

**Application No:** 11/01391/F    **Ward:** Wroxtton

**Date Valid:** 14/09/2011

**Applicant:** Regeneco, Leicester Road, Wolvey, Hinkley

**Site Address:** Land at Bury Court Farm, North of Hanwell, Warwick Road, Banbury

**Proposal:** Erection of temporary wind monitoring mast

## **1. Site Description and Proposal**

1.1 The site is within an agricultural field associated with Bury Court Farm. The farm buildings are on the edge of Shotteswell within the district of Stratford. However the land associated with the farm crosses into Cherwell District. The site lies just to the south of the district boundary, approximately 450metres west of the M40, 850 metres from the northern edge of Hanwell, and just over a kilometre from the southern edge of Shotteswell. Other villages in the vicinity include the Bourtons, Horley, and Mollington. The site is low lying being at between 100 and 110 metres above sea level. The villages of Hanwell and Shotteswell are between 130 and 150 metres above sea level. The site is within a valley as the land levels rise up again on the opposite side of the motorway towards the Bourtons and Mollington.

1.2 The proposal is for the installation and operation of a wind monitoring mast for a period of up to 24 months. The mast has an overall height of 60 metres, is between 155 and 255mm in diameter and is secured by guy wires which span a diameter of 90 metres. At the top of the mast are booms which hold the measuring instruments.

## **2. Application Publicity**

2.1 The application was advertised by way of a press notice and 2 site notices. These were displayed on a public notice board in Shotteswell and a public notice board at Hanwell Village Hall.

2.2 **426** letters and **57** emails have been received **objecting** to the proposal. A large proportion of the correspondence has been in the form of a template letter. The majority of the responses have been received from the villages surrounding the site, including those located within Stratford District Council. Responses have also been received from the MP for Shotteswell and surrounding villages, the Ward member for Burton Dassett, SHAMWAG (Shotteswell, Hanwell and Mollington Action Group) and a consultant on behalf of the owner of the airstrip. Some correspondence may have been received in duplicate by post and by email and there are examples of multiple letters being sent from the same address. The reasons for objecting are summarised below. If any further comments are received between the time of drafting the report and the date of committee they will form part of an update at the Committee meeting.

2.3 Whilst this application is solely for the test mast many of the letters express views on the potential wind farm development. In summary the comments are as follows;

### **2.4 Material considerations**

- Contrary to policies C1, C2, C7, C8 and C13 of adopted Cherwell Local Plan
- Contrary to policies EN21 and EN34 of Non-Statutory Cherwell Local Plan
- Contrary to Policy SD3 of Draft Core Strategy
- Insufficient information to allow the application to be fully assessed

- Too close to residential population
- Significant and detrimental effect on distinctive and highly attractive rural landscape
- Industrial structure in Area of High Landscape Value
- Mast will be visible from private residences and public viewpoints having detrimental visual impact and adversely affecting private views and peace
- Will be visible from terrace at Farnborough Hall – intrusive effect
- Views from the east side of M40 would be particularly affected
- Impact on listed buildings
- Particular adverse impact on Hanwell and Shotteswell
- Prominent during winter months
- Impact on local biodiversity and wildlife due to its proximity to hedgerows, trees, woodland and watercourse
- Public access likely to be adversely impacted
- Hazard to aviation in the vicinity, low flying aircraft in the area and proximity to the airstrip
- Aviation lights would materially affect residential amenities
- Loss of productive agricultural land
- Difficult for aircraft to see structure in certain situations
- Mast may distract motorway users resulting in accidents
- Narrow lanes not suitable for large vehicles and heavy traffic
- Construction phase for mast will affect the use of public footpaths
- Impact of noise whistling through the wires – audible when the motorway is quiet
- Contradictory that homeowners are restricted by the conservation area and listed status but that a test mast can be considered not to have a negative effect
- Effect on tourist based industries

## 2.5

### Non-material considerations or those related to potential wind farm

- One of several applications and pre-cursors for applications for turbines which will have cumulative damaging effect on landscape
- Approving this application would set precedent for the turbines
- Can't determine this application without considering what might follow
- Can it be confirmed that the applicants statement about Cherwell being the most suitable location in the South East be verified?
- Noise from wind farm will detract from the quality of walking in the countryside
- Ice throw from turbines causing a hazard to users of footpaths
- Mast is only 60m high, proposed turbines would be up to 130m high therefore how accurate will the testing be?
- There are other sites which would have smaller impact on Warwickshire's rural population
- Valley suffers from fog and no wind
- Site is not located to benefit from the prevailing winds
- Full impacts of wind energy on human and animal well-being and countryside infrastructure and resources are not yet well understood
- Low frequency noise is problematic and reported health risks are real
- Design of turbines and foundations in certain geological conditions can cause damage to property

- Injustice of sacrificing the countryside for the benefit of those living in cities
- Wind turbines are unreliable and rarely generate their rated capacity
- Effects of turbines include noise, shadow flicker, interference with tv, radio and mobile phone signals
- Structure has no purpose aside from measuring wind speeds for a commercial windfarm venture
- Detrimental impact on value of surrounding residential properties and will discourage people from investing and moving into the area – maybe only temporary in period of uncertainty
- Communities have already had to battle over motorway, travellers and now HS2, further quarrying and met masts.
- Impact of pylons to connect wind turbines to grid have not been considered
- Costs to Council in determining this application and a future application and in the event of appeals and inquiries
- Threat of development can be as damaging and actual structures

2.6

**3** letters/emails of **support** have been received. Reason for support include;

- Proposed mast is temporary and unlikely to have any permanently detrimental impact on the quality of rural landscape
- No real evidence that it will cause hazard to local landscape
- No real evidence of it causing harm to aviation
- Essential that sites are researched and that alternative forms of energy are used
- No weight to some of the objections
- Objections contradictory – high visibility and harm to landscape yet threat to aircraft because of poor visibility of structure
- Not in my back yard attitude
- Not against test mast but if scheme for turbines will fail neighbouring impact test what is the point

### **3. Consultations**

3.1 **Hanwell Parish Council** objects very strongly to the application for the following reasons.

- Industrial structure, alien and intrusive in area of attractive open countryside designated as Area of High Landscape Value
- Detrimental impact on quality of rural landscape
- Incompatible with pleasant rural character of open countryside
- Contrary to policies C1, C2, C7, C8 and C13 of adopted Local Plan
- Contrary to policies EN21 and EN34 of Non-Statutory Local plan
- Contrary to Draft Core Strategy SD3
- Land is purely agricultural
- The landscape and topography makes any intrusive feature in the valley relatively more prominent
- Visible from various public viewpoints including roads and footpaths
- Seen as intrusive and incongruous from adjacent farms and settlements
- Will be more prominent in winter months
- M40 hidden from many viewpoints and has less visual impact than may initially be thought
- Mast has no purpose in high quality rural landscape except to measure wind speed for commercial investment

- Hazard to local wildlife and protected species due to proximity to hedgerows, trees and woodland
- Provision should be made to avoid such harm – if this is not clear the proposal should not be allowed
- Hazard to aviation – many low flying aircraft in the vicinity
- Mast will be difficult to see against certain backgrounds

- 3.2 **Cropredy Parish Council** objects to the application for reasons similar to those raised by Hanwell PC and the other contributors but in addition the impact on Conservation villages is referred to.
- 3.3 **The Bourtons, Warmington and Arlescote, Hornton, Claydon with Clattercote Parish Council's** objects to the application in the strongest possible terms. The reasons for the objection are similar to those already raised and covered in the summaries above.
- 3.4 **Horley Parish Council** did not feel that the Parish would be directly affected by the development however there was a request for clarification on a number of points, most of which applied to a future wind farm development.
- 3.5 **Stratford District Council** has been consulted and the consultation was considered at the East Area Planning Committee on 16 November 2011. The committee formally objected to the application on the following grounds;
1. The proposed mast by reason of its location, height, materials and guy ropes would constitute an intrusive feature in the landscape causing harm to the character and appearance and visual amenity of the countryside. The mast would be particularly visible from nearby public footpaths and would therefore discourage the use of these public footpaths. No public benefit would arise sufficient to override the visual harm. The proposal would therefore conflict with policies PR.1, PR.6, COM.9 and CTY.1 of the Stratford-on-Avon District Local Plan review 1996-2011 (saved policies)
  2. The proposed mast by reason of its location close to hedgerows in a rural location would have a detrimental impact on existing wildlife habitats and ecological biodiversity. The proposal would fail to assist in achieving the targets of the Local Biodiversity Action Plan. The proposal would therefore conflict with policy EF.7 of the Stratford-on-Avon District Local Plan review 1996-2011 (saved policy)
  3. The proposed mast by reason of its location, height and guy ropes would have a detrimental impact on the safety of aircraft using Shotteswell Airfield. The proposal would therefore conflict with policy PR.6 of the Stratford-on-Avon District Local Plan review 1996-2011 (saved policy). No public benefit would arise sufficient to override the harm to the Shotteswell Airfield.
- 3.6 **The Local Highway Authority** raises no objections subject to specified use only.
- 3.7 **The Council's Anti Social Behaviour Manager** has no observations or objections.
- 3.8 **The Council's Landscape Services Department** has stated that no objections are raised because of the temporary nature and it will not have a major detrimental landscape impact due to the very narrow profile and galvanised finish of the 60m narrow pole and guy wires. It will be hidden by topography and trees and hedgerows at various locations and will be likely to be a focal point in the landscape

at certain locations.

- 3.9 **London Oxford Airport** states sufficient information has been provided to ascertain that the impact on the safe operation of services at LOA in particular the safe operation of the radar system. The developer will be required to ensure information concerning the mast is promulgated to the flying community.
- 3.10 **The Defence Estates Safeguarding Team** is yet to respond in relation to the matter.
- 3.11 **The Operator of Shotteswell Airfield** has strong opposition to the proposal. The mast is within the circuit area used for landing and departing the airfield. It is considered that the mast and its guy wires would not be immediately visible to pilots, especially in the event of emergency landings. The airfield is also used by gliders.
- 3.12 **Cherwell District Council's Ecology Officer** could not foresee any major ecological impacts as a result of the erection of the proposed temporary mast on the site. However further clarification was sought on the proximity to hedgerows, trees and ditches and the method of fixing the guy wires. This information has been forthcoming and no objections are raised but the applicant will be required to have regard to and comply with conditions and legislation relating to the protection of wildlife.

4	<b>Planning Policy</b>	
4.1	Adopted Cherwell Local Plan 1996	C1 – Nature conservation C2 – Species protection C7 – Topography and character of the landscape C8 – Sporadic development in open countryside C13 – Areas of high landscape value
4.2	Non-Statutory Cherwell Local Plan	EN21 – Renewable energy schemes and impact on local environment EN34 – Character and appearance of landscape
4.3	Draft Core Strategy	SD3 – Renewable energy proposals
4.4	National Policy	PPS1, Delivering Sustainable Development PPS7, Sustainable Development in Rural Areas PPS22, Renewable Energy Planning For Renewable Energy: A Companion Guide to PPS22
4.5	Informal Guidance	Council's Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development (February 2011)

## 5. Appraisal

- 5.1 The assessment of this application is based on the following criteria;
- The principle of the development and national policy
  - Impact on residential properties
  - Visual and heritage impact
  - Highway safety
  - Ecology
  - Aviation safety

## 5.2 Principle and national policy

5.2.1 Government Planning Policy Statement 22 on renewable energy is supplemented by a companion guide, which provides detailed guidance on various renewable energy schemes. The issue of temporary monitoring masts is addressed in Technical Annexe – Wind, Paragraph 32, which states:

5.2.2 *“Assessing whether a particular site will harness wind power satisfactorily entails using historic meteorological data and information derived from anemometers placed on site. Anemometer masts are normally required for at least 12 months; the longer the measurements are taken the better the prediction will be. The measurements from anemometers help to determine whether or not a candidate site is suitable and, if it is, the measurements help to determine the best position for the wind turbines within the site’s boundary. The masts should be approximately as tall as the hub height of the planned turbine. However, 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”.*

5.2.3 This proposal is in accordance with this technical advice being within the usual height parameters and for a temporary period of up to 2 years. Whilst it is acknowledged that the data from the monitoring equipment on the mast would inform the technical suitability of the site for the operation of wind turbines, any decision to grant temporary planning permission would not prejudice any decisions that the Council would subsequently make. Should an application be received for a wind farm on the site, this will need to be accompanied by an Environmental Impact Assessment and would be considered at that time on its individual merits, having regard to adopted policy and other material considerations.

5.2.4 As the proposal relates to a potential renewable energy scheme it is necessary to consider if the benefits of the proposal would be sufficient to outweigh any potential harm caused. The level of impact and harm is discussed in the following sections.

## 5.3 Residential Impact

5.3.1 There are no isolated residential properties in the immediate vicinity of the application site therefore the nearest properties are within the villages of Hanwell and Shotteswell. Bourton Fields Farm lies a similar distance away from the site but the motorway is an intervening feature. Whilst standing on the site of the mast it was not possible to see the village of Hanwell and much of Shotteswell was screened from view. However with the mast being 60 metres tall and despite the drop in land levels to the application site, it may be visible from some residential properties, including those on the east side of the motorway. It is not considered that the structure itself, being light weight in its nature and set at a lower land level will cause any significant adverse visual impact on residential amenities in terms of it being over bearing or oppressive. Some letters of objection refer to the impact the mast will have on views from private properties into the open countryside. However the planning system cannot protect private views. A small number of objections also refer to the potential for noise resulting from wind whistling past the structure and its support wires. The structure has no moving parts and is located approximately 850 metres from Hanwell and just 450 metres from the motorway. There is no evidence from other similar structures that have been erected within the district (Willowbank Farm, Fewcott and Council Hill, Hook Norton) that this is an issue and it is not thought that noise as described by the objectors would be a significant issue given the location of the development.

5.3.2 Given the above assessment it is not considered that there will be a demonstrable level of harm to the residents of private properties.

#### 5.4 Visual and Heritage Impact

5.4.1 The main planning issue with the proposed wind monitoring mast is considered to be its visual impact on the rural landscape. The site is within a valley limiting long distance views of the mast. Field boundaries are often marked with a variety of trees and hedging of various heights. With the exception of farms, residential properties and church spires/towers there are a limited number of manmade structures in the area, although some do exist such as telephone poles and wires and the occasional mast (potentially telecommunications). It is accepted that the proposed mast will be clearly seen in the immediate vicinity of the site. In the immediate vicinity of the site the proposal would be apparent and discordant and as such could be visually harmful. However this harm would diminish with distance due to the slim nature of the structure. The nearest public routes around the site would be the motorway, the villages, the road through Hanwell, the B4100 and the public footpath. Actual views will be restricted due to the land levels surrounding the site and intervening structures and vegetation. There is a public footpath to the west which is within approximately 900 metres of the proposed position of the mast, and there is a similar distance to the path north of Hanwell. There may be some views of the mast from along these paths but the proposal would not obstruct the use of them nor is it likely to cause a demonstrable level of overbearing to those using the routes due to intermittent screening and the difference in levels. Despite its immediate impact on the landscape the mast is unlikely to be any more conspicuous than electricity pylons and is proposed for a temporary period only.

5.4.2 The site is within an Area of High Landscape Value (AHLV) within which the Council will seek to conserve and enhance the environment. Given the nature of the structure it does not enhance the environment but the matter of whether or not the structure conserves the environment is more debateable and open to subjective opinions but as stated above any impact is likely to diminish over distance and it is not considered that the proposal will cause harm to the wider allocation of High Landscape Value. Furthermore it is worth noting that the AHLV is a locally designated feature and was not carried through to the Council's Non-Statutory Cherwell Local Plan. The impact of the proposal upon the wider rural landscape, especially given its temporary nature, would not justify a refusal on visual amenity grounds.

5.4.3 There are Conservation Areas at Hanwell, Horley, Cropredy and Mollington and it is understood that Shotteswell is also a conservation village. These villages and others that do not have conservation status also contain some listed buildings. Given the distance between the proposed mast and the conservation areas and listed buildings it is not considered that there will be demonstrable harm caused to their setting or character. Furthermore the mast is only proposed for a temporary period.

#### 5.5 Highway safety

5.5.1 The Local Highway Authority raises no objections as the access to the site is considered to be appropriate and the structure itself will not cause harm to highway safety. A number of objectors have raised the issue of safety on the motorway and the fact that the mast may be a distraction to drivers. However PPS22 addresses

this issue in relation to wind turbines and suggests that there is no evidence to support the view that accidents occur as a result of turbines being in close proximity to motorways. Furthermore the Highways Agency has not objected to schemes for turbines within a lesser proximity to the motorway. It is therefore unlikely that a static structure would cause such a hazard.

## 5.6 Ecology

5.6.1 A number of objectors have raised concerns about the impact the proposed mast may have on ecology and wildlife on and around the site. The Council's Ecologist has assessed the potential for harm given that guy ropes will be in close proximity to hedgerows and trees. Whilst it is recognised that the immediate rural and agricultural environment is likely to support a variety of species the site itself is not designated or recorded as having any specific ecological value therefore it was not a necessary requirement to consult with other ecological bodies/agencies. The Council's Ecologist is satisfied that providing certain measures are taken for example in relation to the timing of installation of the mast that no particular harm will be caused to local ecology. The Council has been made aware that another scheme for a mast outside of the district was required to reposition the mast more than 50m from the hedgerow and install bird deflectors to the guy wires. However given that there are no records of notable species in the area it is not considered necessary to do this. Furthermore the applicant will be required to have regard to the legislation which seeks to safeguard protected species which applies outside of the planning process.

## 5.7 Aviation Safety

5.7.1 London Oxford Airport has no objections to the proposal and it is hoped that prior to the date of the committee meeting a response will have been received from the MOD. The site is outside of officially safeguarded air space but it is adjacent to a private airstrip which is located to the west of the proposal adjacent to the B4100 south of Shotteswell. The manager of the airstrip has objected to the proposal as have many of the objectors. As a result of such objections the applicant commissioned a report by Wind Power Aviation Consultants. Their report addresses the key areas of concern relating to aviation safety and reaches the following conclusions;

5.7.2 *The Objection Letter...raises 3 objections which have all been addressed.... The mast will not affect arrival and departing aircraft, take-off and landing or circuit traffic. The concern regarding the possible risk of collision with the mast if an aircraft suffers an engine failure and has to make an emergency landing carries a little more weight; however, there are a multitude of natural and manmade hazards which are a problem in the event of an engine failure; steep slopes, ditches, trees, pylons, masts etc. A pilot is expected to be aware of such hazards and the position of the mast will be known. The area around Shotteswell Airfield is open countryside and, unlike when operating at many other airfields, the pilot has plenty of options. The position of the mast is not unreasonable in aviation terms and Shotteswell airfield will be able to continue flying operations safely.*

5.7.3 Prior to the receipt of this document some informal advice was also sought from the CAA. The CAA points out that at 60m high the mast does not technically constitute an aviation en-route obstruction. Notwithstanding this at 60m high the mast would



be one of the tallest structures in the immediate vicinity and might be viewed by some quarters as needing to be lit and/or marked for aviation purposes if it was considered to cause a significant hazard to air navigation. For background, unless there is an aerodrome safeguarding issue, aviation warning lighting on tall structures only becomes legally mandated for structures of a height of 150m or more. Officers are of the view that aviation has satisfactorily been addressed through the findings of the report and that as such air navigation lights will not be required. However the Manager of the airstrip has been made aware of the submission of the report and has been given the opportunity to comment further. An update will be provided as appropriate.

#### 5.8 **Conclusion**

It is considered that the proposal due to the nature of the surroundings and the nature of the structure has potential to cause some visual harm to the immediate landscape but this will lessen with distance. National planning policy for renewable energy schemes requires that the potential harm be weighted against the potential benefits of a proposal. Whilst this scheme itself will not result in the generation of renewable energy it will help to quantify the wind resource in the area, a necessary process the applicant has to go through prior to determining whether or not to proceed with proposals for a wind farm. It is therefore considered that the benefits would outweigh the harm. The mast would only be required for a period of up to two years and as such any impact would only be temporary. The proposal is not considered to cause significant demonstrable harm to the amenities of residential properties or those using public footpaths and the roads networks. Impact on ecology has been assessed and the proposal is not expected to cause any significant harm in this respect. Officers are of the view that aviation safety has been satisfactorily addressed. Given the foregoing conclusions it is recommended that the application be approved subject to conditions.

### **6. Recommendation**

**Approval**, subject to the following conditions

1. SC 1.4A (RC2)
2. That the developer shall inform the Local Planning Authority, in writing, of the date of installation of the meteorological testing mast and that at the expiration of two years from the date of installation the mast shall be removed from the site and the land shall be restored to its former condition on or before that date. Reason To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land.
3. That installation of the structure hereby approved should be timed so as to avoid the bird nesting/breeding season. (RC86A)

Planning Note

a) X1 – Biodiversity/protected Species

### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development

is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area given its temporary nature and its benefits in relation to renewable energy. It has no undue adverse impact upon the residential amenities of neighbouring properties, ecology, aviation safety or highway safety. It also complies with the technical guidance set out in the Companion Guide to PPS22. As such the proposal is in accordance with National Policy Guidance, Policy C7 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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