

**Site Address: OS Parcel 0313 East of M40,
March Road, Mollington**

14/00011/F

Ward: Cropredy

District Councillor: Cllr Ken Atack

Case Officer: Phil Smith

Recommendation: Refusal

Applicant: MUREX ENERGY LIMITED

Application Description: Erection of a single wind turbine with a maximum blade tip height of 77 metres, formation of new vehicular access track and associated infrastructure

Committee Referral: Major (due to site area) Committee Date: 24 April 2014

1 Site Description and Proposed Development

- 1.1 The application is seeking planning permission for the construction of a single wind turbine within the site together with associated infrastructure which includes a new track to provide access from the public highway to the turbine, hardstanding around the base of the turbine and a transformer building which measures 5.3m in length, 3.3m in depth and 2.5m in height.
- 1.2 The application site is an open field which is laid to pasture and contains a small stone, single storey barn close to the western boundary. March Road runs along the northern boundary of the site linking Mollington to the east with Shotteswell and Warmington via a bridge over the M40. Roadside planting in the form of a hedgerow and trees runs along the roadside. This planting is mixed in quality with areas of dense planting and other parts which have gaps allowing glimpsed views into the site. A dense landscaped area forms the western boundary. To the east the site is open with the boundary formed by the river which runs north/south. There are some trees and other vegetation along its banks. The southern boundary of the field comprises a hedgerow, although this contains several significant gaps. A field entrance currently provides access to the site and is located at the western edge of the field.
- 1.3 The village of Mollington lies approximately 750 metres to the east of the turbine location. There are public footpaths in the vicinity of the site. Two run from the western edge of Mollington in a western and south-western direction, crossing the motorway to the south of the site linking to Shotteswell. The northernmost footpath runs across the field adjacent to the application site. A further footpath runs north-west from Mollington to the village of Warmington.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice and further letters have been sent to a number of external organisations providing the opportunity for commenting on the application. At the time of writing, a total of 355 letters have been received and of these 353 raise objections and 2 support the application.

2.2 Support

The wet winter which has been experienced demonstrates the impacts of climate change and the need for action in order to address this. In addition, self-sufficiency in energy production is important for local communities. The turbine will assist in producing low carbon energy.

Objections

- The turbine would be 77 metres high to the blade tips and will appear as an intrusive, industrial structure in the attractive valley which is an area of high landscape value. It will be visible from the adjacent Cotswold AONB and cause harm to this area and would dominate the landscape as a whole.
- The turbine would be at eye level with properties built on the valley sides which exacerbates its visual impacts. It would be close to residential properties, within the distances set out in the Council's 2011 guidance and seriously harm the amenities of residents whose properties face over the valley towards the site.
- The turbine would cause harm to historic battlefields in the area as well as harming Conservation Areas in nearby villages and also on Farnborough Hall, especially the terrace walk and views from the obelisk which are nationally important.
- The site and March Road are prone to flooding. The amount of concrete required will exacerbate flooding and will not be removed at the end of the life of the turbine.
- There is confusion over the route for access by construction traffic. Access is along narrow country roads which are in a poor state of repair and are unsuitable for access by construction traffic.
- There would be harm to health and well being through the impacts of noise, exacerbating epilepsy, harm to views and the flicker effect. The turbine would destroy the quality of life of residents making the village less attractive to live in.
- The turbine would be a hazard to wildlife due to its position close to hedgerows and trees.
- There would be distraction to drivers on the M40 through the visual appearance of the turbine as well as shadow flicker effects.

- The airspeed stated by the applicant is 6.6mps and the power output for the turbine is calculated on wind speeds of 12mps. The output of the turbine would be less than 15% of the rated power. The turbine would generate an insignificant amount of energy which is not justified by the harm caused. Offshore generation is more efficient. There is the need for a decommissioning bond to be in place to ensure the proper removal of the turbine at the end of its life.
- The proposal is not supported by Mollington. There was no meaningful consultation by the applicant and none of the views given during this process were taken into account.
- The valley is used by low flying aircraft, including military. Shotteswell airfield is also close and the impacts on aviation resulted in the refusal of an anemometer mast near Hanwell.
- The turbine would impact on TV and radio reception.
- This application would set a precedent, leading to more turbines in the valley.
- The turbine fails to meet the guidance of the British Horse Society regarding separation distances. A minimum distance of 200 metres is given in the guidance. Roads in the area, including March Road and Mollington Lane are well used by riders and the presence of the turbine could startle horses putting riders and horses at risk.

2.3 Jeremy Wright MP states that the size of the turbine and the wide range of deleterious effects it is likely to have, its impact cannot be made acceptable and it should be refused as being contrary to the NPPF. Careful consideration should be given to the views expressed by local residents as those most directly affected by the proposals.

2.4 Councillor Jackson (Stratford upon Avon District Council) endorses the objections raised by Warmington and Arlescote Parish Council in their letter. The proposal fails to meet the test of sustainability as set out in paragraphs 7-9 of the NPPF. The harm to the landscape that would be caused will demonstrably outweigh the benefits arising from the proposal. The site is adjacent to the Cotswold AONB and the proposal would harm this landscape. The site lies within flood zones 2 and 3 and the Council must be satisfied that there is no conflict with section 10 of the NPPF. There are concerns over the traffic management plan submitted and the impacts, even short term, of construction traffic on Warmington residents. The June 2013 Ministerial Statement states that the need for renewable energy should not automatically override environmental protection and local concerns; the impact of the turbine on the landscape should not be overlooked and; local topography should recognise that the impact on flat landscapes can be as great or greater as hilly ones.

2.5 Councillor Wolstenholme (Stratford upon Avon District Council) objects to the application. The turbine could be in topple distance of March Lane. The valley is a compact and constrained landscape and the

turbine would create a windfarm landscape. The turbine is within the lee of the south-west ridge and will not benefit from the prevailing weather, reducing efficiency and output. The variation in wind speed across the blades will increase the chance of Enhanced Amplitude Modulation. Mollington is some 800 metres north-east of the site and upwind of the turbine, noise will be transferred in this direction, increasing impacts.

- 2.6 Councillor Wood (Stratford upon Avon District Council) objects to the application. The turbine would have a detrimental impact on the quality of the rural landscape which is designated as an Area of High Landscape Value. The turbine would be at eye level for residents in villages on either side of the valley. It would dominate the landscape including from the AONB. There is substantial wildlife in the area which would be at risk from impact with the turbine blades. Shadow flicker plans show this impacting on the motorway. Local feedback shows this to be an unpopular development that would see no benefits from the proposal. A single turbine would generate insignificant energy compared with the damage it would cause. The impact on Shotteswell Airfield must be fully investigated. The roads approaching the site are narrow and in a poor state of repair, unsuitable for heavy construction traffic.

3 Consultations

English Heritage

- 3.1 In our view the proposed wind turbine would harm the significance of a Grade I Registered Park and Grade II Listed Obelisk. We do not consider the level of harm to be minor, rather it has an impact on a designed view from an important element of the park. Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para 17 NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para 132, NPPF). Where a development proposal will lead to harm that is less than substantial, as in this case here, it needs to be weighed against the public benefits of the proposal (para 134, NPPF). While we recognise the need to provide low carbon energy, discretion is clearly needed as to where they are sited. We therefore recommend that the harm to the significance of the Park and Obelisk is taken seriously and given great weight when assessing the proposals.

The National Trust

- 3.2 The National Trust objects to the development on the grounds that it would result in substantial harm to the significance of Farnborough Hall, a Grade I Registered Park, including the Grade II Listed Obelisk, which

also forms part of the Farnborough Conservation Area. The harm to heritage assets would be contrary to policies of the NPPF and consent should be refused in the absence of clear and convincing justification for this harm. Development which causes substantial harm to a Grade I Registered Park should be wholly exceptional; a single 500kW turbine is not.

- 3.3 In terms of visual impact the full turbine blades would be seen over Mollington Wood on the final section of the terrace. From the Obelisk, the turbine would occupy a central feature within the view. The magnitude of the impact in the LVIA is disputed given the position within the view and also the fact that the view is of national importance.
- 3.4 Similarly there is acceptance of much of the Historic Environment Assessment, however, the suggestion that the aesthetic value of the Park is derived from its ownership by the National Trust is not correct. Views and vistas were an intrinsic part of the design of the Park at Farnborough. Many have survived to a considerable extent and make a marked contribution to its significance. While the HEA reports this to a degree it does not discuss the view south from the Obelisk /upper end of the terrace in detail.
- 3.5 The HEA also suggests that the key elements of the setting of the Park are limited to the residual areas of farmland that once formed part of the estate. This is at odds with the NPPF Annex 2 definition of setting as “the surroundings within which an asset is experienced” particularly when account is taken of the role of far-reaching views in the historic design and current day appreciation of the Park.
- 3.6 The National Trust and Natural England commissioned Askew Nelson in 2013 to produce a Parkland Plan for Farnborough as a preliminary to restoration work through Higher Level Stewardship. The contract for this significant scheme to restore original 18th Century Parkland features and the intended views and vistas has now been agreed, with grant funding of £400k from Natural England and match funding from the National Trust. The section of their plan relating to views and vistas is attached. It identifies the view south from the obelisk towards Mollington as an important designed external view from the Park. Although Mollington can no longer be seen, this remains an attractive view from the culmination of the terrace that in many respects is little changed from the 18th Century. At the termination of the terrace walk, the view is a key part of the setting of the heritage assets.
- 3.7 The view to Mollington would have had additional significance to William Holbech II, the Park’s creator, as a result of family connections. The family link between Farnborough Hall and Mollington pre-dates the creation of the Park and continued long afterwards. Mollington was the home of the junior members of the Holbech family from the 17th Century to the 1950s. William Holbech who created the Park was close to his brother Hugh, having travelled with him around Europe. The building of the terrace has been traditionally described as a way of enabling the brothers to see each other each day.
- 3.8 Given the significant visual impact on the viewpoint at the end of the

terrace, the importance of this area to the design of the Park and the intrinsic importance of views and vistas to the aesthetic significance of the Park, the Obelisk and the Conservation Area, it is considered that the turbine would cause serious harm to the significance of the heritage assets by affecting their setting. We consider that this should be regarded as substantial harm in the terms of the NPPF.

Mollington Parish Council

- 3.9 The Parish Council objects strongly to the application and raise a number of queries and concerns over the submitted reports.
- 3.10 Community Involvement - Murex circulated a survey to some but not all houses in the village in August 2012. The villages of Shotteswell and Warmington were not included although directly affected. The information sheet was inaccurate referring to wind speeds in the south west. 24 residents replied to this survey, 2 supporting the proposals and 22 against. Murex in their submission has suggested a positive response for the community benefits. There was no such positive response. There is also no evidence of the community benefits which would result from the development.
- 3.11 Executive Summary - Refers to access for construction traffic along Main Street in the village but the CTMP shows access via junction 12 of M40 and Warmington, which is correct?
- 3.12 Environmental and Planning Considerations - The landscape assessment is patchy and fails to recognise properties in Shotteswell as well as elsewhere in Mollington which have open views over the application site. The shadow flicker assessment does not take account of the fact that many dwellings will be at eye level to the turbine and this matter should be reassessed to take this into account.
- 3.13 Design and Access Statement - Grid connection is stated as being via underground cables but no details of how this would be achieved are provided.
- 3.14 Planning Policy Statement - The turbine has a theoretical capacity of 0.5MGw or 0.0007% of national capacity. Bearing in mind turbines have average productivity of 30%, Murex describe the contribution to be small but a more accurate description than small could be used.
- 3.15 The parish also have specific objections to the application as follows.

Landscape and Visual Impact

- 3.16 The landscape is small and not sufficiently robust to accommodate this type of structure. Most of the properties in Mollington are built on the valley side, orientated south-west to take advantage of views across the valley towards Shotteswell and Warmington. There are no alternative views other than across the valley where the turbine will be sited. The elevation of properties means the turbine will be in direct sight, with the hub at eye level, and the turbine breaking the skyline to the west. There are no opportunities for screening the turbine from these views.

- 3.17 The turbine is 702 metres from the nearest dwellings and although there is no formal buffer zone, this is considered to be too close. The M40 which runs through the valley has little impact visually because of good screening. The 77 metre high moving industrial structure will dominate views from Mollington designated as an AHLV and only 1.5 Km from the AONB.
- 3.18 The turbine will be visible along Main Street within the Conservation Area. Many properties, roads and footpaths will be affected by this intrusive element in the agricultural landscape. The aviation lighting necessary will be visible, further urbanising the rural environment.
- 3.19 The turbine would be in full view walking the D'Arcy Dalton Way and Battlefields, long distance footpaths from Mollington to Warmington. It would appear as an alien feature having a serious detrimental impact on the local environment.

Community Involvement

- 3.20 The Murex survey showed 92% of respondents against the development. A survey to all households undertaken by the Parish Council had 118 respondents of which 112 were against the scheme, 7 undecided and 2 in favour. This opposition is supported by 7 Parish Councils and 2 local MPs. Ignoring these views of the local community would contravene paragraphs 5 and 8 of the Practice Guidance.

Heritage Sites

- 3.21 The area contains Farnborough Hall and several Listed Buildings in local villages. CDC guidance states that loss or harm to these should be exceptional.
- 3.22 The National Trust consider the applicant's heritage assessment to understate the impact on Farnborough Hall. There is funding in place for a scheme to restore the parkland including views and vistas.
- 3.23 The Mollington Conservation Area Report (2010) refers to proceeding along Main Street "just before the vista opens up at the Green. Development beyond either of these visual gateways would compromise the strong traditional relationship of the village with the topography"
- 3.24 The Council's Senior Conservation Officer has opposed the application.
- 3.25 The DCLG Practice Guide (2013) requires care to be taken to ensure heritage assets are concerned as appropriate to their significance, and this includes impacts on views which are important to their setting.

Flooding

- 3.26 The FRA is a desk top study and bears little relation to the reality on the ground. The site regularly floods up to twice a year to a depth of 25cm. No mitigation is proposed and the scheme is in conflict with the NPPF which directs development away from areas liable to flooding. The large

quantities of concrete in the construction will raise the water table, exacerbating flooding. The Parish Council is concerned with the EA response and considers that no permission is issued until they have looked at the proposals.

Shadow Flicker, Reflection and Health

- 3.27 Murex state that shadow flicker is limited to 540 metres from the turbine but there is evidence that it can be seen over a distance of 1 km. The information is based on a desk top exercise and takes no account of topography. Reflection from the moving blades is also a concern and there is no reference to this problem or the colour/finish that would be used.

Noise

- 3.28 The turbine will produce constant noise. The background noise from the M40 is not constant and is low at night when the turbine would still be operating.

Radio, Radar, Television, Phone Signals

- 3.29 Murex contacted JRC in 2011 where no problems were raised with the turbine. However, the advice stated this should be re-confirmed before an application is submitted. This has not been done. It also appears there has been no consultation with phone companies who use the mast nearby.

Aviation

- 3.30 The area is used by low flying military aircraft, helicopters, private aircraft and microlights. The valley is prone to fog giving visibility problems. There have been two emergency landing incidents involving hot air balloons at the site and it has been used for the air ambulance. There are clear aviation safety issues which need to be properly assessed.

Highway Safety

- 3.31 Shadow flicker will be a danger to traffic on the M40 and the Highways Agency has objected on this point. HGV construction traffic will cause significant damage to the highway network which has not been addressed. Construction traffic will be a danger to walkers, cyclists and horse riders using the local narrow lanes. Junction 12 is busy and planned housing will add to congestion.

Ecology

- 3.32 Two ecologically important hedgerows will be removed, resulting in a loss of habitat.

Maintenance

- 3.33 There is concern that if the company ceases to exist who would be responsible for the safety and removal of the turbine. Flooding could also restrict access for maintenance.

Rural Diversification

- 3.34 Renewable energy is presented as an important form of diversification by Murex. It is not the only form, and there are others which do not cause the same level of harm to the local community.

Contribution to Renewable Energy

- 3.35 The amount of energy generated would be minimal and, therefore, would the harm caused be justified for such a level of contribution to renewable energy production.
- 3.36 A further response has been received from the Parish Council regarding landscape and visual effects of the development following the assessment by the Council's Landscape Officer. This disagrees with the assessment made by the applicant and the Landscape Officer and these additional comments can be summarised as follows.
- 3.37 There is no justification for the viewpoints chosen and why certain ones appear to have been given greater weight than others, even in cases where the turbine would be readily visible such as from the Obelisk at Farnborough Hall. The viewpoints appear selective and ignore locations where residents would have views of the turbine. The landscape is tight and compact with the only outlook south and west from properties on the western edge of the village.
- 3.38 The village Church and Obelisk are visible from viewpoint one and the turbine will interrupt these views.
- 3.39 Viewpoints 2a and 2b show a high magnitude of change given the orientation of the properties and the fact that there are no alternative views from the properties than over towards the turbine site.
- 3.40 The viewpoints are selective and had others been chosen the impact would have been judged to have been high.

Shotteswell Parish Council

- 3.41 Objects strongly to the application for the following reasons.

Application Process

- 3.42 There is a requirement under the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013 for pre-application consultation for wind turbines over a certain scale. This was ignored by the applicant who failed to consult with all parties. Shotteswell faces across the valley and is directly impacted by the development, there has been no consultation with the village. The level of consultation falls significantly below that expected.

Flooding

- 3.43 The field floods regularly, and the 1 in 100 year classification is questioned. The M40 is elevation to avoid flood risk and this and surrounding fields also provide a run off from the M40. The addition of large areas of impermeable concrete would increase flood risk. Guidance requires the development to be safe, without increasing flood risk elsewhere and where possible reducing flood risk overall. The exception test is not passed and, as a result, the development conflicts with the guidance.

Bio-diversity

- 3.44 There has not been a proper investigation into biodiversity records and Warwick-shire were not contacted. Mollington Woods is understood to be one of the most bio-diverse areas and there is no mention of this in the report.

Historic Finds

- 3.45 There have been significant archaeological finds in the area and the site should be assessed properly.

Heritage Assets

- 3.46 There are five Conservation Areas surrounding the application site and the orientation of buildings results in long far reaching views of the turbine site. The turbine would destroy the interconnectivity and setting of historic buildings within the villages. The Obelisk at Farnborough Hall has an important relationship with the village which would be marred by the industrial structure. The applicant states the M40 is a dominant feature in the landscape. This is not correct as landscaping has matured and the motorway assimilated into the landscape. There are concerns raised over the assessment of the impact on Listed Buildings in the area undertaken by the applicant.

Highways

- 3.47 Access for HGVs will be from Junction 12 through Warmington. How vehicles can access the site through these narrow lanes has not been addressed and the local community not consulted.
- 3.48 The Highways Agency's original concerns are supported. Attention is drawn to the fact that the turbine needs time to slow down when turned off for flicker and there can also be blade flashes during the day or at night. The aviation lighting would also distract drivers on the M40 and be intrusive for properties facing the valley.

Equestrian Issues

- 3.49 There is no reference to equestrian issues in the application documents and particularly impacts on Valley Farm Equestrian Centre in Shotteswell. There are many stables and liveries in the area. Horses

can be frightened by moving turbines and the proposal does not meet the separation distances specified by the British Horse Society. Shadow flicker and 'yawning' of the turbine head also create movement which can frighten horses.

Shotteswell Airfield

- 3.50 Shotteswell Airfield is well used and to compromise the airfield activities would have a knock on effect on the local economy. An anemometer mast was rejected on appeal due to impacts on aviation safety. The turbine is far larger and is sited on the aircraft circuit and poses a potential danger to aircraft safety, particularly given the use of the airfield by student and inexperienced pilots.

Renewable Energy

- 3.51 The Parish Council does not object in principle to renewable energy. There are a number of examples of solar panels installed in the Parish, which are a less intrusive means of generating electricity and Shotteswell has more than adequately met this need.

Residential Amenity

- 3.52 Valley Farm, the nearest property, is only 643 metres from the turbine site. A turbine of the size proposed would be overpowering and cause noise pollution to properties in Shotteswell. The ETSU-R-97 noise assessment is considered to be out of date, failing to make allowance for amplitude modulation.

Cumulative Impact

- 3.53 Cumulative impact should assess all tall man-made objects in the area and not just wind turbines. There is no indication as to how the grid connection will be made.
- 3.54 Further comments have been received on landscape matters as follows. The viewpoints in the LVIA are taken in the summer months when trees and shrubs are in full leaf and are not reflective of the other 5/6 months of the year. The viewpoints chosen appear distorted, taken from the furthest points along footpaths from the site. These bear little relation to the majority of public footpaths where the turbine would be in full view.
- 3.55 The M40 is not readily visible, being carefully hidden by bunds and landscaping. The applicant has sought to denigrate the landscape by taking photographs selectively criss-crossing and close to the motorway. The viewpoints are not representative therefore of the actual situation.
- 3.56 Concern is expressed over the choice of viewpoints the Landscape Officer has assessed. The landscape consultant took photos from Shotteswell but did not include viewpoints from the village in the assessment. The footpath photograph taken from the B400 is the furthest point away from the site. It runs along the hanger buildings, where there are clear uninterrupted views of the site.

- 3.57 The Boddington turbine is visible from the Southam Road and cumulative impacts have not been appreciated in the reports.
- 3.58 From the Mollington junction on the A423 heritage assets are readily visible. The interconnectivity between the historic buildings has not been properly assessed. An industrial turbine in this landscape would be unacceptable.

Farnborough Parish Council

- 3.59 The turbine is an industrial structure, 77 metres tall in rolling countryside and would have a detrimental impact on the rural landscape.
- 3.60 The proposed site is at the bottom of a valley with two villages opposite one another on higher ground looking out across the valley. The structure would be at eye level for local residents, would not be obscured by trees or any vegetation, would be intrusive and dominate the landscape from many viewpoints. Local properties have been designed to take advantage of views across the valley.
- 3.61 The contribution to renewable energy from a single turbine would be insignificant compared to the damage to the local environment.
- 3.62 A turbine would be a potential hazard to local wildlife and protected species because of its proximity to existing hedgerows, trees and woodland.
- 3.63 Mollington and other villages would be adversely affected by the flicker effect of the proposed turbine.
- 3.64 Roads approaching the site are narrow and in a poor state of repair. They are unsuitable for construction traffic.
- 3.65 A further response has been received commenting on the Council's landscape assessment of the proposals. The Parish Council disagree with the conclusions that were reached in the assessment undertaken by the Landscape Officer and raise concerns that the view points assessed were those chosen by the applicant. These viewpoints are distorted and many are taken from furthest points of footpaths from the site. The applicant appears to have tried to denigrate the valley by including pictures taken selectively close to the motorway. The motorway is in fact largely hidden from the conservation villages.
- 3.66 Further comments have been received following the withdrawal of the objections of the Highways Agency. The Parish Council considers that there would be safety issues for drivers approaching the site on the northbound carriageway of the M40. Landscaping and topography mean that the turbine will be largely hidden from view until drivers are very close to the turbine site. This will result in the turbine being revealed when vehicles are very close to the structure, causing a distraction to road users.
- 3.67 Relevant guidance from the Highways Agency recognises the potential for distraction to motorists from wind turbines particularly where they

would be revealed suddenly. It is considered that the turbine proposed would be largely hidden from view approaching along both northbound and southbound carriageways of the M40 being seen at the last minute, thereby causing a dangerous distraction to motorists.

Warmington and Arlescote Parish Council

- 3.68 Strongly object to the application.
- 3.69 The turbine would dominate an area of attractive, open countryside, designated as an Area of High Landscape Value. It would be contrary to Policies C7,C8, C13 of the Cherwell Local Plan; Policies EN21, EN34 of the Non-Statutory Local Plan and SD3 of the draft Core Strategy. The structure would also be visible from within the Warmington Conservation Area and the Cotswold AONB.
- 3.70 The turbine would be an intrusive, alien element in an agricultural landscape, conspicuous from many public viewpoints. The M40 is well screened and has less impact than expected. The illustrative material demonstrates that the turbine would break the skyline from many viewpoints along the valley. The turbine would be visible from historic recreational footpaths such as the MacMillan Way, Battlefields Way and the Centenary Footpath and from the extensive landscaped grounds of Farnborough Hall. The turbine would be contrary to Policies C7, C8, C13 of the Cherwell Local Plan; Policies EN21 and EN34 of the Non-Statutory Cherwell Local Plan and Policy SD3 of the draft Core Strategy.
- 3.71 The proposed turbine would be a hazard to local wildlife and protected species because of its proximity to existing hedgerows, trees and woodland and floodplain habitat. Biodiversity and wildlife cannot be protected from harm contrary to Policies C1, C2, C7 and C8 of the Cherwell Local Plan; Policies EN21 and EN34 of the Non- Statutory Cherwell Local Plan and Policy SD3 of the draft Core Strategy.
- 3.72 The turbine would be a potential hazard to aviation in the vicinity. An application for a wind monitoring mast was refused permission in 2012 because of it being a hazard to aviation. Shenington Airfield is close by, used by light aircraft and gliders and helicopters regularly fly low into and out of the nearby army base. The turbine would be difficult to discern in all weathers and at night by pilots of fast-moving aircraft. The turbine would be contrary to Policy SD3 of the draft Core Strategy.
- 3.73 The turbine may represent a physical hazard or a distraction to the M40. The shadow flicker falls across the motorway and local roads.
- 3.74 Noise pollution and electrical disturbance will have long-term impacts on village communities. The noise will not escape the confines of the valley and will be readily apparent to residents.
- 3.75 The proposed route for construction traffic is unsuitable and articulated lorries could not use this route. There is not a suitable approach to the site for construction traffic. The traffic movements would cause damage to infrastructure, property, causing noise and dust.

Claydon with Clattercote Parish Council

- 3.76 Objects strongly to the application.
- 3.77 The site is in open countryside designated as an Area of High Landscape Value.
- 3.78 The turbine would have a detrimental impact on the quality of this rural area. The turbine would be viewed directly by many local residents and viewpoints. It would be intrusive and dominate the landscape.
- 3.79 The area is predominantly agricultural and the application is for an intrusive industrial structure.
- 3.80 The turbine would be a potential hazard to aviation in the vicinity. It could also be a hazard to local wildlife.
- 3.81 In June 2012 an appeal was dismissed for a temporary wind monitoring mast north of Hanwell. The main issues were:-
- Character and appearance of the landscape
 - Protected species
 - Aircraft using Shotteswell Airfield
- 3.82 In 2012, an application for a similar mast at Stoneton near Wormleighton was opposed by the Parish Council on grounds of landscape impact, visual pollution, setting a precedent within the area, lack of agricultural requirement and intrusion in this magnificent sweep of countryside.

Hanwell Parish Council

- 3.83 Hanwell Parish Council objects strongly to the application.
- 3.84 The turbine would dominate an area of attractive, open countryside, designated as an Area of High Landscape Value. It would be contrary to Policies C7, C8, C13 of the Cherwell Local Plan; Policies EN21, EN34 of the Non-Statutory Local Plan and SD3 of the draft Core Strategy. The turbine would appear industrial, incompatible with the rural character of the open countryside between Mollington and Shotteswell. The valley is generally enclosed making any intrusive feature relatively more prominent.
- 3.85 The turbine would be an intrusive, alien element in an agricultural landscape, conspicuous from many public viewpoints. The turbine would be contrary to Policies C7, C8, C13 of the Cherwell Local Plan; Policies EN21 and EN34 of the Non-Statutory Cherwell Local Plan and Policy SD3 of the draft Core Strategy. The turbine would be particularly prominent when viewed from the eastern side of the valley. It will be seen as an intrusive and incongruous element from several adjacent farms and settlements. The M40 has been skilfully designed and has much less visual impact than would be expected.

- 3.86 The proposed turbine would be a hazard to local wildlife and protected species because of its design and its proximity to existing hedgerows, trees and woodland. No development should be allowed until this issue has been properly assessed and harm avoided. If biodiversity and wildlife cannot be protected from harm it would be contrary to Policies C1, C2, C7 and C8 of the Cherwell Local Plan; Policies EN21 and EN34 of the Non-Statutory Cherwell Local Plan and Policy SD3 of the draft Core Strategy. The area is rural and contains various habitats which deserve to be protected. The application site has no public access and is relatively undisturbed, the turbine could be a serious hazard to wildlife flying in the area.
- 3.87 The turbine would be a potential hazard to aviation in the vicinity. The area is well used by a range of aircraft. The grass strip at Shotteswell is not far from the turbine site. The turbine would be the tallest feature in the landscape and difficult to pick out against certain backgrounds. No development should be allowed until this issue has been properly assessed. Discern in all weathers and at night by pilots of fast-moving aircraft. The turbine would be contrary to Policy SD3 of the draft Core Strategy.
- 3.88 The site is liable to flood and therefore unsuitable.

Broughton Parish Council

- 3.89 Broughton Parish Council objects to the application for the following reasons:-
1. The turbine would have a detrimental impact on the rural landscape
 2. A turbine would be a potential hazard to local wildlife and protected species because of its closeness to existing hedges, trees and woodland
 3. The adjacent roads are narrow and in a poor state of repair. They are unsuitable for construction traffic
 4. The turbine would be close to many properties

Cropredy Parish Council

- 3.90 Cropredy Parish Council objects to the application on the following grounds:-
- The turbine is a danger to low flying aircraft
 - The turbine will be a potential hazard to local wildlife due to its proximity to woodland and hedges
 - Flooding could restrict access to the site
 - Local roads are unsuitable for construction traffic

- Proximity to the M40 and potential distraction to drivers
- The height of the structure will have a detrimental effect on the landscape
- The contribution to renewable energy is insignificant when set against the damage to the environment
- CDC Corporate Biodiversity Action Plan requires such an application to be based upon up to date environmental characteristics of the area and an appropriate assessment is required which is sensitive to the site and timely to the application to allow for local considerations
- If approved this would lead to an application for further structures on the site which would be harder to reject

Environment Agency

- 3.91 The Environment Agency state that the development is of low environmental risk but due to workload are unable to provide detailed comments.

Highways Agency

- 3.92 The Highways Agency originally issued a holding direction preventing the Council from issuing planning permission until 31st March 2014. The reason for this direction relates to visual and shadow flicker impacts on users of the motorway. The combination of these factors could, in tandem, be less trivial and the holding direction allows the applicant to investigate these potential safety issues and if appropriate consider how they should be mitigated.
- 3.93 Following these representations, the applicant submitted additional information detailing the extent of visibility and shadow flicker effects. The Highways Agency have responded to this further information accepting the applicant's submission that the turbine would be visible from some distance away but at times would be hidden from view particularly to the north of Mollington Bridge. This is not considered to be an ideal situation but one which is unlikely to create an unacceptable safety risk.
- 3.94 It is accepted that the issue of shadow flicker can be addressed through enforcing a shutdown of the turbine although a sunlight sensitive system is not considered to be appropriate, although this matter could be addressed by way of a condition attached to a consent.

Oxfordshire County Council (Highway Authority)

- 3.95 Access to the application site is via a field gate on March Road and the application states this will not be altered. It is questionable whether the field gate is adequate to allow construction traffic. Improvements are likely to be required. There also appears to be a discrepancy between the materials to be used for the access track between the application

forms and the CTMP.

- 3.96 No objections are raised to the application subject to the following condition:-

Prior to the commencement of development, a revised Construction Traffic Management Plan must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the Construction Management Plan. Reason: To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

Oxfordshire County Council (Archaeology)

- 3.97 No objections

MOD

- 3.98 No objections. The turbine should be fitted with aviation lighting.

London Oxford Airports

- 3.99 No objection under current legislative or NATs guidance, however, this position is reserved with regard to any future changes in legislation, planning or safety matters. In the event of any changes redress would be sought from the owners of the turbine. In other cases, blanket indemnities have been offered on these developments with operators giving an undertaking of meeting costs of any future safety mitigation.

JRC

- 3.100 Raises no objections to the application

Warwickshire CPRE

- 3.101 Objects to the application on the following grounds.
- 3.102 The turbine would spoil open views of the countryside from the villages of Mollington, Warmington and Shotteswell, and from the Obelisk at Farnborough Hall. Further harm would be caused by the access track and associated infrastructure. The proposals would be contrary to Policy PR6 of the Stratford-on-Avon Local Plan Review. Shotteswell is in a former Special Landscape Area and Policy EF2 applies. This seeks to resist development which would have a harmful impact on the character of the landscape. Warmington is in an AONB and Policy EF1 applies as does paragraph 115 of the NPPF, requiring great weight to be attached to conserving its landscape and scenic beauty.

Banbury CPRE

- 3.103 Note the concerns raised by the Highways Agency and the National Trust in respect of the impact on the M40 and Farnborough Hall and the CPRE echo these concerns.

Stratford Upon Avon District Council

3.104 Objects to the planning application on the following grounds:-

Visual Impact of Turbine

- 3.105 The turbine measures 77m to blade tip; with a 54m blade span, this indicated that the nacelle (hub) height is 50m. The turbine will cause material harm to Shotteswell village, which faces Mollington across the valley, and will be extremely visible, with no appreciable opportunity for mitigation of the proposals.
- 3.106 There are five Conservation Areas surrounding the site, and it is felt that the turbine will harm the setting of those Areas, which is covered by Paragraphs 131 to 133, which requires Local Planning Authorities to take account of the heritage asset, and give significant weight to the conservation of the asset in question. It is interesting to note that no viewpoints have been taken from within Shotteswell itself. Of the viewpoints supplied, it is interesting to note that the turbine will break the skyline from a number of viewpoints, further demonstrating the incongruous nature of the turbine in this predominately agricultural area.
- 3.107 In this instance, the cumulative effect of the visual harm on the five Conservation Areas is substantial, and outweighs any public benefit that the turbine may contribute to the area. Whilst there will be impact on Farnborough Hall, the turbine close to Boddington Reservoir has already been approved, so therefore limited weight can be given to the harm caused to Farnborough Hall, although a case could be put together for the potential cumulative impact of two turbines, although without the appropriate viewpoints to use as reference, it is difficult to make an accurate, objective assessment.
- 3.108 There will undoubtedly be impact on the M40, given the relevant topography, although the District Council understands that this is being dealt with by the Highways Agency, and therefore the District Council will not comment on the matter.
- 3.109 Issues relating to construction traffic and the utilisation of local roads should be addressed by the relevant County Highways Authority.

Aviation Matters

- 3.110 Shotteswell Airfield is within close proximity to the site, and the site is, in fact within the flight circuit of the airfield. The introduction of a tall structure in the valley area will undoubtedly cause problems for aircraft when preparing an approach to the airfield, which is well used by clubs in adjacent areas, as well as private pilots in the local area. Other users of the site include microlights, paragliders and gliders. There are Civil Aviation policies and guidelines which place paramount importance on aviation safety, one of which includes that such a structure must have some form of warning light for airborne craft. The presence of such a light in a predominately agricultural area would be intrusive across a wide area.

- 3.111 An application for a turbine was refused, and dismissed at appeal, for a site within the valley area, but within Stratford District. One of those reasons for refusal (and dismissal) was aviation safety.
- 3.112 Overall, it is felt that careful assessment of the likely impact on the airfield must be taken into consideration.

Flooding Matters

- 3.113 Whilst an FRA has been supplied with the application, the District Council has been made aware of allegorical evidence that the site in question is subject to flooding at periods of peak rainfall (such as the recent storm events of winter 2013/14). Whilst not comprising a formal objection on this matter, it is of concern that given the construction of an access road and the associated infrastructure that the applicant feels that the proposals will not lead to increased flood risk elsewhere. However, we will leave the question to the technical bodies that are assessing this part of the proposals.

Noise Issues

- 3.114 The ETSU-97 information submitted with the proposals appears to show that they will not lead to material harm for local residents and the wider area; however we assume that the relevant technical bodies would raise objections if there were any inconsistencies in that data.

Conclusions

- 3.115 Having viewed the proposals, it is felt that a large proportion of the submitted information is compiled from desktop analysis, rather than site specific detail. There are a number of areas that this District Council will rely on the professional judgement of specialists in the field, but consider the proposals will cause significant visual harm to key receptors within the Stratford District, and there has been no significant evidence presented by the applicant to assuage those fears.
- 3.116 On the basis of the above comments, the District Planning Authority recommends that the application be refused.

The General Aviation Awareness Council

- 3.117 The General Aviation Awareness Council object to the application on the grounds of its impact on safety at Shotteswell Airfield and makes the following comments.
- 3.118 The turbine is identified as 2km from the airfield and breaches good safety practice and planning guidelines including CAP 793. Taking account of obstacles within 2km is important because there is likely to be more aircraft flying at low level in this radius. CAP 764 specifically recommends turbines of this height should not be erected within a 3km radius of a flying site.

- 3.119 The GAAC does not object to wind turbines in principal and the concerns raised are driven by the risk that would be posed to flight safety.
- 3.120 The turbine site is in a valley and there is unlikely to be any impact on aircraft from downwind or vortex turbulence from the turbine blades.
- 3.121 The planned turbine is sited approximately 1.8km north-east of the downwind end of Shotteswell's runway 15, and thus is directly beneath the downwind leg of the circuit, which aircraft use to fly parallel to the runway, prior to turning onto final approach. All such circuits are flown to the east of the airfield, thereby minimising any risk of noise disturbance to the nearby villages including Horley. It should also be noted that the area to the east of Shotteswell is in a relatively unobstructed valley, which in the event of an engine failure or other problem or climbout or approach will give a pilot additional time and space to plan an emergency landing. Were the wind turbine to be erected, this emergency landing area would be significantly curtailed.
- 3.122 All aircraft normally take off and land into the wind, therefore, this runway is used when a southerly wind component is present. Should a northerly wind be present, the aircraft would approach via the downwind leg in the opposite direction, again directly overflying the proposed turbine site, before making a right turn fly around the outside of Hanwell village and establish a final landing approach to the runway's reciprocal direction of 330 degrees.
- 3.123 On takeoff from runway 33, aircraft flying circuits for training would normally make a right turn just after Shotteswell village and would then find the proposed turbine directly ahead of them. In addition to the obvious risk of collision and erosion of option if face with an emergency, there is also potential of visual distraction from the turbine blades, which could force a less experienced student pilot to turn tighter and earlier than is normal, creating an additional flight hazard when a light aircraft is in its most vulnerable phase of flight, at low level and in a nose-high attitude. It is noted that the Airfield Manager, Mr Chris O'Donnell, has already pointed out in his submission that Shotteswell is used for flight training and there are many trainee, amateur and inexperienced pilots that use the airfield, of varying skill levels. The additional hazard of a turbine of 77 metres tall (253 feet) in such close proximity to the airfield, would probably prevent some pilots using the airfield for such purposes, degrading its use as a local amenity.
- 3.124 The position of the turbine provides a potential for collision due to the number of aircraft using the valley and the M40 as visual references. This would be particularly the case in poor weather. The valley is also used by other aviation users including hot air balloons, powered parachutes and gliders.
- 3.125 Aviation safety is a recognised issue regarding wind turbine developments and is included in the NPPF. The knowledge and expertise of an airfield operator should be taken into account as they are fully versed in the safety parameters of a particular site. Concerns are raised that the site owner or operator were not contacted by the

applicant prior to the submission of the application.

Cherwell District Council Consultees

Landscape Officer

- 4.1 I conducted a landscape and visual impact assessment of the WT and the area along the public right of way (PROW) from Mollington Village edge up to where the PROW meets the eastern boundary of the M40 Motorway, looking south-west. I conclude that the weighting on the character of the landscape is medium with medium capacity to accept the WT, however, I recorded a location by the motorway where the view was interrupted by the vertical elements of telephone mast telegraph poles wires, large barn, large field and the disruptive influence of the motorway, this landscape view was deemed to be of low landscape character and sensitivity resulting in a **high** capacity to accept the WT from this distance approximately 735m from the position of the WT.
- 4.2 There is little scope for mitigation of the landscape and visual impacts and effects due to the scale of the WT as shown by the aforementioned viewpoints and supporting wireframe and photomontages from LV. However, the roadside hedgerow and trees must be retained and maintained to ensure its height and density is sufficient to screen off the impact and effects of the WT and its associated infrastructure from road user receptors.
- 4.3 From the field survey and assessment it is obvious that there will be no detrimental cumulative impact specific to the existence of other such developments within the environs of the WT and the ZVI in the District.
- 4.4 The magnitude of landscape and visual effects are going to be **high** in respect of views 1 and 2, as such the WT is going to be prominent within the landscape as determined above 'and would generally be perceived as a determining factor of local character'. When considering the prevailing landscape characteristics and results in respect of views 11 and 13, I suspect they would reflect similar results for LV's recorded views in Stratford District.
- 4.5 The magnitude of change in relation to views is again **Medium**, that is 'Medium levels of change to views – project components would be relatively prominent but generally subservient, or in equilibrium with, the prevailing landscape characteristics, and would easily be noticed.'
- 4.6 When referring to LV's Significance Criteria Table, taking the closest recorded distances where the magnitude of landscape and visual effects are both **high** against the visual sensitivity value of **medium**; this produces the overall significance as being **moderate/substantial**, however the majority of views are recorded at increased distances from the application site, compared to views 1 and 2, where the landscape and visual magnitude of effects are going to be **low**. I have therefore averaged out the significance to **moderate**.

- 4.7 With the overall significance of the WT's impact on its immediate and surrounding environs as **moderate** I do not have any objections to the planning application on the grounds of detrimental or cumulative landscape and visual effects.
- 4.8 With planning consent this development should be subject to planning conditions to ensure that the existing hedgerow and trees within an influencing distance of the development (including cable laying, maintenance access construction, transformer building and associated infrastructure, etc) are protected in accordance with *BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations*. In addition I recommend appropriate landscape mitigation to screen site the infrastructure for the benefit of walker receptors on the PRow south- east of the application site. I recommend the augmentation of existing site boundaries with new hedgerow and tree planting in compliance with CDC's standard landscape condition.

Conservation Officer

- 4.9 The Conservation Officer has made the following comments on the proposals.
- 4.10 The proposal involves the siting of a wind turbine plus associated infrastructure and track in open countryside north of the M40. The turbine is located within a steep-sided valley that runs NW-SE. The historic village settlements of Mollington and Farnborough (South Northants) occupy the northern valleyside at the spring-line and the park of Farnborough Park (also South Northants) a National Trust property, is similarly predicated upon the underlying topology/geography of the valley. On the south side of the valley are located the historic settlements of Warmington, Shotteswell (both South Northants) and Hanwell, also on the spring-line (the junction between Clay and Marlstone formations).
- 4.11 Both Mollington and Hanwell have the historic core of the village designated a Conservation Area and both villages have Listed Buildings and identified non-designated historic assets. I will not discuss the settlements that fall within South Northamptonshire as these are outside Cherwell District.
- 4.12 The proposed structure is to be 77m tall at the blade tip; the height of the proposed structure and the openness and topology of the surrounding countryside will render a wind turbine located at this site an exceptionally visible feature. Thus although the wind turbine is not in close proximity to any one designated/undesigned heritage asset per se, by virtue of the character of the surrounding countryside and its open nature, the turbine has the potential to intrude into the open views and setting of the heritage more generally.
- 4.13 I consider the visual and aesthetic impact the turbine will have on the setting of a range of heritage assets to be unacceptably high (see NPPF, Annex 2 for definition of setting).

- 4.14 The site of the proposed turbine is WSW of the settlement of Mollington and associated Conservation Area. My comments are restricted to the impact on the designated heritage associated within Mollington which is within Cherwell District. That is not to say that the turbine does not have an impact on heritage to be found in the neighbouring Districts. The turbine by its very size and the open nature of its setting can be viewed from within the village. Poplars Cottage and Mansion House Farms are the Listed Buildings with the greatest view of the turbine although due to the topology of the terrain and the level of tree cover, these views would be partially disrupted. From within the village the least interrupted view of the turbine, due to the landfall and relative lack of trees is to be had by the properties on the southern side of The Paddocks. The views of the turbine from within the Conservation Area are best described as incidental.
- 4.15 Farnborough Hall is sited some 2 miles NNW of the village of Mollington. Farnborough and Mollington remained within the common ownership of the Holbech family until 1950 when a disastrous fire in the village of Mollington led to the selling off of the Mollington properties and the break-up of the estate.
- 4.16 Farnborough Hall was the seat of the senior branch of the family whilst Mollington was the residence of the junior branch. The laying out of the grounds at Farnborough Hall into a formal landscape in the mid-C18 is reputed to have as much to do with the relationship between the junior and senior branches of the Holbech family as with the celebration of their grand tour and the framing of the views, the terrace south from the house once having been the beginning of the carriageway to Mollington. The Obelisk terminates the top terrace, the carriageway bearing east towards a temple, now lost, and then ultimately on south towards Mollington. The story goes that two Holbech brothers were able to stand in their respective grounds and through sight of each other's land, see each other uninterrupted.
- 4.17 Farnborough Park is an example of a formal landscape, the design of which was deliberately predicated upon the external views integrating into the conceptual experience. It is perhaps unfortunate, therefore, that on walking up to the Obelisk from the house the continued direct sight-line looks straight at the turbine sited in the middle distance. So instead of looking out and the focus of the walk to the Obelisk being held by the view, the observer's eye will be drawn directly to the turbine blades which by their continuous motion will constantly draw the observer's eye to its presence.
- 4.18 The proposed structure is to be 77m tall at the blade tip; the height of the proposed structure and the openness and topology of the surrounding countryside will render a wind turbine located at this site an exceptionally visible feature from a number of view points. Thus although the wind turbine is not in close proximity to any one designated/undesignated heritage asset *per se*, by virtue of the character of the surrounding countryside and its open nature, the turbine has the potential to intrude into the open views and setting of the heritage more generally.

4.19 I consider the visual and aesthetic impact the turbine will have on the setting of Farnborough Park (a Grade I designed garden) to be unacceptably high.

4.20 The proposal is considered contrary to the following local and national policies and therefore cannot be supported.

NPPF

4.21 Para 17 - conserve the setting of heritage assets in a manner appropriate to the significance

4.22 Para 98 - the acceptability of the impact of an application in this case on the setting of the adjacent heritage asset of Farnborough Park

4.23 Para 133 - substantial harm to the setting of the neighbouring heritage asset

Local Plan 1996

4.24 C10 - the proposal is one that will have a detrimental effect upon the setting of historic landscape and park (albeit one which is located just within the boundaries of a neighbouring authority)

Ecology Officer

4.25 The site is not covered by any ecological designations and no protected species are likely to be affected by its construction. The minimum distance advised by Natural England between blade tips and any ecological features (such as hedgerows) is 50 metres, and the distances on this application exceed this. No further surveys are required as the site is not known to be close to any important bat roosting sites, sensitive bird areas or bird migratory routes.

Anti Social Behaviour Manager

4.26 From a noise perspective the application is accompanied by a specialist consultants report. I can confirm that I have reviewed this document and the approach taken by the author is appropriate in terms of the relevant standard methods and reference documents. The report sets out the technical noise data for the proposed wind turbine, its location and the noise levels predicted at each of the neighbours, demonstrating that noise from the proposed turbine complies with the ETSU absolute criterion of 35 dB for non-connected properties. Noise from the proposed turbine can therefore be seen to be compliant with the prevailing national noise criteria.

4.27 With regards to shadow flicker, the applicants have produced a map demonstrating that there are no dwellings within the predictive arc of affect for shadow flicker from this turbine. Accordingly no further analysis is required.

4 Relevant National and Local Policy and Guidance

National Planning Policy

National Planning Policy Framework (2012)

Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013)

Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C7 Landscape Conservation

C10 Development affecting Historic Landscapes

C13 Areas of High Landscape Value

C18 Development proposals affecting a Listed Building

C25 Development affecting the site or setting of a Scheduled Ancient Monument

Cherwell Local Plan (submission version January 2014)

ESD1 Mitigating and Adapting to Climate Change

ESD2 Energy Hierarchy

ESD5 Renewable Energy

ESD10 Protection and Enhancement of Natural Environment

ESD13 Local Landscape Protection and Enhancement

ESD15 Character of the Built and Historic Environment

Other Material Guidance

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

5 Appraisal

Policy Context

5.1 The NPPF confirms that decisions on planning applications should be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District now comprises the Cherwell Local Plan adopted in 1996. This document contains policies relating to the protection of the countryside, heritage assets and other matters but does not contain any policies which relate specifically to renewable energy proposals. Therefore, whilst its policies remain relevant considerations, it is necessary to consider the more up to date policy context for renewable energy

development which is set out in the NPPF. The draft Core Strategy does contain policies relating to renewable energy and, in particular, ESD5 which relates to renewable energy projects. ESD5 provides support for renewable energy proposals where any adverse impacts can be satisfactorily addressed and sets out a number of matters which must be considered. The draft Core Strategy can, however, only be afforded limited weight as its policies have not been the subject of independent examination and this must be reflected in the assessment of the proposals.

5.2 The Government, through the NPPF, sets out its commitment to securing radical reductions in greenhouse gas emissions and support for the delivery of renewable energy and its associated infrastructure. This is seen as central to the economic, social and environmental elements of sustainability. There is consequently strong support within national planning policy for the delivery of renewable energy schemes. Paragraph 97 of the NPPF identifies the responsibility of all communities in contributing to energy generation from renewable or low carbon sources. Paragraph 98 relates specifically to the determination of planning applications and sets out two principles which should be followed:-

- There is no requirement for proposals to demonstrate an overall need for renewable energy, and that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions
- Applications should be approved if the impacts are or can be made acceptable

5.3 The NPPF therefore provides a positive policy framework for the delivery of renewable energy projects. The guidance in the NPPF is supported by the Planning Practice Guidance for Renewable and Low Carbon Energy which was published in July 2013. This document gives greater detail on how specific aspects of renewable energy developments should be considered. The document from the start makes it clear that the need for renewable energy does not automatically override environmental issues and the concerns of local communities. Therefore, the impacts that the development has on, for example, the local landscape, heritage assets, highways or local residents remain relevant and must be assessed and any harm weighed against the benefits of renewable energy generation.

5.4 National planning policy provides strong support in principle for the development of renewable energy schemes. The guidance does, however, recognise the need to examine the impacts in order to determine the extent of any harm and then to consider whether this harm is sufficient to outweigh the identified benefits. In terms of the correct approach to the balancing exercise, paragraph 14 of the NPPF sets out the presumption in favour of sustainable development and as highlighted above, in principle renewable energy schemes are central to achieving the three elements of sustainability. The test in paragraph 14 where Development Plans are silent or policies out of date requires planning permission to be granted unless the harm *'substantially and demonstrably outweighs the benefits or specific policies in this framework indicate that development should be restricted.'* Footnote 9

to paragraph 14 identifies heritage assets as one such matter.

Ecology

- 5.5 An extended phase one habitat survey was undertaken in September 2012 and updated in August 2013. These provide an up to date analysis of the ecological value of the site and the potential impact of the proposed turbine on wildlife. The Council's ecology officer has accepted the findings of the work that has been undertaken. There are two species rich hedgerows identified along the northern and western boundaries. The application shows the retention of these, however, the Highway Authority have indicated that the existing field entrance may not be suitable to accommodate construction traffic. There is the potential, therefore, for elements of the adjacent hedgerows to be removed in order to facilitate the development. An updated plan of the access estimates approximately 2 metres either side of the hedgerow needing to be removed to allow access by construction vehicles. This would represent a harmful impact but could be mitigated through a requirement for replanting. The Council's ecology officer has confirmed that the removal of small elements of the hedgerow will not cause unacceptable harm providing replanting takes place and this could be controlled by condition.
- 5.6 The turbine is sited beyond the minimum separation distances from hedgerows in respect of bats and there has been no evidence found of bats on the site or any other protected species. The position of the turbine would not itself result in any harm to the ecology or biodiversity of the area and this, therefore, complies with Policy 118 of the NPPF and also Policies C1 and C2 of the Cherwell Local Plan.

Highways

- 5.7 The Highways Agency had issued a holding objection having identified issues of shadow flicker and also the visual impact of the turbine on safety of users of the M40. Additional information on these issues has been provided by the applicant and supplied to the Highways Agency. The Highways Agency have now assessed this new information and have withdrawn their original direction to the proposals. Their assessment does indicate that the impact from the turbine is not ideal but they conclude that the impacts are not at a level where highway safety would be compromised. Shotteswell Parish Council have raised concerns over the Highways Agency's position and consider that the turbine would be a distraction to drivers on both northbound and southbound carriageways. This is a difficult issue and it is important to recognise that wind turbines are not unacceptable close to main roads or motorways. The issue of distraction is one of when a turbine would be revealed. The Highways Agency's own guidance seeks to avoid turbines coming into view to drivers at the last minute as this is seen as more likely to distract them, and as a result be hazardous to highway safety. In this instance, it is accepted that there would not be clear uninterrupted views of the turbine approaching the site along the M40 but that there would be intermittent views, which although not seen as ideal by the Highways Agency are not a reason for them to raise

objections. In light of the position of the relevant technical consultee, it is considered that a reason for refusal cannot be sustained on highway safety grounds although this is very much an on balance conclusion given that the Highways Agency does not give overwhelming support for the proposal.

- 5.8 Shadow flicker can be addressed through having a system installed on the turbine which would automatically shut it down at times when shadow flicker could occur. Use of such a system, required through an appropriately worded condition would therefore address the concerns of the Highways Agency on this issue although they would not be satisfied with one which responds to sunlight levels. Suitable alternative systems can be employed and shadow flicker can be addressed.
- 5.9 The main impact on the highway network from the development will be during the construction phase. When operational, turbines generate few vehicle movements, generally restricted to regular maintenance visits. During construction the site would be accessed by various vehicles involved in delivery of the turbine itself and associated infrastructure, concrete for the base and also materials for the road way. The delivery of the turbine will involve around 10 heavy and abnormal deliveries over the course of two days. A Construction Traffic Management Plan (CTMP) accompanies the application. This identifies the route for construction traffic accessing the site as coming from the M40 Junction 12, along the B4451 from Gaydon, turning off this at the first junction signposted to Warmington and Mollington, through the village of Warmington before turning left over the M40 onto March Road to the reach the site.
- 5.10 The County Highway Authority have raised no objections to the proposals but have requested a revised CTMP to include a programme of construction works as well as clarification of matters relating to access into the site. There is no evidence that the access route proposed is not appropriate and whilst there will be a degree of disruption to residents along this route during construction this will be short lived and not result in any permanent loss of amenity. The larger sections of the turbine will arrive at the site in sections on large, specialist vehicles. These abnormal loads are slow moving and would be planned with consultation with the communities affected. The practicalities of the operation can be required through a new CTMP which would detail the approach to be taken during deliveries and construction operations. The applicant is satisfied that access can be achieved along the route identified and the Highway Authority have not raised any concerns on this issue. Therefore, in terms of the impact on roads and highways safety the proposals are considered to be acceptable. Additional information has been requested from the applicant including swept path analysis to demonstrate how access can be achieved for construction vehicles. This information will be presented at the meeting if available. Given the comments from the Highway Authority it is considered that there are no fundamental issues regarding access for construction and any outstanding matters could be addressed by way of suitably worded conditions.
- 5.11 Objections have also been received on the impact the turbine would

have on horses and safety of riders. The British Horse Society proposes a minimum separation distance of 200 metres between turbines and areas used by horses. The issue is that the movement of turbines could, in certain circumstances, startle horses leading to danger of harm to animals, their riders and the wider public. March Road lies within this minimum distance, however, it is necessary to examine the case individually and not simply rely on minimum distance. March Road is used regularly by vehicles and the turbine is visible approaching the site from both directions. In light of the specific circumstances it is considered that the turbine would not be revealed suddenly to horses. This, together with the movement of vehicles along the road, would mean that horses are unlikely to be startled by the turbine.

- 5.12 The applicant has suggested amending the access arrangements seeking to access the site for larger construction vehicles from a field entrance to the east, further along March Road. Use of this alternative access avoids the need for any hedgerow to be removed. A temporary access track would be formed through the fields to allow vehicles to reach the site. Full details of this temporary access route are awaited but it does seem to provide a reasonable route to the site for the largest components of the turbine. This would require temporary bridging over a water course, although temporary load bearing plates would achieve this. Subject to suitable details of the revised access it is considered to represent an appropriate route to the site.
- 5.13 The applicant has indicated that the revision to the access would not require consent and does not require alteration to the application. I disagree with this as the laying out of an access track may well require planning permission. In the absence of any construction details it is not possible to reach a definitive conclusion on this issue. The applicant has been informed of the views on this matter but no response or additional details received.

Residential Amenity

- 5.14 In terms of the issue of residential amenity, the Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development suggests a minimum separation distance between properties and large scale turbines of 800 metres. The current proposal is less than 800 metres from the nearest houses on the western edge of Mollington and the nearest property, Valley Farm is 700 metres south-west of the site. The guidance is not adopted policy and conflicts with the national guidance on this issue which advises against the use of inflexible separation distances. It is relevant to note that an attempt by Milton Keynes Council to introduce minimum separation levels was rejected by the High Court. It is necessary, therefore, to consider each case on its merits in order to determine the impact on the living environment of residential properties in the vicinity.
- 5.15 Valley Farm is the nearest property. It is orientated with a main elevation facing north-east in the direction of the turbine. Its garden also occupies a position principally north and east of the house. There is an evergreen hedgerow along the eastern boundary of the residential curtilage and a mature field hedgerow along the northern boundary. There are further

hedgerows along the road and planting by the M40 between the property and the application site. The presence of this landscaping will assist in reducing the visual prominence of the turbine. A single turbine would still be visible from the property, however, a single structure of this scale would not fill the view from the property given the intervening landscaping and also the range of views available from the dwelling and its curtilage the turbine would not appear as a dominant or intrusive feature when viewed from the residence. The residential amenity of the property would not be materially harmed as a result.

- 5.16 The other closest properties are located to the east of the application site in Mollington. There are a number of properties on the western edge of the village which have an outlook over the valley and views which include the application site. The turbine would be approximately 750 metres from the edge of the nearest properties and this is very close to the minimum threshold set out in the Council's guidance. As stated above, however, such separation distances should be treated with caution in view of national guidance on the matter and the decision reached based on the specifics of each individual case. Properties on developments towards the western edge of the village including The Paddocks and Whiteway often have a south-easterly or easterly aspect. The turbine would form a readily visible feature within views from a number of dwellings and their gardens. As a single turbine and over the distances involved it would not result in a dominant impact on their outlook. Furthermore, it would not fill the view from the properties, which although designed specifically to be orientated to the east and south-east have wide panoramic views across the valley. Therefore, whilst there would be a significant visual change and impact on properties in Mollington it is considered that any harm caused would not be of a level sufficient to warrant refusal of the application.
- 5.17 Properties in Shotteswell occupying the western side of the valley also have views over the application site. These houses are over 1 km from the turbine site and whilst the turbine will be clearly visible from several and form a prominent feature in views from these houses, given the distances involved and their elevation on the valley side it is considered that the turbine would not cause any demonstrable harm to the living environment of any of these through having an overbearing or dominant presence in any specific views.
- 5.18 There will be other residential properties within the surrounding area which will be able to view the turbine. It is considered, however, that given the distances between the turbine and these properties and also factors such as intervening landscaping and effects of topography that there would be no material harm to the amenity levels of residents. In reaching these conclusions regard has been had to appeal examples where this issue has been raised and the approach adopted by Inspectors in assessing this issue. I do not consider that a reason for refusal based on the loss of amenity of residents could be substantiated at an appeal in this instance.

Shadow flicker

- 5.19 Under certain combinations of geographical position and time of day,

the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK; turbines do not cast long shadows on their southern side (Planning Practice Guidance for Renewable and Low Carbon Energy).

- 5.20 A plan indicating the extent of potential shadow flicker has been submitted as part of the application. This shows that shadow flicker would not affect any residential properties in the area. It would, however, impact on a stretch of the M40 to the west of the site. There is no evidence to suggest that this plan is inaccurate in any way and the information it contains is considered robust and demonstrates that shadow flicker will not be experienced by any of the residential properties in the vicinity of the site. The Highways Agency has raised concerns over the distraction to drivers from this effect. Further work has been undertaken by the applicant which provides more specific details on the extent of shadow flicker affecting the motorway. The proposal put forward would be for the turbine to include a mechanism which automatically shuts down the turbine when the issue is likely to arise. This is standard practice when the issue of shadow flicker is a potential problem and can be dealt with by way of a suitably worded condition.

Noise

- 5.21 The impact of potential noise generated by the proposed turbine on residential properties has been assessed by the Council's ASBM. This analysis confirmed acceptance of the noise report and agreement with its conclusions. The report demonstrates that there would be no residential properties which would experience noise levels in excess of 35dB as stipulated in ETSU. It is considered, therefore, that with suitable conditions in order to ensure that noise levels do not exceed those levels, the turbine would not adversely affect any residential properties through noise.
- 5.22 Some criticism has been raised regarding the noise report, however, it has been prepared in accordance with the relevant advice and guidance. There was no background noise assessment carried out because the noise levels of the turbine were below the 35 dBA for any residential property. In circumstances where these levels would be achieved monitoring of background noise levels is not required. The noise levels could be controlled through the use of conditions which are used regularly in wind turbine schemes. These would require noise level to be kept below the 35 dBA level for the operational life of the turbine, providing suitable means of redress where complaints are received.

Aviation

- 5.23 There are three aspects of aviation which need to be taken into account when considering this application. A NATS technical report has been submitted with the application which assesses the impact of the turbine on radar relating to Oxford Airport. This study concludes that the turbine would not interfere with radar and aircraft using this airport. Oxford Airport have raised no objections to the application and consequently it is considered that the proposals are safe in this respect and accord with the guidance on this issue.
- 5.24 The Ministry of Defence have also raised no objections to the turbine subject to the installation of suitable aviation lighting on the structure. In the absence of any objections, it is considered that the turbine would not cause any safety issues for military operations.
- 5.25 The airfield at Shotteswell also has the potential to be affected and it may be recalled that an appeal (APP/C3105/A/12/2170098) for a wind monitoring mast near Hanwell was dismissed, in part due to the impact the structure would have on the safety of operations of the airfield. In reaching conclusions on this appeal, the Inspector highlighted the use of the airfield by inexperienced pilots and for training purposes. The mast was within 1 km of the airfield and would cause an additional hazard to users of the facility. The appellant did not demonstrate how these difficulties could be overcome and the potential for prejudicing aviation safety weighed against the development.
- 5.26 There is no specific analysis of the impact on Shotteswell airfield submitted with the application and an objection has been received to the proposals from its owner as well as the GAAC. The concerns relate to the position of the turbine and the impact that it could have during any emergency landing of aircraft. The turbine, because of its overall height and location within the valley approximately 2.2 km north-east of the airfield, would not directly affect normal aircraft operations. The concerns relate to the effects in times of emergency. The airfield is used frequently by inexperienced pilots and the airfield manager is concerned over the impact that the turbine would have on the safety of users in the event of an emergency. The risk is increased because of the use of the airfield for training and by inexperienced pilots. The issue to consider is one of risk.
- 5.27 The turbine lies on the flight path for the airfield and whilst its location in the valley floor means that it would not directly impact on flying, the concern that has been raised is that adding an obstruction within this path would introduce a safety issue in emergencies. The impacts are increased because of the number of inexperienced pilots who use the airfield. In this instance the applicant has indicated a willingness to accept a condition which prevents development until the turbine has been plotted onto aviation maps. This would assist in pilots being aware of the structure. There is clearly concern over the impact of the turbine on the use of Shotteswell Airfield and this is heightened due to its use by inexperienced pilots.
- 5.28 Aviation safety is a relevant material planning consideration and is included in the footnote to paragraph 97 of the Framework. It has been accepted by the airfield manager that the turbine would not impact on

normal flying on the circuit. The turbine is not at a height where there would be a direct impact on flying and it is the potential to affect emergency landings which has been raised as a primary concern. The guidance of the CAA does not preclude turbines within 3 km of an airfield but rather requires the impacts to be considered on an individual basis. There is also concern expressed by the GAAC that the turbine could be a distraction to aircraft particularly a vulnerable periods in the circuit. Whilst these issues are relevant matters to be weighed in the balance I find that there is no overriding reason that a turbine cannot be located as proposed. There is nothing in the relevant guidance to prevent the development as proposed in principle. Looking at the case on its merits, whilst the addition of a tall structure in the valley will represent an object which must be avoided, there has been no evidence presented which demonstrates that the risk it would present would be at a level which would be unacceptable.

- 5.29 In reaching this conclusion the concerns raised on aviation matters are fully acknowledged but it is necessary to balance any harm against the public benefits of the development. In this case I do not consider that any additional risk from the turbine to aviation safety would be significant and, as such, on balance I do not consider a refusal reason based on this issue to be justified. The applicant has been invited to provide robust evidence to clarify the impact of the turbine but has not provided a full response. It was indicated that discussions would be held with the airfield manager but not further correspondence on this matter has been received.
- 5.30 There is a requirement for the turbine to incorporate aviation lighting as requested by the MOD. Aviation lighting does have the potential for creating additional impacts on the landscape at night and is an additional relevant issue to consider. The precise specification has yet to be agreed, although it is considered that a suitable design can be achieved and a single illuminated object would not result in significant harmful impacts to the landscape or amenities of residential properties in the area.

Landscape Impact

- 5.31 The addition of a structure 77 metres in height with moving blades will undoubtedly have an impact on the character and visual appearance of the landscape surrounding the application site. However, simply being able to see the structure within the landscape is not a reason to withhold planning permission as evidenced by the presence of turbines around the country in rural locations. It is necessary to undertake a technical assessment of the proposals in order to determine the impacts of the development and whether the landscape has the ability to accommodate the turbine having regard to the characteristics of the landscape and also any cumulative impacts which may result from the proposals and other consented or built turbines in the vicinity.
- 5.32 The Council's Landscape Officer has undertaken a detailed assessment of the various potential impacts of the proposals on the surrounding area. The applicant has also prepared a LVIA which includes photomontages from a number of viewpoints in the area which show the

visual appearance of the turbine within these views. The assessment by the Council's Landscape officer has concluded that the overall impact on the local area would be moderate and that the landscape could accommodate the turbine without detriment to the overall character or visual appearance of the landscape. It is accepted that the impacts would be much greater from a limited number of locations close to the turbine which is to be expected. It is, however, considered that in light of the analysis that has been carried out by landscape professionals that the landscape is capable of accommodating the turbine in question and that it would not be possible to sustain an objection on landscape or visual impact grounds.

- 5.33 The site lies close to the Cotswold AONB and any potential visual impacts on this area are an important consideration. The LVIA shows that there would be the potential for the upper parts of the blades to be viewed from the AONB. There would not, however, be direct prominent views of the turbine from this area and the level of visual impact is considered to be low and would not result in any significant harm to its character and appearance. Paragraph 115 of the NPPF confirms that great weight should be given to the protection of AONBs. Having assessed the visibility of the proposals, it is considered that the turbine would not conflict with the strong degree of protection afforded to the area.
- 5.34 There has been criticism of the landscape evidence that has been presented and its assessment. The view points are intended to provide a representative examination of the area and clearly it is not possible to provide assessment from all locations where the turbine would be visible. They are not exhaustive and it is necessary to view the proposals throughout the area in order to reach a balanced understanding of its impacts. There is also disagreement over the assessment of the magnitude of impacts within the assessment. Any assessment of landscape effects will be to a degree subjective and there is scope for disagreement over the magnitude of the impacts that would be felt from any particular development. The assessments by the applicant and the Council's Landscape Officer have been done in accordance with the correct guidelines and are considered to be a robust analysis of the development. There is clearly concern of the impact the turbine would have on the landscape by residents and Parish Councils. This is a legitimate position to take, and the assessments presented make reasonable points particularly over the need to view the site from wider viewpoints rather than the limited number on the LVIA. I am, however, of the opinion that the assessments undertaken by the applicant and the Council's Landscape Officer are reasonable and demonstrate that the proposals are acceptable in landscape terms, whilst recognising that the turbine will appear as a substantial structure, occupying many views in the area.

Flooding

- 5.35 The application site lies within Flood Zone 3. The document '*Technical Guidance to the NPPF (March 2012)*' identifies wind turbines as essential infrastructure and are permitted providing the exception test is met. Policy 102 of the NPPF provides two elements of the exception test

which must be passed:-

- Wider sustainability benefits must outweigh flood risk
- The development must be safe for its lifetime and not increase flood risk elsewhere

- 5.36 The turbine will generate energy without greenhouse gas production and given the policy support for reducing greenhouse gas emissions, it is considered that there are clear wider sustainability benefits associated with the development in question. The flood risk assessment which accompanies the application provides information on the drainage implications of the development. The area of impermeable surface that would be created is 49m², the access track and other areas of hard standing will be formed from crushed stone and as such will be permeable. Water from the concrete pad will run off onto the surrounding field and will have only a minor impact on wider drainage system. It is considered as a result that there would be no material impact on wider drainage or flooding from the development. As a result it is concluded that the exception test is met and the development meets the requirements of national guidance on flood risk.
- 5.37 In reaching this conclusion the evidence on flooding affecting the application site and also March Road provided by various parties has been taken into account. The incidence of flooding does clearly take place and this reflects the designation in the Environment Agency records. The applicant has confirmed that the associated infrastructure can be made flood resilient within the submitted specifications and this could be addressed by way of a suitably worded condition in order to ensure that built development is not raised and its impact on the wider area increased.

Historic Environment

- 5.38 The area surrounding the application site contains a substantial number of heritage assets. These include Conservation Areas, Listed Buildings and Registered Park and Garden as well as Battlefields further afield. The impact of the turbine on the significance of these is an important matter to be addressed.
- 5.39 The turbine will be visible from a number of Listed Buildings and within Conservation Areas in the area surrounding the turbine. Whilst it will be visible, this does not immediately cause harm to the setting or significance of a particular asset. The Conservation Officer identifies harm to the historic environment but concludes that the impact on Mollington in particular would be incidental. It is considered that a similar conclusion can be reached regarding the effects on other heritage assets within neighbouring villages. I do not, therefore, consider that there would be any harm caused to the setting or significance of assets in the villages.
- 5.40 The application site is located to the south of Farnborough Hall. Farnborough Hall and its surrounding designed parkland are nationally important heritage assets. The parkland is a Registered Grade I Park

and Garden, which contains a number of Listed Buildings as well as Farnborough Hall itself. The turbine would not be visible from the majority of the parkland, however, there is one particular point where direct views would be afforded across to the application site. This viewpoint was identified by the applicant's heritage and landscape consultants and assessed in their respective reports. The Obelisk lies at the end of a wide carriage drive which winds along the valley side from close to the main house to where views over the valley open up. These views are designed parts of the parkland. The turbine would appear as a large structure within this vista which would detract from the experience from this position.

5.41 The applicant's submission places emphasis on the presence of the M40 running through the valley together with other changes to the landscape since the parkland was designed and laid out. The motorway is, however, well screened even in winter months, particularly looking south from the Obelisk. Their approach is not, in my view, an accurate reflection of the importance of the views out from this location across the landscape and although views were intended to be towards Mollington and Edge Hill, the turbine would occupy a position directly between these two and there was clearly an intention for the two to be viewed. The turbine would appear as a dominant, man made feature within this vista.

5.42 The NPPF provides guidance on the assessment of impacts to heritage assets. It states:-

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."

5.43 The parkland at Farnborough Hall is Registered Grade I which is the highest level of designation. As such, should receive the highest level of protection. The Obelisk itself is Grade II Listed and is a less important asset although still clearly of significant historic value. The guidance identifies two levels of harm, substantial and less than substantial. Substantial harm to Grade II Listed Buildings, Park or Garden should be exceptional, harm to Grade I and II* Listed Buildings and Grade I and II* Registered Parks and Gardens should be wholly exceptional. Where harm would be defined as less than substantial, the harm must be weighed against the public benefits of the scheme.

5.44 The assessment by the Conservation Officer is that the turbine would cause less than substantial harm to the parkland because of the impact on views from the Obelisk. The conclusions are based on the scale of the turbine and its distance from the view point but recognising that it would still have a significant detrimental effect on a key planned vista out of the parkland. The applicant's assessment undervalues the importance of the planned views out of the parkland across the landscape and the conclusions that the development would have a minor impact on the setting and no effect on the significance of the asset is not considered to be an accurate reflection of the harm that would be caused by the proposals, a position which is confirmed by

assessments by the Conservation Officer, The National Trust and English Heritage.

- 5.45 The views out from the Obelisk are important aspects of the design of the parkland and the assessment of these by the applicant is inaccurate and does not properly reflect their importance. The Obelisk was also designed to appear as a prominent feature from views towards the property. There are a number of points in the surrounding landscape where the Obelisk is visible. This includes from Shotteswell and public footpaths in the vicinity. The turbine would occupy a position within views towards the Obelisk and this would cause further harm to the significance of the asset.
- 5.46 Significant weight must be attached to the protection of the heritage assets in the area. I have considered other appeal decisions that have been brought to my attention in weighing up this matter. In assessing the issue whilst the harm caused is less than substantial this should not be seen as acceptability of a proposal. It is an identification of the level of harm and this harm must then be weighed against the benefits of green energy generation. The impact of the turbine within a key designed vista from Farnborough Hall would degrade the view across the landscape. Recognising that this view has altered over time it has retained a rural character which would be compromise through the erection of a tall manmade object within it. The turbine would therefore conflict with policy C10 of the Cherwell Local Plan and ESD 5 of the Submission local Plan.

Public Consultation

- 5.47 Concern has been expressed over the extent of public consultation and engagement with the local community that was undertaken by the applicant prior to the submission of the formal planning application. As pointed out by Shotteswell Parish Council a requirement for applicants to consult local communities on wind turbine applications became a requirement through the Town and Country (Development Management Procedure Section 62A Applications) (England) (Amendment) Order 2013, which came into force on 17 December 2013, before the application was submitted.
- 5.48 The application is accompanied by a statement of community involvement which details the pre-application work which was undertaken. This included a mailshot to some properties in Mollington. There is no indication as to how widely this was carried out but comments from the Parish Council indicate it was not to all properties in Mollington and none in other villages. A selection of comments and responses from the applicant are also reported. There appears to be no changes made to the scheme as a result of the consultation process. I share some of the concerns that have been highlighted over the extent of the consultation carried out with the local community and do not consider it to represent best practice on community engagement. I do, however, consider that the requirements on the matter have been complied with and that the local communities have had the opportunity to be engaged in the planning application process as evidenced by the number of representations that have been received. I do not consider

that the limitation of the pre-application process has prejudiced any individuals in making their views known on the proposals.

6. CONCLUSION

- 6.1 The application has raised substantial local interest in the communities surrounding the proposed turbine site. The above report has sought to identify the key issues surrounding the proposals and set out an objective analysis of each based on the technical information that has been provided by the applicant and also consultees in order to reach a conclusion on each of the issues. It is evident that the turbine will have an impact on the local area in terms of the outlook of properties and visual appearance of the landscape. However, any harm which is identified must be considered against the relevant guidance relating to wind turbine proposals. As highlighted above, the NPPF and the supporting practice guidance provides support in principle for the development of low carbon energy generation. The support for renewable energy generation weighs significantly in favour of the application.
- 6.2 The NPPF, at paragraph 98, makes it clear that small generation schemes are equally important to the overall objective of increasing renewable energy, although the practice guidance indicates that in instances where a case is finely balanced, matters relating to the level of generation are relevant to take into account. There has been no monitoring of the wind at the site and the applicant has used data for the area more generally in calculating the amount of energy that would be delivered from this scheme.
- 6.3 In this case, a substantial number of objections have been received on a variety of issues. Having examined each of these it is considered that whilst there would undoubtedly be an impact on matters such as the landscape and living environment of nearby properties, these would not be at a level where there would be harm caused to an extent which would outweigh the benefits of low carbon energy generation. The development would, however, cause harm to the historic environment and in particular the Registered Parkland of Farnborough Hall. The assessment of the impact on specific designed views from the Obelisk indicates a significant level of intrusion into these views. Given the importance of these views to the layout and design of the parkland, it is considered that the turbine would cause significant harm to the Grade I Parkland. The level of harm is assessed as less than substantial and as set out in paragraph 134 of the Framework this requires the harm to be weighed against the public benefits.
- 6.4 The benefit of the scheme is the generation of low carbon energy. This must, therefore, be weighed against the harm that has been identified to the historic environment as well as any other potential harm. Significant weight must be attached to the protection of the heritage asset in question in accordance with the guidance in the NPPF. Given the national importance of the Grade I Registered Parkland of Farnborough Hall and the specific impacts on designed views out from the Obelisk it

is considered that the harm caused to the heritage asset would significantly and demonstrably outweigh the benefits associated with the development. The practice guidance states that:-

“this does not mean that the need for renewable energy automatically overrides environmental protections and concerns of local communities”.

- 6.5 In this instance the harm to planned views out from the Grade I Registered Parkland at Farnborough Hall are significant and would not be justified for the generation of green energy. The NPPF requires significant weight to be attached to conservation of heritage assets and, therefore, for the reasons set out I recommend **REFUSAL** of the planning application

7. Recommendation

It is **RECOMMENDED** that the application be refused on the following grounds

The proposed turbine would result in considerable harm to the Grade I Registered Parkland at Farnborough Hall and Grade II Listed Obelisk through the introduction of a substantial, prominent object within planned views from the Grade II Listed Obelisk. The proposal is therefore contrary to Policy C10 of the adopted Cherwell Local Plan, Policy ESD 5 of the submission Cherwell Local Plan 2014 and paragraph 134 of the NPPF and the Planning Practice Guidance for Renewable and Low Carbon Energy

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.