not to be permitted. At the Inquiry the Council’s planning witness accepted that the principal concern under the second reason for refusal was adverse visual impact and I consider that this can be adequately considered against the background of LP Policy GBC14. Policies GBC2 and GBC3 in themselves add nothing of substance to the debate and I see no need to consider them further.”*
- 7.4 The Inspector therefore did not dismiss the appeal on the grounds of the principle of development in the Rural Area Beyond the Green Belt, and Officers therefore consider the principle of this turbine and its associated infrastructure within the Rural Area to be acceptable. The main issue in respect of the Rural Area relates to the visual impact of the proposal which is discussed in much more details below.
- 7.5 Some ancillary infrastructure is proposed within the Green Belt, including the access track, sub-station and temporary construction compound, and therefore policy GBC1 also applies. The access track amounts to an engineering operation which is defined as inappropriate development unless it maintains openness of the Green Belt, and does not conflict with the purposes of including land in the Green Belt. The access track will be constructed at ground level and will therefore not impact on openness, nor would it conflict with any of the purposes of including land in the Green Belt. The construction compound would have some impact on openness but is not considered to be inappropriate given its temporary nature. This would be secured by condition and the land reinstated.

- 7.6 The sub-station building technically amounts to inappropriate development in the Green Belt in conflict with policy GBC1 and PPG2, and therefore very special circumstances must be demonstrated that clearly outweigh the harm by reason of inappropriateness and any other harm. It is your Officers' opinion that the sub-station would be justified under the very special circumstances of needing to support the wind turbine if this is considered to be acceptable in respect of all other policies. A similar sub-station was proposed in the Green Belt under the previous scheme, and the Inspector did not conclude that this was unacceptable. Officers continue to consider that in relation to the turbine itself, the impact of this ancillary infrastructure on the Green Belt would be limited.
- 7.7 The turbine and optional external transformer would be located at a distance of approximately 100m west of the Green Belt. Although not located within the Green Belt, paragraph 3.15 of PPG2 states that "*the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.*"
- 7.8 Given that the turbine would be located within close proximity to the Green Belt boundary, and be conspicuous from Green Belt land, regard must therefore be had to any impact on visual amenity. Visual amenity is of course a consideration anyway when assessing the visual impact of the turbine in the rural area, and the overall visual impact is discussed in more detail below.
- 7.9 Overall, it is your Officers' opinion that some impact on the visual amenity of the Green Belt would be inevitable from a wind turbine up to 86.5m in height; however this impact is not considered to be so great as to *injure* the visual amenities of the Green Belt. No harm to visual amenity would arise from the external transformer. Further, it is noted that even if the proposal were deemed to injure visual amenity, PPG2 does not conclude that this results in inappropriate development. The test of very special circumstances would therefore not apply, other than for the sub-station building, and paragraph 13 of PPS22 advises that "*such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.*"

### **Renewable Energy Considerations**

- 7.10 The Government's renewable energy policy has been clearly set out in recent years in a number of key documents. These include The Energy

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White Paper 2007 which aspires to achieve 10% electricity from renewable sources by 2010, 20% by 2020, and also supports a reduction of CO<sub>2</sub> emissions by 60% by 2050. This White Paper also sets out that the planning process can be an especially difficult process for the deployment of renewable energy infrastructure in the UK. A clear steer is therefore given to local authorities to look favourably on renewable energy developments.

- 7.11 The new coalition government has also placed an emphasis on tackling climate change and published the National Renewable Energy Action Plan for the UK in June 2010. This reiterates earlier targets and shows little change in aims and objectives for renewable energy.
- 7.12 The Government's national planning policy advice for renewable energy projects is set out in PPS22 and its Companion Guide (both 2004), which support an increased deployment of renewable energy resources in order to meet Government targets. PPS22 also provides advice on considerations in determining applications for renewable energy infrastructure.
- 7.13 Planning Policy Statement 1 (PPS1) and its supplement 'Planning and Climate Change' provide further advice on dealing with applications for renewable energy and highlights that tackling climate change is a key priority for the planning system. Contributions towards the Government's Climate Change Programme and energy policies are listed as the first Key Planning Objective of the PPS1 Supplement.
- 7.14 In terms of regional targets, policy ENG2 of the East of England Plan, the Regional Spatial Strategy (RSS) adopted in May 2008, sets out that 10% of the region's energy should come from renewable sources by 2010, and 17% by 2020. This is equivalent to an installed capacity of at least 1,192MW by 2010 and 4,250MW by 2020, and excludes energy from offshore wind.
- 7.15 However, policy ENG2 of the RSS sets no sub-regional targets for renewable energy. Further, there is no clear policy framework or targets at County level as the Hertfordshire Structure Plan has expired. Herts County Council commissioned the *Hertfordshire Renewable Energy Study* in July 2005, which considers the barriers and potential opportunities for renewable energy within the county. The study set out that the opportunity exists for at least 10MW of installed onshore wind power capacity in Hertfordshire.
- 7.16 This study also identified potentially attractive areas for wind farm developers, and although the map is not clear in its detail, the Benington

area appears to fall just outside the edge of this area. However, this map does not seek to identify acceptable areas, nor does it seek to eliminate sites that fall outside this area, it merely sets out where may be attractive for wind farm developers.

- 7.17 Regard is also had to a report entitled *Placing Renewables in the East of England* published for the Regional Assembly in February 2008 (the Arup report) to inform the RSS review. This identifies the South Suffolk and North Essex Claylands National Character Area, within which the site lies, as having the capacity to accommodate developments of between 4 and 12 turbines. However, it assesses East Hertfordshire as having only limited unconstrained land compared with other districts in the Region, and the application site is not within the area identified in the report where wind energy development might be particularly encouraged. However it makes it clear that the report is not to be used as a basis for assessing individual proposals. These documents do not therefore offer any useful locational guidance for wind turbines.
- 7.18 Since the previous application, the District has participated in a county wide initiative to address renewable and low carbon energy, and a study was published by AECOM in July 2010 entitled *Hertfordshire Renewable and Low Carbon Energy Study*. This concludes that Hertfordshire has the resource potential for large scale wind turbines across 604km<sup>2</sup> and includes various constraints maps. However, this is not relevant to this application as it defines large scale turbines as 1MW or greater; this turbine is proposed at 800kW. At the time of producing this report, Hertfordshire only has 318kW of installed turbine capacity; the proposed scheme would therefore more than double this existing capacity.
- 7.19 At the local level, saved policy SD3 of the East Herts Local Plan Second Review April 2007 states that *“the development of facilities for the harnessing of renewable energy sources is supported in principle.”* However, it acknowledges that proposals for wind power schemes can also create problems of visual intrusion and loss of amenity; *“whilst such schemes will enjoy support in principle, they will need to be carefully located and employ all reasonable mitigating measures.”*
- 7.20 Several objectors have again questioned the merits of the Government’s energy policy, and the efficiency of onshore wind turbines; however it is not for this application to question the Government’s policy or Climate Change Programme. Assessment of this application should follow existing Government guidance as set in its Planning Policy Statements, and the District Council’s own adopted planning policies. The PPS1 Supplement on Climate Change states that Local Planning Authorities should *“not require applicants for energy development to demonstrate*

*either the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location” (page 14).*

- 7.21 Several concerns have again been raised over the amount of energy that would actually be produced by the turbine. A capacity factor of 26.3% has been used by the applicant to calculate the anticipated electricity generation of the turbine, and this is based on a year’s wind speed data obtained from the previous meteorological mast, and which was submitted in connection with the previous appeal. Questions have been raised over the reliability of this figure, and therefore the benefits of the scheme; however Officers note that the average national capacity (load) factor for onshore wind turbines has been at approximately 27% since 2006, reducing to 21.7% in 2010 due to nationally lower wind speeds (Digest of UK Energy Statistics- DUKES, 2011). The capacity factor of the previous three turbine scheme was based on an average of 24% for the East of England in 2006. The figure of 26.3% is therefore not considered to be unreasonable in this case. Further, PPS22 advises that even small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and *“planning authorities should not reject planning applications simply because the level of output is small”*.
- 7.22 This scheme is expected to produce some 1,840MWh of electricity, meeting the annual electricity needs of 345 local homes. It is also expected to connect to the local 11kV electricity network, rather than the 33kV network as was necessary for the previous application. This means that the electricity will be used within the local community rather than connecting to the wider electricity distribution network.
- 7.23 In summary, Government policy and guidance advises that considerable weight should be placed on the contribution of renewable energy projects to its energy policy. However, this benefit needs to outweigh any adverse impacts, as discussed below.

### **Landscape and Visual Impacts**

- 7.24 The landscape and visual impact of the development is no doubt one of the main issues in this case. Both PPS22 and Local Plan policy SD3 recognise that of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, the impact of development on the landscape will vary according to the size and number of turbines proposed, and the type of landscape involved.
- 7.25 PPS7 also sets out that protection of the countryside is one of the



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Government's key aims. This is for the sake of *"its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all"* (Key principle 1.iv).

- 7.26 The application was again accompanied by a Landscape and Visual Impact Assessment, including a review of local Landscape Character Areas (LCAs), preparation of Zones of Theoretical Visibility (ZTV) maps, and photomontages from various viewpoints. A total of 13 viewpoint photomontages have been submitted including 9 from the previous submission and a further 4 in response to issues raised at the previous inquiry. The Study Area has been reduced from a 15km radius for the larger three turbine scheme to 10km, concentrating on receptors and resources within a 5km radius, as agreed in consultation with Officers. This is in line with paragraph 25 of the Inspector's decision where he states that *"changes in landscape character would be significant up to about 5kms from the site"*.
- 7.27 There are no national landscape designations within the Study Area; it is not for instance an Area of Outstanding Natural Beauty. Although the site partly lies within the Green Belt, this is not indicative of landscape quality.
- 7.28 In assessing the landscape and visual effects of wind turbines, there is no consensus of opinion regarding the extent to which adverse effects on visual amenity should be considered acceptable or unacceptable. Some significant effects on landscape and visual amenity are inevitable for a wind turbine development. However, the ES goes on to state that *"significant effects are not necessarily adverse, and adverse effects are not necessarily unacceptable."* The significance of determining impact from wind turbine schemes differs significantly from other forms of development, given the tall, moving nature of the structures. The assessment of this application is therefore based on a balance of professional judgements, giving weight to the previous Inspector's decision.
- 7.29 It is also noted that public opinion is largely polar in its support or objection to proposals for wind turbines. Surveys by the British Wind Energy Association (BWEA) indicate a consistently high level of support, on average 70-80%, for the development of wind farms. However, a household survey by Benington Parish Council found that 69% were opposed to this application. Other surveys have found that perceptions of wind turbines become more positive once a scheme is implemented.
- 7.30 In terms of landscape fabric, the proposal would not result in any significant adverse impact. Landscape fabric includes all physical

components of the site, such as landform, vegetation etc. Whilst there will be some temporary disruption during construction, the land will be reinstated, and vegetation enhanced around the site upon completion, and this should be secured by condition. Further it is noted that 435m of new hedgerow is proposed (along High Elms Lane and adjacent to the track leading north of the construction compound and substation), and this will benefit the landscape fabric in those areas.

- 7.31 In terms of landscape character, this includes an assessment of the impact of the development on physical, biological and social components, combined with aesthetic and perceptual factors. In September 2007, EHDC adopted a Landscape Character Assessment Supplementary Planning Document (SPD), which classifies the distinct Landscape Character Areas (LCAs) within the East Herts district by describing their key characteristics, and natural, historical and cultural features. The document provides a framework for assessing planning applications that may impact on landscape character. This follows the criteria set out in policy GBC14 'Landscape Character', which requires development proposals to improve and conserve local landscape character. Where damage to local landscape is unavoidable, the SPD will inform the nature of appropriate mitigation measures.
- 7.32 The turbine is proposed within Area 71 'Benington-Sacombe Ridge', which extends north and east to include Burn's Green and Benington village. The access tracks are proposed to the west into Area 39 'Middle Beane Valley', which extends mostly north to include Walkern and west up to the edge of Stevenage. The site is also in close proximity to Area 70 'Woodhall Park and Watton-at-Stone Slopes', which extends to the south and east to the boundary of Watton-at-Stone and down to Woodhall Park.
- 7.33 In determining the previous appeal for three larger turbines, the Inspector concluded that the turbines, *"by reason of their height, movement and distinctive appearance... would have significant adverse visual effects and impacts on landscape character in four of the five principal LCAs within a radius of about 3kms (Nos. 38, 39, 70 and 71) and lesser but still harmful effects, principally to the north east, on a further two areas (73 and 140) up to about 5kms away. The harm would be caused principally by the sheer scale of the turbines relative to landscape features and by their introduction of intrusive man made features and movement to areas which are currently relatively thinly developed and peaceful in character."*
- 7.34 In assessing the impact of this reduced scheme, the submitted ES concludes that the turbine would become a defining characteristic of the landscape on the site and local area within 1km. It would introduce a tall,

moving structure that is not characteristic of the current site landscape, and as a result, the turbine would result in a significant change to the character of the site landscape, and the landscape in parts of LCA 71 'Benington-Sacombe Ridge' and 70 'Woodhall Park and Watton-at-Stone Slopes'. It concludes that there would be no significant effect on any other LCAs in the surrounding area.

- 7.35 The Council's Landscape Officer has assessed the proposal and the submitted ES, and also concludes that although the turbine will be prominent in the landscape and a dominant man made feature, he does not consider "*a single turbine of reduced height to be so at odds with the character of the pastoral landscape and the uncluttered skyline as the previous application for a cluster of three larger turbines.*" He considers that the turbine can be reasonably accommodated in the landscape and that the scale and height of the turbine will not have excessive negative visual impact upon the affected landscape character areas. He therefore recommends approval of the application subject to conditions. The impact on each LCA is discussed and summarised below.

**Area 71 (Benington - Sacombe Ridge)**

- 7.36 Area 71 is described in the Landscape Character Assessment SPD as an area of ancient countryside with extensive views over surrounding countryside though it remains largely unseen from outside. It is characterised by a narrow, gently undulating settled plateau with small woods and ribbon development settlements. The strength of character of the landscape is described as contained, coherent and unusual.
- 7.37 Views of the proposed turbine will be prominent from some parts of this LCA, although these views will be more intermittent within the north of the landscape area. Where the turbine will be visible, it will form a prominent feature within this landscape type. The proposed turbine must therefore have a moderate impact on the character of Landscape Character Area 71 within which it is located. It must also be said, as per the previous Inspector's decision, that where the turbine will be seen on an elevated sky line as it will along Town Lane, Benington and the road from the village to Aston, or where there is no intervening screening, as from the rights of way around Gregory's Farm, it cannot fail to dominate both visually and in terms of landscape character. The turbine would continue to present a dominant vertical feature in a landscape which currently has no man-made structures in it.
- 7.38 However, as stated in the previous Inspector's decision, "*the degree of enclosure varies quite appreciably across the LCA, with small fields around Benington and Hebing End and larger, more open fields elsewhere, including around the appeal site. Where the turbines would*

*be directly seen in the context of these larger fields they would appear as part of a fairly large scale, relatively simple and exposed landscape so that although they would have a significant impact upon landscape character it would not necessarily be unacceptably harmful. Some observers might well consider that they would relate well functionally and aesthetically to a quite windswept landscape” (para 33).*

- 7.39 Overall, your Officers conclude that the proposed development, although reduced in turbine height and numbers, would have a significant effect on the character of the closest part of this LCA, and would become a defining feature in the landscape.

#### **Area 70 (Woodhall Park and Watton-at-Stone Slopes)**

- 7.40 Area 70 is also defined as tranquil, but is largely contained within woodland which reduces views to the north. One of the criteria for managing change in this area is to resist development that would affect the integrity and historic value of this landscape area.
- 7.41 The Inspector had previously concluded that the larger three turbine scheme would result in no significant harm to landscape character in the Woodhall Park area to the south, or from Watton-at-Stone village. In the upland arable areas to the north of the LCA, in areas where they could be seen, the three larger turbines were deemed to be intrusive on the skyline and *“their scale and movement would be at odds with the peaceful and largely undeveloped character”* (para 43).
- 7.42 In this case, the proposed single turbine would be located adjacent to the northern edge of this LCA where it would become a key characteristic of the landscape. It would therefore result in a significant effect on this LCA within the closest 1km.

#### **Area 39 (Middle Beane Valley)**

- 7.43 Area 39 is characterised by open arable farmland with small grouped woodlands linked by hedges over strongly undulating valley slopes. The area is described as having *“overwhelming impressions of remoteness, tranquillity and continuity, a sense that nothing has changed much over the centuries”* (Landscape SPD, page 38). There are extensive views, particularly from the west. The condition of the landscape is assessed as being *good* with a *moderate* strength of character.
- 7.44 The turbine would have some effect on the character of this LCA; however, the Inspector’s decision for three larger turbines concluded that the proposal would not unacceptably harm the character and appearance of the Aston Conservation Area even though it was not in doubt that the turbines would be visually intrusive from around the village. In

considering the proposed single turbine and its degree of influence on the landscape character of the area, one must come to the view that it would not result in a significant effect on this LCA.

**Area 38 (Aston Estate Farmland)**

- 7.45 The character of this LCA is described in the SPD as “*seemingly remote and ancient, despite proximity to Stevenage*”, having extensive views and being a medium to large scale landscape. Under strength of character it is described as open, coherent and unusual.
- 7.46 In determining the previous appeal for the larger three turbine scheme, the Inspector concluded that the development “*would introduce prominent and motive development into what is presently a peaceful area of open countryside, remote in character if not in distance from Stevenage and the activity along the A602 and railway to the south west*” (para 39).
- 7.47 In this case, the proposed single turbine would be screened at least partially from much of this LCA. The recurrent visibility of this turbine would become a characteristic of the LCA but would not result in considerable change to, and therefore not impact unacceptably upon, the current character of the Aston Estate Farmland or on the settings of listed buildings along Frogmore Hill.

**Area 40 (Bramfield - Datchworth Sloping Farmland)**

- 7.48 This LCA is described by the Inspector as “*probably the most open and expansive landscape locally*” (para 40). It comprises large scale arable farmland with extensive views and its strength of character is described as ‘open, unified and unusual’.
- 7.49 This is an open landscape type, where views out of the area form a key part of its character. Viewpoint 8, the local road near Datchworth, is located within this LCA at a distance of some 3.5km from the turbine and shows the open nature of some views from the higher slopes in the area. The previous Inspector’s decision, however, recorded that “*views from lower ground within the LCA would often be screened or tempered by vegetation*” (para 41), and that when seen from the high ground within the LCA, at a distance of around 3kms, and seen across large fields in the foreground and middle distance, the impact of the larger three turbines would be limited, and there will be relatively few sensitive receptors of any adverse visual or landscape character impacts. Since this proposal is for a smaller single turbine it is logical to conclude that adverse visual or landscape impacts will be further reduced.
- 7.50 In terms of other Landscape Character Areas, giving weight to the

previous Inspector's decision, the submitted ES, and the distances involved, Officers do not consider that any significant effect would arise to Areas 37, 41, 73 or 140 as a result of this development.

- 7.51 Overall, therefore, Officers consider that a significant effect would arise to parts of Landscape Character Areas 70 and 71. It is then important to consider whether this significant change is harmful, because significant effects are not necessarily unacceptably adverse. In his previous appeal decision, the Inspector stated that *"the Appellant's landscape witness fairly advocated a precautionary approach, assuming that all impacts would be adverse. The question then to address is whether such impacts would be unacceptable"* (para 25).
- 7.52 The Inspector's decision stated that *"it would be impossible to site a wind farm of any size almost anywhere in the UK without significant effects on landscape character; and in national terms the landscape around Benington may be deemed as a less complex one that is not subject to any special designation. However, taken as a whole it is not to my mind of such scale and simplicity as to lend itself to the sort of large scale development that wind turbines would represent. And despite its lack of formal protection it is undoubtedly attractive, settled and relatively undeveloped and secluded, qualities that weigh significantly in favour of its conservation."*
- 7.53 In this case, the scheme would still introduce a tall, moving structure into a landscape void of such development, and the turbine would become a defining feature in parts of the landscape. Although the area is not within any national or local landscape designation area, the Inspector had identified qualities in the landscape that were worthy of protection from large scale developments. It is therefore clear that some harm would arise to parts of the character of the surrounding landscape. However, the visual impact has been significantly reduced since the previous scheme by a reduction in height of 32.5m (27%) and the removal of two of the turbines with an associated 79% reduced blade swept area.
- 7.54 The reduction from three larger turbines to one single turbine is considered to be particularly significant as it substantially reduces the spread and cumulative effect of the landscape and visual impacts. The single smaller turbine would be much less prominent in the landscape and would not compete with any other similar structures. Further, although the eye would still be drawn to the moving components of the turbine, the visual effect would be significantly reduced for this single smaller turbine. The ES therefore concludes that *"in landscape and visual terms the proposal would be acceptable in this location."* The Council's Landscape Officer has also concluded that although significant

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effects would result to the immediate landscape character, this would not be unacceptably harmful and the turbine can therefore be reasonably accommodated in the landscape.

- 7.55 The Action Group have again commissioned a Landscape, Visual and Historic Environment Impact Assessment Review in response to the applicant's submissions. They raise a number of concerns over the methodology and content of the ES and conclude that the revised ES has not addressed the specific harmful landscape and visual impacts identified by the previous Inspector. However, the Council's Landscape Officer has fully assessed these submissions and has raised no objection to the methodology or conclusions reached in the ES.
- 7.56 Again the application is proposed for a standard 25 year period, after which time the land could be re-instated. However, as agreed by the Inspector at appeal, a 25 year period cannot reasonably be considered to be temporary as it is roughly a third of an average lifetime. The possible re-instatement of the land therefore again carries little weight in this assessment.
- 7.57 All cables associated with the development are proposed to be located underground and this can be secured by condition. It is not reasonable to require a viability appraisal as suggested by the CPRE.
- 7.58 In terms of receptors within the site, there are a number of public footpaths, byways, and permissive rights of way running across and within close proximity of the site, which are well-used by walkers, cyclists and horse riders. This includes Cotton Lane, a byway open to all traffic (BOAT) approximately 100m to the west of the turbine, a restricted byway to the southwest of the turbine, bridleways to the north and south, and footpaths to the east and south of the site forming part of The Hertfordshire Chain Walk long distance footpath. The site is therefore host to a number and variety of recreational receptors, and a number of objections have again been received from walkers, bikers and horse-riders who visit the area.
- 7.59 Impact on users of these public rights of way formed part of the Inspector's dismissal of the larger three turbine scheme. He commented that in views from the close network of paths around Benington, the turbines "*would detract from the sense of a still largely undeveloped countryside, close to substantial settlements*" (para 75). And for rights of way to the east, he stated that "*although such views would be more tempered by local landform and vegetation, there would still be a sense of intrusive development. Here, as from all viewpoints that intrusion would be exacerbated by the motion of the blades*" (para 76). He

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therefore concluded for the three larger turbine scheme that the proposal would harm the experience of the countryside enjoyed by at least some users of nearby rights of way.

- 7.60 In this case the single smaller turbine would still be clearly visible and prominent for users of many of these rights of way and would therefore result in a significant effect on their visual amenity, as concluded in the submitted ES. However, as stated in the previous Inspector's decision, *"This is not to go so far as to say that there would be such a marked impact that the area would become a noticeably less attractive place to recreate or that the use of local rights of way would be reduced. It is a matter to be weighed in the planning balance"* (para 78).
- 7.61 There are also a number of roads and rail routes within the Study Area where the proposal would have the potential to impact on visual amenity; however the previous Inspector's decision concluded for the larger scheme that those changes to those views would not be unacceptably harmful taken in the overall context of journeys along those routes. The same is concluded for this smaller single turbine proposal where the extent of views from roads and rail routes would be more restricted.
- 7.62 In terms of cumulative visual impacts, the only other consented wind energy development within the surrounding area is a single 20m high turbine approved at Highbury Farm, Wood End in February 2011 (reference 3/10/2176/FP). This lies within the 5km Study Area and is shown to have potential views of the proposed turbine on the ZTV; however given the screening and distance between, Officers do not consider that any harmful cumulative effects would occur. Officers are not aware of any other proposals for wind energy developments in the surrounding area. A previous scheme for 3 no. 2MW wind turbines at Weston Hills was refused by North Herts District Council in April 2009 and no appeal was lodged.
- 7.63 A number of concerns have been raised over this single turbine setting a precedent for further turbines on the site; however each case is determined on its own merits and any subsequent proposal for further turbines would have to include an assessment of the cumulative effects.

### **Impact on Heritage Assets**

#### Conservation Areas

- 7.64 In determining the previous appeal, the Inspector concluded that no harm would arise to any designated Conservation Areas and again no objection has been raised by the Council's Conservation Officer. He concluded that although the turbines would be visually intrusive from



Aston village, the character and appearance of the area would be preserved. No harm would arise to the Benington Conservation Area where views are more restricted by landform and vegetation. It is noted that PPS5 has since replaced PPG15, but this does not affect the assessment of impact in this respect.

#### Listed Buildings

- 7.65 The previous appeal was partly dismissed on the grounds that significant harm would arise to the setting of Gregory's Farm and Frogmore Hall. In his appeal decision, the Inspector concluded that this was not determinative in itself but had to be weighed in the balance with the benefits (para 98). Although there are a number of other listed buildings in the vicinity (the exact number of which has been queried by the Action Group), this assessment focuses on those listed buildings that have been identified as being affected by the development.
- 7.66 Gregory's Farm is located approximately 0.7km to the southeast of the site and on roughly the same elevation. The building dates from the late medieval era, but was remodelled in the early 17<sup>th</sup> Century and extended in the 19<sup>th</sup> and 20<sup>th</sup> Centuries. It is a two storey timber framed building with a plain tiled gable pitched roof. The principal elevation of the building faces southeast, and as such the turbine would be visible from the rear of the building across an open valley with no obstructions to the view.
- 7.67 The Inspector previously agreed with the earlier ES in that there would be "*visual confusion and competition with the heritage feature*" and that the overall impact of the larger three turbine scheme would be considerable and significant. He went on to comment that the house "*would be dwarfed by the scale of the turbines and their unashamed mechanical appearance would be directly at odds with the historic and weathered character of the building.*" He concluded that the height of the turbines, the motion of their blades and their uncompromising appearance would detract severely from the attractive, historically important, open and unspoiled setting of the listed building.
- 7.68 This application proposes one single smaller turbine that would still have a mechanical appearance and motion of blades, and would appear visually prominent to the rear of this listed building. However, the reduction to a single turbine significantly reduces the extent and spread of dominance over the setting of the listed building, and the reduced height further reduces this impact. The ES now concludes that the overall effect would be moderate to major/moderate which would be on the boundary of significant and not significant, and no objection has been

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raised by the Council's Conservation Officer.

- 7.69 Frogmore Hall is located some 1.3km southwest of the turbine and is *“an interesting and idiosyncratic 19<sup>th</sup> century architect's house, little altered”*. The previous scheme involved the construction of three larger turbines at a distance of 0.9-1.4km that would have appeared prominent above the house, *“dominating it in scale, and alien in their form and motion to the pastoral character of the park”* (para 92 of the Inspector's decision). In this case, the reduced height and scale of the turbine, the removal of two further turbines, and the increased separation distance would significantly reduce impact on the setting of this listed building.
- 7.70 The turbine would still be visible from the driveway to the house, but these views would be partially screened by vegetation as shown in submitted Viewpoint 4. The ES concludes that the overall effect would be moderate/minor and therefore not significant.
- 7.71 Overall, the Conservation Officer has recommended approval of this reduced scheme given that *“the visual harm of a single turbine on the setting of the listed buildings and wider area is much reduced and as such considered acceptable when balanced against a wider sustainable agenda.”* It is noted that English Heritage have recommended that permission should not be granted until the potential impacts on the setting of heritage assets have been fully assessed.
- 7.72 However, given that the previous Inspector only objected to impacts on Gregory's Farm and Frogmore Hall and Park for three larger turbines, it is not considered reasonable to require further survey work on other listed buildings within a 10km radius for a single smaller turbine. Further, English Heritage refer to towers over 60m; the tower proposed in this case is only 60m high and therefore the comments are not deemed to be relevant. No greater harm would therefore arise than has already been assessed by the Inspector.
- 7.73 It is also material to note that PPG15 has been replaced by PPS5 which places a greater emphasis on renewable energy and sustainable development. It states that *“Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change.”*
- 7.74 Overall, in terms of listed buildings, your Officers consider that some harm would arise to the setting of both Gregory's Farm and Frogmore

Hall, but this is not considered to be of such significance as to warrant the refusal of planning permission.

- 7.75 As part of the Action Group's submissions, a number of concerns have been raised over the content of the ES, and the Conservation Officer's consultation response. Officers are satisfied that a proper assessment has been made by the Conservation Officer and reference has been made to the heritage assets identified in the previous Inspector's decision. Further, it is within the role of the Conservation Officer to undertake a balancing exercise given the weight attached to mitigating against climate change in PPS5. However, Officers will of course provide an overall balance in the conclusions of this report.

#### Scheduled Ancient Monuments

- 7.76 There are six Scheduled Ancient Monuments (SAMs) within a 5km radius of the site but no objection was raised by the Inspector at appeal on the larger three turbine scheme and no objection has been raised by the Conservation Officer to this reduced proposal. I therefore conclude that no harm would arise to these heritage assets.

#### Historic Parks and Gardens

- 7.77 The previous appeal was also partly dismissed due to harm to the setting of the locally important Frogmore Park. He commented that the turbines *"would be directly seen across the park and at fairly short range in a way that would inevitably contrast starkly in both scale and character with the pastoral character of the park and its venerable trees. Here I believe that there would be appreciable harm to the local landscape character"* (para 97).
- 7.78 In this case the single smaller turbine would not be as visually prominent as the larger three turbine scheme and would be more screened by existing vegetation in the park. Further, the turbine would be located approximately 500m further away than the previously proposed closest turbine. Officers therefore consider that given the reduction in height, scale and number of turbines, the effect on this local historic park would no longer be unacceptably harmful. The Conservation Officer has raised no issue with this aspect of the proposal.
- 7.79 No harm would arise to other designated historic parks and gardens such as Benington Lordship and Woodhall Park, as concluded by the previous Inspector.

#### Historic Landscape Characterisation

- 7.80 The applicant has again considered the Historic Landscape

Characterisation (HLC) for Hertfordshire, a review undertaken by Herts County Council to determine the historic character of the landscape based on land use mapping. The application site is located within character type PE (Piecemeal Enclosure of unenclosed common arable land), and is identified as having undergone 'much change' in its historic character. This is the highest level of change and indicates that the character of the area is now highly altered from its 18<sup>th</sup> Century landscape.

- 7.81 It is noted that this conflicts somewhat with the wording of the Landscape Character Assessment; however the LCA is based on a perceived sense that nothing has changed, whereas the HLC results from evidence based mapping.
- 7.82 This high level of change would be most likely due to intense farming practices which have significantly altered the landscape character and field boundaries. Given the extent to which this landscape has changed since the 18<sup>th</sup> Century, it is your Officers' view that the introduction of a single wind turbine would not, in principle, be a reason to refuse permission.

#### Archaeology

- 7.83 The site does not lie within a designated Area of Archaeological Significance; however an archaeological assessment has been carried out which identifies that the area has potential for archaeological remains. Given that the works involve deep excavations to form the turbine foundations, it would be considered reasonable to condition for a programme of archaeological works to be undertaken in accordance with the County Archaeologist's recommendations.

#### **Highway Impacts**

- 7.84 In terms of access to the site during construction, vehicles will use the A10 and A602, then through Watton-at-Stone High Street to Walkern Road where the main entrance to the site is located opposite Whitehall Farm. This has been deemed the most suitable route for the delivery of large turbine components (the largest of which are the 26.5m long blades) following traffic assessments and discussions with Highways.
- 7.85 Given the reduced size of loads compared to the previous submission, no modifications will be required to the existing highway, and no street furniture will need to be removed. However, the existing access off Walkern Road will need to be upgraded to facilitate the delivery of large components to the site and this will require the removal of a small section of hedgerow.

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- 7.86 Care will need to be taken in crossing the Grade II listed bridge in Walkern Road with specialist equipment required; a Construction Management Plan and Method Statement is therefore recommended as suggested by County Highways in order to set out these details.
- 7.87 It is anticipated that the turbine would take approximately five months to construct with much of this time taken on site, installing and upgrading the access tracks and constructing the foundations (requiring approximately 158m<sup>3</sup> of concrete). The turbine component deliveries will take place in the last month and involve 10 exceptional load movements. Given the scale and slow movement of these vehicles there would be some disruption to road users, particularly when the loads leave the A602 onto local roads. There is also potential for damage to arise to the roads and verges; remediation would need to be agreed separately with Herts Highways.
- 7.88 In terms of the number of vehicular movements, the most significant traffic volumes in one day will occur with the delivery of the concrete for the turbine base; this will involve 40 movements in one day. This has been calculated at well below 10% of average daily vehicular movements on the A602.
- 7.89 In terms of delivery and erection of the turbine, this is delivered in components and assembled on site using a crane. The turbine components will involve 10 abnormal loads, and the crane will be delivered in approximately 6 loads of component parts. These movements will be restricted to off-peak weekdays wherever possible. Full details of these vehicular movements can be dealt with through the suggested Construction Management Plan and Method Statement.
- 7.90 Following completion, associated traffic will be limited. One visit per week is anticipated once the turbine is operational, and all operating parameters of the wind turbine will be monitored remotely. Annual servicing will also take place requiring the assistance of fitters where appropriate. In the unlikely event of breakdown, it could be necessary to replace major components and again these would have to be delivered through the local highway network along the same access route. If no consent is sought for a replacement facility, decommissioning would take place in the reverse of the construction phase but lasting a shorter time.
- 7.91 Overall, Highways have raised no objection to the proposal and acknowledge that although there will be disruption, particularly through the transport of abnormal loads, the disruption will be temporary and would not amount to a level that would result in an unacceptable impact

on highway users or highway safety.

- 7.92 Concerns regarding driver distraction are again noted; however there is no evidence that traffic accidents are exacerbated by the presence of turbines. Drivers are constantly presented with a variety of distractions, and PPS22 advises that wind turbines should not be treated any differently. There are now a number of turbines in the country, many adjacent to road networks (including motorways), and there is no evidence that they cause traffic accidents. This was not raised as an issue by the previous appeal Inspector.
- 7.93 In terms of impacts on Public Rights of Way, there is potential for construction traffic to disrupt users of Cotton Lane (BOAT). The applicant proposes banksmen to be present to ensure safety, and this would need to suitably controlled by condition.

### **Ecology**

- 7.94 A number of surveys have been carried out at the site to determine impact on protected species. A number of receptors were again found to be present, including 8 species of bat, and a number of farmland bird species, including barn owls, buzzards, kestrel, golden plover, lapwing.
- 7.95 In this case, it has again been concluded in the ES that there would be no significant impacts on valued ecological interests. The ES states that the proposal is *“unlikely to result in negative ecological impacts beyond a minor magnitude for some species at the Parish/Local geographic scale. The magnitudes and probabilities of these potential impacts are not sufficient to expect that the proposed development poses a significant risk to the conservation status of any of the faunal species or habitats recorded within the focus area of this assessment.”* Further, there will be no impact on any Sites of Special Scientific Interest or designated Wildlife Sites.
- 7.96 No objection has again been raised by Herts Biological Records Centre or Natural England in respect of these wildlife impacts and the proposal is therefore considered to comply with local and national planning policy in this respect. The previous Inspector’s decision concluded that the significance of ecological impacts had not been convincingly challenged by the Action Group, and it is noted that this did not form part of the Local Planning Authority’s case for refusing the larger three turbine scheme.
- 7.97 The Action Group and objectors have again raised issues over potential impact on bats. The main issues concerning bats relate to loss of habitat connectivity and potential collisions. Bats are a European Protected Species, and the Local Planning Authority has a duty to have regard to

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these species under PPS9 and the Conservation of Habitats and Species Regulations 2010. It is also noted that new guidance on bats and wind turbines has been issued by Natural England since the previous appeal. The relevant guidance note is TIN059 'Bats and Single Large wind Turbines; Joint Agencies Interim Guidance'. This is interim guidance as the complete understanding of bats and turbine collision risks is still an evolving field of scientific research.

- 7.98 TIN059 recommends that a 50m buffer zone be maintained between the turbine and specific landscape features, including buildings that provide potential as bat roosts, woodland, hedgerows, rivers or lakes and sites designated for bats. In this case a 50m buffer has been maintained to all those nearest landscape features. It is noted that there is a single isolated oak tree located at a distance of 48.4m from the tip of the turbine blades (therefore 1.6m short of the recommended distance); however single trees are not listed within the landscape features in TIN059. A bat survey would normally be required for any features within the 50m buffer and it is noted that a bat survey has been carried out anyway in this case.
- 7.99 The tree has been assessed as unsuitable for a bat roost and there does not appear to be any evidence of a bat roost or significant foraging activity around the tree. Natural England have also advised that the 50m buffer is guidance only, and is not a definitive boundary. Therefore, in terms of collisions, the separation distances proposed in the application are expected to mitigate against the risk, and Officers consider that the risk of collision for these bat species is minimal. Mitigation measures listed in TIN059 suggest that use of the turbine could be restricted to particular times of the day or year, or weather condition. Such restrictions are not considered to be reasonable in this case given the lack of evidence of bats in the tree and its distance from the turbine.
- 7.100 No objection has been raised by Herts Biological Records Centre or Natural England with regards to impact on protected species, subject to a number of mitigation measures that can be suitably controlled by condition. Further, in response to the bat report commissioned by the Action Group, they conclude that the impact on bats is low in a local context and it would be unreasonable for the LPA to require any further consideration.
- 7.101 Overall, given that the siting of this turbine is not significantly different, and the blades are smaller than those previously assessed by the Inspector, it is reasonable to again conclude that this proposal will result in no harm to protected species. However, given the time that has passed since that previous application and the ecological surveys, it would be necessary to require pre-commencement surveys by condition.

7.102 The access track will run within 80m of an active badger sett, but this was recorded in 2007 and other setts may become established prior to the erection of the turbine. Further pre-development surveys will therefore be required.

## **Living Conditions**

### **Noise**

- 7.103 The previous scheme was not refused or dismissed at appeal on the grounds of noise disturbance; however the Inspector's decision fully considers the issue as it was presented by the Action Group at appeal. Substantial weight is therefore given to his considerations and there has been no material change in relevant policies since that decision.
- 7.104 In dismissing the previous appeal, the Inspector concluded that "*neighbouring properties would not suffer unacceptable disturbance from noise*" (para 71). This was based on three larger noisier turbines, and it is therefore reasonable to conclude in this case that no unacceptable disturbance would arise from one single smaller and quieter turbine. The submitted ES concludes that noise levels from the smaller turbine would be less than the larger ones, and this has been agreed by the Council's Environmental Health team.
- 7.105 The submitted ES concludes that the highest predicted noise level at any residential property will be 31.2 dB  $L_{A90}$ , and this is 3.8 dB lower than the simplified noise limits in Government guidance ETSU-R-97 *The Assessment and Rating of Noise from Wind Farms*. This is also apparently within 1 dB of the safety factor recommended by the producers of the proposed turbine, Enercon. A condition would be required to ensure that noise levels from the turbine do not exceed 35 dB  $L_{A90}$  up to a standardised 10m high wind speed of 10m/s at the nearest residential properties. This would be in accordance with ETSU-R-97 and PPG24 *Planning and Noise*.
- 7.106 Concerns have again been raised over low frequency noise and amplitude modulation (AM). In his previous appeal decision, the Inspector concluded that he did not believe that AM would pose an unacceptable risk or that any particular acoustic penalties would be necessary to guard against it. Nor is there any substantive evidence that there would be any real risk of sleep disturbance. As this proposal is one single smaller turbine, any such effects would be even further reduced. No further evidence has been submitted on this issue, and Officers therefore consider that no harm would arise to residential amenity by way of noise disturbance or adverse health effects.



### Outlook

- 7.107 In terms of outlook, the Inspector previously concluded that there would be a serious adverse effect on living conditions for Gregory's Farm. He stated that the turbines "*would appear dominant and overbearing in the outlook from Gregory's Farm and would make it a significantly less attractive place to live*" (para 58). However, without disrespect to those who would be affected, it was not an issue that weighed heavily in the Inspector's overall balance of issues.
- 7.108 In this case, the reduction in height, scale and number of turbines will significantly reduce this impact, and although some harm may still arise to outlook from Gregory's Farm, Officers do not consider this again to weigh heavily in the overall balance.

### Shadow Flicker

- 7.109 Shadow flicker can occur within residential dwellings when the sun is in a specific position in the sky in relation to a turbine and a dwelling such that the sun passes behind the moving blades to create a flickering of light. The PPS22 guidance note states that this has only been proven to occur within ten rotor diameters of a turbine. In this case, the rotor diameter is 53m and therefore the potential for shadow flicker would only occur within a 530m radius of the turbine. There are no residential properties within this radius and therefore no impact would arise.

### Reflected Light

- 7.110 The external finish of the turbine has the potential to cause light reflection in sunny conditions. The surface finish and colour of the blades should therefore be controlled by way of condition to ensure that reflection is minimised. A light grey semi-matt finish is usually the preferred option.

## **Socio-Economic Considerations**

### Tourist Attractions

- 7.111 There are a number of visitor attractions within the Study Area of the site, including museums and galleries, which attract a number of tourists to the district every year. Other attractions include Cromer Windmill, Benington Lordship Gardens, the Henry Moore Foundation, Hertford Castle, Knebworth House and Gardens, Ware Priory, Hatfield House and Gardens, Rye Meads Nature Reserve, and Lee Valley Regional Park. However, there is little evidence that tourists stay away from areas that host wind turbine developments.
- 7.112 Whilst there may be partial views of the turbine from a number of these

locations, it is not considered that the proposal would result in any harm to the attraction of these recreational sites. The turbine may even become a tourist attraction in its own right by providing environmental and educational interest, but this is not expected to be of a scale that would adversely impact on the area, or the local highway network.

#### Local Economy

- 7.113 The applicant sets out that local contractors and businesses will have the opportunity to be involved in the construction, operational and decommissioning phases of the project subject to a fair tender process. This would have some benefit to the local economy, along with indirect benefits through the supply chain such as for catering and accommodation of workers.

#### House Prices

- 7.114 The issue of house prices has again been raised by a number of objectors; however this is not a material planning consideration. Although a recent case saw the granting of a lower rate Council tax for a resident whose property had been de-valued by a nearby wind farm, this issue remains to lie outside of the planning system.

#### Energy Balance

- 7.115 It is acknowledged that a significant amount of energy is used in the manufacture, construction, operation, decommissioning and disposal of wind turbines. However, in this case, it is anticipated that the energy balance would become neutral after 2 years, and thereafter the turbine would produce electricity without CO<sub>2</sub> emissions.

#### **Mitigation Measures**

- 7.116 Policy SD3 of the Local Plan requires proposals for wind power schemes to be carefully located and employ all reasonable mitigating measures. In this case, the siting of the turbine has again been restricted to land owned by the applicant, and no alternative sites have been considered in the site selection process. The siting of the turbine has been chosen to fall outside the Green Belt boundary and will be located within the centre of a field to minimise impact on field boundaries.
- 7.117 Within the land ownership, the turbine has been sited to optimise energy generation, whilst retaining safeguarded distances to roads, telecommunication routes, and residential dwellings. A planting scheme is also proposed to restrict certain views; full details will be required by condition.

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7.118 Various other mitigation measures are proposed to reduce impact on wildlife habitats, archaeology, and disturbance through construction. It is therefore my Officer view that all reasonable mitigating measures have been incorporated in accordance with policy SD3 and a number of these measures need to be secured through condition.

#### **Other Considerations**

##### Loss of Agricultural Land

7.119 A small area of farmland (approximately 0.58ha) will be removed from production in order to allow the construction of the turbine. Policy GBC12 serves to protect the best and most versatile agricultural land from development and encourages development to be sited on previously developed or urban land. In this case, it is not considered that there are opportunities to site the turbine on previously developed land, and given that the site area is limited to the ownership of the applicant, it is not considered reasonable to refuse the application on these grounds. It is also noted that the impact on agricultural land would be limited as it would still be possible to continue to farm around the turbine base, and the land would be returned to its former use at the end of the life of the project.

##### Drainage

7.120 The site lies on a principal aquifer and part of the site is also in a Source Protection Zone 1 around a public drinking supply abstraction. The groundwater in this area is therefore particularly vulnerable to contamination. The Environment Agency have raised no objection to the proposal subject to a condition that no surface water should infiltrate into the ground without the express consent of the Local Planning Authority. This is considered to be reasonable and necessary in accordance with policy ENV20.

##### Proximity to Bridleways

7.121 With regards to impact on horses and riders on local bridleways, PPS22 suggests a 200m exclusion zone between turbines and bridleways. The British Horse Society recommends 200m as a minimum; 3 times the overall height of the turbines is the favoured distance (260m for the proposed turbine). In this case, the turbine is located only approximately 100m from the nearest road/bridleway (Cotton Lane), and less than 150m from High Elms Lane, and the British Horse Society have again raised an objection to the application.

7.122 However, the applicant has again offered to provide an alternative permissive bridleway further west of the site at a distance of

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approximately 280m from the turbine. An initial plan has been submitted for consideration; this is considered to be acceptable in principle and can be controlled by way of condition in order to address the British Horse Society's objection. This issue was not raised or discussed by the Inspector at the previous inquiry.

#### Aviation

7.123 In terms of aviation, no objections have again been raised by the relevant authorities, and as such it is not considered that this proposal will impact on aviation safety, and no lighting of the turbine has been requested.

#### Television Interference

7.124 It is noted that wind turbines have the potential to cause electromagnetic interference to television reception for local residents. The applicant has used the BBC's Windfarm Tool to calculate that there are 229 homes which may be affected for which there is no alternative off-air service, and 979 homes for which there may be an alternative off-air service. This can be suitably controlled by way of planning condition to ensure that alternative reception and/or cable connections are installed to mitigate this impact. However, this may not be a problem following the digital switch-over in the next few years.

#### Ice Build-up

7.125 Concerns have again been raised over the potential for ice fall from the build-up of ice on the blades. PPS22 advises that this is unlikely to present problems on the majority of sites in England. The particular weather conditions that result in ice build-up occur less than one day a year in England. Further, most modern turbines are fitted with vibration sensors that can inhibit the operation of machines where there is an imbalance caused by ice.

#### Safety and Fire

7.126 Several objectors have again questioned the safety of these wind turbines and have presented examples of turbines on fire. However PPS22 confirms that this is a safe technology; malfunction is unlikely, and risks are minimised by ensuring a safe separation distance. This safe separation distance is often calculated by adding 10% to the fall over distance (the height of the turbine to the tip of the blade), which in this case equates to 95m. Within this distance there are no footpaths or roads to minimise safety risks.

### **8.0 Overall Balance and Conclusions:**

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- 8.1 The construction of a single wind turbine and associated infrastructure is acceptable in principle in the Rural Area Beyond the Green Belt. It is only necessary to apply the stricter Green Belt test for the sub-station, which amounts to inappropriate development in principle. It is your Officer's opinion that the proposed sub-station would have limited impact on the openness or visual amenities of the Green Belt given its location adjacent to existing buildings, and the test of very special circumstances would be met as this infrastructure is necessary to support this wind energy development. Impacts on the visual amenity of the Green Belt are addressed as part of the broader landscape assessment below.
- 8.2 The greatest harm from the proposed development arises from the landscape and visual impacts of the wind turbine. As stated by the previous Inspector, "*it would be impossible to site a wind farm of any size almost anywhere in the UK without significant effects on landscape character.*" The turbine will clearly become a defining feature within the landscape which is currently void of man-made vertical moving structures. The scheme has therefore been assessed as resulting in significant effects on parts of Landscape Character Areas 70 and 71. However, both the ES and the Council's Landscape Officer have concluded that this significant effect would not be unacceptably harmful.
- 8.3 It is noted that the previous Inspector's decision gave weight to the attractive qualities of the landscape (although not designated) and indicated that these qualities weigh significantly in favour of its conservation. Some harm would therefore still arise to these qualities from the single turbine scheme. However, the reduction from three larger turbines to one single smaller turbine, including a 27% reduction in height and 79% reduction in swept diameter, is considered to be significant in the overall balance of this harm.
- 8.4 The proposal would also result in a significant effect on recreational users of the extensive network of nearby footpaths, bridleways, byways and roads, including walkers, cyclists and horse riders. This effect will be harmful for some users, depending on their attitudes to wind energy developments, and this therefore adds to the balance of harm.
- 8.5 The turbine would also result in some harm to the visual amenity and outlook for residents at Gregory's Farm; however as per the previous appeal decision, this does not weigh heavily in the overall balance of considerations and is significantly reduced since the previous appeal.
- 8.6 Finally, although there would be no significant harm to any Conservation Areas, the scheme will impact on the setting of listed buildings previously identified by the Inspector for the three turbine scheme. The single

turbine has been assessed as having a moderate to major/moderate effect on the setting of Gregory's Farm and a moderate/minor effect on Frogmore Hall and Park. The Council's Conservation Officer has concluded that these effects are not significant or harmful.

- 8.7 In terms of benefits, the scheme is expected to generate sufficient electricity to power 345 local homes. Clearly this is a significant reduction from the expected generation of the larger three turbine scheme (expected to power 2,683 homes) due to the necessary reduction in scale of the development. The benefits of the scheme have therefore been considerably reduced since the previous Inspector's decision and his previous balance of considerations.
- 8.8 Nonetheless Officers still consider this contribution to both national and regional renewable energy targets to be tangible, and considerable weight is given to this benefit of the scheme. The need for further renewable energy developments is real and pressing with the current installed capacity for wind energy in Hertfordshire remains at around 0.318MW, and the proposed scheme would more than double that existing capacity.
- 8.9 In considering the application in line with the relevant planning policies, it is noted that Local Plan policy SD3 supports renewable energy developments in principle but notes that proposals for wind power schemes can create problems of visual intrusion and loss of amenity.
- 8.10 Government guidance in PPS22 states that *"Renewable energy developments 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"* (page 7). The document goes on to state that *"in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines"* (page 13). As previously discussed, Officers and the previous Inspector gave little weight to the temporary 25 year nature of the development; however, it is important to consider the size and number of turbines and the landscape involved in the proposal.
- 8.11 The size and number of turbines have been significantly reduced since the previous appeal. Whilst the landscape has been regarded as having attractive qualities by the previous Inspector, and Officers agree with this assessment, the level of harm to the landscape has not been assessed, in this case, as unacceptable by either the applicant's ES or the Council's

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Landscape Officer.

- 8.12 Overall, Officers note that some harm would arise to the landscape, visual amenity, recreational users, outlook from Gregory's Farm, and the setting of listed buildings; however the level of harm has not been assessed as significant. It is no longer necessary to apply the strict tests of Green Belt policy for the turbine, and given the weight attached to the renewable energy benefits of the scheme, Officers now consider that the balance has shifted in favour of support for this single smaller turbine, subject to a range of strict controls and mitigating measures. Very special circumstances must still be demonstrated for the substation building in the Green Belt; however such circumstances are considered to exist as the substation is required in connection with the wind turbine, and its impact would be minimal.
- 8.13 The application is therefore recommended for approval subject to the conditions set out above.
- 8.14 Members are advised that whilst a three year commencement time limit would normally apply in accordance with S91 of the Town and Country Planning Act 1990 (as amended), it is not uncommon for wind turbine developments to be subject to a five year time limit due to the time constraints involved in finalising the details of the project and carrying out surveys etc. A five year time limit is therefore recommended in this case.