

Item Number: 15
Application No: 22/00602/FUL
Parish: Foxholes Parish Council
Appn. Type: Full Application
Applicant: Mr Ravis (Allison Wold Power)
Proposal: Re-powering of the existing wind turbines, to include the installation of 2no. replacement wind turbines with hub height of 40.7 metres and overall tip height of 64.2 metres
Location: Boythorpe Farm Butterwick To Foxholes Butterwick Malton North Yorkshire YO17 8HF

Registration Date: 23 May 2022
8/13 Wk Expiry Date: 18 July 2022
Overall Expiry Date: 26 July 2022
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Initial consultation

The Joint Radio Company Ltd	Objection
Atkins Ltd	No objection
National Air Traffic Services (NATS)	No objection
Ministry Of Defence	No objection subject to condition
Highways North Yorkshire	No objection
NYCC Natural Services	No ecological constraints
East Riding of Yorkshire Council	No response received
Eddsfield Airfield	No response received
Wind Farm Enquiries	No response received
Tree & Landscape Officer	No response received
Natural England	No response received
Civil Aviation Authority	No response received
Northern Gas Networks	No response received
Environmental Health	No response received
Northern Powergrid	No response received
Foxholes Parish Council	No response received
Ganton Parish Council	No response received
Weaverthorpe Parish Council	No response received
Sherburn Parish Council	No response received

Re-consultation (following further detailed assessment of impact on telemetry and telecontrol links)

The Joint Radio Company Ltd	Objection withdrawn. Recommend approval
Representations (2):	Mr Rod Buckley (objection), Mrs Lynn Mason (objection)

BACKGROUND:

The application is to be determined by Planning Committee as representations received in response to

the consultation exercise have raised objections based on material planning considerations.

As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the application has been screened in accordance with Schedule 2 of the Regulations and the Local Planning Authority has determined that the proposal does not constitute EIA development and need not be accompanied by an Environmental Statement.

SITE:

The application site is an established farmstead located within the open countryside and the Wolds Area of High Landscape Value. The farm is situated between the hamlet of Butterwick and the village of Foxholes, within the Parish of Foxholes. The site is within Flood Zone 1.

There are currently two wind turbines located at the northern end of the farm yard and measure 46m high to the tip, with a hub height of 31.5m (see planning history).

The site is located on rising land to the northern side of the Wolds valley. Access is gained via the unclassified road to the south of the farm. The closest residential property, excluding the residential properties at the applicant's site, is Boythorpe Cottage which is approximately 430 metres southeast of the closest turbine. East End Farm is 800 metres south west of the closest turbine. Public footpath number 25.34/4/2 is approximately 475 metres south of the western turbine and the footpath route takes a south-westerly alignment along a field edge to the rear (north) of East End Farm.

The landscape character in the immediate area comprises rounded rolling chalk hills with discrete meandering valleys with a main valley weaving through the Wolds valley in a west-east direction, with the Gypsy Race lying at the bottom of the main valley. The site is outside of the 'Provisional Candidate Area' identified by Natural England as part of the Yorkshire Wold's AONB designation project.

HISTORY:

13/00534/FUL- Erection of 2no. 31.5m high (overall tip height 46m) 250kw wind turbines to generate electricity for on farm use together with associated electrical sub-station building. APPROVED 30.07.2013. Permission implemented.

PROPOSAL:

Planning permission is sought for the re-powering of the existing wind turbines, to include the installation of 2no. replacement wind turbines with hub height of 40.7 metres and overall tip height of 64.2 metres (blade radius of 23.5 metres).

The existing turbines are Vestas V27s and they will be replaced by Vestas V47s on the existing concrete bases. As is the case for the existing turbines the replacement turbines are of a three blade design mounted on singular poles, in a Vestas white RAL9010 low shine/muted finish.

The application supporting statement explains that the replacement wind turbines will enable the applicant to generate sufficient power for the existing holding more efficiently. The turbines will generate approximately 2,159,610 kWh of renewable energy per annum. The current turbines generate an average of 816,841 kWh per year, therefore, despite the increase in hub height, there would be a 164% increase in electricity generation.

The replacement wind turbines will produce more electricity at low wind speeds. The average wind speed at Boythorpe farm is 7 metres per second, the existing turbines produce approximately 50kw each at this wind speed and the new turbines will produce approximately 160kw each. This extra power at low wind speeds will mean that the farm and its tenants are less reliant on importing expensive electricity.

There is in excess of 13,300 square metres of agricultural sheds at Boythorpe Farm. The energy produced is utilised on site by the farm and its tenants. The largest shed on the farm is used by a potato company for processing and cold storage which consumes large amounts of electricity.

Any excess electricity produced is exported to the grid via the existing export 450kw connection. As is the case for the existing turbines the replacement turbines will have the ability to run at 225kw each.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (PPG)

REPRESENTATIONS:

The LPA has received two representations from local residents (occupants of East End Farm, Butterwick & Ramblers Cottage, Butterwick) both of which raise objection and the following concerns:

- The increased size of the turbines in close proximity to East End Farm would potentially further increase noise pollution and enhancing the visual impact, while adding no additional value to the local community
- The adverse impact on wildlife and habitats in surrounding fields and particularly the threat posed by the spinning turbine blades to flying wildlife like birds and bats
- The increased air turbulence from larger turbines would affect radio and sound waves.

APPRAISAL:

Principle of the development

The application site is within the open countryside. Policy SP1 states that development within the open countryside will be restrict to that which (*inter alia*) “*is necessary to support a sustainable, vibrant and healthy rural economy*”.

The planning statement which accompanies the application provides background to the application stating that *“OFGEM and the UK Government are actively encouraging the development of renewable energy schemes, with plans to boost UK energy independence and tacking the cost of rising energy prices. Under the proposed plans up to 95% of the UKs energy could come from low-carbon sources by 2030”*.

At the national level, the NPPF (2021), at paragraph 152, explains that the planning system should support the transition to a low carbon future in a changing climate and confirms support for renewable and low carbon energy and associated infrastructure. Paragraph 158 of the NPPF emphasises that applicants are not required to demonstrate the overall need for renewable or low carbon energy and the policy recognises that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The policy directs LPA’s to approve applications where the impacts are (or can be made) acceptable.

At the local level Policy SP18, which relates to renewable and low carbon energy, confirms that developments which generate renewable and/or low carbon sources of energy will be supported providing the individual and cumulative effects can be mitigated to an acceptable degree. The specific requirements of the policy relevant to the application under consideration include ensuring such developments can be satisfactorily assimilated into the landscape or built environment and respect the setting of the Wolds and would not adversely impact the local community; historical or nature conservation interests.

The proposal relates to previously developed land where the siting of 2no. wind turbines has previously been deemed to be acceptable. The proposal is for the replacement and repowering of the existing wind turbines to improve energy efficiency on site.

The existing turbines were installed in 2014 and the application details explain that renewable technology has progressed significantly in the last 8 years. The proposed replacement turbines would enable greater efficiency and power generation. The increase in efficiency arises from the proposed turbines ability to have a greater output at lower wind speeds compared to the existing turbines.

For instance, at wind speeds of 8 metres per second the output of the proposed replacements is expected to reach 225kw per turbine whereas the existing turbines would require wind speeds in excess of 14 metres per second to reach 225kw and such wind speeds are significantly above the average wind speed in this location. The power curve comparison is illustrated by the chart appended to this report.

The proposed development would generate renewable energy to the benefit of the rural economy and is considered to be acceptable in principle in line with the aims of Policies SP1 and SP18 subject to consideration of potential landscape and visual impacts, amenity impacts and effects on the historical environment; nature conservation and the local highway network.

Landscape and visual impact

The application site is within a locally designated landscape (Yorkshire Wolds) valued for its natural beauty and scenic qualities. Policy SP13 seeks to ensure the quality, character and value of Ryedale’s diverse landscapes will be protected and enhanced by ensuring new developments reinforce the distinctive elements of landscape character.

Policy SP16 also states that to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings taking account of the topography and views, vistas and skylines. Policy SP20 requires that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses. It also requires consideration of the cumulative impact of new development on the character of an area.

The application site is within a rural setting with a landscape characterised by rolling hills and valleys. The characteristic form of the hills and valleys of landscape do, to an extent, allow the impact of turbines, when located appropriately to be relatively localised.

Due to the rising topography of the land and road side planting the turbines would not be visible from the public highway to the south of the farm. There are views of both turbines available from the public footpath to the south west over a distance of approximately 480 metres at its closest point. There are very fleeting views of both turbines available from the public highway north of Butterwick. Those views are only available between road side hedgerows and over a distance of approximately 800 metres. There are more distant views of both turbines from higher ground on Ganton Road north of Foxholes but over a distance of approximately 1.5 kilometres.

It has previously been established that the location is suitable in landscape and visual impact terms for the siting of 2no. wind turbines. The turbines would be installed in the same position as the existing and are sited in close proximity to the large agricultural buildings on site. It is relevant to note that there are a number of other tall structures including telegraph poles and overhead lines in the locality. In addition there are also several existing wind turbines present at farms surrounding the application site all within 3.5km.

The proposed replacement turbines will increase the overall height with a tip height of 64.2m. These larger replacement turbines will have an impact on the landscape by virtue of their increased scale and the moving parts, however, given the local context within this part of the Wolds it is considered that the proposals will not have a significant adverse effect upon the surrounding landscape.

It is not feasible to screen such taller structures but the visual impact can be partly mitigated by the use of an external muted colour finish set against the sky backdrop.

The degree of harm to which a wind turbine can have on the landscape is largely subjective. Given that the Wolds Valley meanders to the west and that the proposed turbines are not located on an escarpment or ridge they are viewed on their own and not generally in the same context as existing turbines. The presence of wind turbines in the locality form an established part of the landscape character and how this part of the Wolds is experienced. It is considered that over the distances involved the increase in turbine height would not be clearly discernible and would not give rise to an unacceptable degree of visual intrusion over and above existing.

It is considered that the replacement wind turbines will continue to be seen on their own within the context of the existing farmstead. The visual effects will remain localised and the surrounding landscape has capacity to accommodate the development without resulting in a material adverse impact, either individually or cumulatively, on the surrounding landscape in compliance with Policies SP13, SP16, SP18 and SP20.

Noise and shadow flicker

As required by Policy SP20 (Generic Development Management Issues) development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community.

A noise pollution concern has been raised by the occupant of East End Farm, which is 800 metres south west of the application site.

The original application was accompanied by a noise assessment which confirmed that the turbines can operate within acceptable limits, being no louder than 32db at the nearest property. The applicant has advised that whilst the turbines are to be of increased height they will be derated to a similar kW output of the existing, therefore noise levels are anticipated to be similar to that of the existing development.

Due to the separation distances to residential properties, and taking account of noise data for wind turbines, further studies assessing the noise impact are not deemed to be necessary. It is considered that noise from the operation of the wind turbines would not have a material adverse effects on health and

quality of life of any occupants of nearby buildings.

In terms of shadow flicker it is considered that the turbines are a sufficient distance from the nearest residential property and taking account of the rotor diameter, which is also a determining factor, it is not anticipated that shadow flicker would be an issue in this instance.

No concerns have been raised by the Council's EHO.

It is considered that the proposed development would not result in unacceptable noise disturbance or impact on the living conditions of occupants of buildings in the locality and complies with Policy SP20.

Ecological impact

The site is not in close proximity to any national or local nature conservation designations. However, it is noted that a member of the public has raised concerns in relation to the impact of the development on nature conservation and existing wildlife and habitats. The comments make specific reference to bird strike.

In response the applicant has provided further information in relation to bird strike from the Technical Director of WindCare Limited, which services hundreds of rural and farm-based wind turbines around the UK.

The information confirms that the occurrence of birds or bats colliding with a wind turbine is extremely rare and evidence actually indicates that birds have a tendency to nest inside an operational wind turbine nacelle and in doing so are avoiding the moving blades or shafts. The information explains that on numerous occasions turbines have required service assistance where birds have built nests in the turbine and disturbed the 'vibration sensor', inadvertently tripping the turbines safety systems. As a result, for safety reasons, turbine operators are having to install mesh in the nacelles and hubs of operational turbines to prevent birds nesting inside them.

The County Ecologist has reviewed the information provided and considers that there are no ecological constraints that would prevent the project from going ahead and it is considered that there is no conflict with the requirements of Policy SP14.

Archaeological impact

The application site is within an area of archaeological interest. However, the County Archaeologist notes that a significant new area of ground disturbance is not anticipated and as a result there is no archaeological constraint on the proposed development and no conflict with the NPPF or Policy SP12 in this regard.

Highways impact

Paragraph 111 of the NPPF (2021) advises that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

The majority of vehicle movements would be associated with the installation phase whereas there would be minimal vehicle movements associated with the operational phase. The existing access has previously been deemed suitable for the vehicles and movements associated with the installation of the turbines.

The Local Highway Authority accept that the proposal is deemed likely to generate a nominal number of vehicular trips and subsequently there are no local highway authority objections to the proposed development. The highway impact is acceptable and does not conflict with policy contained within the NPPF.

Safeguarding of systems and infrastructure

The application requires consultation with various bodies and organisations in relation to technical matters and safeguarding implications arising from the proposed development. The responses received are summarised below.

Firstly, the application has been considered by the Joint Radio Company Ltd (JRC) which analyses proposals for wind energy developments on behalf of the UK Energy Industry. The assessment undertaken by JRC considers the potential of such developments to interfere with radio systems operated by UK and Irish Energy Industry companies in support of their regulatory operational requirements.

The JRC lodged an objection to the application due to the potential impact of the increase in turbine blade size and hub height on existing telemetry and telecontrol links operated by Northern Power Grid and Northern Gas Networks.

The JRC consultation response explains that the objection shall be withdrawn after simple analysis shows no issues; when a satisfactory coordination has been achieved and the zone of protection is implemented; or when an appropriate mitigation agreement is in place. As requested by the JRC the applicant has been in direct dialogue with the JRC on this matter with a view to resolving the objection.

It has been subsequently confirmed by JRC that a detailed examination of the impact of the turbines on the links has been completed and a reasonable degree of assurance has been met which allows JRC to recommend approval.

The application has also been considered by NATS (responsible for the management of en route air traffic) from a technical safeguarding aspect and it has been confirmed that the proposal does not conflict with NATS safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

The application has also been considered by the Defence Infrastructure Organisation (DIO) Safeguarding Team which represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

The principal safeguarding concerns of the MOD with respect to the development of a wind turbine relates to their potential to create a physical obstruction to air traffic movements. The DIO Safeguarding Team have confirmed no objections subject to a condition being imposed in relation to prior notification to the MOD on the timing of the construction works; height of construction equipment; date of the turbine generators being first brought into use and maximum heights of the turbines.

The application has also been considered by Atkins Limited who are responsible for providing Wind Farm/Turbine support services to the Telecommunications Association of the UK Water Industry (TAUWI). The application has been examined in relation to UHF Radio Scanning Telemetry communications used by TAUWI in the region and it has been confirmed that there are no objections.

Conclusion

There is planning policy support at the national and local level to increasing the amount of energy from renewable and low carbon technologies to help to make sure the UK has a secure energy supply and to reduce greenhouse gas emissions to slow down climate change.

The use of the site for the siting of 2no. wind turbines is established and the impacts of the larger, replacement turbines have been considered against the benefits.

There are no technical or safeguarding concerns or any amenity; highways; historic or natural environment reasons to recommend refusal.

In conclusion the benefits of generating additional renewable energy in a more efficient manner outweigh the potential landscape and visual impacts and, as a result, the recommendation to Members is one of conditional approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

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

Location Plan ref. 01, dated 20.05.2022
Existing and Proposed Site Plan ref. 02, dated 20.05.2022
Vestas V47 Foundation drawing
Wind turbine elevation

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

3 The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason: To maintain aviation safety.

4 The permission hereby granted is for the development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the farm/and or grid from the replacement wind turbines, this date to be confirmed in writing to the Local Planning Authority. By no later than the end of the 25 years period the turbines shall be decommissioned and all related above ground structures shall be removed from the site. Six months before the due date for the decommissioning of the turbines, a scheme for the restoration of the site shall be submitted and approved in writing by the Local Planning Authority. The scheme shall make provision for the removal of all above ground elements, plus 1.5m of the concrete turbine base below ground level, and all associated equipment. The scheme shall include timing for the remediation work before returning the land to agricultural use. Upon approval, the restoration scheme shall be implemented fully in accordance with the approved details.

Reason: In the interests of maintaining the character of the Area of High Landscape Value,

and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Local Plan Strategy and the NPPF.

- 5 If any turbine hereby permitted ceases to generate electricity for a continuous period of six months, all its above ground elements plus 1.5m of concrete below ground level shall be removed within the ensuing period of not more than 6 months.

Reason: In the interests of maintaining the character of the Area of High Landscape Value, and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Local Plan Strategy and the NPPF.

- 6 The development hereby permitted is confined to 2no. Vestas V47 wind turbines with a white RAL9010 low shine/muted finish and maximum hub height of 40.7 metres and height to the blade tip of 64.2 metres above ground level and shall be located as per the approved plans.

Reason: In the interests of the amenities of neighbouring occupiers, and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Local Plan Strategy and the NPPF.