
Policy needs to be implemented on an evidence basis and wind turbine impacts are well defined worldwide by GPs stating real impacts being presented to them at surgeries by real families.

Highway Issues (Safety, noise, capacity)

The A51 is a windy, bendy road not really suitable for big lorries and articulated vehicles and such large construction projects, and sited so close to residences.

The disturbance for local community, which comprises of many children and schools is unacceptable and I reject it completely.

Design, appearance and layout

The extremely tall structure of the wind turbine at 130 metres is unusual, given proximity to homes. This is similar to 4 telegraph poles on each other.

Where has the council seen similar height wind turbine in successful operation close to family homes?

What were the health impacts in these areas? Please report

What were the noise levels? Please report

What were the accident levels and how will fire services be boosted in order to fight a future fire at such a tall structure? Please report

The local community find leaving it to burn and emit toxic fumes for a prolonged period as is the current practice, is completely **UNACCEPTABLE**.

Visual amenity

The current semi-rural nature of the area would be adversely affected by the turbines. Loss of tranquillity, enjoyment of walks and the general quality of life would all be under considerable threat.

The turbine is far too large and too close to peoples' homes making it an alien structure in a semi-rural environment.

Residential Amenity

When I chose to live in the area I accepted the additional cost of travel to work for the enjoyment of being so close to open countryside, walking the footpaths, riding the lanes and the peace and tranquillity of the countryside.

This proposal will cause a significant impairment to this residential amenity which will continue for a generation and involve considerable loss to myself, my family and our local community.

The character of the neighbour-hood of the Church Road and Ascot Drive streets will be irreparably harmed by this development in terms of its:

- Height
- Visibility from many areas and homes and surrounding land totally changing the local character
- Potential noise in nearby properties
- Flicker
- Health Impacts
- Unable to enjoy one's garden for the noise and sights

Even wind-energy enthusiasts have to admit that these giant machines are out of keeping with the landscape. They are built on high-altitude, prominent sites to catch the wind, marring some of the most scenic rural landscapes.

Noise

Other families have experienced serious problems with smaller turbines at a greater distance from their homes.

There is a potential risk of sleep disturbance and related health issues from this proposal. Include any relevant personal medical conditions such as tinnitus, epilepsy, menieres disease, autism or hyperacusis.

Wildlife and Animals

The local wildlife is an aspect of the area that I enjoy.

It is inevitable that the proposed turbine will result in a significant depletion of local bird and bat population. This in turn will lead to an abundant shift in the local ecosystem as a whole.

I would also like to raise the growing concern that wind turbines may cause significant behavioural changes to the pets and working animals of the local community. In addition to the detrimental impact this would have on the animal's welfare any unpredictable behavioural changes in a family pet would not only cause emotional stress but may also lead to physical injury.

Disabled residents who rely upon assistance dogs would also suffer an additional negative effect. I have also included a link to a report that looks into the incidence of a working sheep dog affected by wind turbines.

www.wind-watch.org/news/2012/06/24/working-dogs-may-be-affected-by-wind-farms/

Impacts on the Environment and Character of a neighbour hood

The character of the neighbourhood of the Church Road and Ascot Drive streets will be irreparably harmed by this development in terms of its:

- Height
- Visibility from many areas and homes and surrounding land
- Potential noise in nearby properties

Additionally the brickworks is next to a SSSI. There are nature reserves next to the floodplains by Dosthill Park and behind the ridge. Thier character and views will be irreparably affected and impaired by this project.

Environmental Damage

- Turbine construction will inevitably affect the local environment, probably destroying wildlife habitats. Building access roads, crane pads, and concrete foundations, felling trees change the soil composition at the wind farm site. The result is faster run-off of water during heavy rainfall with the associated risk of flooding in the lowlands. Once the rural uplands have been degraded by turbine construction and access roads, there is the danger that the area will be opened to further erosion through vehicle traffic and the pressure for further development.
- Wind farm construction can disrupt the hydrology of the area and contaminate water supplies. At Ovenden Moor wind farm a 200-foot turbine cracked the bedrock and diverted the natural watercourse. Excavation of cable trenches caused peat to dry out, and tracks to the turbines formed pools of foetid water that could not drain away
- The developers of the Blaengwen wind farm admitted in their Environmental Statement (that 'the proposed turbines, crane pads and tracks have the potential to disrupt the hydrology regime of the site'; nevertheless, they did not feel it necessary, nor did the planners insist, that they undertake a hydrology study of the area. The site is drained by several watercourses and there are a number of private water supplies within a few miles of the site. Yet there has been no investigation into the potential effects that this construction project, which will involve blasting or drilling into the bedrock to build the turbine foundations, may have on the hydrology of the area and the water supplies of nearby properties. It is hard to imagine what other major construction project would be allowed to proceed with so little regard for the inevitable consequences for the local environment.

There are currently about 1,200 wind turbines at 84 sites in the UK supplying less than 0.3% of our electricity needs. Those 1,200 turbines save a mere 0.09% of our carbon dioxide emissions - the bulk of emissions comes from aircraft, vehicle exhaust, domestic heating and industrial processes.

A megawatt-hour of additional electricity is now attracting subsidies of around £500. Although the policy is costing electricity consumers over £100 million a year, it has done little to increase the quantity of new renewable generation.

It is an appallingly inefficient way to cut CO₂ emissions

Investigations

The hydrology study of the area is insufficient to adequately identify any impacts.

It appears that Private wells have not been identified.

Additional Risks

There are also a number of significant other risks that would raise an overall high level of concern..

- Fire risks
- Additional turbulence
- Accidents/Safety concerns
- Light pollution
- Electromagnetic Interference
- Property values

There is also a growing suite of evidence on the lack of efficiency of this energy creation.

Having weighed up all of the risks and future issues that would arise from this development. The recommendation would be to refuse permission for this proposed development.

There is already a proactive campaign launched both within the local community and through Social Media.

We welcome the swift refusal of this application. For future correspondence please see below

Best Regards

Beneficiaries

The only major benefits are to brick company and developer who profit from the subsidies applied to our ever increasing electricity bills.

Enough is enough on electricity prices hikes by energy companies!

If this proposal goes ahead despite local opposition and new government guidance on precedence of local views I propose that:

- All residents within 1 mile receive a £800 annual subsidy to their electricity bills
- A fund is available for investigation medically of any claims of ill health due to the turbine or any TV reception issues per family to draw on as required.

Dr A Spratley
01827263910

19 July 2013

To:
North Warwickshire Borough Council,
Tamworth BC, Rt Hon MP C Pincher

Representations against Dosthill Wind Turbine planning application no:
PAP/2013/0321

- Below objections warrant application refusal
- This will be made a future election issue

Key Factors for Application Refusal

Height

The current application for the Dosthill turbine is for a structure with a height of **130 meters!!** It will be visible for miles from all directions and spoil views looking from the Nature Reserve at Dosthill, on the edge of current dwellings i.e. hill above Slade Road and entrance to nature reserve.

Contrast the visibility of a turbine approved by PINS and at merely a height of 68m:

"The M42 Granada Services turbine which is likely to be 68 metres tall and is expected to be highly visible from a radius of five kilometres (and probably more) as shown by the Applicant's Theoretical Visibility Plan."

The cumulative impact with other wind turbines in the area needs to be considered e.g. PINS approved Granada application and those in other neighbouring counties.

Landscape and Tourism

The Dosthill turbine proposal would have a severely detrimental impact on the landscape, contrary to Local Plan Policy ENV1, which seeks to protect the intrinsic qualities of countryside from harmful development.

In this case off-site mitigation would not be practical as the visual impact of the structure would extend over a large area of semi- agricultural landscape.

Furthermore, in the Draft Core Strategy (3.2) the Spatial Vision places importance on the protection of the natural environment, linking it with the quality of life of the Boroughs residents.

The site lies within the **Green Belt**, between Dosthill and Kingsbury, and as such further development should be **prohibited for such proposals**.

The site is also close to several SSSI's and Nature Reserves and is inherently unsuitable for development of a wind turbine structure and infrastructure.

The site is also close to county borders between the two councils and they should liaise and represent impacted local residents views (who are mostly served by Tamworth BC).

Proximity to Domestic Dwellings

There are many reports in literature citing minimal distances for wind turbines from domestic dwellings as **10 kilometres as a minimum**.

Dr. Sarah Laurie's submission to the Australian Federal Senate Inquiry on Rural Wind Farms advised that wind turbines should be situated at least **10 kilometres from dwellings**.

The Ascot Drive, Dosthill High Street and Church Road homes are very close to this proposed turbine site.

Countries like Greece have minimum legal distances for siting turbines in relation to TV stations and dwellings before a license for a turbine can be granted. Why are we deemed to deserve less as resident in this country? }

We suggest mountainous areas with low vegetation and little wildlife would be a better location for such turbines, where the health/environmental impact is low.

Health Impacts

Elsewhere wind turbines have been found to be harmful to the health of residents and wildlife living in the vicinity.

Although very little research has yet been done into the health impacts of wind turbines in this country, elsewhere there have been some **worrying findings**.

Dr. Sarah Laurie's submission to the Australian Federal Senate Inquiry on Rural Wind Farms advised that wind turbines should be situated at least **10 kilometres from dwellings**.

She cited reports from across the world of people who live adjacent to wind turbines becoming ill. }

Action Regulators: But the UK government has not conducted any research into the effects on health of modern large wind turbines

Action Regulators: Many doctors around the world are noticing that they are seeing more and more health issues associated with living close to windfarms

The causes range from noise, pulsatile infrasound, and electro-magnetic radiation. The resulting illness is now known as wind turbine syndrome. Symptoms include sleep deprivation, severe frequent headaches, tinnitus, nausea, motion sickness, visual blurring, irritability, memory deficits, anxiety, depression, high blood pressure, and angina.

Action Regulators: Review experiences from around the world of people living near such turbines and forced to move on health grounds

In the UK, Dr Amanda Harry, a rural GP, carried out a community survey after her patients presented to her with new symptoms and health problems. These had developed after large wind turbines commenced operation near her village in Cornwall.

Dr Christopher Hanning, a sleep expert from Leicester University, wrote a report on the effects of wind turbines on health for the community of Swinford in Leicestershire. He put the **minimal distance at 1.5 kilometres** and stated in his report that, proposals that seek to place turbines within 1.5km of habitation have not sought to minimise environmental and social impact by wind turbine noise and its 2 effects on sleep and health. They are therefore in contravention of PPS22 (Dr Christopher Hanning, BSc, MB, BS, MRCS, LRCP, FRCA, MD, Sleep disturbance and wind turbine noise, 5.1.2).

Furthermore, it is now proven that wind turbines are an expensive and unreliable method of energy generation.

According to a report in the Daily Telegraph (20 Aug 2011), the cost is in the region of £140 billion, which works out at £5,600 for each UK household. But wind power is unreliable. Last year onshore turbines generated just 21 per cent of their capacity. When the turbine is idle, the shortfall has to be made up by gas-fired power stations. For every new megawatt of wind capacity built, it will be necessary to build a megawatt of capacity from gas-fired stations, kept running continuously, emitting carbon dioxide. This will add further billions to the bill we shall all have to pay, while ensuring that wind power does nothing whatever to reduce our overall emission of CO2 There are a number of dwellings within 1.5 kilometres of the proposed turbine and it seems to us premature to approve another wind turbine in the Borough before their impacts are fully understood.

Fire Risks

Apart from health there are other risks.

Most recently a photograph appeared in the press of a turbine in Scotland, dramatically on fire during the gales.

Another broke off and fell to the ground. In the rush by landowners to benefit from the rewards of hosting wind turbines we are forgetting that they are still in their infancy. But once built they will be with us for the foreseeable future and on the sites where they stand a precedent for development will be established.

We need to consider the risk to other parts of our economy from the visual impacts of wind turbines.

A report to the Scottish Government found that wind turbines impacted adversely on tourism. If North Warwickshire is to retain its pleasant rural character as described in the Core Strategy it is important that the Council takes a robust approach to further applications for wind turbines.

Other potential disasters

Risks include: toxic fumes from fires being allowed to burn out as they are too high to fight, ice throw off during severe winters, structure collapse and impact, pollution pathways created during construction phase,

Risk Assessment: Sources, Pathways and Receptors

Risk Assessment performed by applicant given proximity of potentially 'contaminated land' in the operational landfill site is inadequate.

The investigation and assessment processes are deficient and do not properly identify information on **sources, pathways and receptors** present on or adjacent to a site as may be created during any construction phase.

The adjacent Kingsbury lakes is a potential receptor which may have a connection to the aquifer underlying the brick works site.

Action Regulators: Establish independently whether any pathways will be created through construction activities which may lead to future harmful affects

Biodiversity, Birds and Bats Impact

There are reports of bird and bat mortality at wind turbines as there are around other artificial structures.

The scale of the ecological impact is considered by local folk to be significant.

Impact on wildlife

Environmental assessments are routinely carried out for wind farm proposals, and potential impacts on the local environment (e.g. plants, animals, soils) are evaluated. Turbine locations and operations are often modified as part of the approval process to avoid or minimise impacts on threatened species and their habitats. Any unavoidable impacts can be offset with conservation improvements of similar ecosystems which are unaffected by the proposal

BATS

Bats may be injured by direct impact with turbine blades, towers, or transmission lines. Recent research shows that bats may also be killed when suddenly passing through a low air pressure region surrounding the turbine blade tip

The numbers of bats killed by existing turbine facilities has troubled bat enthusiasts.

A study in 2004 estimated that over 2,200 bats were killed by 63 onshore turbines in just six weeks at two sites in the eastern U.S.

This study suggests some onshore and near-shore sites may be particularly hazardous to local bat populations and more research is needed.

Migratory bat species appear to be particularly at risk, especially during key movement periods (spring and more importantly in fall).

Horses

Several local riders use various nature reserves as bridlepaths and there is possibility for the noise to alarm horses causing them to bolt or injure the rider.

Weather and climate change

Wind farms may affect weather in their immediate vicinity. Spinning wind turbine rotors generate a lot of turbulence in their wakes like the wake of a boat. This turbulence increases vertical mixing of heat and water vapor that affects the meteorological conditions downwind. Overall, wind farms lead to a slight warming at night and a slight cooling during the day time. This effect can be reduced by using more efficient rotors or placing wind farms in regions with high natural turbulence. Warming at night could "benefit agriculture by decreasing frost damage and extending the growing season. Many farmers already do this with air circulators

Safety

Accidents from turbines in England are calculated to be in 2011 as 1500 in the previous five years. Please see below report from Caithness windfarm forum. To view table data suggest the original website report is consulted.

Accident frequency rates have increased steadily year on year from 10 in 1996 to 160 events in 2012.

Summary of Wind Turbine Accident data to 30 June 2013

These accident statistics are copyright Caithness Windfarm Information Forum 2013. The data may be used or referred to by groups or individuals, provided that the source (Caithness Windfarm Information Forum) is acknowledged and our URL www.caithnesswindfarms.co.uk quoted at the same time but please do not link to this file on your website as it will cease to be current. Caithness Windfarm Information Forum is not responsible for the accuracy of Third Party material or references.

The accompanying detailed table includes all documented cases of wind turbine related accidents and incidents which could be found and confirmed through press reports or official information releases up to 30 June 2013. CWIF believe that this compendium of accident information may be the most comprehensive available anywhere.

Data in the detailed table is by no means fully comprehensive – CWIF believe that it is only the "tip of the iceberg" in terms of numbers of accidents and their frequency. Indeed on 11 December 2011 the Daily Telegraph reported that RenewableUK confirmed that there had been 1500 wind turbine accidents and incidents in the UK alone in the past 5 years. Data here reports only 142 UK accidents from 2006-2010 and so the figures here may only represent 9% of actual accidents.

The data does however give an excellent cross-section of the types of accidents which can and do occur, and their consequences. With few exceptions, before about 1997 only data on fatal accidents has been found.

The trend is as expected – as more turbines are built, more accidents occur. Numbers of recorded accidents reflect this, with an average of 8 accidents per year from 1993-97 inclusive; 33 accidents per year from 1998-2002 inclusive; 80 accidents per year from 2003-07 inclusive, and 141 accidents per year from 2008-12 inclusive.

0 20 40 60 80 100 120 140 160 180 1996 1997 1998 1999 2000 2001 2002 2003
2004 2005 2006 2007 2008 2009 2010 2011 2012 Year Accidents in year

This general trend upward in accident numbers is predicted to continue to escalate unless HSE make some significant changes – in particular to protect the public by declaring a minimum safe distance between new turbine developments and occupied housing and buildings.

Some countries are finally accepting that industrial wind turbines can pose a significant public health and safety risk. In New Zealand, the government is set to change planning rules to give residents the right to veto wind turbines from being built within 2km of their homes. In Australia, the Victorian government has set guidelines forbidding wind turbine construction closer than 2km to houses. In Scotland, a 2km guideline is also in place between large wind farm developments and communities, though the guideline is disgracefully ignored by the Scottish government. And in Canada, the Ontario Government has declared a moratorium on offshore wind projects and has proposed a reduction of noise from wind turbines from 40dB to 30-32dB, which would effectively extend the setback distance from homes.

Detailed data is presented chronologically. It can be broken down as follows:

Number of accidents

Total number of accidents: 1405

}	By	70	80	90	00	01	02	03	04	05	06	07	08	09	10	11	12	*1
	ye	s	s	s														3
	ar:																	
	Ye																	
	ar																	
	N	1	9	98	30	17	70	66	59	71	82	12	13	13	11	16	16	73
	o.											4	1	1	9	3	1	

Fatal accidents

Number of fatal accidents: 102

}	B	70	80	90	00	01	02	03	04	05	06	07	08	09	10	11	12	*1
	ye	s	s	s														3
	ar																	
	:																	
	Y																	
	ea																	
	r																	
	No	1	8	15	3	1	4	4	4	5	5	11	8	7	14	12		
	.																	

Operation of any utility-scale energy conversion system presents safety hazards. Wind turbines do not consume fuel or produce pollution during normal operation, but still have hazards associated with their operation.

If a turbine's brake fails, the turbine can spin freely until it disintegrates or catches fire. ^[citation needed] This is rare and the odds of a major turbine fire or disintegration is in the order of 0.001% over the 20-25 year lifespan of a modern wind turbine. Some turbine nacelle fires cannot be extinguished because of their height, and are sometimes left to burn themselves out. In such cases they generate toxic fumes and can cause secondary fires below. ^[citation needed] However, newer wind turbines are built with automatic fire extinguishing systems similar to those provided for jet aircraft engines. The autonomous FIREX systems, which can be retrofitted to older wind

turbines, automatically detect a fire, order the shut down of the turbine unit and immediately extinguish the fires completely. ^{[7.1][7.2][7.3][7.4][7.5]}

During winter ice may form on turbine blades and subsequently be thrown off during operation. This is a potential safety hazard, and has led to localised shut-downs of turbines. ^[7.6] Modern turbines can detect ice formation and excess vibration during operations, and are shut down automatically. Electronic controllers and safety sub-systems monitor many different aspects of the turbine, generator, tower, and environment to determine if the turbine is operating in a safe manner within prescribed limits. These systems can temporarily shut down the turbine due to high wind, ice, electrical load imbalance, vibration, and other problems. Recurring or significant problems cause a system lockout and notify an engineer for inspection and repair. In addition, most systems include multiple passive safety systems that stop operation even if the electronic controller fails

Aesthetics/Shadow Flicker

Residents near turbines may experience "shadow flicker" on nearby caused by rotating turbine blades, when the sun passes behind the turbine. This issue is increased if a turbine is poorly sited and adjacent to many homes, the duration of shadow flicker on a neighborhood can last many hours. }

Light Pollution

Wind towers require aircraft warning lights, which may create light pollution in the neighbourhood. This is an area for regulation by the Environment Agency.

Noise annoyance

Noise production from turbines has 2 components.

- Moving mechanical parts
- Revolution of the blades

These 2 noise components have not been adequately addressed or mitigated. Insufficient details about acoustic insulation and designing out noise by use of specific toothed gear wheels. }

Potential for Noise Nuisance for dwellings closest to turbine development.

Suggest council visit some currently operational turbines and assess noise levels at various distances when they are operating normally before making any planning decisions.

Nina Pierpont, a New York pediatrician and wife of an anti-wind energy activist, states that noise can be an important disadvantage of wind turbines, especially when building the wind turbines very close to urban environments.

She asserts that wind turbines affect the mood of people and may cause physiological problems such as insomnia, headaches, tinnitus, vertigo and nausea and include headaches, insomnia, anxiety, and dizziness

Noise levels at nearby residences may be managed through the siting of turbines, the approvals process for wind farms, and operational management of the wind farm.

Electromagnetic interference problems: Radio and TV signal disruption

It is a fact that transmission from radio and tv broadcast frequencies is influenced by obstacles between the transmitter and receiver.

A compensation fund should be started by the WT owner if permission is granted to address all such issues raised by residents.

Property Values

Whilst I am aware this is not a planning consideration, this would become an election issue for majority of residents in this area.

Such developments should only be sited away from dwellings at certain minimum distances which you should determine and consult upon bearing in mind all the health effects cited in literature and health and safety information about recent accidents.

Beneficiaries

These tend to be land owners that are paid large sums to host such structures and blights living standards for any one close to such developments. As these sums are subsidised by tax payers, it is a double whammy for residents.

We will consider making this an election issue if necessary.

Recommend County Council refuse the Wind turbine Application

I, as a Church Road resident respectfully urge the Council to **refuse this application.**

Yours sincerely

Anu Spratley

Dr Anu Spratley

3 Church Road

Dosthill

Tamworth

B77 1LU

anu.spratley@gmail.com

Copied to:

- Rt Hon Christopher Pincher,
- County Council for Tamworth and N Warwickshire
- Other Church Road residents for independent representations

Kingsbury Wind Energy Scheme

Support Document

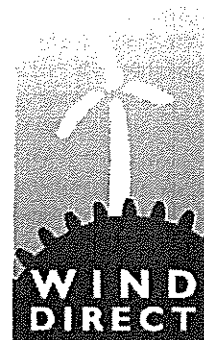
Planning Statement



July 2013

Wind Direct
4th Floor Warwick House
737 Warwick Road
Solihull
B91 3DG

Tel: (01524) 230 855



RECEIVED

02 JUL 2013

North Warwickshire
Borough Council

1.1 INTRODUCTION

1.1.1 This Planning Statement has been prepared in support of a planning application by Wind Direct to North Warwickshire Borough Council for the Kingsbury Wind Energy Scheme (WES). Its purpose is to assess and conclude on the acceptability of the proposal in terms of relevant national and local planning policy and other material considerations.

1.1.2 The planning application is submitted under the Town and Country Planning Act 1990 and seeks planning permission for the following:

- One wind turbine (up to 2.5 MW generational capacity);
- New access tracks and access track upgrades;
- Temporary construction compound;
- Crane hardstanding areas;
- Electrical enclosures; and
- Underground cabling.

1.1.3 Planning permission is sought for a 25 year operating period after which the scheme will be decommissioned. The project would also involve the construction of a grid connection, which will be subject to a separate application to the relevant utility company in this case Western Power Distribution.

1.2 PLANNING POLICY CONTEXT

1.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a requirement upon Authorities determining planning applications to determine such applications in accordance with the adopted development plan unless material considerations indicate otherwise. This is also explicitly stated within the National Planning Policy Framework document.

1.2.2 In this instance, the proposal lies within the administrative area of North Warwickshire Borough Council. The development plan for this area currently consists of the saved policies of the North Warwickshire Local Plan 2006, Warwickshire Structure Plan, Minerals Local Plan and Waste Local Plans. Under the Planning and Compulsory Purchase Act 2004 these documents will be replaced by a suite of emerging Development Plan Documents (DPDs), most notably the Core Strategy (which has been submitted for examination, although is subject to an exploratory meeting which may result in its withdrawal), the Site Allocations DPD, (which is at the preferred options stage) and the Development Management DPD (which is at issues and options stage). Together these documents will fill form the Council's Local Plan and once adopted will replace the current North Warwickshire Local Plan 2006 to become the development plan for the area. Until such time as this happens the Development Plan Documents remain only a material consideration to any forthcoming planning application.

1.3 CURRENT LAND USE AND PLANNING HISTORY

- 1.3.1 The area on which the proposed wind turbine would be located is currently agricultural land to the east of the quarry workings. The site lies within the Green Belt, between Dosthill and Kingsbury.
- 1.3.2 Planning permission to install a temporary anemometry mast (70m in height) at the site was granted in December 2011 (ref PAP/2011/0532).
- 1.3.3 A screening request for the development was submitted to the LPA in October 2011. In response the LPA issued a screening opinion that an Environmental Impact Assessment (EIA) was not required.

1.4 PLANNING POLICY DOCUMENTS THAT COMPRISE 'MATERIAL CONSIDERATIONS'

National Planning Policy Framework (NPPF)

- 1.4.1 The NPPF was published in March 2012 and replaced the Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) documents previously used to set out national planning policy. The NPPF sets out the Government's planning policies for England, how these are expected to be applied and is a material consideration in the determination of planning applications.
- 1.4.2 Paragraph 187 of the NPPF sets out that Local Planning Authorities (LPAs) should look for solutions rather than problems, and that decision takers at every level should seek to approve applications for sustainable development where possible. LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 1.4.3 At the heart of the NPPF is the presumption in favour of sustainable development, which gives rise to the need for the planning system to perform a number of roles:
 - An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
 - A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.
 - An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 1.4.4 The NPPF sets out that for decision taking, the presumption in favour of sustainable development means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.

1.4.5 In accordance with Government guidance, now that over 12 months have now elapsed since the introduction of the NPPF, where there is any conflict between the NPPF and local plan policies which do not form part of an up to date local plan, greater weight should be attached to the NPPF.

1.4.6 The NPPF also sets out 12 core planning principles which should underpin both plan making and decision taking. One of these principles which is of particular relevance to this proposal is that the planning system should;

'Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example by the development of renewable energy).'

1.4.7 Rather than have a range of separate documents to deal with specific topics, the NPPF deals with the issues previously addressed in the now defunct PPS and PPG documents as individual heading topics within the Framework itself. The sections considered relevant to this proposal are as follows:

Building a strong, competitive economy

1.4.8 The NPPF is clear that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Requiring good design

1.4.9 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

1.4.10 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However local distinctiveness should be sought and promoted.

1.4.11 LPAs should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

Meeting the challenge of climate change, flooding and coastal change

1.4.12 The NPPF states that to 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. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable energy and low carbon energy development while ensuring that adverse impacts are satisfactorily addressed, including landscape and visual impacts;
- 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.

1.4.13 When determining planning applications, local planning authorities should:

- Not require applicants 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 areas 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.

1.4.14 Whilst it is important to recognise that PPS22: Renewable Energy has been replaced by the NPPF, in the absence of any technical guidance regarding the assessment of renewable energy proposals, it is considered that the technical guidance provided in Planning for Renewable Energy: A Companion Guide to PPS22 is still relevant and should be used to assess the technicalities of renewable energy proposals.

Conserving and enhancing the natural environment

1.4.15 Paragraph 118 addresses the approach to be applied to biodiversity in determining planning applications. It states that when determining applications, LPAs should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- Proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the sites notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs;
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside of ancient woodland, unless the need for, and benefits of the development in that location clearly outweigh the loss;
- The following sites should be given the same protection as European sites;
 - Potential Special Protection Areas and possible Special Areas of Conservation
 - Listed or proposed Ramsar sites; and
 - Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Conserving and enhancing the historic environment

- 1.4.16 The NPPF replaced PPS9 which dealt with all aspects of planning for the historic environment. The NPPF states that in determining planning applications, LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.
- 1.4.17 In determining planning applications, paragraph 131 states that LPAs should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

National Policy Statement for Renewable Energy Infrastructure (EN-3)(DECC, 2011)

1.4.18 This National Policy Statement (NPS) taken with the Overarching Policy Statement for Energy (EN-1) provides the primary basis for decision making on National Infrastructure Planning Projects for renewable energy infrastructure, previously determined by the Infrastructure Planning Commission (IPC) and now dealt with by the Planning Inspectorate. For wind energy developments this means schemes of over 50MW capacity. Although this proposal would clearly not fall within this scale, there is case law to suggest that this NPS can be considered a material consideration to demonstrate the Government's commitment to electricity generation from renewable sources. The statement itself also states that its content can be taken as a material consideration in determining applications for smaller schemes. This NPS reiterates the important role of onshore wind and deals with issues including landscape and visual impact, noise biodiversity and the historic environment. Of particular note is the endorsement that this document provides for the use of ETSU-R-97 for assessing potential noise impacts. Indeed the NPS specifically states that *'notwithstanding the date of this (ETSU-R-97) report, the Government is satisfied on the balance of subsequent scientific research that its key conclusions (and in particular the limits it recommends) remain a sound basis for planning decisions.'*

Overarching National Policy Statement for Energy (EN-1) (DECC, 2011)

1.4.19 This NPS highlights that in order to meet stringent emissions targets, the consumption of electricity will need to be almost exclusively from low carbon sources. This NPS again reiterates the Government's commitment to renewable energy development and can also be a material consideration in the determination of planning applications for renewable energy developments which do not meet the threshold for National Infrastructure Projects.

Development Plan

1.4.20 The current development plan for North Warwickshire consists of the saved policies in the North Warwickshire Local Plan 2006, Warwickshire Structure Plan, Minerals Local Plan and Waste Local Plan and of these, only the Local Plan 2006 is relevant to the determination of this application. The West Midlands Regional Spatial Strategy (RSS) has recently been revoked, and of the emerging Local Plan for North Warwickshire, only the Core Strategy has reached an advanced stage of preparation, although it is yet to undergo examination and may be withdrawn (at the Inspector's request), and so limited weight can be attached to the policies it contains.

North Warwickshire Local Plan 2006

- 1.4.21 Following the revocation of the RSS, the saved policies of the North Warwickshire Local Plan 2006 forms the development plan for the area.
- 1.4.22 The site lies within the Green Belt where Policy ENV2 applies, and close to a site designated under Policy ENV3 as a SSSI and Regionally Important Geological Site. In addition there are a number of wider local plan policies which are also relevant to this proposal. A summary of these policies and a consideration of the development's compliance with them is provided below.

ENV2 – Green Belt

- 1.4.23 Policy ENV2 states that within the areas of Green Belt shown on the proposals map PPG2 – Green Belts applies. It also clarifies that areas within development boundaries are excluded from the Green Belt. As explained earlier in this document, PPG2 has now been replaced by the NPPF and so is no longer of relevance. The NPPF therefore provides the relevant planning policy in relation to Green Belt. This maintains support for the protection of land within the Green Belt, however it also identifies that the wider environmental benefits of renewable energy can constitute very special circumstances to justify development within the Green Belt. This is discussed in more detail in the Green Belt – Very Special Circumstances section of this document.

ENV3 – Nature Conservation

- 1.4.24 Policy ENV3 identifies that proposals for development within or likely to affect Sites of Special Scientific Interest (SSSI) will be subject to special scrutiny. Where development may adversely affect a SSSI it will not be permitted unless the reason for the development clearly outweighs the nature conservation value of the site and the national policy to safeguard such sites. It also sets out that development likely to have a harmful effect on the nature conservation value of a local nature reserve, site of importance for nature conservation, or a regionally important geological/geomorphological site will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal that clearly outweigh the need to safeguard the nature conservation value of the site or feature. The policy also explains that conditions and/or obligations may be used where appropriate to protect and enhance such sites and features. Similar protections are extended to rare, endangered or other species of conservation importance.
- 1.4.25 Whilst the proposed development is located in close proximity to a SSSI and Regionally Important Geological Site, these designations are associated with geological features within the quarry, and the development of the wind energy scheme would therefore not result in adverse impacts upon these. The wider ecological issues associated with the development are considered in detail in Chapter 7, Volume 2 of the supporting document to the application, and in view of the conclusions set out there, it is considered that the proposed development does not conflict with this policy.

ENV1 – Protection and Enhancement of Natural Landscape

- 1.4.26 This policy states that development that would neither protect nor enhance the intrinsic qualities of the existing landscape, as defined by the Landscape Character Assessment, will not be permitted. Only where protection or enhancement is incompatible with proposed development might mitigation be considered as an alternative to protection or enhancement. The landscape implications of the

development are considered in detail in Chapter 5, Volume 2 of the supporting document, which concludes that the impact of the development would not be unacceptable in landscape terms. This policy must also be considered in light of the NPPF, and the importance that it attaches to sustainable development, renewable energy and protecting the most valued landscapes whilst enabling development. The proposed site is not located within a designated landscape, the wider environmental benefits that the scheme would provide are considered to mitigate any landscape impacts and the development is considered acceptable in landscape terms. The proposal therefore does not conflict with this policy.

ENV4 – Trees and Hedgerows

- 1.4.27 This policy seeks to protect trees and hedgerows, stating that development would not be permitted if it would result in the loss of trees, woodlands or hedgerows that in terms of their historical, ecological, townscape or landscape significance make a positive contribution to the quality of the local environment. The proposal requires the removal of a 5m section of species poor hedgerow for the new access track. The proposal includes hedgerow enhancement measures therefore there will be no net loss of trees or hedgerows and so the proposal does not conflict with this policy.

ENV10 – Energy Generation and Energy Conservation

- 1.4.28 Policy ENV10 states that planning permission will be granted for renewable energy schemes where they do not have an unacceptable impact on the environment. The supporting document supplied with the planning application considers in detail the environmental impacts of the proposal, and demonstrates that there would be no unacceptable impacts on the environment. This policy is therefore considered to weigh heavily in support of the development.

ENV11 – Neighbour Amenities

- 1.4.29 This policy states that development will not be permitted if the occupiers of nearby properties would suffer significant loss of amenity, including overlooking, loss of privacy, or disturbance due to traffic, offensive smells, noise, light, dust or fumes. Residential amenity is considered in detail in the supporting documents to the application, which demonstrate that no residential properties would suffer a significant loss of amenity. The proposal therefore does not conflict with this policy.

ENV15 – Heritage Conservation, Enhancement, and Interpretation

- 1.4.30 Policy ENV15 seeks to protect heritage assets including Conservation Areas and Registered Parks and Gardens. It states that development adversely affecting the character or setting of such features will not be permitted. It also states that development which does not make provision for the preservation or enhancement of features and artefacts present on the site that contribute to the Borough's industrial heritage will not be permitted. The cultural heritage impacts of the proposal are assessed in Chapter 6, Volume 2. The assessment concludes that no Conservation Areas or Registered Parks and Gardens would be adversely affected by the development, and provision can be made for the protection of any unidentified, below ground features by way of condition. The proposal therefore does not conflict with Policy ENV15.

ENV16 – Listed Buildings, non-listed buildings of local historic value and sites of archaeological importance (including Scheduled Ancient Monuments)

- 1.4.31 This policy seeks to ensure the protection of cultural heritage assets, and their settings. A detailed assessment of the cultural heritage impacts is provided in Chapter 6, Volume 2, and concludes that the development would not adversely affect any cultural heritage assets, including those identified in this policy. The development therefore does not conflict with this policy.

Core Strategy Development Plan Document (submitted for examination)

- 1.4.32 The emerging Core Strategy Development Plan Document will form a key part of the Local Plan for North Warwickshire, containing a vision and strategic objectives for the Borough, along with the core policies which will set the basis for directing development over the next 15 to 20 years. The Core Strategy was submitted for examination in February 2013, and a date for the examination has yet to be set. Following the submission, the planning inspector undertaking the examination requested that the Core Strategy be withdrawn. At the time of writing the Core Strategy had not been withdrawn from examination but an exploratory meeting is scheduled to discuss the implications. Given this uncertainty around the soundness of the Core Strategy and the potential for the policies it contains to be subject to change, it is considered that little weight can be attached to them at this stage.

1.5 GREEN BELT

- 1.5.1 As identified above, the development site lies within the Green Belt. As the Local Plan policy on Green Belt signposts to national policy guidance which is out of date (PPG2), the most relevant Green Belt policy is considered to be provided by the NPPF. The NPPF replaced PPG2 however, the fundamentals of protecting the Green Belt remain much the same with the government attaching great importance to the Green Belt and requiring applicants to demonstrate special circumstances to allow for an approval.

- 1.5.2 The NPPF identifies five main purposes of the Green Belt, detailed below:

- Checking unrestricted sprawl of urban areas;
- Prevent merging of settlements;
- Safeguard the countryside from encroachment;
- Preserve the setting and special character of historic towns; and
- Assisting urban regeneration by encouraging the re-use of urban land.

- 1.5.3 The NPPF goes on to identify that elements of many renewable energy projects will constitute inappropriate development when located in the Green Belt, with the onus on the developer to demonstrate very special circumstances if projects are to proceed. However the NPPF goes on to state that the very special circumstances may include the wider environmental benefits associated with the increased production of energy from renewable sources. This should be given significant weight in determining whether special circumstances exist.

Very Special Circumstances

- 1.5.4 The proposed development at Kingsbury is considered to meet the requirement of 'very special circumstances' as follows.

Wider Benefits of Renewable Energy

- 1.5.5 Very special circumstances arise from the national objective for improved sustainable energy production in light of global warming. The NPPF states that *"when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed, such very special circumstances may include the wider environmental benefits associated with the increased production of energy from renewable sources"*.

- 1.5.6 The approval of this scheme would make a small but significant contribution to national renewable energy targets. As the development is to supply electricity directly to the quarry it is restricted in location to areas around the quarry, which is itself located within the Green Belt. There is no unconstrained land in the vicinity of the site, where the development could be located outside of the Green Belt designation. The local authority area of North Warwickshire has approximately 64% of land designated as greenbelt.

Supporting an existing local business

- 1.5.7 The proposed wind turbine would supply energy directly to the quarry at Kingsbury assisting the business in reducing and stabilising its energy costs and lowering the carbon footprint. The development will help the quarry to become more sustainable by reducing its reliance on non-renewable forms of energy. It is increasingly important in the construction industry to consider the carbon footprint of building products. By reducing the carbon footprint of their products, the proposed development will assist in gaining the quarry a competitive advantage in an increasingly challenging market, thereby helping to secure the future of the site and the economic benefits that brings.
- 1.5.8 The project has the potential to generate the equivalent electricity as is used by approximately 1,358 homes, the equivalent to meeting the needs of 88% of households in Kingsbury. Wienerberger is predicted to use approximately 70% of this quota (see Appendix 3.2, Volume 4 for full details for the methodology used in this calculation).



Wind Developments in Green Belt

1.5.9 Similar developments have been located and consented in Green Belts as can be seen below:

- South Staffordshire College adjacent to the M6 motorway is located within Green Belt. Planning permission was granted for two, 2MW turbines by PINS in December 2010. The planning inspector commented:

“despite the height and visibility of the wind turbines, the extent of the introduced development would be limited and the harm to the openness of the Green Belt would only carry moderate weight in the determination of the appeal.”

- A single 71 meter high turbine located in Epperstone in Nottingham was approved by the Planning Inspectorate in February 2012. The Inspector’s view was that the proposal would have a very modest impact on the openness of the Green Belt and would not compromise any of the purposes of including the land within the Green Belt as set out in the NPPF.

“Overall I conclude that the benefits of the scheme associated with the production of energy from renewable resources and the benefits to the rural economy are sufficient to outweigh the harm by reason of inappropriate development and the limited harm to the openness of the Green Belt, and therefore constitute the special circumstances necessary to justify inappropriate development in the Green Belt”.

Impacts on the Green Belt

1.5.10 Whilst any development in the Green Belt can be defined as harmful by way of its inappropriateness, in assessing the level of harm and the impact of a development it is necessary to consider how the development aligns with the purposes of the Green Belt.

- Objective: to check the unrestricted sprawl of large built up areas.
- Given the nature of the proposed development, it is considered that the approval of this scheme would not conflict with this strategic objective of the Green Belt.
- Objective: To provide opportunities for outdoor sport and outdoor recreation near urban areas.
- The development would not conflict with this objective.
- Objective: To retain attractive landscapes and enhance landscapes near to where people live.
- Whilst the turbine will have a locally dominating effect on the appearance of the landscape, the landscape will retain its intrinsic qualities of open, green space character. The turbine is located as close as practicable to the existing development of the quarry, which helps to minimise the impact on openness.
- Objective: to improve damaged and derelict land around towns;
- The land on which the turbine would be located is neither damaged nor derelict, and this objective is not relevant to this area of Green Belt.
- Objective: To secure nature conservation interests;
- The effects of the development on natural heritage interests are considered in Chapter 6, Volume 2, and conclude that the development would not have an adverse impact on nature conservation interests in the area.
- Objective: To retain land in agricultural, forestry and related uses;
- The proposed development site is currently under agricultural management, although this area of Green Belt also sustains high voltage pylons and communications masts, in addition to other development including the quarry, M42 and railway. The land would continue to be managed primarily for agriculture in conjunction with the turbine development. The development would therefore not conflict with the aims of this Green Belt objective.

1.5.11 In summary, the development consists of a single wind turbine with associated infrastructure. The minimal land take of the development will ensure that the fundamental objectives of the Green Belt will continue by retaining the land in its existing agricultural use. Whilst the turbine would have some impact on the openness of the Green Belt, this is minimised by its location in close proximity to the existing development of the quarry, and the harm is outweighed by the very special circumstances in terms of the need for renewable energy and the support that the development would provide to a local business, reducing both energy costs and carbon footprint.

1.6 COMPLIANCE WITH THE DEVELOPMENT PLAN

1.6.1 This section of the report assesses the application under thematic headings in compliance with the development plan and the material considerations described previously.

Principle of development

- 1.6.2 Both national planning policy and the development plan are clear in their support for the principle of renewable energy developments in general, and wind energy proposals such as this. The NPPF expresses a presumption in favour of sustainable development and local plan Policy ENV10 states that renewable energy developments will be permitted where they do not have an unacceptable impact on the environment. It is therefore considered that the principle of the development is clearly supported by planning policy, provided that it can be demonstrated that the development would not give rise to unacceptable adverse impacts in this location. The supporting document accompanying the application addresses all of the potential impacts of the development.
- 1.6.3 Given the renewable energy targets outlined in national policy and the contribution the scheme can make towards them, and more specifically North Warwickshire's contribution towards them (as encouraged by the NPPF) the principle of the development can be clearly explained and understood. The economic and social benefits delivered by the scheme further cement the principle and need for the development.

Landscape and Visual

- 1.6.4 All wind turbine developments by their nature are likely to have some form of landscape and visual impacts. It is preferable to locate such developments so as to minimise these impacts, by siting developments away from the most sensitive areas. The proposed development is remote from both sensitive landscape areas and residential properties.
- 1.6.5 A detailed assessment of the landscape and visual impacts of the development is provided within Chapter 5, Volume 2. This assessment considers the impacts of the scheme both alone and in combination with other developments in the area.
- 1.6.6 The application site is located within a heavily industrialised area, where large, vertical man-made features already dominate the landscape. The introduction of the proposed turbine into this landscape would not adversely affect the landscape or harm its character. The large separation distances from residential receptors mean that no dwellings would experience overbearing effects. Whilst there would be some visual effects for road, rail and footpath users in the surrounding area, the industrial nature of the area in which the turbine would be located substantially reduces the sensitivity of these receptors to a change such as that proposed.
- 1.6.7 The proposed Kingsbury Wind Turbine would relate well to the existing local landscape character, respecting the scale and composition of the landscape. Inevitable landscape and visual effects of a major to major/moderate level would occur, however these would be localised in extent and it is concluded that the landscape in the vicinity of the site has the capacity to accommodate the scale of development proposed.
- 1.6.8 It should also be noted that whilst long-term, any landscape and visual effects are also substantially reversible. If the decision is taken to remove the turbine at the end of the anticipated operational life of 25 years, it would be dismantled, removed and the site returned to its original condition.

Ground and Water

- 1.6.9 The application demonstrates that there are no residual adverse impacts. It is therefore clear that the proposal fully accords with development plan policy and all other material considerations in this respect.

Natural Heritage

- 1.6.10 The potential impacts of the proposed turbine in the construction, operational and decommissioning phases have been identified for habitats, designated sites for nature conservation and protected and notable species.
- 1.6.11 No direct impacts on designated sites are anticipated. Indirect impacts are anticipated to be neutral following the implementation of appropriate pollution control systems.
- 1.6.12 No impacts are anticipated upon the nesting sites of breeding birds. The possibility of occasional collision or small scale displacement of widespread and commoner bird species cannot be discounted, although these are likely to be of minor significance at local/parish level only. Impacts of the development are not considered to impact upon the conservation status of any bird population (including those of statutory designated sites).
- 1.6.13 The possibility of minor adverse impact on bats at an individual level cannot be precluded, as is the case with all wind turbine schemes, however no impacts upon the conservation status of any bat species is anticipated as a result of the development.
- 1.6.14 Following the implementation of Great Crested Newt (GCN) Reasonable Avoidance Measures (RAMs) and other mitigation works, the potential for minor adverse impacts on individual GCN during construction will be negated. Population level impacts are anticipated to be neutral and as such, the favourable conservation status of the species will not be affected.
- 1.6.15 Minor negative impacts on habitats are anticipated on a 'within site only' basis as a result of the small-scale loss of habitat of low ecological value. However a series of simple habitat enhancement measures are proposed. These will enhance the site for wildlife overall and lead to an overall biodiversity gain.
- 1.6.16 Overall, no significant ecological impacts are considered likely to occur through the construction, operation or decommissioning of the proposed wind turbine and associated development.

Cultural Heritage

- 1.6.17 An assessment of the impacts of the scheme on cultural heritage assets in the surrounding area has been provided in Chapter 6, Volume 2. Due to the location of the development there would be no direct impacts upon any cultural heritage assets, however the development could impact upon the setting of assets in the surrounding area. The assessment found that there were few cultural heritage assets in the vicinity of the site, and that the development would not result in unacceptable impacts to the setting of any heritage assets. As such the development does not conflict with any development plan policies or material considerations which provide protection for archaeological sites or cultural heritage assets.



Noise

- 1.6.18 The noise impacts of the scheme on residential dwellings have been assessed using the ETSU-R-97 methodology. This methodology is recognised as the most appropriate noise assessment methodology for wind farms and single turbine schemes.
- 1.6.19 A noise assessment accompanies this planning application and the conclusions are that noise would be within the limits prescribed by ETSU-R-97. The predicted future noise generated by the proposed turbine has been calculated and found to meet the limits advised in ETSU-R-97. Chapter 8, Volume 2 outlines these in further details.
- 1.6.20 The ES concludes that construction and operational noise from the scheme accords with national guidance and would not result in adverse impacts.

Shadow Flicker

- 1.6.21 Shadow Flicker only can occur within 10 times the rotor diameter. As detailed in Chapter 9, Volume 2 any potential shadow flicker impacts can be dealt with by condition.

Socio-economics

- 1.6.22 On the general theme of the economic benefits of this development, and as stated throughout, the scheme will help to maintain the viability of the site by reducing the vulnerability of the business to rising energy prices and providing a competitive advantage by reducing the carbon footprint of the business. The NPPF is clear that the socio-economic benefits of the scheme are a material consideration and the Brayton Park (see Appendix 3.3, Volume 4) appeal decision supports the economic benefits of such schemes and in the conclusion states that *'the benefits it would have for the feed mill business would make a positive contribution to the local economy by safeguarding jobs there. The wider social, economic and environmental benefits of renewable energy projects generally, outweigh the harm to the local landscape attributable to the low to moderate visual impact of the turbine. It is therefore acceptable'*.

1.7 CONCLUSIONS

- 1.7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a statutory requirement upon persons determining applications for planning permission to determine such applications in accordance with the adopted development plan unless material considerations indicate otherwise.
- 1.7.2 When determining applications for wind turbine developments, a balancing exercise must be undertaken to weigh the wider benefits of renewable energy against local impacts. This balancing exercise must be carried out in the context of national policy and obligations to combating climate change, delivering energy security and promoting renewable energy.
- 1.7.3 When applying the conclusions in this application to the relevant planning policy context, it is clear that very special circumstances exist which outweigh the limited harm to the Green Belt and that the proposal is in accordance with the adopted development plan and all other relevant policy documents.
- 1.7.4 Within the recently published NPPF there is a presumption in favour of sustainable development and there is therefore a presumption in favour of this development, in

light of all planning policy considerations. It is therefore contended that planning permission should be granted subject to any planning conditions deemed necessary.

(3) Application No: PAP/2013/0482

11 Knowle Hill, Hurley, Warwickshire, CV9 2JE

Erection of bungalow at rear of property, for

Mr J Pancholi

Introduction

The application is brought before the Planning and Development Board as a Legal Agreement has been provided as part of the application.

The Site

The site lies within the Hurley development boundary being on the corner of Knowle Hill Brick Kiln Lane. There is a rear garden with a garage which is accessed off Knowle Hill, and an outbuilding. There is hedgerow bounding Knowle Hill. The rear garden adjoins two neighbouring properties, with one immediately abutting the site to the west. The land opposite the site is in open countryside in the Green Belt. The main dwelling is also an existing post office.

The retail premises apart, this is a predominantly residential location, characterised by a wide range of mainly detached and semi-detached dwellings of varying age, style, character and plot size, with a generally common building line.

The Proposal

The proposed is for a one dormer bungalow dwelling to replace the existing garage containing a larger footprint. The dwelling would contain a lounge, dining/kitchen and two bedrooms.

The garden area would contain a vehicle turning area, garden space for the proposed dwelling and four parking spaces - two for the proposed bungalow and two for the existing dwelling.

An existing store building will be part demolished so as to retain a wall along the boundary to the neighbouring property. The hedgerow along Knowle Hill would be retained. The dwelling would align with its neighbour.

The proposed layout, elevations and site plan can be viewed at Appendix 1 and relevant photographs can be viewed at Appendix 2.

A legal agreement is also submitted as part of the application in order to provide a contribution to off-site affordable housing in lieu of on-site provision, amounting to £3250.

Background

The planning history to the site sets out that applications have been granted for rear extensions to the post office / dwelling of 11 Knowle Hill. In 2006 planning permission was granted for a pitched roof to the garage.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution), ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: - National Planning Policy Framework 2012

NWBC Core Strategy Submission Version 2013 – the relevant policies are; NW2 (Green Belt); NW3 (Housing Development); NW5 (Affordable Housing); NW8 (Sustainable Development); NW9 (Renewable Energy and Energy Efficiency) and NW10 (Quality of Development).

Supplementary Planning Guidance: - The Council's SPG – A Guide for the Design of Householder Developments – Adopted September 2003

Consultations

Warwickshire County Council as Highway Authority – No objection provided four car parking spaces are provided on site.

Environmental Health Officer– No comments

Representations

The neighbours at 1 and 3 Brick Kiln Lane object on the following grounds:

- There is no rear garden/amenity space to the development which the occupiers of the dwelling could reasonably expect to enjoy and a lack of amenity space to this development which will result in poor living standards for the occupier of the dwelling.
- There are no floor levels or ground levels shown on the drawing, adjacent properties already suffer from excessive surface water retention for most of the year and this building will disrupt existing land drainage system and the soak-aways provided for surface water drainage will further exacerbate the situation. A further investigation should be carried out to ensure the development will not have a detrimental affect on already poor land drainage to the neighbouring properties.
- The design and finish of the rear elevation is too bland with no relief to the brickwork or the roof which will be clearly visible to the immediate neighbours.
- The main living area/lounge will be very dark and poorly ventilated with the limited area of window available.
- The front dormer is over sized in relation to the area of roof. Whilst this is similar to existing designs if this design was to be submitted as an extension to an existing dwelling it would be refused in accordance with the planning policy documents.
- The flood risk assessment which has been submitted with this application is an opinion and is not evidenced by information provided by the Environment Agency

or The Local Authority and therefore cannot be relied upon. A full and proper flood risk assessment should be carried out.

- The overall size of the remaining plots to the application site and the existing property at 11 Knowle Hill are completely out of character with the plot sizes which exist to all the existing properties in the locality.
- The ratio of the dwelling size to the plot size will result in a cramped development and also a loss of amenity to 11 Knowle Hill.
- The internal layout does not allow a safe means of escape in case of fire from the first floor, a fire in the lounge or kitchen area would cut off the only route to safety in a fire situation.
- The close proximity of the rear wall and roof of the dwelling will cause overshadowing to the rear gardens of numbers 1 and 3 Brick Kiln Lane and result in a loss of existing amenities.
- The side elevation of the dwelling will cause overshadowing of the small remaining rear garden to the existing and any future occupiers of 11 Knowle Hill and result in a loss of existing amenities.
- The size and orientation of the plot and the size and positioning of the proposed dwelling will not result in a satisfactory standard development in line with what the existing and future residents affected by this development could reasonably expect to enjoy and I object to the grant of planning permission on the grounds above.
- The guttering overhangs the boundary, the store wall could impact upon the garden.

Observations

The determination of this application rests on balancing the relevant policies of the Local Plan with our emerging Core Strategy which is based on the NPPF. The Local Plan now carries less weight with the publication of the NPPF.

a) Development Plan - New Housing

The proposal for an additional dwelling in Hurley does accord with saved Core Policy 2 of the Local Plan. However saved policy HGS2 would only allow this to be an affordable house. The current proposal is not and therefore the starting position is the presumption that the application should be refused.

However there is now an emerging Development Plan and the proposal needs to be assessed against those emerging policies to see if this initial conclusion is repeated.

b) The Emerging Development Plan – New Housing

In terms of the emerging policies for new housing then the proposal would accord with policy NW1 of the Submitted Core Strategy, Hurley being a named settlement for new housing. Moreover Policy NW4 goes further by saying that Hurley should provide 30 new dwellings. Emerging policy NW5 says that 40% of all new housing should be affordable, and introduces far more flexibility into the delivery of that affordable housing, subject to viability testing, including an overall target rather than one required for each housing site and explicitly recognising the use of off-site contributions in lieu of on-site provision. It is considered that in terms of weighing up the proposal against emerging policy, that whilst the additional house being proposed here is not an affordable unit, there is the opportunity here to request an off-site contribution in lieu, if the financial appraisal indicates that this would be viable. It is considered that as the requirement for affordable housing is set at a high proportion of all housing in the Borough; that there

are known housing needs in the Hurley area, that new housing is proposed for Hurley, and that the offer of the contribution is an overall public benefit which would assist in meeting that need, then this proposal can be supported under emerging policy.

c) The Principle of the Development

It is now necessary to draw together all the above. The Development Plan would support the principle of a new dwelling here, but only if it was an affordable unit, whereas the emerging Plan would support the principle of this new house provided it was accompanied by the off-site contribution.

Here it is agreed that it is very unlikely that the new unit would be an affordable dwelling under the Council's definitions. Therefore a solution is for a small new residential unit and a contribution however small. As a consequence, given the offer and verification that this is a reasonable figure based on this particular case, the development can be supported. Members will recall that this figure aligns with similar amounts connected to recent approvals – including one in Hurley.

d) Neighbour amenity

The new dwelling will replace an existing garage with a larger footprint with a higher roof ridge. The ridge of the roof runs parallel to Knowle Hill, and thus the lowest part being the roof eaves would be to the northern boundary.

The proposed dwelling will be along the boundary to 1 Brick Kiln Lane, but is set off slightly so to allow for the roof guttering. The rear boundary is to the rear garden area of No.1, which currently contains the garage to the application site. No 1 is 18 metres from the side of proposal. The existing store will be partly demolished, and the boundary wall will be retained to a height of 2 metres. No roof space rear or side gable windows are part of the proposal. The ground floor side windows are to a lounge and the given the separation distances, are considered to be acceptable. The existing garden area contains a parking area, which will be retained and revised as part of the proposal. Overall, the impacts of the proposed sub-division of the garden area are not considered to materially affect the residential amenity of neighbouring property.

The neighbour at No.3 Brick Kiln Lane has objected to the scheme as set out earlier. The proposal is 7 metres away from the nearest part of the garden to No.3. The nearest part of the proposal is 15 metres from the dwelling house of No.3, and is sited to the southwest. Given the roof ridge is sited nearly 10 metres from the garden boundary to No.3, the loss of natural sunlight and amenity is considered not to impact materially on amenity.

The future occupiers have to be considered. Whilst the garden area is small to the dwelling, it is considered to be acceptable. The separation distances to the neighbouring properties are acceptable and therefore allow a level of amenity and privacy. The layout of the dwelling with regards to living arrangements is considered to be acceptable given the windows are on the east and south facing elevations and therefore benefiting from natural sunlight. The applicant will need an approval under the Building Regulations and that is the proper measure to consider the fire issue raised by the objectors.

e) Other Matters

The siting of the dwelling is within the rear garden and does occupy a small plot, however given the context of the area it is in line with residential development patterns in this part of Hurley. Having regard to the various plot widths, and the eclectic character hereabouts, it is considered that the proposed dwelling would not appear particularly out of character in the street scene.

The front dormer has a flat roof, however given the context of the site and the neighbouring properties it is considered to be acceptable.

The Highway Authority seeks to address highway issues by having sufficient on-site provision which can be delivered, together with adequate turning space.

The boundary hedge to Knowle Hill will be retained, and permitted development rights can be removed.

The neighbours have raised concerns over flooding. It is noted that the scheme shows the parking area to be porous and that water will run off in to the garden area so as not to result in water directly draining into the neighbouring property garden. The site does not lie within a flood risk zone and therefore no flood risk assessment is required.

A neighbouring property raised questions over the guttering and store wall, however the dwelling is sited 0.15 metres in from the rear boundary so to allow drainage and the store wall will be reduced to 2 metres in height where the store is removed.

There is nothing in the detailed issues here that would warrant a recommendation of refusal for this new dwelling in Hurley.

Recommendation

That subject to completion of a Section 106 Agreement in line with the content of this report, planning permission is **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with block plan and proposed plan received by the Local Planning Authority on 11 December 2013 and the site location plan received by the Local Planning Authority on 30 September 2013.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. No development shall be commenced before samples of the facing render, facing bricks, roofing tiles and block paving/surfacing materials to be used have been

submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

6. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

7. No development whatsoever within Class A, B, C and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended.

REASON

In the interests of the amenities of the area.

8. Access for vehicles to the site from the public highway (Knowle Hill C68) shall not be made other than at the position identified on the approved drawing titled 'Block Plan', providing an access no less than 5.2 metres in width, surfaced with a bound material for the length of the driveway.

REASON

In the interests of the amenities of the area and safety on the public highway.

9. No development shall commence until full details of the provision of the access, car parking and manoeuvring areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of the amenities of the area and safety on the public highway.

10. The access to the site for vehicles shall not be used unless the existing public highway footway/verge crossing has been repaired and extended by 900 mm, laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of the amenities of the area and safety on the public highway.

11. The development hereby permitted shall not commence or continue unless

measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of the amenities of the area and safety on the public highway.

12. Before the occupation of the dwellinghouse the boundary wall to the part demolished store shall be reduced to 2 metres high and retained as such.

REASON

To protect the amenities of the nearby residential properties.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall Act 1996, which is separate from planning and building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at:
www.communications.gov.uk/publications/planningandbuildings/partywall.

3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

3. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

5. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845

762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

6. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

7. Condition numbers 8, 9 and 10 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

8. The Town and Country Planning (General Permitted Development) Order 1995, as amended in October 2008, introduces controls relating to the hard surfacing of front gardens to ensure that surface water run off is directed to permeable or porous locations (Schedule 2, Part 1, Class F). If you propose to create a new hard surface or replace an existing hard surface in the front garden to a dwelling house you are advised to refer to the guidance document found on the government web site www.communities.gov.uk, entitled 'Guidance on the permeable surfacing of front gardens' and seek advice about the need for planning permission if you are in doubt. Under the changes to the Householder permitted Development rule of 2008, hardstanding to the front of dwelling should be permeable, otherwise hardstanding of more than 5 square metres will require planning permission.

9. The Local Planning Authority has worked positively in this case to address the planning issues through pre-application discussion and seeking amended plans thus meeting the requirements of the National Planning Policy Framework 2012.

BACKGROUND PAPERS

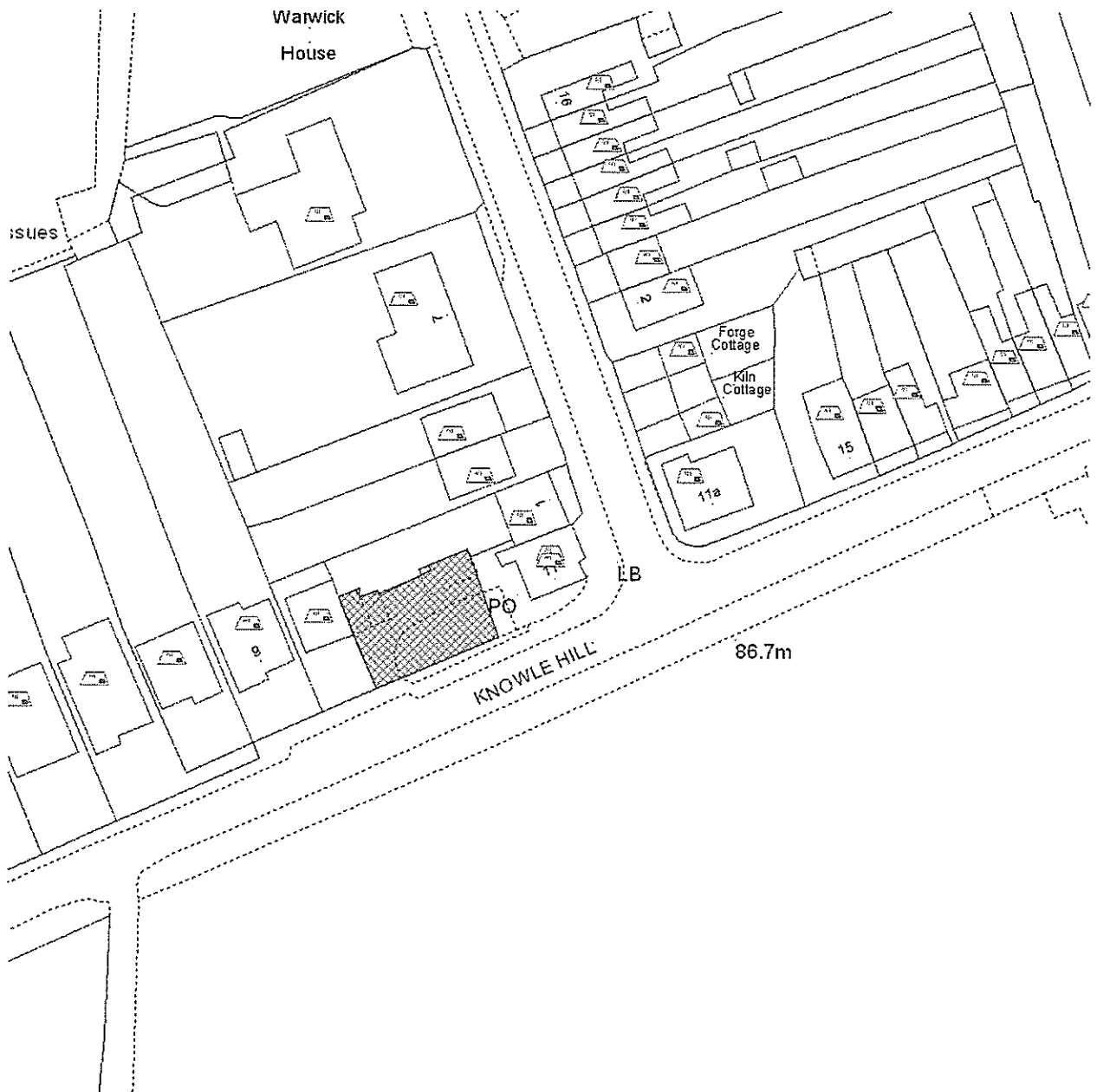
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0482

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/10/2013
2	NWBC Forward Plans	Consultation response	11/11/2013
	Case officer	Letter to agent	12/11/13
4	NWBC Environmental Health	Consultation response	14/11/2013
5	Case officer	Email to Forward Plans	19/11/2013
6	A Large	Email to case officer	19/11/2013
7	Case officer	Email to A Large	22/11/2013
8	NWBC Forward Plans	Email to case officer	20/11/2013
9	Case officer	Letter to agent	22/11/2013
10	WCC Highways	Consultation response	21/11/2013
11	A Large	Email to case officer	22/11/2013
12	Case officer	Email to A Large	22/11/2013
13	Agent	Letter to case officer	22/11/2013
14	Neighbour – 1 Brick Kiln Lane	Letter to case officer – consultation response	21/11/2013
15	Case officer	Letter to neighbour at 1 Brick Kiln Lane	22/11/2013
16	A Large	Email to case officer	22/11/2013
17	Neighbour – 3 Brick Kiln Lane	Email to case officer – consultation response	23/11/2013
18	Case officer	Letter to agent	25/11/2013
19	NWBC Forward Plans	Email to case officer	25/11/2013
20	NWBC Environmental Health	Consultation response	27/11/2013
21	Case officer	Letter to agent	22/11/2013
22	Case officer	Email to A Large	3/12/2013
23	WCC Highways	Consultation response	3/12/213
24	Case officer	Letter to agent	3/12/2013
25	Case officer	Email to A Large	3/12/2013
26	Case officer	Email to NWBC Solicitor	4/12/2013
27	Case officer	File note	20/11/2013
28	NWBC Solicitor	Email to A Large	5/12/2013
29	A Large	Email to NWBC Solicitor	5/12/2013
30	Agent	Revised plans	11/12/2013
31	Agent	Letter from agent to case officer	29/11/2013

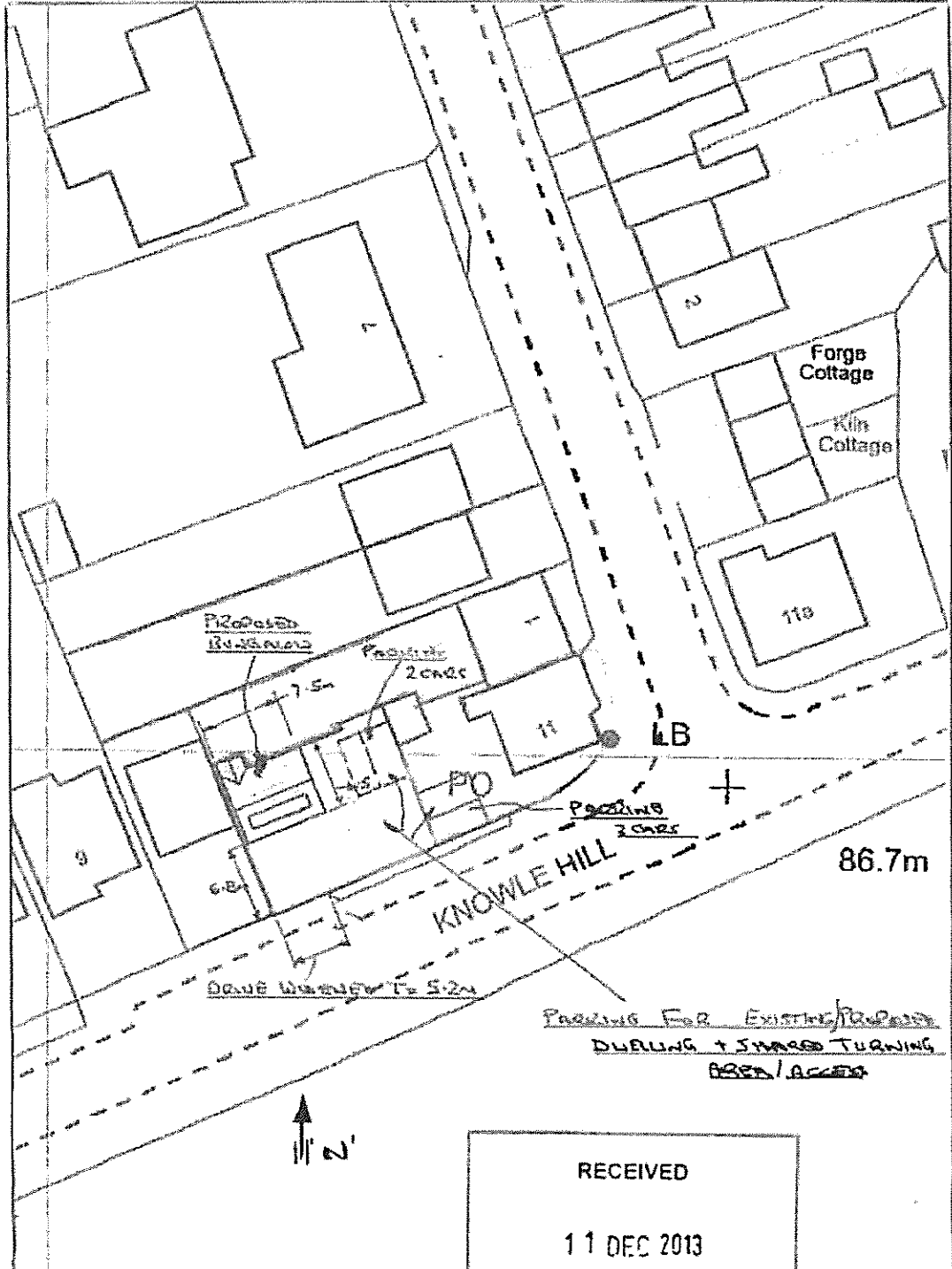
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

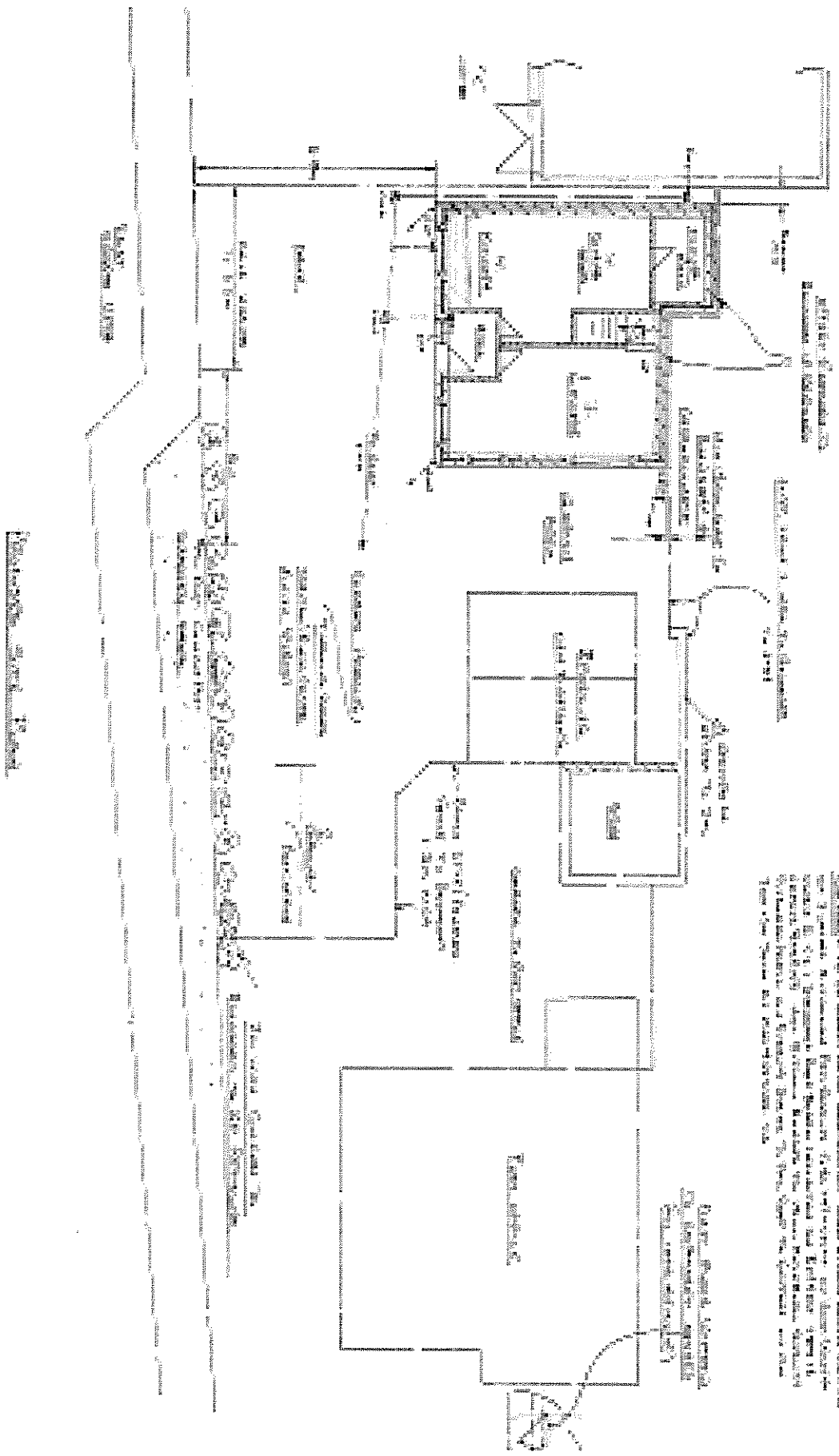


Block Plan

Scale: 1/500



RECEIVED
11 DEC 2013
North Warwickshire
Borough Council

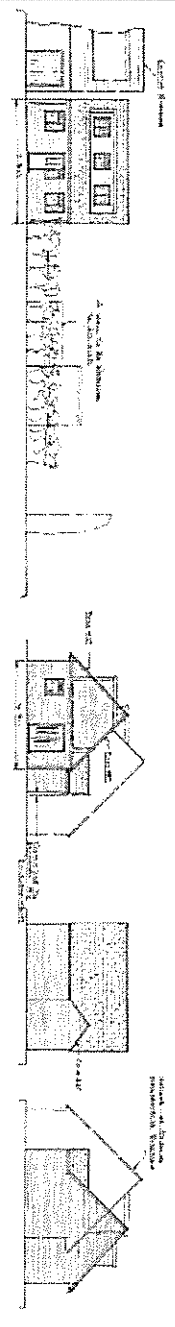
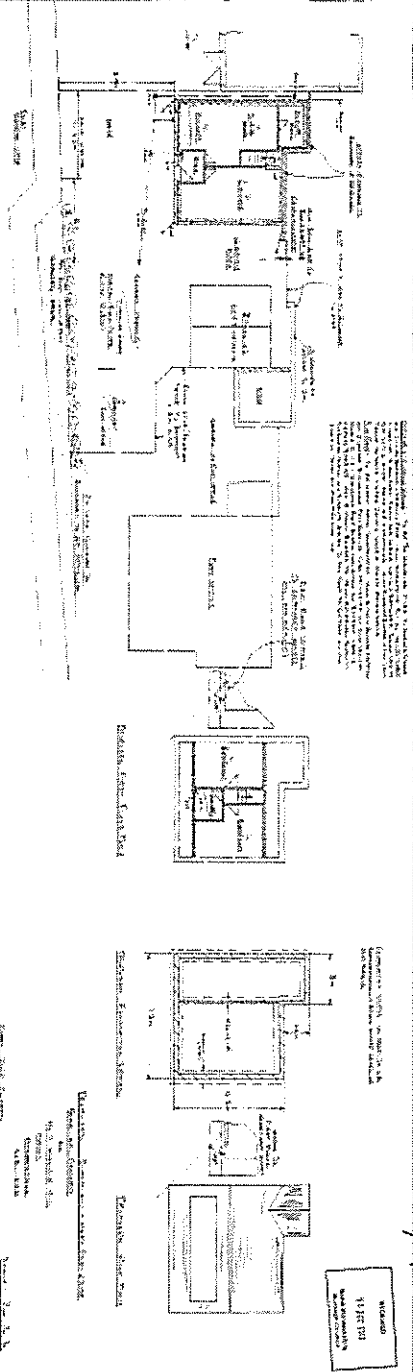


This drawing is a floor plan of a building, showing the layout of rooms, corridors, and other structural elements. The drawing is oriented vertically on the page. The central area is a large courtyard or open space, surrounded by several rooms. The rooms are connected by a network of corridors and stairwells. The drawing is a technical drawing, showing walls, doors, windows, and furniture placement. The drawing is oriented vertically on the page.

2019/04/22

11.12.17

11.12.17



Zusätzliche Zeichnungen: ...

Grundrisse: ...

Ansichten: ...

Technische Zeichnungen: ...

Materialangaben: ...

Legende: ...

Maßstab: ...

Zeichnungswesen: ...

Verzeichnis: ...

Bemerkungen: ...

Änderungsprotokoll: ...

Genehmigungen: ...

Datum: ...

Zeichner: ...

Gezeichnet: ...

Geprüft: ...

Genehmigt: ...

Architekt: ...

Adresse: ...

Kontakt: ...

Notizen: ...

Bestätigung: ...

Umsatzsteuer: ...

Stempel: ...

Appendix 2 – Photographs



