

SELBY DISTRICT COUNCIL

Appeal by Mr John Sherwood
Against the non-determination of a full application for the
Siting of a 35 metre high (to hub) wind turbine with a tip height
of 61 metres on land at

Laburnum Farm
Wistow Lordship
Wistow
Selby
North Yorkshire
YO8 3RR

Planning Inspectorate Appeal Reference:
APP/N2739/A/13/2204642
Selby District Council Reference: 2013/0280/FUL

Statement on behalf of Selby District Council

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SUMMARY

S1 The appeal proposal is for the erection of a 35 metre high (to hub) wind turbine with a tip height of 61 metres on land at erection of a single turbine.

S2 The Council considers that the appeal proposal fails to provide sufficient information to meet allow the Local Planning Authority to establish whether the proposal would comply with ETSU-R-97 and therefore are unable to establish whether the proposal would have an unacceptable impact on the occupants of the neighbouring properties.

S3 The Council asserts that the adverse impacts of the proposed wind turbine would significantly and demonstrably outweigh the substantial benefits of the proposal, when assessed against the policies in the National Planning Policy Framework when taken as a whole.

1.1 The Appeal Site

- 1.1.1 The appeal site consists of a parcel of agricultural land which is irregular in shape. The appeal site is flat as is the surrounding topography which allows for long distance views from the appeal site.
- 1.1.2 The area is rural in character and is characterised by farmsteads with associated agricultural buildings and sporadic dwellings within the locality.
- 1.1.3 The area is located within the open countryside and therefore outside of any defined development limits. The site is surrounded by roads with Sand Lane to the south west and Lordship Lane to the southeast and north east of the application site.
- 1.1.4 Due to its low-lying position the appeal site is located within a flood risk zone.

1.2. The Proposed Development

- 1.2.1 The appeal proposal seeks planning permission for the erection of a 61 metre high wind turbine. The turbine would measure 35 metres to its hub height and have a diameter of 52 metres.
- 1.2.2 The turbine type would be a EWT 500kw. The EWT turbine would be finished in a neutral matte finish paint the colour of which could be controlled via condition.
- 1.2.3 Access to the site is currently taken from Sand Lane to the southwest of the site

1.3 Planning History

- 1.3.1 There is no relevant planning history for this parcel of land.

1.4 Determination Process

- 1.4.1 The application was validated on 19 April 2013 and appropriate consultations undertaken. The appeal follows the Councils failure to determine the application within the 8 week target date. The application expired on the 14 June 2013.
- 1.4.2 The Inspector has copies of the consultation responses and third party representations. However a summary of the comments from consultees and third parties is given below.

1.5 Consultations

1.5.1 Parish Council

Objects to the application for the following reasons

The turbine is too close to existing properties on Wistow Lordship

The turbine is visible from other properties on Lordship Lane and Garmanncarr Lane.

Flicker would affect people and horses in the area.

Visually it would intrude into an existing open space

1.5.2 NYCC Highways Canal Rd

The principle of a wind turbine in this location is acceptable to the Highway Authority, however little information has been provided about the transportation of the wind turbine to site. Lordship Lane has a number of bends which would be difficult for commercial vehicles to manoeuvre. The only information provided on the transportation route is that delivery will be via the B1223 and a statement saying that there are no issues with the delivery. Given the geometry of Lordship Lane, a transportation feasibility study should have been carried out identifying the exact route and its impact. Therefore it is recommended that a condition be applied to any planning permission granted requiring that the routing of Construction Traffic is agreed prior to any development commencing.

1.5.3 Yorkshire Water Services Ltd

From information submitted, no comments are required from Yorkshire Water. There is no record of any YW public infrastructure (water mains or sewers) crossing the development site.

1.5.4 The Environment Agency (Liaison Officer)

This proposal falls within flood zone 3 Planning Policy Framework's technical guide. The flood risk vulnerability and flood zone compatibility of the development is therefore considered to be appropriate; we have no objection as long as the development is carried out in accordance with the submitted FRA.

1.5.5 Selby Area Internal Drainage Board

No objections.

1.5.6 Development Policy

No response within allotted time.

1.5.6 Environmental Health

The applicant has not conducted a background noise survey, but has instead carried out a desk based noise survey which is based on the likely noise from the proposed turbine and the wind speed. The survey concludes that the likely noise generated from the wind turbine measured at the boundary of the nearest noise sensitive receptor will not exceed 38.1dB (A) and compares this to the limit level of 45dB (A) contained in ETSU. However, for single wind turbines ETSU recommends that the noise from the turbine be limited to an LA90, 10minute of 35dB (A) to protect amenity. Therefore the information submitted by the applicant would indicate that noise from the proposed development may lead to a loss of residential amenity

to existing properties. In view of the above I would recommend that planning consent for this development is refused.

Reason: To protect the amenity of the area.

In response to the additional information the EHO has commented as follows:

The design and access statement, reference AAH/1701/13PLA, dated July 2013, predicts the noise level at the nearest noise sensitive receptor, dwelling 1, Hawthorne Farm, will be 38.1dB(A) and that the nearest noise sensitive receptor is 380m from the proposed turbine at paragraphs 4.20 and 4.21 respectively.

The applicant has submitted an acoustic report in the form of a noise impact assessment, reference 8317-NIA-01, prepared by Clement Acoustics dated 4 July 2013. This report has been submitted following a recommendation made by this department on 14 May 2013 to refuse planning consent due to potential loss amenity due to noise disturbance based on the information provided by the applicant in the original submission. The report states that the proposed wind turbine is located 410m from the nearest residential receptor and uses this distance as a basis to calculate the predicted ^anoise receiver levels^o. The survey concludes that the ^amaximum predicted receiver noise level L90 at the nearest noise sensitive properties would comply with noise emissions criteria as specified in ETSU-R-97. In relation to the noise impact assessment I would make the following observations:

1. The predicted noise levels quoted in the assessment are based on a distance of 410m to the nearest noise sensitive receptor rather than 380m.

2. The relative background noise levels quoted in the assessment are based on a noise survey which was conducted between 25 June 2013 and 2 July 2013 at Laburnum Farm not the nearest noise sensitive receptor. Therefore the results of the survey cannot be considered representative. Based on the information provided I do not believe that the applicant has adequately demonstrated that the development will not have a detrimental impact on residential amenity at the nearest noise sensitive receptors and therefore I disagree with the conclusion made in the assessment. In view of the above I would recommend that planning consent for the development is refused on this occasion.

1.5.7 North Yorkshire Bat Group

No response within allotted time.

1.5.8 MOD Wind Farm

No objections.

1.5.9 BBC, Spectrum Planning Group

No response within allotted time.

1.5.10 Yorkshire Wildlife Trust

Unfortunately I have not had sufficient time to consider this application. The information provided also has limited detail on ecological issues.

1.5.11 NATS Ltd Affecting NATS Installation

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NERL in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

1.5.12 Mr Peter Swan, Joint Radio Company Ltd

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry and the Water Industry in north-west England. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

1.5.13 Atkins Ltd Windfarm Consultation

The above application has now been examined in relation to UHF Radio Scanning Telemetry communications used by our Client in that region and we are happy to inform you that we have no objection to your proposal

1.5.14 Cable & Wireless

No response within allotted time.

1.5.15 Robin Hood Airport, Doncaster Sheffield

No objections

1.5.16 The British Horse Society

No response within allotted time.

1.5.17 Leeds Bradford International Airport

As you may be aware developments within 30km of LBIA including, but not limited to, windfarms and dwellings can cause significant impact on airport operations through interference with our Primary Surveillance Radar and also infringement of obstacle protection surfaces. Our licence requires a thorough assessment of the likely impact of all such developments.

Your proposal has been reviewed against aerodrome safeguarding parameters and we find that the details that you have submitted to us are unlikely to conflict with aviation interests in regard to Leeds Bradford International Airport.

Please keep us fully informed of any progress or changes with the proposed development.

1.5.18 Burn Gliding Club Ltd

No response within allotted time.

1.5.19 Civil Aviation Authority

There is currently a high demand for CAA comment on wind turbine applications which exceeds the capacity of the available resource to respond to requests within the timescales required by Local Planning Authorities. The CAA has no responsibilities for safeguarding sites other than its own property, and a consultation by a Council is taken as a request for clarification of procedural matters. Councils are reminded of their obligations to consult in accordance with ODPM/DfT Circular 1/2003 or Scottish Government Circular 2/2003, and in particular to consult with NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the above documents, taking note of appropriate guidance and policy documentation. Should the Council be minded to grant consent to an application despite an objection from one of the bodies listed in the circular, then the requisite notifications should be made.

Whilst the CAA recommends all aerodrome operators/license holders develop associated safeguarding maps and lodge such maps with local planning authorities, the CAA additionally encourages councils/planning authorities to undertake relevant consultation with known local aerodromes regardless of status or the existence of any aerodrome/council safeguarding agreement, including local emergency service Air Support Units (e.g. Police Helicopter or Air Ambulance).

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres)* or more to be charted on aeronautical charts. However, on behalf of other non-regulatory aviation stakeholders, in the interest of Aviation Safety, the CAA requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic Centre ICGDGC-ProdAISAFDb@mod.uk, including the location(s), height(s)* and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction, to allow for the appropriate notification to the relevant aviation communities.

Any structure of 150 metres* or more must be lit in accordance with the Air Navigation Order and should be appropriately marked. Although if an aviation stakeholder (including the MOD) made a request for lighting it is highly likely that the CAA would support such a request, particularly if the request falls under Section 47 of the Aviation Act. Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.

The Ministry of Defence will advise on all matters affecting military aviation. Should the Council still have a specific query about a particular aspect of this application the CAA will help in the clarification of aviation matters and regulatory requirements. Site operators remain responsible for providing expert testimony as to any impact on their operations and the lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that a comment from an operator lacks weight.

1.5.20 GPSS

No response within allotted time.

1.5.21 Dr Michelle Lindsay RSPB

No response within allotted time.

1.5.22 Sherburn In Elmet Aeroclub

No response within allotted time.

1.6 Publicity and Neighbours

1.6.1 A site notice was posted close to the site and consultation letters sent to the appropriate properties. Letters of objection were received in connection with the proposal. A petition was also received in response to the application with 49 signatures attached. Further objections were also received in response to additional information received. The objections to the application are summarised below

Misleading information

The application is flawed in that the stated distances from nearby properties are incorrect.

The photomontage is taken from a point at the other side of the village and bears no relation to the visual impact on properties on Wistow Lordship.

Lack of Information

There is no evidence of valid research into the effect on wildlife, noise, or flicker. The application does not give a true picture of the effect of the development. There does not appear to have been an assessment of the effect on local wildlife, migrating birds or bats, the birds and bats are particularly at risk from this development.

Necessary research has not been carried out (Noise, flicker effect, ecology) and in some cases such as the 'photomontage' appears to try to deceive in that the photograph is taken from a location which is in a hollow, behind a hedge and a long way from the turbine site. Not from the nearest properties 400metres away!

Recreation

The area of Wistow Lordship has long been used as an area of recreation by many residents of both Wistow and Selby.

It is quiet with no through traffic, making it a safe area for walkers, runners, cyclists and Horse riders. The number of people using the area has grown markedly. Many families walk, cycle, ride horses and exercise their dogs daily.

The area is used by Selby striders for training and competition, there are cycle races held twice a year.

The Wistow primary school is holding a sponsored walk with over 130 children taking part in May –they also use the area for nature study, there is a wealth of wildlife and many migrating birds use this area as a stopover. This is a valuable area for education.

Wistow Lordship is within walking distance of the middle of Selby and a considerable number of people from Selby also walk, cycle and run on the Lordship.

Impact on Wildlife

There are over 50 horses and ponies kept in the small area of Wistow lordship, the majority of which are regularly exercised around these lanes. They are here because it is considered a safe area, not only for recreation but there are also point to point horses and polo ponies trained here.

Turbines can terrify horses, not only visually but also because of the noise. This would seriously affect two local businesses and could also cause serious if not fatal accidents.

The flicker effect of the sun on the blades has also been known to cause horses to panic. They are strong unpredictable creatures whose response to a perceived threat is flight. The result can be fatal for both horse and rider. An application in Cheltenham was turned down for this very reason.

Horses are grazed in the fields next to this proposed development it would make it impossible for the

Landowner to use their own land for grazing or schooling their horses.

There has been no apparent contact with the British Horse Society to even research the effect this development might have.

The development plan for this area shows this site being designated as open countryside. The NPPF Para 123 states that planning policies and decisions should aim to avoid noise giving rise to significant adverse impact on the health and quality of life as the result of a new development.

This proposal conflicts with both local and national planning policy.

Impact on Residential Amenity

Effect on nearby properties.

Irreplaceable loss of a local amenity, safe access to the countryside for the people of Selby & Wistow

The proposed turbine is 354m from the nearest property.

The proposed location is nearly 800 metres from the farmers own home but 8 of his neighbours are closer, with the nearest only 420 metres from the 61 metre high turbine

Impact on Livestock

Very concerned that the noise will affect this livestock.

Impact on the Value of properties.

What provisions would you propose to pay Compensation?

If this proposal was to go ahead it would significantly affect the value of my house and deter anyone considering moving into the area

Flicker

Obviously no one wants to look out of their window and see a large turbine but the problem of 'flicker' is a serious one.

The shadow created by the turbine and the flicker from the blades will be a constant impact on people's lives.

Noise

The properties immediately adjacent will undoubtedly be badly affected by noise: this area is very quiet, sound travels a long way we can hear the Leeds Music festival at Bramham park when it is being held.

The sound from the turbine would be overpowering especially if it is geared as some are.

The noise from the turbines has been cited as harmful to health as it is an unrelenting hum which causes headaches and sleeplessness. In some areas it has been audible up to 1 kilometre away.

The noise, the heavy plant machinery would have a catastrophic effect on the quiet, serene village and countryside of the lordship.

The impact on houses close by will be enormous, and the noise produced will impact on the local houses 24 hours a day.

The closest property is also down wind and before that is considered the noise level is predicted to be up to 38dB. It is inevitable that the owner of the closest property will hear the drone of the turbine, especially at night.

Roads and Access

The construction phase will involve the movement of heavy machinery and vast amounts of concrete and building materials.

The roads in this area are single track farm roads which are already crumbling under the weight of agricultural machinery; they are simply not adequate to accommodate such traffic.

This may result in damage to the dykes which are essential drainage for the area.

Materials and machinery will either have to be transported through the middle of Selby or through the Village of Wistow.

The narrow roads and tight turns which will have to be negotiated make the access to the site a major safety issue.

Road safety, lack of safe access and danger to recreational users

This turbine has the potential to cause many accidents and possibly worse.

There would be issues with the extremely narrow one track roads (which are in a state of poor repair as it is) without the plant machinery and cranes making them worse; although I would say they wouldn't be driving on the roads, they would be ploughing up the land and destroying everything in its path!

Issues arising from Construction

The dust dirt and noise would make life intolerable for those living in the village and would make the whole area a no go area for recreational users for the duration of the construction.

How can the large components of the turbine be transported to the site when there are no suitable access roads.

Whilst the proposal says that the structure will be in small sections – no indication has been given of the size of these components.

Visual Impact

The turbine will dominate the view from whichever direction it is approached because the land is flat and there are no natural contours and vegetation which could screen it.

The property nearest to the site has all the main windows overlooking the site, the effect of the sun on the turning blades causes a flicker which would adversely affect the occupier's enjoyment of their home effectively confining them to the rear of their property when this occurs.

The installation would dominate all of the properties within the Lordship and also affect the enjoyment of the many visitors using the area and public footpaths for recreational purposes.

The proposed turbine will have an inescapable presence and would substantially alter the character of the Lordship.

Would you like to live with a monstrosity such as this in your view?

When we first came to Wistow over 30 years ago we were advised by Selby planning department that this was considered an area of natural beauty and an amenity area for Selby. As such the only development that would be allowed was the conversion of existing buildings.

No new structures would be permitted because they would alter the Rural and visual perception of the area destroying its natural beauty.

This is an unspoilt, flat landscape and the area will be blighted by the sight of an industrial wind turbine for many years to come. It will be seen from a large area.

This area attracts lots of different wild life and birds and bats, drawn to the area by the proximity to the river and the ponds. The wind turbine would endanger this natural landscape. There would be many better areas (e.g. industrial areas) to site such wind turbines.

We are losing green land too fast.

Wistow is a beautiful village and a priceless example of the historical development of the Selby District. The village should be protected for this fact alone.

To build a wind turbine close by will be a huge blot on the landscape and an eye sore for miles around.

With three power stations already in sight we already have limited attractive views, and the turbine would make them even less.

It will definitely spoil the aesthetic rural look Wistow currently has, and which was the main reason that attracted me to move to the village in the first place. If this goes ahead it will only have a reversal of the latter for any people considering moving into 'our' village, not to mention spoiling the rural look for all those living here.

I currently return home from work leaving the industrial location of Ferrybridge behind me and as I approach Wistow village the only thing visible above the roof tops is the church tower. Can we please keep it this way?

Any 'New' tall structure, especially a wind turbine, and in such a rural location, would stand out like a sore thumb. This turbine would be visible in every direction.

This turbine would be visible in every direction.

Economic Factors

No economic justification Other than Government Subsidiary's which we eventually have to pay any way.

Damage to local business

How an annual grant can be given for something that potentially just supplies power to the farm and not the grid is another matter. The country has gone mad

Further Installations

If permission is given for this development it will open the floodgates for more installations as has been seen in other areas, there will be no grounds to reject them and the area will be devastated visually, financially (for residents and equestrian businesses) and will cease to be a valuable amenity and recreational area for Selby residents. This is contrary to national guidelines!

Precedent I have never seen one they breed.

These wind turbines do not belong on such a small area of beauty. If one is allowed, more will follow, which would be a tragedy.

If we allow one to be built it will be followed by many more. It just can't happen.

If permission is granted for this single turbine others will follow at great detriment to the whole area.

Decommissioning

There is no apparent plan for decommissioning should the structure cease to be viable. Are we to be left with an eyesore?

If the structure is decommissioned there will be a repeat of the disruption and damage to the area and the lives of the inhabitants.

Health

Quality of life for the inhabitants of the area.

Health concerns.

Other Issues

Conflicts with Green Belt Policy

How something like this can be approved where land is zoned for agricultural use. It seems to me that a wind turbine on this scale is at least a commercial venture, if not an industrial one.

Clearly people have come to the area (visiting/staying/passing through) to enjoy a more rural setting and to change that setting so significantly warrants further

consultation than just a few surrounding houses. What is the expected impact on property values?

What is the tolerance for other structures subsequently being installed in the same area?

How does the community at large benefit from having this structure erected?

What is the expected return on investment and expected lifespan of the turbine? Will the turbine provide energy to the local community?

This is an area of light traffic, recreation and is enjoyed by Selby town folk and rural villagers for walking and cycling and horse riding.

There have been no submissions explaining how the negative effects would be minimised if the development were to go ahead or any indication that this has even been considered.

Impact on Horses and Horse Riders

Please consider this info from the British Horse Society on wind turbines,

I am a horse owner and rider; and the disruption this would cause would be totally horrendous, not only for me, but for the children who ride in this area

Children need a place to ride with little or no traffic to begin their riding skills.

If this turbine goes ahead it would destroy so many things, which should be left well alone.

It is also 200m south of the field which is used to rest polo ponies during the winter.

As a lecturer in equine studies and qualified riding instructor and stable manger will cause a considerable danger to adult and children horse riding.

Community benefits

The wind turbine only benefits the few, leaving the community with an eye-sore to look at.

Views, trees, fields, wildlife, house prices, serenity as well as things that those in favour of this won't appreciate, like people moving from the area, friendships and so on.

It should collect a subsidy of over £200,000 per year for the farmer, a subsidy paid by us through a hidden surcharge in our electricity bills. The subsidy will be paid even if the farmer used all the power himself.

There is no great gain for the wider community other than the applicant who will be subsidised for this uneconomic monstrous blot on the landscape.

2. Planning Policy

Selby District Local Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

- ENV1: Control of Development
- ENV2: Environmental Pollution and Contaminated
- ENV27 Scheduled Monuments and Important Archaeological remains
- ENV28 Other Archaeological Remains

The relevant policies in the Core Strategy are as follows:

- SP1 Presumption in Favour of Sustainable Development
- SP15 Sustainable Development and Climate Change
- SP16 Improving Resource Efficiency
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

Relevant National Guidance and Policy

- Planning Practice Guidance for Renewable and Low Carbon Energy
- PPS25 Development and Flood Risk Practice Guide.
- The Institute of Acoustics Good Practice Guide on wind turbine noise

2.1 The Main Issues

2.1.1 The main issues to be taken into account when considering this appeal are:

- 1 General Planning Policy Considerations for Renewable Energy Schemes
- 2 Principle of the Development in the Open Countryside
- 3 Impact on the Landscape and Character of the Area
- 4 Noise
- 5 Shadow Flicker
- 6 Construction Impact, Highway Safety and Access.
- 7 Electromagnetic Interference and Aviation Safety
- 8 Design, Materials and Additional Landscaping
- 9 Protected Species
- 10 Flood Risk and Drainage
- 11 Archaeology and Cultural Heritage
- 12 Other issues

2.2 The Council's Case

1) General Planning Policy Considerations for Renewable Energy Schemes

- 2.2.1 The Government's Energy Paper 2007, the Climate Change Act 2008 and the UK Renewable Energy Strategy 2009 set out the Government's objective to radically increase the use of renewable energy to help tackle climate change, reduce the UK's emissions of carbon dioxide (CO₂) and increase the security of the UK's energy supply.
- 2.2.2 The UK Government has signed up to the EU Renewable Energy Directive that includes a UK target of 15% energy from renewables by 2020. This target is equivalent to a seven-fold increase in UK renewable energy consumption from 2008 levels. The UK Renewable Energy Strategy (2009) in parallel with the Low Carbon Transition Plan (2009) sets out plans to transform the power sector in the UK so that by 2020 40% of electricity will come from low carbon sources with a target set for renewable electricity to increase to around 30% of total supply by 2020.
- 2.2.3 This commitment is reflected in national planning policy in the NPPF Paragraph 97 which outlines that in order to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources and that they should have a positive strategy to promote energy from renewable and low carbon sources.
- 2.2.4 The NPPF also outlines at paragraph 98 that local planning authorities should "not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions" and "should approve the application if its impacts are (or can be made) acceptable".
- 2.2.5 The Selby District Local Plan policy at paragraph 4.67 acknowledges the national commitment to stimulate the development of new renewable energy sources wherever they have prospects of being economically attractive and environmentally

acceptable.

- 2.2.6 The renewable energy study commissioned by Local Government Yorkshire and Humber notes in respect of future capacity that commercial scale wind energy represents a key opportunity for increasing the renewable energy capacity within the York and North Yorkshire sub regional area and that Selby District is theoretically capable of significant renewable energy generation from wind power to 2025, having lower landscape sensitivity to wind farm development compared to other parts of the region.
- 2.2.7 There is therefore a high level of support at national level for renewable energy generation. There is clearly a wider responsibility for the Council to facilitate other locally important renewable energy schemes within the district in line with Government Policy as reflected by Policy SP17 of the Core Strategy. The Council therefore considers that considerable weight should be given to the wider environmental and economic benefits of the proposed wind turbine and its contribution to meeting national targets for renewable energy and meeting sustainable development objectives in line with the NPPF.

2.3 2) Principle of Development in the Open Countryside

- 2.3.1 The Council considers that starting point in the assessment of this application should be Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Act requires that "if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. In this respect it is noted that the 'development plan' comprises the Selby District Local Plan (SDLP) saved policies and the adopted Core Strategy.

- 2.3.2 Paragraph 14 of the NPPF states

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". Policy SP1 of the Core Strategy reflects the presumption in favour of sustainable development and states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted."

2.3.4 The Council notes that the proposed development is considered to be a renewable energy project. The Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013), provides advice on the planning issues associated with the development of renewable energy. Paragraph 5 of which states "that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities."

2.3.5 Paragraph 22 of the Practice Guidance states "that renewable energy developments should be acceptable for their proposed location. In addition to the factors that should be considered regarding the acceptability of a location for any form of renewable energy development there are particular considerations for the following technologies: hydropower, active solar technology (photovoltaics and solar water heating), solar farms and wind turbines. Also, local planning authorities may wish to consider how planning conditions or planning obligations can mitigate the impacts described."

2.3.6 There are specific sections which the guidance requires applications for turbines to address such as impacts such as noise, flicker and EMI implications all of which will be addressed further in this report, overall however it is clear from the Guidance that the key assessment is whether the proposed development overrides environmental protections and is acceptable for its proposed location.

2.3.7 The commitment to sustainability, a low carbon future and the growth of the renewable sector is reinforced in the National Planning Policy Framework. Paragraph 14 of the framework states 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'. Paragraph 93 of the framework goes on to state 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'.

2.3.8 Paragraph 98 states 'When determining planning applications, local planning authorities should: "not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable."

2.3.10 Policy SP17 (C) of the Core Strategy sets the local criteria for development proposals for new sources of renewable energy and low-carbon generation and

supporting infrastructure. The criteria of Policy SP17 (C) are that proposals:

- i. are designed and located to protect the environment and local amenity or
- ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the local amenity, and
- iii. impacts on local communities are minimised

2.3.11 Having had regard to the above policy context the Council considered that it is clear that both local and national policies support renewable energy development in principle, subject to the assessment of other environmental protections and it being acceptable for its proposed location which is assessed in detail below.

2.4 3) Impact on the Landscape and Character of the Area

2.4.1 The appeal site is located some distance from the appellant's property and is set within an open, arable field. The site and surrounding landscape is very flat and open and has few natural and semi-natural features such as woodland and hedgerows. There is however some element of vertical emphasis in the area due to the presence of telegraph poles and scattered trees in the locality. As such there are extensive views from many angles across the site. Viewed from the north there are long distance views in which Drax Power Station can be seen on the skyline. As a consequence it is considered that the landscape in and around the appeal site has a low landscape sensitivity and some capacity to accommodate renewable developments of this nature. Furthermore the site is not located in any landscape protected by national or local designations.

2.4.2 The turbine is a tall structure located on level, open ground. As a result it will be highly visible from a number of public vantage points and concealment would not be possible. The Council therefore considers that a structure of this size would have a significant impact on the character of the area. However the Council also notes that most wind-farms and turbines by their very nature and their requirement for open environments are highly visible. Examples include the wind-farms at Ogden Moor (Calderdale), Millhouse Green (Penistone) and Easington, which are all set within very open situations therefore clearly the issue is not whether the turbine would or would not be seen but whether they would have unacceptable impacts when weighed against other considerations.

2.4.3 In this case the Council also notes the turbine is of a slim design and is likely to be coloured grey which in itself will mitigate, at least to some degree, against the appearance of the turbine on the countryside. It is also noted that there is currently some vertical context in this area provided by the existence of vertical structures in the vicinity.

2.4.4 Taking all the above points into consideration it is the Council's assertion that the proposal would cause some harm to the rural character of the area but that only moderate weight should be afforded to this harm. Furthermore it is the Council's contention that this harm should be weighed against the wider public benefits of renewable energy. It is the Council's opinion that the harm to the character of landscape would not, in itself, be sufficient to outweigh such benefits. On this basis the scheme is considered, on balance, to be acceptable in terms of the impact on landscape character having had regard to Selby District Local Plan Policy ENV1, Core Strategy policy SP17, the NPPF and the practice guide for renewable energy.

2.5 4. Noise levels

- 2.5.1 Policy ENV1 states “that in considering proposals the District Council will take account of The effect upon the occupiers of surrounding properties” SP17C also requires that renewable energy generation must be designed and located to protect.....local amenity”
- 2.5.2 Paragraph 123 of the NPPF states “Planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;28 and
 - Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”
- 2.5.3 The planning practice guidance for renewable and low carbon energy states ‘The assessment and rating of noise from wind farms’ (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97.
- 2.5.4 The Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics and states “A significant aspect of the consultation should be whether surveys are required, and if they are, agreement on the number and position of background noise level measurement locations should be sought. Such agreement will benefit all parties, as background noise level measurements can be an area of considerable debate, and targeting resources at this early stage in the development process should provide dividends in the future by reducing the likelihood of protracted arguments and potentially the need for additional background noise level measurements”. The applicant did not seek to agree the number and position of background noise level measurement locations prior to the submission of the noise assessment.
- 2.5.5 The guidance goes on to state “Background noise measurements should preferably be made in the vicinity of noise-sensitive receptors, principally houses (existing or for which planning consent is being sought / has been given) and any building used for long-term residential purposes (such as a nursing home). Where there are only a small number of isolated properties (perhaps 4-5) within the study area the selection process is simplified since it is practicable to make measurements close to all receptors. A common situation is where there are groups

of houses and the objective is to identify, for each group, a 'representative' location within the curtilage of one property such that the background noise levels measured there can be reliably assigned to all other houses in the group. At the survey planning stage it may not be possible to gain access to gardens, but candidate locations can usually be identified from roadside views, supported by aerial images on website map pages. When choosing a location that will serve as a proxy for others, the basis for selection is that it can reasonably be claimed, from inspection and observation, to be representative of the non-surveyed locations, in line with the criteria of Section 2.5. Measurement locations outside a property's curtilage (such as an adjacent field) may be used when access to a representative property cannot be obtained, provided that such a location can be justified as being representative.

- 2.5.6 A noise impact assessment was submitted with the application. The survey indicates that the area is a "low noise" environment. However it should be noted that the noise readings within the survey have been undertaken at the appellant's farm which is a working farm rather than at the nearest noise sensitive property the closest of which is a residential property. Therefore it is considered that there is likely to be a difference in the background noise levels at the different properties. It is also considered that the location of the readings should have been agreed prior to the carrying out of the assessment, The guidance from the Institute of Acoustics acknowledges this stating "In many cases there will be significant variation in general background noise levels within the study area, because of topography and the varying influence of existing noise sources such as roads. In rural or semi-rural areas, noise generated by wind in trees is generally a dominant noise source at higher wind speeds and therefore the proximity of the monitoring location to trees and vegetation, and the type of such vegetation, may be significant."
- 2.5.7 Notwithstanding the above the noise survey shows that for significant "Quiet Daytime Periods" as defined by ETSU-R-97 the background noise levels (L90) are below 30dB(A) and that measurements below 20dB(A) were also recorded. This survey would therefore show that the background noise levels at the monitoring location are very low which would suggest that the fixed limit specified in ETSU-R-97 would be appropriate to protect residential amenity.
- 2.5.8 Therefore if paragraph 22 of ETSU were applicable to this application it would allow the noise limit to be specified within the range 35 – 40 dB (A) subject to justification against a criterion defined by ETSU. The survey provided does not indicate whether the increased fixed limit is appropriate in this case, nor is there any justification provided for raising the limit. Given the indication of very low background noise levels it is considered difficult to accept that the lower noise limits should be increased in this case.
- 2.5.9 It is acknowledged that a number of turbines across the district have been approved with the condition proposed in Paragraph 25 of ETSU. In this case this condition cannot be applied to make the proposal acceptable as without further information the local planning authority cannot be certain that the condition can be complied with. Applying this condition would therefore be contrary to circular 11/95. Circular 11/95 makes it clear that planning conditions should be reasonable applying a condition to a planning permission that the Appellant may not be able to comply with cannot be considered to be reasonable nor enforceable. The Council therefore considers that based on the information provided the Appellant has not adequately demonstrated that the development would not have a detrimental impact on the

residential amenity of the occupants of the properties at the nearest noise sensitive receptors. The appeal proposal is therefore considered to be contrary to policy ENV1 which requires that proposals would not have an adverse impact on the residential amenity of neighbouring properties and policy SP17 of the Core Strategy and the planning practice guidance for renewable and low carbon energy.

2.6 5. Shadow Flicker

- 2.6.1 Planning practice guidance for renewable and low carbon energy states “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.
- 2.6.2 Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at a specific property or group of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of conditions.
- 2.6.3 Although problems caused by shadow flicker are rare, where proposals for wind turbines could give rise to shadow flicker, applicants should provide an analysis which quantifies the impact. Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it.
- 2.6.4 The guidance notes that although problems caused by shadow flicker are rare, for sites where existing development may be subject to this problem, applicants should provide an analysis to quantify the effect. It notes that only properties within 130 degrees either side of north, relative to the turbines can be affected in the UK and further, that flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore if the turbine has 80m diameter blades the potential shadow effect could be felt up to 800m from a turbine.
- 2.6.5 The proposed turbine has an overall diameter of 52 metres and turbine. Therefore shadow flicker has the potential to affect 3 properties due to the orientation of the turbine. A shadow flicker map has been provided with the application this indicates that the maximum amount of shadow flicker likely to be suffered by any residential property is 23 hours per year this is identified as property 7 on the accompanying maps. Property 5 would result in a maximum of 9 hours per year and property 6 7 hours per year. However this calculation is a maximum given that it would only occur should the sun be shining all the time and should no intervening structures exist. Also a report carried out by the Department of Energy and Climate Change makes it clear that “The magnitude of the shadow flicker varies both spatially and temporally and depends on a number of environmental conditions coinciding at any particular point in time, including, the position and height of the sun, wind speed, direction, cloudiness, and position of the turbine to a sensitive receptor. It should be noted that within the UK that there is no definitive guidance on the maximum number of shadow flicker hours per year that is deemed acceptable. However 30 hours a year is adopted by Ireland and other European Countries. Therefore in light

of the above and due to the positioning of the turbine in connection with the neighbouring properties it is considered that any shadow flicker experience would be minimal and would not be so significant to warrant the refusal of this application.

- 2.6.6 As such the Council consider that the appeal proposal would not significantly affect the amenity of any neighbouring property by virtue of shadow flicker. On this basis in terms of shadow flicker it is considered that the proposal would not be contrary to the renewable energy guidance.

2.7 6. Construction Impact, Highway Safety and Access.

- 2.7.1 Policy T1 of the Local Plan requires development to be well related to the existing highway network and permits developments where existing roads have capacity and can safely serve the development. Policy T2 permits development that would result in the creation of a new access or the intensification of the use of an existing access provided that there would be no detriment to highway safety; and that the access can be created in a location and to a standard acceptable to the highway authority.

- 2.7.2 The Appellant's have outlined the approach to the construction of the turbine including the routing for the vehicles to be used in the construction of the turbine. In response to this North Yorkshire County Council highways have stated "The principle of a wind turbine in this location is acceptable to the Highway Authority, however little information has been provided about the transportation of the wind turbine to site. Lordship Lane has a number of bends which would be difficult for commercial vehicles to manoeuvre. The only information provided on the transportation route is that delivery will be via the B1223 and a statement saying that there are no issues with the delivery. Given the geometry of Lordship Lane, a transportation feasibility study should have been carried out identifying the exact route and its impact. The Highways Officer has therefore recommended a condition requiring that the route to the site is approved prior to the commencement of development. Given that the Highway Officer is explicit in that the principle of a turbine in this location is acceptable. In light of this the Council considers that subject to the requested condition that the highways implications of the appeal proposal are acceptable in this instance. Given the location of the turbine the Council would not request a condition limiting the construction times of the turbine should it be approved.

2.8 7. EMI and Aviation Safety

- 2.8.1 The planning practice guidance for renewable and low carbon energy states "Wind turbines can potentially affect electromagnetic transmissions (e.g. radio, television and phone signals)." Also stating that "Wind turbines may have an adverse effect on air traffic movement and safety. Firstly, they may represent a risk of collision with low flying aircraft, and secondly, they may interfere with the proper operation of radar by limiting the capacity to handle air traffic, and aircraft instrument landing systems."

Electro-magnetic Interference (EMI)

- 2.8.2 The effects of the proposed turbine on the various operations that utilise the electro-magnetic spectrum, including television and radio reception, microwave links have

been assessed and all relevant organisations and system operations have been consulted. No objections have been made by the relevant consultees and therefore it the Council considers that the proposal would not have a significant impact on the networks accordingly.

Aviation Safety

- 2.8.3 Consultations have been undertaken with the Ministry of Defence, the local airport operators, National Air Traffic Service (NATS - who provide air traffic control services to aircraft flying in UK airspace), the Joint Radio Company and Council's EHM team. No objections have been raised in terms of these bodies in relation to the scheme in terms of aviation safety. However, in commenting on the application the MOD has noted note that in the interests of air safety, the turbine should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
- 2.8.4 In conclusion, subject to a condition requiring confirmation of the addition / details of the omni-directional red lighting or infrared lighting the council considers that the appeal proposal would be acceptable having had regard to the planning practice guidance for renewable and low carbon energy.

2.9 8. Design, Materials and Additional Landscaping

- 2.9.1 The proposed scheme is for a standard turbine design and no further landscaping is proposed as part of the scheme.
- 2.9.2 The Colour of the turbine has does not form part of the application. The Council therefore considers it appropriate to recommend a condition is applied to any permission granted requiring details of the colour to be used subject to an appropriate coloured turbine; it is considered that the turbine is acceptable.
- 2.9.3 Given the particular circumstances of this appeal the Council considered that no further landscaping is considered necessary. The Council considers that subject to a condition requiring submission of the final colour design then the proposal would therefore be acceptable having had regard to Policy SP17 of the Core Strategy.

2.10 9. Impact on Protected Species

- 2.10.1 The NPPF at Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm results from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 2.10.2 The Local Plan seeks to ensure that the effect of development on nature conservation interests is minimised. Policy ENV1 states that proposals should be located and designed so as not to harm acknowledged nature conservation interests. The previous application was considered to be acceptable in respect to the impact on protected species.
- 2.10.3 The turbine would be located over 50 metres from any hedgerows and trees. The

boundary of the field is located 73 metres away from the turbine and this boundary does not consist of hedgerow or trees. Furthermore there are no trees within the field where the proposed turbine would be located. No ecological survey accompanies the application. However no objections have been received in response to the application from statutory consultees in respect to protected species. The comments regarding the lack of information are noted.

2.10.4 Natural England Technical Information Note TIN051 Bats and onshore wind turbines provides guidance to local authorities in respect of bats and wind turbines and states "To minimise risk to bat populations our advice is to maintain a 50 m buffer around any feature (trees, hedges) into which no part of the turbine intrudes. This means the edge of the rotor-swept area needs to be at least 50 m from the nearest part of the habitat feature."

2.10.5 The turbine would not intrude on this 50 metre buffer therefore on the balance of the information submitted the Council considers that given the site location and nature of the site the proposals would not have a significant effect on the ecology and nature conservation value of the site and surrounding areas in accordance with the NPPF and Local Plan Policy ENV1.

2.11 10. Flood Risk and Drainage

2.11.1 The wind turbine is located in Flood Zone 3 which is the zone at a high risk of flooding. Due to the limited area proposed for the foundation of the turbine it is not considered that the proposals would significantly increase the risk of flooding elsewhere. Yorkshire Water, the Drainage Board and the Environment Agency have been consulted on the application and have raised no objections.

2.11.2 The PPS25 practice guide states " LPAs should not use a sequential approach in the consideration of such proposals. Accordingly, the PPS25 sequential test should not be applied to proposals for new wind turbines. In addition, whilst wind turbines in a high flood risk zone, being considered to fall within 'essential infrastructure' (see paragraph 4.72 below) would be subject to the PPS25 exception test, it is proposed that the second element of the exception test (requiring the development to be on developable previously developed land where possible) should not to be applied."

2.11.3 Therefore for the proposal to be acceptable within this flood zone it must pass the exceptions test. In order to pass the exceptions test

2.11.4 It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and

- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.
- This application is accompanied by evidence on Flood Risk Assessment which sets out the sources of flood risk and concludes that turbine tower and

foundation are not at risk of flood damage.

2.11.5 A site specific flood risk assessment has been submitted with the application this has been considered by the EA who have raised no objections to the scheme subject to a condition. The submitted FRA in response to the applications need to pass the exceptions test states “the turbine allows the applicant to export energy provided by the turbine to the grid and so contribute to the country’s renewable energy generating capacity provision and to the UK’s 15% renewables target by 2020, this demonstrates the wider sustainable benefit of the scheme,” It is accepted that the proposal will contribute to the 2009 Renewable Energy Directive target for the UK to achieve 15% of its energy consumption from renewable sources by 2020. This is considered to be a wider sustainability benefit to the community. It is therefore considered that the exceptions test as required by the NPPF is therefore passed.

2.11.6 The Council therefore considers that the siting of the turbine in this location is acceptable and the proposal would still neither contribute to flooding, nor be adversely affected by flooding the proposal is therefore considered to be in accordance with the guidance with the NPPF.

2.12 11. Archaeology and Cultural Heritage

2.12.1 National planning policies are set out in the NPPF and at Paragraph 129 states that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.

2.12.2 Local Plan policies ENV27 and ENV28 on archaeological remains and schedule monuments are relevant. In respect to heritage assets the planning practice guidance for renewable and low carbon energy states “As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.

2.12.3 The Council considers that the appeal site is not located in close proximity to heritage assets nor is the site known to be of archaeological value. The Council therefore do not consider that the ground work associated with the proposal would raise archaeological issues. In respect to Heritage Assets the Council considers that the proposal would not have an adverse impact on the setting of any nearby Listed buildings given the distance of the proposal from designated heritage assets and intervening landscape features. The Council would therefore not raise the proximity of the turbine to Listed Buildings as a reason for refusal.

2.13 12 Other Issues

Loss of Agricultural Land

The Council acknowledges that the appeal proposal would result in a small loss of agricultural land if the turbine is constructed; however once operational the surrounding land would continue to be managed by the land owner in line with his usual farming practice therefore it is not considered that this small loss is not significant nor would it affect the remaining agricultural land.

3.0 Conclusion

- 3.0.1 The Council considers that there is a very strong policy presumption in favour of sustainable development and that there is very strong policy support in favour of renewable energy development. Consequently the Council considers that the appeal proposal is acceptable in principle in the open countryside. Notwithstanding this it is noted that proposals in principle are expected to meet the policy tests under the Core Strategy and the NPPF.
- 3.0.2 On considering matters of detail the Council has concerns over two points. The first point relates to impacts in respect to noise. The second issue relates to the impact on the landscape and the character of the area. In all other respect the proposal is considered to be acceptable
- 3.0.3 Turning to the issue of impacts on landscape and the character of the area it is the Council's opinion that the appeal would result in some harm to the rural character of the area. However the level of harm is considered to be only moderate and is considered to be of insufficient weight, in itself to outweigh the wider public benefits of this renewable energy scheme.
- 3.0.4 Notwithstanding the above in respect to noise the Council considers that the proposal fails to provide sufficient information to demonstrate that the wind turbine would accord with the guidelines set down by ETSU-R-97 by virtue of the fact that the noise survey has been carried out at Laburnum Farm and not the noise sensitive receptors in the area. As such the proposal fails to demonstrate that it would accord with policy ENV1 of the Selby District Local Plan and SP17 of the Core Strategy which require that the proposal would not have an adverse impact on the Local amenity of surrounding properties.
- 3.0.5 The Council acknowledges that the planning practice guidance for renewable and low carbon energy recognises "that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections" such as noise. It is therefore respectfully requested that the Inspector dismisses the appeal and refuses planning permission for the appeal proposal.