

URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

1 December 2011

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Agenda Item 16

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

1 December 2011

WRITTEN UPDATES

Agenda Item 6 11/01069/F

Land Off School Lane, Cropredy

Cropredy Parish Council has sent an additional letter making the following points and enclosing pictures of the lane during school drop-off/pick-up times;

- It is of paramount importance in the interests of the village that both marina applications be considered at the same time.
- Request that the application be deferred until site visits are made by the committee to view both locations – to focus the committee’s attention to the significant differences between them, in particular the issue of the un-adopted track.
- Photos show congestion and parking problems which occur on a daily basis, made worse by Green Interiors and the break up of the track after the dry autumn. Not appropriate to consider further development without this track being made into a proper roadway.

The Council’s Tourism Officer suggests that CDC is supportive of new initiatives that develop the tourism infrastructure, create employment within the visitor economy locally and add to the experience of residents and visitors; improving access to our tourism assets of canals and countryside along with historic homes and gardens is important to the sustained growth of this sector. Whilst the tourism officer suggests that this scheme does not seem to offer a development that would benefit significant numbers of canal users in providing for the need for overnight and longer term moorings and the business may not be sustainable in the longer term or offer employment beyond initial plans it is acknowledged that this comment has been made without the benefit of any business plan and it is not possible to state whether the canal could support both schemes.

The applicant has pointed out that there are examples of letters that have been submitted in relation to the proposal north of Cropredy which also refer to this application which may not have been taken into account. Some of these letters are supporting the proposal, others are objecting. However the applicant has specifically referred to a letter of support which states the only problem with this application is the parking along School Lane, an issue which should have been dealt with years ago and that the application should not be refused on these grounds.

Additional conditions suggested;

- to require petrol/oil interceptors on the car park
- to restrict the use of the facilities building to office. toilets, shower, and storage associated with the use of the marina and for no other commercial function

Condition 17 – delete ‘any demolition on the site and the’

Condition 18 should refer back to condition 17 and not 1

Condition 19 should refer back to condition 18 and not 2

Condition 20 should refer back to condition 19 and not 3.

Condition 22 should follow from condition 20 and refer back to condition 19 and not 3.

A hard copy of **Stratford District Council's** objections have now received. Conclusions are as reported in the agenda but the letter is accompanied by 34 letters of objections from members of the public, Shotteswell and Warmington and Arlescote Parish Council's and Shenington Gliding Club. Some of these are copies of letters already received by Cherwell District Council and the issues raised are the same as those already summarised in the Committee report. It is worth noting however that Officer's at Stratford had recommended that no objections be raised with regard to the proposal with the exception of recommending that the Council consider the need for bird deflectors on the guy wires.

Hanwell Parish Council has written a further letter dated 25 November, which is believed to have been copied to Members and as such will not be repeated in full but in summary it raises the following key issues;

- Objections made on valid policy grounds
- Stratford objected on policy grounds and decision was unanimous but no direct reference to these in the assessment
- High level of public response
- Aviation safety
- Landscape impact
- Ecology
- CDC's method of consultation (compared to Stratford)
- Lack of assessment of all public views

Shenington Gliding Club objects to the application on the following grounds;

- Shotteswell airfield lies within 5 nautical miles radius of Shenington Gliding Club – the maximum permitted distance away from the airfield that newly qualified pilots are allowed to venture therefore novice pilots will be flying overhead in this area.
- The position of mast could cause Shotteswell airfield with a problem with take off and landing approaches – the airfield is used by Glider Instructors from Shenington Gliding Club and other local airfields for teaching remote field landings to novice and trainee pilots.
- The met mast and future wind turbines would present clear danger to gliders and aircraft either landing at Shotteswell or attempting emergency landings in adjacent fields.

Shotteswell Airfield Manager has responded to the submission of the report by Wind Power Aviation Consultants Ltd (points already referred to in the agenda are not repeated here;

- Report makes no allowance for different abilities of pilots
- Author does not appear to have local knowledge of the airfield and was commissioned by Regeneco
- Report seems to have been desk exercise and contains inaccuracies
- No reference in report to CAA policy in CAP 764 Policy and Guidelines on Wind Turbines (revised 2011)
- Operator of Shenington Airfield supports objections
- Wellesbourne and Coventry airfields should be considered
- The mast would be hazard to aircraft conducting an emergency landing and hazard to visiting gliders and aircraft
- Airfield frequently used by a variety of aircraft
- Prior permission not required to land at airfield
- If mast was recorded in Guide this is not mandatory and publications are only revised periodically and there would be no guarantee of amateur pilots being aware of mast.

- Airfield regularly used to practise take-offs and landings
- Valley basin currently has no electricity pylons or masts and that is why it is wrong to erect a mast in such close proximity to the airfield
- 500ft may be an advisable height at take-off and landing stages but does not preclude aircraft flying lower than this
- No reference to requirements of micro-light aircraft which fly lower and conduct tighter circuits
- Many fields in the area are not suitable for emergency landing due to their contours
- The site of the mast is on lower ground therefore compromising a potential emergency landing site
- Valley notorious for fog pocket increasing the risk to visiting or passing aircraft
- Pilots with navigational difficulties often use motorways for establishing their location and directions
- Regeneco acknowledge that short runway will be compromised if it proceeds in its wind farm application.
- The optimum safe and suitable place for an emergency landing is the area where the mast is proposed
- As CAA and NATS have not been consulted; how can the requirement for lights be concluded
- Safeguarding map submitted for consideration

When the **applicants** submitted the Aviation safety report they also made the following observations (in summary);

- The issue of how much weight to give the airfield's interests may be a difficult issue for the Council
- The planning system is intended to work in the public interest, not private interests.
- The airfield is a private airfield and there are no Development Plan policies which safeguard it
- The need to increase the contribution made by renewable energy is set out in Government policy and guidance, so there is national imperative for this.
- Where public and private interests may conflict, the public interest should take precedence
- Consider that the aviation report demonstrates that there is no conflict if proper aviation practice is followed

There is no statutory requirement to consult with the CAA for a development of this nature and in this location but further advice has been sought given the potential safety issues raised by the Manager of Shotteswell Airfield

The **CAA** yesterday provided the following comments; Unfortunately, given that Shotteswell is not a CAA-licensed aerodrome, it would be wholly inappropriate for the Authority to provide any aerodrome safeguarding comment specific to that aerodrome. That said, I have previously intimated that some concerns might be mitigated to some degree by the employment of lighting and/or conspicuous markings to increase the visual conspicuity of the mast and the associated guy ropes. It seems fairly evident that the aerodrome operator considers the mast to be a significant concern. As previously advised, if asked for comment, it would be unlikely that the CAA would have any issues associated with an aviation stakeholder (eg a local aerodrome operator or airspace operator) request for lighting / marking of any structure that was considered to be a significant hazard to air navigation.

There is obviously a difference in opinion between the applicant and the operator of the airfield as to the level of harm the mast may pose. In reaching a balanced view

on the matter it would seem one of the key concerns of the airfield manager is the visibility of the mast. Whilst the applicant's consultant does not consider that there is a 'significant hazard to air navigation' it is considered that lighting or marking of the structure in some way may go some way to mitigate the concerns and as such a condition is now proposed.

Warwickshire CPRE objects to the application. It describes a mast of 170m high and suggests it will dominate the very attractive landscape of the valley and be overlooked at close range by several conservation villages. The application is contrary to many of Cherwell District Council's planning policies and should therefore be refused.

The **National Trust's** Planning Advisor has commented on the proposal, particularly in relation to its relationship with Farnborough Hall (in summary);

- Farnborough Hall is grade I listed and the park and garden are registered grade I. The Obelisk is grade II listed and is a landmark in an elevated location, visible from the surrounding countryside.
- The terrace walk on which the obelisk is placed is an important element of the park and provides extensive views over the Warmington Valley and the Vale of the Red Horse.
- PPS5 – conserving England's Heritage assets in a manner appropriate to their significance.
- Monitoring mast would be tall structure within the valley – affecting setting of the grade I registered park and the grade II listed obelisk
- Bearing in mind the proposed height of 60m and having regard to local landform and vegetation it is not considered that the mast would affect the other heritage assets at Farnborough Hall.
- Height of monitoring mast would compete with obelisk as a landmark feature and disrupt the sense of the terrace being elevated above features within the valley – consider that this would be harmful to the settings of the obelisk and registered park and garden but it would not amount to a total loss of significance or substantial harm as referred to in PPS5
- The fact that mast is slender, static and only required for 2 years materially reduce the harm that the development would cause
- National development management policies HE9.1 and HE10.1 require decision makers to balance the harm that would be caused to the significance of the heritage asset against the wider benefits of the proposed development.

In addressing this concern Officers are of the view that the impact the mast has on the obelisk will not be demonstrable given the distance between the structures, the temporary and slim nature of the mast and the limited inter-visibility between the structures.

A further 38 letters of objection have been received largely covering the same issues as already summarised in the agenda. Additional points are summarised below;

- Site may be of some archaeological interest/importance as it has been site of human habitation in excess of 2,000 years therefore any consent should be conditioned subject to geophysical and archaeological surveys. (*Oxfordshire County Council Archaeologist has since advised that there is potential for archaeology in the area therefore a suitable condition is proposed*)

Christopher Manley, **a resident of Banbury**, has previously commented on the application and had hoped to address the Committee in person. However he is not able to do this so has provided additional representations in support of the proposal. These are summarised below;

- Would be proud to part of community which embraced progressive new

- energy production
- Not all local people hate this application
- Unconvinced by arguments against this proposal
- Information and arguments against proposal may be based on emotion and misleading information
- 500 people objecting is just 1.1% of 45,000 or so in the area
- Visual impact will be temporary and minimal
- Arguments about noise are not supported with evidence – will it make more noise than the motorway?
- No evidence re. adverse impact on aviation or wildlife from any credible objective source
- Cannot meet our energy needs without exploiting sources of renewable energy
- If everyone in country says that [renewable energy] needs to go somewhere else then they can't go anywhere
- Putting unsustainable strain on environment and need to reduce reliance on fossil fuels – cannot begin to do this if applications such as this are refused on what appear to be spurious grounds
- The potential benefits of this outweigh the disadvantages.

A further **email of support** has been received from a resident of Great Bourton believing the scheme is an excellent idea and that the actions of the objectors should not impact on the significant potential benefits for many.

*Officers have been provided with a copy of a 16 page letter from **Shotteswell Parish Council** sent to all Members. It is hoped that Members have in fact seen it and below is a brief response to those issues which require further clarification – the same paragraph numbers are used as referred to in the letter and the initial committee report;*

- 1.2. *It is not for the LPA to question the adequacy of the height of the proposed mast. Para. 32 of PPS22 states that, often when the mast is erected it is not known either if the site is suitable for wind farming or which turbine type would be most suitable. Masts are usually 25-60 metres tall.*
- 2.1 *Shotteswell Parish Council was consulted by the LPA in relation to this application on 5 October 2011 and a site notice was posted on the notice board in Shotteswell on 29 September 2011, the same day as the advert was published in the press. The LPA no longer consults with individual letters to property owners.*
- 2.2 *Officer's reference to template letters and multiple letters from the same household was not intended to be misleading it simply states a fact. Warwickshire CPRE's comments were received following the Committee report being drafted and as such are summarised above. To the best of Officers knowledge the only correspondence received by the Council from Tony Baldry MP was sent to the Chief Executive and simply highlighted the presence of National Policy Statements intended for use by the Infrastructure Planning Committee (IPC). It would seem that Stratford District Council consult many more bodies than they are statutorily required to do so.*
- 3.1 *To the best of Officers knowledge no correspondence has been received by CDC specifically from Shotteswell Parish Council. However a copy of their response to Stratford DC has been provided. The concerns raised are as set out by others elsewhere in the main report and this update sheet.*
- 3.5 *Stratford's objections were referred to in the summary of responses in the agenda and the headline concerns that are raised are covered in the report.*

- 3.6 *The application submission describes the construction of the mast requiring a vehicle to deliver the component parts and vehicles carrying personnel. It is not expected that this would be any larger or more disruptive than some of the agricultural vehicles that are likely to use the same route.*
- 3.8 *Landscape impact is assessed in the agenda report. It is recognised that there will be some views of the mast from public footpaths, what is significant though is the level of harm and the balance in the overall assessment*
- 3.9 *The impact of a potential windfarm on radar has not been reported as it is not relevant to the consideration of this application for a met mast – the applicants were however advised of the content of the letter.*
- 3.10 *The Defence Estates Safeguarding Team has been consulted and despite being chased have not responded. However the site does not fall within any military safeguarded area that the Council is aware of.*
- 3.11 *Shenington Gliding Clubs comments were received by officers after the agenda report was finalised and are now summarised above. Shotteswell Airfield's comments are summarised above.*
- 3.12 *The Council's ecologist is aware of how close the guy wires will be to the hedgerow and trees and as such recommended a condition to require construction takes place outside of bird and bat breeding and nesting seasons.*
- 5.3.1 *It is recognised that the mast will be visible from residential properties but it is not considered that the adverse impact would be significant – the key issues which planning can consider being overbearing, overshadowing, noise – the planning system cannot protect private views.*
- 5.4.2 *It is recognised that the mast will cause some visual harm but this impact has to be balanced against other considerations and the fact that this is a temporary structure.*
- 5.6 *As at 3.12 and in the agenda ecology has been considered. Having referred back to the letter provided by Natural England in relation to a Scoping Report for the same site it would seem that the 50 buffer zone applies to minimum standoff distance between the blade tip of a turbine and the nearest ecological feature. It is however recommended that a guyed mast should be fitted with static detectors to monitor bat activity in the area – this can be conditioned if considered appropriate.*
- 5.7 *Aviation issues are addressed elsewhere in the update sheet.*

The conclusion of the report from Shotteswell Parish Council includes a Lawyers view as to the assessment of the application. Officer's are of the view that all statutory consultations have been carried out and each of the key issues has been considered adequately and appropriately in the report and this update sheet. As with all planning cases an officer has to assess all the material considerations and reach a reasoned recommendation.

Officers are in receipt of an email from the applicant addressed to all members which supports the officers recommendation and reiterates some of the key policy considerations.

Additional conditions

- SC 5.9 AA Archaeological Watching Brief
- Static detectors to monitor bat activity in the area
- Details of lighting/markings to be submitted for approval in the interests of aviation safety.

Agenda Item 9 11/01435/CM

**Land around Shutford and
Shenington**

- **Amended recommendation** to make it explicit that the Council wishes to protect the amenity of nearby properties, and therefore wishes to see conditions which specify the minimum distance between residential properties and worked areas and route vehicles as much as possible away from villages

“That Oxfordshire County Council be advised that Cherwell District Council objects to this proposal as it has *significant* concerns over the ability of the suggested conditions to properly and appropriately protect the character, appearance, landscape quality and amenity of the affected areas, due to the level of detail and extent of extraction proposed. *It is suggested that conditions are required that specify the minimum distance between residential properties and areas to be worked for minerals and to adequately control the routeing of HGVs.* If conditions are agreed which would allow the extraction of minerals on these sites, Cherwell District Council would request that serious consideration be given to the monitoring and enforcement of any conditions imposed in order to ensure adequate protection of the character and amenity of the area”.

Agenda Items 12 and 13 11/01559/CM and 11/01560/CM

Ferris Hill Farm, Sibford Ferris

Applications withdrawn by applicants with OCC