

Item Number: 13
Application No: 13/00850/FUL
Parish: Luttons Parish Council
Appn. Type: Full Application
Applicant: Weaverthorpe Wind Ltd
Proposal: Erection of 1no. 40m high (overall tip height 67m) 500kw wind turbine to generate electricity for the benefit of the local community with associated crane pad, transformer kiosk, access track, vehicular access and 40.5m high temporary meteorological monitoring mast.
Location: Land To West Pasture Road Weaverthorpe Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 24 September 2013
Overall Expiry Date: 15 March 2014
Case Officer: Shaun Robson **Ext:** 319

CONSULTATIONS:

Civil Aviation Authority	No objection
Neighbouring Parish Council - Weaverthorpe	Object
Parish Council - Luttons	Object
Highways North Yorkshire	Request further information
Natural England	No objection
Environmental Health Officer	Recommend conditions limiting the levels of noise
Countryside Officer	No objection
Atkins Ltd	No objection
National Grid Plant Protection	No response
Archaeology Section	Advise condition(s)
Building Conservation Officer	Object
East Riding of Yorkshire Council	No response received
National Air Traffic Services (NATS)	No objection
The Joint Radio Company Ltd	No objection
Wind Farm Enquiries	No objection
Tree & Landscape Officer	No objection
Ministry Of Defence	Object

Neighbour responses: Mr Thomas Mills, Mrs Sarah Mellor, Mr Jonathan Clarke, Mr Evan Ferguson, Mr John Cruse, Ms Laura Hester, Mr Jack Russell, Mr Graham Perry, Mrs Rozanne Startup, Karen Beresford, Mr Nigel Bradshaw, Mr Paul Goddard, Deslyn Pettifer, S Richardson, Rebecca Robinson, Mr Mick Conner, Mr Richard Campbell, Ms Pat Redfern, Miss N Robinson, J Trowsdale, G Trowsdale, Mr G Trowsdale, Mr James Trowsdale, Austin Wright, John Lake, Mrs Annette Mitchell, Dr Dave Parrott, Mrs Caroline Bradshaw, Mr Dennis Horseman, Mrs Valerie Ford, Mr Ian Cade, Mr Nigel Lattaway, Mr Jarrod Fisher, Miss Jo Sim, Mr Paul Raw, Mrs Jacqui Benson, Mrs Faye Barnett, Mr Richard Barnett, Dr Andrew Harper, Mrs Kristen Harper, Mr Andy Bullard, Mr Alex Mitchell, Mr Max Cross, Mr Brian Cross, Mr Denis Gwilt, Mr Stephen Jones, Mrs Lyndis Millward, Mr Stuart Taylor, Jean Whiteley, Mr Stanley Bell, Mr Keith Lewindon, Mr Richard Lane, Mrs Jill Cross, Mrs M A Carr And Mr J B Lawty, Mrs Enid Gwilt, Mr Kenelm Storey, Mr George Ferguson, Mr Iain Hurst, Mr Andy Boothroyd, Mr Ben Burgess, Robert

William Buck, Robert William Buck, Mr Stanley Bell, Mrs Lea Fountain, Mrs Jill Wilson, Dr Dominic Powlesland, Mr Peter Wilson, Mr Maurice Daniel, Lynne Porter And Evan Ferguson, Mrs Margaret Wright, Mr Sefa Akkirec, Mrs Wendy Stubbings, Mrs Paula Conner, Mrs Vicki Rowland, Mr Ian Panter, Mr Philip Carpenter, Mr W Bentley, R W Carver, Mr David England, Mr Rob Fretwell, Mrs C Gray, Michael Jackson, Mrs A Lockwood, J Matthews, Mr Ben McClements, L Meer, Mr Peter Massheder, Mrs Gillian Buckley, Mr Rod Buckley, Mr Eddie Startup, Ms Christine Haughton, Mr Kenneth Wright, Mr David Mellor, Mr David Stark, Niall O'Brien, Mrs Gill Hodgson, Mr John Grindrod, Mrs Sherry Parrott, Dorothy Smith, Mrs Helen Chapman, Mrs Christine Chadwick, Mrs Amanda Leatherbarrow, Mr Frank Bannister, Mr John Leebetter, Mr C Sherred, Mrs P Sherred, Mr Nick Tiplady, Mr Peter West-Hitchins, Mrs Catherine Murray, Mrs P E Gladwin, Stuart Lockwood, Mr Andrew Lockwood, Mr Derek Lockwood, Mr John Wane, Mrs Jenny Clarke, Lynn Wraith, Mr Ron Whatling, Mrs Stephanie Fidell, Mr Christopher Googe, Mrs Patricia Googe, Mr And Mrs Clark, Elizabeth Mills, Mrs Susan Lattaway, Mrs Jacqueline Craig, Mr Ian Fielding, Mr Stuart Hampson, Mrs Lea Fountain, Margaret Stevens, Ms Rikki Arundel, RW And VA Crane, Ms Sue Turnbull, Mr Duncan Scrase, Mr Ian Stubbings, Ms Cath Muller, Mr Paul Millward, Mrs Angela Ewbank, Mr Michael Mitchell, Mr Neil Ford, V Cornforth, Mr Thomas Cornforth, A E Downes, Elizabeth Hartle, Jo Peckitt And Jason Peirson, M Lake, Mr W R Owen, R Stannard, Mrs Jackie Taylor, Mr David Hunter, Mr Nigel Beresford, Mr Paul Stephens, Mr Harry Milner, Mrs Jill Cade, Mrs Jan Wigglesworth, Mr David Milner, Mrs Amy Trevelyan, Mr Andy Thompson, Mrs Helen Milner, Mrs Judith Tiplady, Mrs Alice Ashby, B D Kerr, Miss Hannah Chapman, Mr John Clegg, T E Scrase, Mrs Thelma Mitchell, Mrs Judith Eaton, Mr Ian Eaton, Mrs Brenda Mellor, Mrs Rita Daniel, Mr James Hartle, Mr Michael Murray, Mrs Susan Gough, Mr Graham Brooks, Mr Karl Kirk, Mrs Norma Harrison, Mrs Rachel Beck, Mrs Catherine Morrison, Mr Michael Rowland, M And C Garrod, Ms Emma Krijnen-Kemp, Mr Alex Chapman,

SITE:

The application site is located on elevated land to the south of the Weaverthorpe to West Lutton road. The site is approximately 2km to the south-west of Weaverthorpe and a little over 1km to the south-east of Helperthorpe.

The site currently consists of an agricultural field which is located within an area designated as an Area of High Landscape Value.

PROPOSAL:

This application forms part of two proposals submitted by two local community based groups, namely The Wolds Valley Wind Collective Limited (WVWC) and Weaverthorpe Wind Limited (WW).

The WW, a joint venture between Three Weavers Green (TWG) and the Humberside Co-operative Development Agency Ltd (HCDA) also has two aims, namely:-

- To increase the sustainability of the communities of Weaverthorpe, Butterwick and Helperthorpe by offsetting their carbon emissions; and
- To increase the sustainability of other communities across the wider region by generating income for the HCDA.

This application seeks permission for the erection of 1500kW turbine with a hub height of 40.0m and a tip height of 67.0m, associated crane pad, transformer kiosk, access track, vehicular access and the erection of a 40.5m high temporary meteorological monitoring mast.

The grid connection for the turbine is underground, therefore the connection to the grid will not be visible.

HISTORY:

No recent history.

POLICY:

National Planning Policy Framework (March 2012)

Section 7: Requiring good design.

Section 10: Meeting the challenge of climate change, flooding and coastal change.

Section 11: Conserving and enhancing the natural environment.

Section 12: Conserving and enhancing the historic environment.

National Planning Practice Guidance (March 2014)

Climate change

Conserving and enhancing the historic environment

Design

Determining a planning application

Renewable and low carbon energy

Use of planning conditions

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Ryedale Plan - Local Plan Strategy

Policy SP12 – Heritage

Policy SP13 – Landscapes

Policy SP14 – Biodiversity

Policy SP18 – Renewable and Low Carbon Energy

Policy SP19 – Presumption in Favour of Sustainable Development

Policy SP20 – Generic Development Management Issues

National Guidance

The Climate Change Act 2008

The Renewable Energy Strategy 2009

National Policy Statement for Renewable Energy Infrastructure (EN-1)

National Policy Statement for Renewable Energy Infrastructure (EN-3)

PUBLICITY:

110 letters of objection have been received in total, of which 97 have been from residents of Weaverthorpe, Helperthorpe, East Lutton. The remaining 13 letters have been received from residents of Grimsby, Lincoln, Suffolk, North Wirral, York, Bradford, Leeds, Scarborough, Wakefield, Preston and Pickering. As well as the letters of objection a petition containing 68 signatures has also been received. The Weaverthorpe and Luttons Parish Councils have also objected to the application. The objections received from the Parish Council and residents (including the petition) cite one or more of the following points:-

- The impact of the development of the 'Wolds';
- Cumulative impact of another turbine;
- Visual impact of the proposal;
- Impact of the development on television reception;
- Impact on ecology;
- Shadow flicker as a result of the turbine;
- The developers have not discussed the development with local residents;
- Destruction of an 'Area of High Landscape Value';
- Noise
- Impact on aircraft safety;
- Impact of the development on bird population;
- The development will not benefit the local community as £1 Million pounds over the 25 year operational period of the development will be to a co-operative in Hull;
- Impact on tourism to the area;
- The 'Wolds' is currently been assessed by Natural England in connection with elevating the status of the area to AONB. The proposal will effect this assessment;
- Impact of the development on road safety;
- Impact of Heritage;
- Reduction in house prices;
- No justification for the site selection for the turbine;

68 letters of support in total have also been received from residents of which 43 have been received from Weaverthorpe, Swinton, Appleton-Le-Moors, Little Barugh, Butterwick, Helperthorpe, East Heselton, West Heselton, Yedingham. The remaining 25 of the letters have been received from further afield, namely, Manchester, Hornsea (East Yorkshire), Scarborough, Bempton (East Yorkshire), Drifffield, Bridlington, Shilbottle (Newcastle), Leeds, Lancaster, Holme-upon-Spalding-Moor (East Yorkshire), Kingswood (Hull), Ilkely, York and Hull. The letters of support cite one or more of the following points:-

- The turbine will not adversely impact on the landscape;
- Renewable energy is the future of energy production;
- The proposal will benefit the Wolds valley community;
- The developer carries out 'good' work in the community.

APPRAISAL:

It has been assessed that taking into account the scale and location of the development, it does not constitute 'Environmental Impact Assessment' development in accordance with Schedule 2 of the Town and Country Planning Environmental Impact Assessment Regulations 2011 (as amended).

The main material considerations are:

- Principle of development in policy terms
- Landscape and cumulative impact
- Impact of development on residential amenity
- Heritage impact
- Ecology
- Transport
- Community benefit
- Aviation and radar implications and
- Neighbour and Parish consultation responses

Policy Context

National Policy

The most relevant paragraphs of the NPPF state;

93. Planning plays a key role in helping shapes places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources;

- *Have a positive strategy to promote energy from renewable and low carbon sources;*
- *Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impact;*
- *Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;*
- *Support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and*
- *Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

98. When determining planning applications. Local planning authorities should:

- *Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*

- *Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

The relevant policies in the Ryedale Plan – Local Plan Strategy are:

SP14 – Biodiversity
 SP18 – Renewable and Low Carbon Energy
 SP19 – Presumption in Favour of Sustainable Development
 SP20 – Generic Development Management Issues

Para 7.32 of the Local Plan Strategy advises that one of the main ways in which climate change can be mitigated is through a reduction in greenhouse gas emissions. In order to assist in the decarbonisation of the UK's electricity and heat supply, Ryedale will realise its potential for renewable and local carbon energy sources. Para 7.37 is also relevant to this application and states;

7.37 It is important to recognise and support the contribution of community-led and farm scale renewable and low carbon solutions.

Policy SP18 is criteria based and supports the principle of renewable and low carbon energy, and states;

SP18 Renewable and Low Carbon Energy

Developments that generate renewable and/or low carbon energy will be supported providing that individually and cumulatively proposals;

- *Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;*
- *Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;*
- *Would not have an adverse impact on nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;*
- *Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated.*

It is clear therefore that there is strong policy support at both National and Local level for the *principle* of renewable and low carbon solutions.

Landscape impact

The application is accompanied by supporting documents including acoustic data, visual impact assessment, archaeological survey and photomontage. The area is described in the Local Plan Strategy as – an upland chalk landscape with a string of medieval (and earlier) villages following the spring line of the Gypsy Race. The designation of the area ‘Area of High Landscape Value’ has been retained in the Local Plan Strategy, and demonstrates the value placed on the character of the area. It also adds weight to the requirement to take account of the impact of development on the landscape.

The proposed turbine would be sited on rising ground to the south-east of Helperthorpe. As such it would be viewed separately to the built development in the valley floor. Officers consider that those single turbines that have best been assimilated into the landscape are those which are visually associated with farm buildings, because they are not as isolated.

Nevertheless the District Council has approved other single turbines at distance from existing development where it is considered that the benefits of renewable energy outweigh the harm. An example of this can be seen at Manor Farm, Weaverthorpe.

When considering the turbine in isolation, it will introduce a tall vertical structure which is at odds with the more horizontal rolling slopes of this part of the Wolds. Nevertheless from most view points the greatest impact is relatively localised. Indeed other turbines in the area have been approved by the District Council on that basis. Examples are Gara Farm, and Manor Farm, Weaverthorpe, and Boythorpe Farm at Butterwick.

In relation to cumulative impact, there is little guidance on how to accurately assess cumulative impact. It is necessary to balance the strong policy support for renewable energy with the need to ensure that the number, location, design etc of the turbine does not cause significant demonstratable harm to the Wolds Area of High Landscape Value. The following is a list of turbines that have been approved in the area.

APPROVED

09/00906/FUL (*installed*) – Kirby Wold House, Low Road, Kirby Grindalythe – hub 18.3m tip 25m
10/01311/FUL – Duggleby Wold Farm, Weaverthorpe – hub 32m tip 48m (x2 turbines)
11/00336/FUL (*installed*) – Barrow Farm, Ganton Hill, Ganton – hub 24.6m tip 34.2m
11/00337/FUL (*installed*) – Cat Babbleton Farm, Ganton Hill, Ganton – hub 24.6m tip 34.2m
11/00541/FUL (*installed*) – Kirby Wold House, Low Road, Kirby Grindalythe – hub 18m tip 24.5m
11/00615/FUL (*installed*) – Ling Farm, Green Lane, Langtoft – hub 24.6m tip 34.2m (x2 turbines)
11/00744/FUL (*installed*) – Spaniel Farm, Main Road, Weaverthorpe – hub 37.18m tip 53.88m
12/00201/FUL (Appeal Allowed) – Manor House, Long Hill, Helperthorpe – hub 36.4m tip 46m
12/00566/FUL (*installed*) – Gara Farm, Weaverthorpe – hub 24.6m tip 34.2m
12/00602/FUL (*installed*) – Manor Farm, Main Road, Weaverthorpe – hub 24.6m tip 34.2m
12/00822/FUL – Allison Wold Farm, Simon Howe, Sherburn – hub 30.5m tip 44m (x2 turbines)
13/00534/FUL – Boythorpe Farm, Butterwick – hub 31.5m tip 46m (x2 turbines)
13/00675/FUL – Kirby Wold House, Low Road, Kirby Grindalythe – hub 30.1m tip 41.6m

PENDING

13/00551/FUL – Dotterel Farm, Weaverthorpe – hub 55m tip 81m
13/00851/FUL – Land North of Main Road, Weaverthorpe – hub 40m tip 67m
13/01091/FUL – Land To West of Grange Farm, Main Road, Weaverthorpe – hub 24.8m tip 34.5m

It should be noted that the majority of the above turbines are all within 5km of the application site.

The list is quite extensive. However when taken in isolation it can be misleading in terms of assessing cumulative impact. The reason for this is that the Wolds include a number of valleys which means that whilst the location of turbines can appear to be close on a map (see the attached plan to the report), they may not appear in the same viewpoint when seen on site. In view of this, and as part of the assessment of the application, officers have visited the area to assess the impact of the turbines already erected, and also looked at key views for those proposed. In relation to this application officers identified a number of viewpoints approaching the site from the east and west as well as a view point on the road from Weaverthorpe to Sherburn. Whilst the road is not classified, it is a main route from the A64 to the Wolds, and is regularly used. From this point turbines at Dotterel Farm, and Manor Farm, Weaverthorpe are presently visible. The initial view and associated impact of the turbines is increased as you continue towards Weaverthorpe as more turbines appear on the vista. Permission was granted on appeal at Manor House Helperthorpe and this turbine would be the fourth in this particular vista.

A further application at Dotterel Farm is pending and a recent refusal at High Barn Helperthorpe is the subject of an appeal which is yet to be determined. Officers are of the opinion that this accumulation will result in a further change in the character of the landscape to the extent that it will become a turbine dominated view. The variation in height and design, together with the irregular spacing is considered to add to their incongruous appearance.

Para 98 of the NPPF, states that such applications should be approved if its impacts are (or can be made) acceptable. SP13 of the Local Plan Strategy states that developments that generate renewable and/or low carbon sources of energy will be supported providing that individual and cumulating proposals:

- Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering.

Members will note that both Lutton and Weaverthorpe Parish Councils have expressed concern regarding the cumulative impact of turbines on the Wolds Area of High Landscape Value. Their full response is appended to this report. It is also worth noting the recent decision from the Secretary of State (SoS) on the Heselton Wind Farm development, particularly his comments on the landscape and visual impact on the Yorkshire Wolds Area of High Landscape Value. The SoS states, in paragraph 12, that:-

“...the Wolds is a highly valued landscape...”

On balance, taking into account the previous already granted wind turbines it is considered that the proposed additional turbine will result in significant and demonstrable harm to the character of this part of the Wolds Area of High Landscape Value.

Neighbour impact

(i) Noise

The application is accompanied by a site specific noise survey. The applicant advises that it has been prepared in accordance with ETSU-R-97, and also a new guidance document ‘A Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise May 2013). This is the acknowledged method of assessing potential noise impact.

The Councils Environmental Health Officer has responded and advised that a condition limiting the noise levels is imposed if the application is approved.

(ii) Shadow flicker

It is noted that concerns have been received regarding visual flicker. Given the proposed turbine will be positioned in excess of 400m from any occupied building it is not considered that shadow flicker is an issue in this instance.

Community benefit

This application has been presented on the basis of ‘supporting communities’ through the profits generated by selling the energy produced by both of the turbines to the National Grid.

The revenue generated from this application will divide any profit 75:25 in the favour of TWG.

TWG's aim is to benefit the communities of Weaverthorpe, Butterwick and Helperthorpe. The information submitted in support of the application has identified that TWG is currently considering schemes for the following:-

- Hedgerow replacement and improvement;
- Improving local biodiversity;
- Community transport;
- Scholarships for local people;
- Assistance for local business start-ups; and
- Further investment in renewable energy and energy efficiency schemes.

Members should note, however, that a number of local residents have objected to the application and raised concerns in regard to the credentials and intent of the development based on the perceived community benefits.

Archaeology

The applicants, as part of the submission documents, have carried out a survey and identified that a 'watching brief' be maintained during the construction phase, grid connection and formation of the access track.

The County Archaeologist requested the submission of additional information, due to the fact that area is archaeologically sensitive.

The applicants supplied further information and the County Archaeologist has responded and advised the imposition of a condition, were the application approved.

Highway considerations

The NYCC Highway Officer has advised that the routeing of the apparatus and turbine sections to site, for the majority of its journey, will be within the East Riding of Yorkshire Council's (ERYC) administrative boundary. The ERYC has been consulted and no comments have been received.

The NYCC Highway Officer has requested the submission of additional information in order to be satisfied that the route through Ryedale and the entrance to the site will be acceptable and not result in any highway implications. The information was forwarded to the applicant but to date no revised details have been received.

Heritage impact

Members are advised that there are a number of historic assets, specifically Listed Buildings, located in the surrounding landscape and that the Local Planning Authority has a statutory **duty** under legislation relating to Listed Buildings:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides, so far as material: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

National policy guidance regarding the impact on heritage assets is set out in the National Planning Policy Framework (NPPF) and the recently published National Planning Practice Guidance (NPPG).

Paragraph 129 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise.

Paragraph 133 goes on to say that where a proposed development will lead to substantial harm Local Planning Authorities should refuse permission, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or loss. Where a development proposal will lead to 'less than substantial' harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In terms of development within the setting of heritage assets, paragraph 137 is relevant and advises local authorities to *"look for opportunities for new development within Conservation Areas....and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."*

The National Planning Practice Guidance (NPPG), paragraph 013 amplifies the relevance of an assets setting stating *"Setting is the surroundings in which an asset is experienced..."*. The paragraph continues and goes on to say *"The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance."*

The proposal has been assessed by the Council's Building Conservation Officer, her comments are as follows: -

"...it is apparent with this application that no heritage asset will be physically affected by the proposal..."

"...therefore the focus is on the impact that the proposal will have on the setting of heritage assets."

"In my opinion the built heritage asset most affected by this application is the Grade II listed Church of St. Peter at Helperthorpe".

There are a number of other listed buildings in the near vicinity however due to their distance from the application site, or location within built up villages, I am of the opinion that their settings will not be affected by this application.

"The Grade II Listed Church of St. Peter is located just north of the village close up to the village boundary. Due to its position set back from the road and its location on the boundary of the built up village, it is often screened by other buildings. It is also screened by hedges and trees therefore views of the church are quite restricted. Notwithstanding the above, views of the church spire are clearly visible when travelling south on the road north out of Helperthorpe to East Heselton Wold. This is a minor road and peters out into a track however views of the turbine are likely to be seen in conjunction with the spire of the church and add a competing element into the landscape. In addition, it is likely that due to a break in tree and hedge cover on the south side of the churchyard that the turbine will be clearly visible when looking south into the landscape from within the churchyard, path and porch.

In my opinion the degree of harm caused will, be less than substantial and according to the NPPF should be weighed against the public benefits of the scheme."

Members will be aware of the Secretary of State's (SoS) recent decision on the East Heselton Wind Farm (11/00270/MFULE). The SoS disagreed with the Planning Inspector's assessment of the impact of the proposal upon the setting of a Grade I Designated Historic Asset (St.Andrew's, East Heselton). The SoS concluded that the impact of the turbine's created a harmful distraction to the Asset's setting.

In this particular case the views of and from the designated Historic Asset will be affected by the proposed turbine. This proposal, as reflected in the Building Conservation Officer's comments, results in a similar adverse impact.

Paragraph 129 of the NPPF states that Local Planning Authorities should:

"...identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset)."

Paragraph 132 of the NPPF states: -

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

The Building Conservation Officer has identified that the proposal will cause harm to the setting of the listed building. Whilst not substantial, harm will still result to the setting of the asset if the application is approved.

Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy reflects the NPPF. Specifically it in requires that the *"historic environment will be conserved and where appropriate, enhanced."*

The Legislation, specifically Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting..."*

Whilst the applicant has identified the potential public benefits of the scheme it is considered that those benefits, in the decision making balance, are not of sufficient weight to outweigh the harm caused to the setting of the Grade II listed Church of St.Peter.

Ecology

The information submitted in support of the application includes a report in respect of the potential impact of the turbine on ecology. The turbine location takes account of the surrounding area and accordingly there is no objection from the Councils Countryside Officer.

Aviation and radar

There been no objections received from the relevant aviation and radar consultees. The Ministry of Defence, however, has objected to the application stating that the development will:-

"...will cause unacceptable interference to the AD radar at RAF Staxton Wold."

The applicant has attempted to address the concerns raised by the MOD, however, the MOD has maintained their objection to the proposal.

On this basis the application is considered to be unacceptable.

Other Matters

A number of concerns have been received from residents in regard to the potential devaluation of their property. This is, however, not a material planning consideration.

Conclusion

The District Council is supportive of the principle of renewable energy and this is demonstrated by the number of turbines that have been approved in the District.

However, it is considered that the proposed turbine would add to the accumulation of turbines that would change the perception of the Wolds Area of High Landscape Value in this locality. This is in particular when viewed from the Weaverthorpe to Sherburn road.

It is also considered that, as a matter of planning judgement, that although the proposed development has the potential to deliver some planning benefits, the harm to the setting of St. Peter Church outweighs those benefits.

The applicant has also failed to demonstrate that the proposal will not have a detrimental impact on the Air Defence radar installation or the highway network.

As such the recommendation is one of refusal.

RECOMMENDATION: Refusal

- 1 The proposed development would result in an accumulation of the turbines locally in the landscape when viewed from the Sherburn to Weaverthorpe road. This is considered to be detrimental to the character of the Wolds Area of High Landscape Value. As such the development would be contrary to the principles of para 98 of the NPPF and Policies SP13 and SP18 of the Local Plan Strategy.
- 2 The proposed development by reason of its prominent position in the landscape proximity will result in an unacceptable level of harm to the setting of the Listed Church (St. Peter). Insufficient public benefits are derived from the development that outweigh the harm to the designated asset. The application is therefore considered to be contrary to Policy SP12 of the Ryedale Plan – Local Plan Strategy and the provisions of Section 12 of the National Planning Policy Framework, specifically paragraphs 129, 131, 132, 133, 134 and the statutory provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3 The development is considered to have an unacceptable impact on the National Air Defence Radar at RAF Staxton Wold. The Ministry of Defence (MoD) have objected on the basis that the turbine will be 10.602km from the Air Defence Radar at Staxton Wold and would result in an adverse impact on the RAF Air Defence Radar contrary to National Policy Statement for Energy EN1 Section 5.4 and paragraph 164 of the National Planning Policy Framework.
- 4 Insufficient information has been submitted by the applicant that can demonstrate that the proposal will not have an adverse impact on the highway network. Therefore the proposal is considered to be contrary to Policy SP16, SP18 and SP20 of the Ryedale Plan – Local Plan Strategy

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties