

**Site Address: Cherwell Valley  
Services, Junction 10 M40, Stoke  
Lyne**

**12/01563/F**

**Ward:** Caversfield

**District Councillor:** Cllr Jon O'Neill

**Case Officer:** Caroline Roche

**Recommendation:** Approval

**Applicant:** Seren Energy Ltd

**Application Description:** Temporary wind monitoring mast

**Committee Referral:** Member Request

**1. Site Description and Proposed Development**

- 1.1 This application is for the erection of a temporary wind monitoring mast for a period of between 12 and 24 months. The mast is proposed to be a maximum of 61.5m high and constructed of galvanised steel and held in place by up to 24 galvanised steel cables.
- 1.2 The mast is proposed to be located within land belonging to Cherwell Valley Services, to the north of the services buildings.

**2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 27th December 2012.

No correspondence has been received as a result of this consultation process.

**3. Consultations**

- 3.1 Stoke Lyne Parish/Town Council: Strongly objects to anything that may lead to an unsightly wind turbine – no purpose is served by testing the wind if the turbine is unacceptable. This is not a suitable location for a wind turbine.

**Cherwell District Council Consultees**

- 3.2 Ecologist: No particular concerns with the monitoring mast although clarification was sought with regard to the method of anchoring it and whether or not this affects significant areas of vegetation.
- 3.3 Arboriculturalist: After reviewing the submitted information and undertaking a site visit, I am satisfied that the ground anchors for the mast are of a sufficient distance from the adjacent woodland belt and therefore the installation will have no significant detrimental impact upon any tree. I therefore have no arboricultural objections to the proposal.
- 3.4 Biodiversity and Countryside Officer: Stoke Lyne Bridleway No 21 runs along the northern land ownership boundary shown on the location plan although it is not clear if it runs inside or outside this boundary as it has not been shown. It will not be affected by the proposed development.

- 3.5 Environmental Protection Officer: No objections or observations to make in respect of this planning applications

### **Oxfordshire County Council Consultees**

- 3.6 Highways Liaison Officer: No objections
- 3.7 Archaeologist: The proposals outlined in your letter would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

### **Other Consultees**

- 3.8 Natural England: The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development. Further advice is provided.
- 3.9 Environment Agency: No objections subject to a condition without which it is considered that the proposal may cause an unacceptable flood risk. Nb. The condition suggested relates to the construction of a wind turbine and not the monitoring mast therefore it is not considered necessary to impose the suggested condition.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

#### Adopted Cherwell Local Plan (Saved Policies)

- C1: Nature Conservation
- C2: Species protection
- C7: Topography and character of the landscape
- C8: Sporadic development in the open countryside
- C28: Standards of layout, design and external appearance

#### South East Plan 2009

- CC1: Sustainable development
- CC2: Climate change
- NRM4: Sustainable flood risk management
- NRM5: Conservation and improvement of biodiversity
- NRM11: Renewable energy
- NRM13: Regional renewable energy targets
- NRM15: Location of renewable energy development
- C4: Landscape and countryside management

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Planning For Renewable Energy: A Companion Guide to PPS22

Cherwell Local Plan – Proposed Submission Draft (August 2012)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD5: Renewable energy

Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development (February 2011)

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle and policy
- Impact on visual amenities
- Impact on residential amenities
- Impact on highway safety
- Impact on ecology
- Other matters

### **Relevant Planning History**

5.2 An application on the same site has previously been considered by the Council. Application 11/00524/F is for a single wind turbine of up to 85 metres in height along with ancillary equipment. The application included a wind monitoring mast. 11/00524/F has been reported to committee and whilst members resolved to approve the application it was subject to the wording of appropriate aviation conditions. The application remains undetermined as the final wording of the conditions is likely to be influenced by the outcome of a pending appeal decision relating to the consented windfarm at Ardley with Fewcott. The applicants are content with this situation but wish to construct the monitoring mast which although part of the original application does not benefit from planning permission whilst the application remains undetermined. Hence the reasoning behind the submission of this current application for the monitoring mast.

5.3 The applicant has provided the following comment to help clarify the reason for submitting this application, especially when a monitoring mast has recently been constructed and removed at the site of the consented Ardley with Fewcott windfarm ;

- we need a mast on the site itself in order to model site specific wind shear and include that in the yield prediction, it is easier to get a loan for the turbine if we have on site data for this.
- we did ask the Fewcott developers about purchasing their data, but the cost of this was prohibitively expensive - so even if it was suitable we would be better off putting our own mast up

### **Principle and Policy**

5.4 Whilst Government Planning Policy Statement 22 on renewable energy was

superseded by the NPPF the companion guide remains relevant and provides detailed guidance on various renewable energy schemes. The issue of temporary monitoring masts is addressed in Technical Annexe – Wind, Paragraph 32, which states:

“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”.

5.5 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 normally prejudice any decisions that the Council would subsequently make. However it is significant to note that Members have already resolved to approve a monitoring mast and wind turbine at this site and there have been no significant changes in circumstances and as such it would not be reasonable to reach a different view when considering the principle of the wind monitoring mast in isolation.

5.6 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.

#### **Impact on visual amenities**

5.7 The main planning issue with a proposed wind monitoring mast is likely to be its visual impact. In relation to the earlier application the visual impact of the turbine was assessed by a landscape consultant appointed by the Council. In relation to this more substantial structure it was concluded that it would result in some significant landscape and visual impacts, albeit limited to a fairly small area around the proposal site. Significant landscape impacts will be confined to Farmland Plateau landscape type, within which the development will be located. However this was not sufficient to justify the refusal of the application for the turbine, especially given the fact that a larger scheme had been approved by an Inspector within a couple of miles of the site.

5.8 However this current application is for the construction of just the monitoring mast which could, as a result of its nature, be visually harmful. However given the slim nature of the structure and its temporary nature its visual harm is likely to be significantly less than the turbine. It will not be as tall or as prominent in the sky line. It may also be considered that a structure such as a test mast would not be out of keeping in proximity to the motorway and the built-up area of the service station.

5.9 Given the above assessment it is considered that the proposal would not result in significant harm to the landscape and visual amenities of the area.

#### **Impact on residential amenities**

5.10 As with the landscape and visual impact an assessment as to the extent of the harm to residential amenities was carried out in relation to the wind turbine application. Whilst some potential harm was identified there will be limited opportunity for harm to arise as a result of the monitoring mast as it is a static structure that does not have

large moving parts and is unlikely to result in any noise audible over the noise of the motorway which runs close to the site. The nearest property to the mast will be 'The Lodge' approximately 660m from the site of the mast. This and other properties are unlikely to obtain a complete view of the mast due to partial tree cover, although it may be a prominent feature from some private viewpoints. However it is not considered that the harm would be demonstrable or justify refusal of the proposal.

### **Impact on Highway Safety**

- 5.11 The construction of a monitoring mast does not raise the same issues as the construction of a wind turbine as the parts are much smaller and do not require special mechanisms for delivery. As such the proposal is unlikely to cause harm to highway safety and as a result the local highway authority has not objected to the proposal.

### **Impact on Ecology**

- 5.12 In relation to the wind turbine proposal on the same site a full assessment of the impact on ecology was carried out. The Council's own ecologist concluded that there was unlikely to be any adverse impact on protected species or habitats but did suggest that prior to work commencing pre-works checks be carried out to ensure there have been no significant changes. Any potential impacts are likely to be significantly less when considering the monitoring mast in isolation given the less intrusive method of anchoring the guy wires and the fact that the mast does not include large moving parts.
- 5.13 The Council's own ecologist raised a query with regard to the method of securing/anchoring the mast. Masts are commonly secured by circular manhole rings set within concrete. This is likely to result in the loss of some grassland but will not affect any hedgerows or trees. Except to allow for the construction of a future wind turbine the site should be returned to its previous state following the removal of the monitoring mast.

### **Other matters**

- 5.14 The proposal is close to public rights of way, however the construction of a monitoring mast will not have an adverse affect on the ability to utilise such rights of way as they are not directly affected by the proposal.
- 5.15 The site is within air safeguarding areas which require that in relation to London Oxford Airport they are consulted on structures over 90 metres in height. Despite the structure not exceeding this height the airport has been consulted on the matter but to date no response has been received. London Oxford Airport has previously objected to schemes for wind turbines but it is my understanding that these objections are based on the fact that turbines, with their moving parts have the potential to effect the operation of radar, a static monitoring mast would not have the same impact. At a maximum height of 61.5 metres the structure is unlikely to cause an obstruction to aviation activities from London Oxford airport. The MOD has also been consulted on the matter but has not responded.
- 5.16 The applicants have provided details of an aircraft warning light which is an option for installation. No aviation authority has specifically requested or required this. However in the interests of aviation safety the standard plan numbers and details condition will require its installation in accordance with the details provided.
- 5.17 The Council has adopted as informal planning guidance a document called 'Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development'. The document makes no particular reference to monitoring masts. However we know

from the previous application that the applicants wish to install a turbine of up to 86.5 meters in height to blade tip. The Council's informal guidance categorises this size of turbine between medium and large. It suggests that turbines should be a minimum of 800 metres from dwellings or a distance the equivalent of three times the height of the turbine. In relation to a potential turbine and the relation with the nearest residential property the first distance would be breached but the second distance would be complied with. However this factor cannot prejudice the decision in relation to the monitoring mast as different considerations apply and the monitoring mast is shorter than the proposed turbine and is a static and more temporary structure. The Council's guidance on wind turbine development does not carry any significant weight in the consideration of this proposal.

### **Engagement**

- 5.18 Paragraphs 186 and 187 of the NPPF places a duty on the Local Authority to be positive in its decision taking. In this case it was found that there was some information lacking in the submission, this information was requested and submitted and taken into consideration in the determination of the application. Unfortunately on this occasion the application was not determined within its eight weeks but through positive communication it has been possible to make a positive recommendation.

### **Conclusion**

- 5.19 In conclusion the proposal has been the subject of a previous application for which consent was sought for a wind turbine and a monitoring mast. The monitoring mast in isolation has less of an impact than the turbine which Members resolved to approve. The circumstances have not changed in any significant way. Having assessed the impact of the test mast it is considered that it is unlikely to result in any significant adverse impacts. It is therefore considered that the proposal complies with the policies and guidance set out above and it is recommended that the application be approved.

## **6. Recommendation**

### **Approval, subject to:**

a) the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission. Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Flood Risk Assessment and drawings numbered/titled: CMSA AN-1A, 1-MA-60-003 Rev. 1, 60m Mast – Plan View Rev. 1, CMSA AN-1C, CMSA AN-1B, information submitted with applicants email of 3 January 2013 including mast anchors, security fence and lighting details. Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.
3. That the developer shall inform the Local Planning Authority, in writing, of the date of the installation of the meteorological testing mast and security fencing and that at the expiration of 2 years from the date of the installation of the mast and security fencing, the mast and security fencing 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.

### **Planning Notes**

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.

### **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 area and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with Government advice contained within the NPPF and the Companion Guide to PPS22: Renewable Energy, and Policy C7 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.**

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.