

Application No: 13/2710N

Location: Ridley Bank Farm, WREXHAM ROAD, RIDLEY, CW6 9RZ

Proposal: Installation of wind turbine 32.5m to hub and associated ancillary works

Applicant: Mr R Latham

Expiry Date: 26-Aug-2013

#### **SUMMARY RECOMMENDATION:**

- **APPROVE with conditions**

#### **MAIN ISSUES:**

- Principle
- Visual impact
- Highway safety
- Amenity
- Nature conservation
- Whether the proposal is a sustainable form of development
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#### **SITE DESCRIPTION**

Ridley Bank Farm is located approximately 3.2km east of Bulkeley and 7.8km west of Nantwich.

The application relates to an area of agricultural land, located c.375m to the north of the farmstead at an elevation of about 125 metres AOD which is the highest point in the local area and close to a triangulation point. The topography of the surrounding area comprises gently rolling hills. It is also approximately 425m from the nearest third party dwelling, south of the development site.

The site is situated between two areas of woodland, Ridley Wood, 144m to the west and Chesterton Wood, located 178m southeast of the development site. A covered reservoir and a telecommunications tower are located 120 metres to the southeast.

The site is alongside an existing stoned access track which also serves the reservoir, telecommunications mast installation and slurry lagoon. A public right of way, which forms part of a network of paths in the vicinity, runs past the site.

#### **DETAILS OF PROPOSAL**

Planning permission is sought for the installation of a single “Norwin” wind turbine which would have a hub height of 32.5 metres and an overall blade tip height of 49 metres. The development would also involve the construction of a temporary access track, a permanent concrete pad and a small meter house.

## **PREVIOUS RELEVANT DECISIONS**

The application was deferred by Southern Planning Committee on the 19th November 2014, for further information with respect to the following:

- Planning guidance, as referred to in the representation from Stephen O’Brien, MP;
- Bats, Barn Owls and Newts;
- The impact on the telecoms mast and the television signal; and
- The health impact (with reference to BMJ 8 March 2012 and Royal Society of Medicine August 2014)

The application was then considered at Southern Planning Committee on the 25<sup>th</sup> February 2015 where Members resolved to defer a decision on this planning application for the following reasons:

- To request a Bat Survey be submitted;
- Seek consultation with Cheshire East Council’s Public Health Department;
- Request an Environmental Health Officer attend the Southern Planning Committee meeting at which this application is considered.

## **PLANNING HISTORY**

There are no previous permissions on the site

## **PLANNING POLICIES**

### **National policy**

National Planning Policy Framework

National Policy Statement for Renewable Energy

Planning Practice Guidance for Renewable and Low Carbon Energy

### **Local Plan policy**

NE.2 (Open Countryside)

NE.19 (Renewable Energy)

BE.1 (Amenity)

BE.2 (Design Standards)

## **CONSULTATION RESPONSES**

### **Manchester Airport**

No objection

### **Ministry of Defence**

No objection but require that they are advised of the following prior to commencement of any construction activities:

- Commencement/cessation dates for construction activities;
- Maximum height of construction equipment;
- The latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

### **National Air Traffic Control Service**

The proposed development has been examined by our technical and operational safeguarding teams. Although the proposed development is likely to impact our electronic infrastructure, NATS (En Route) plc has no safeguarding objection to the proposal.

### **Environmental Health**

No objection subject to the following conditions:

- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.

### **Cheshire Wildlife Trust**

Initial comments on the application:

#### **1. Bats**

- CWT considers that, although location of the turbine more than 50m from existing trees/woodland will minimise the risk of harm to existing bat populations, this does not preclude the need for bat surveys. Proposals should be based on up-to-date information.
- The turbine is c.130m from Ridley Wood (listed on the Cheshire Ancient Woodland Inventory) and c.230m from Chesterton Wood. Given the size and age (both date at least as far back as the mid-C19th) of each woodland block and their locations relative to one another, it is conceivable that there could be movement of bats between them, through the proposed turbine location. A bat activity survey would provide the necessary baseline information to establish whether or not the proposed turbine location could affect actively foraging bats.

#### **2. Great crested newts**

- There is at least one pond within 50m immediately to the north of the turbine. A further c. 11 ponds lie within 500m of the turbine. CWT considers that all of these ponds should, as a minimum requirement, be subjected to a habitat suitability index (HSI)

assessment for great crested newts. The habitats surrounding the pond/s should also be assessed and any links between ponds identified.

No further comments received from CWT following consultation on additional ecological information in January and February 2016.

## **CPRE**

Object strongly to the proposal:

- Government's planning practice guidance for renewable and low carbon energy, is a material consideration and should generally be followed unless there are clear reasons not to. There are several points in the guidance that are strong material reasons to refuse this application.
- This guidance identifies that local planning authorities can identify suitable areas for renewable energy, and that the impact on the local environment needs to be taken into account and the views of the local communities likely to be affected should be listened to. The impact on the local landscape and local amenity from this proposal outweighs the very limited benefit from the energy that this turbine would generate. The guidance states that protecting local amenity is an important consideration which should be given proper weight in planning decisions. If the local amenity of this area is given proper weight by the Council, this application will be refused.
- Government guidance encourages the use of the Local Plan to identify suitable areas for renewable energy and there may be other more appropriate locations for turbines identified. Do not consider this site is appropriate and assessing possible locations through this process would give further robust justification for refusing future speculative applications on clearly inappropriate sites such as this.
- This is within a beautiful area of Cheshire Countryside - and on high ground. Its within an ASCV (Area of Special County Value) so it warrants a formal LCA (Landscape Character Assessment). In the CPRE's opinion the impact on landscape in this sensitive location is not acceptable.

## **VIEWS OF THE PARISH/TOWN COUNCIL**

### Bulkeley and Ridley Parish Council

Strongly object to this application on the following grounds.

1. This is an area of Special Scenic Value. The turbine will be visible from the Bickerton and Bulkeley Hills which are well used by the public for walking, both locally and on the Sandstone Trail. The applicant says this turbine is for monetary gain not personal use and should be classed as industrial. It is Cheshire East policy that industrial turbines should not be placed in areas of Special Scenic Value.

2. The submission does not identify the hamlet of Ridley which has 50 homes. Viewpoints used are from distance, but from the 26 homes within half a mile of the site the turbine will be enormous and the noise will be intrusive.

3. Height of the proposed turbine is given as 32.5 metres to the hub with a rotor diameter of 33 metres and height to blade tip of 49 metres, meaning that each blade will be 16.5 metres

long. However the technical and acoustic figures relate to blades measuring 13.4 metres in length and a hub height of 30.8 metres. The difference in size means that the data is totally irrelevant to this application.

4. Two main trunk roads, the A49 and A534 intersect at three points in Ridley which have history of accidents due to poor visibility and the speed of traffic. A wind turbine will be seen from all three intersections and will add to the danger as drivers are distracted by the turbine.

5. The ancillary works will need heavy machinery which in turn will require a wider track through the woodland. The entrance to the wood is on a long double bend where visibility is severely restricted. Motorists will not be able to see large slow vehicles manoeuvring on and off the site until they are almost on top of them.

6. The applicant states that he wants to diversify his agricultural holding. There are many ways in which he can diversify which will not impinge in any way on his neighbours or on the landscape. He has already started building a very large double bay steel agricultural shed which faces south. This would be an ideal site for a large number of solar panels and/or photovoltaic tiles which could potentially give him a good income without ruining the landscape or the lives and property values of his neighbours.

#### Spurstow Parish Council

Objects on the following grounds:

1. The surrounding area is site of Special Scenic Value with mainly agricultural application and some long established scattered residential buildings.

2. The site is a high point in the area confirmed by its prior selection as a trig point, water relay reservoir and mobile telephone mast location.

3. The proposal seeks to exploit the location in order to generate additional income for the owner at the expense of the harm to the visual amenity to local residents and visitors to the many nearby attractions, e.g., from the Bickerton and Bulkeley Hills and Beeston Castle which are well used by the public for walking, both locally and on the Sandstone Trail.

4. The Parish Councillors are disappointed that, as a Parish less than a kilometre from the proposal, they have not been consulted or asked to comment, which is specifically at odds with recent Government policy.

5. The report outlines three Grade Two listed buildings to the north of the proposed development, but down plays the impact of them by quoting "Low Impact" in the summary despite the narrative stating it as Medium to Low. The report is factually incorrect in stating that the view from Lower Hall Cottage is partially blocked by Lower Hall Farm, as they are on an east - west grid. The two adjacent A roads (A49 and A534) are accident black spots and distractions caused by views of the turbine are clearly not welcome.

7. The owner has already started building a very large double bay steel agricultural shed which faces south. This would be an ideal site for a large number of solar panels and/or photovoltaic tiles, which could potentially give him a good income without ruining the landscape or the lives and property values of his neighbours.

8. Spurstow Parish Council understands from local residents that a large thriving population of bats and great crested newts is adjacent to the proposed turbine site in woods and pools. The danger to these is obvious.

9. The views expressed to the Council by residents are almost unanimous in their objection.

10. The Parish Council believes across the country that the time has come to move away from inshore wind turbines.

11. The Parish Council asks Cheshire East Borough Council to reject the application at the planning meeting.

Response to re-consultation – draw attention to objections set out above. Their view that the wind turbine is undesirable is unchanged and reconfirmed, however, they acknowledge the recent ecological reports that indicates risk to wildlife is low.

#### Haughton Parish Council

Haughton Parish Council carried out a questionnaire survey of the Parish as part of its Parish plan and 70% of replies under the environmental section objected to wind turbines in or around the Parish.

### **OTHER REPRESENTATIONS**

Circa 113 representation of objection have been received making the following points:

#### ***Visual Impact***

- The LVIA contains assumptions, irrelevant information and glosses over concerns
- Proposed turbine, sited adjacent to a trig. point at 125m, will be at the highest point in the area circa 550ft above sea level and not significantly below the level of the Sandstone trail.
- It will be clearly seen from the Peckforton Hills and the castles at Beeston and Peckforton. The visual impact of the turbine will be extremely detrimental to these popular tourist attractions.
- A wind turbine is an alien structure in open countryside and is completely inappropriate in this location.
- The proposal also contravenes a key principle in Government Policy to 'protect the countryside for the sake of its' intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife'.
- Will be a blight on the landscape,
- Moving blades will have a devastating impact on the local landscape
- Environmental impact has not been adequately assessed.
- Massive structure, well over 150ft high
- Will produce only a trickle of intermittent electrical energy. Although the capacity is 225kw, the average output will be approximately 55kw.
- Noise (amplitude modulation) from the blades operating at tip speeds up to 70 miles per hour will have a negative impact on residential amenity and health.
- Some of the very best countryside in the UK is becoming despoiled by the plethora of wind turbines being erected in inappropriate places
- Approximately 50,000 people visit Cheshire each year to enjoy and appreciate the landscape and tranquillity.
- The proposed site is a 124 meter high point. Adding a turbine which is 49meters in height which will clearly dominate the vista and detract from this stunning landscape whilst, turbine adds no aesthetic value what so ever.

- To state that the woodland will act as a barrier to this and minimize the impact is simply false as the turbine will clearly stand well above the tallest trees that make up the wooded area.
- The moving blades will have a devastating impact on the local landscape, particularly when viewed from the extensive network of local footpaths, one of which is only a very short distance from the proposed site.
- A brief survey of the area suggests that within only 1000 metres of the proposed site there are footpaths whose total length is approximately 10,000 metres (6 miles). The proposed wind turbine would be visible to walkers from most of these public rights of way.
- If you extend the area surrounding the proposed site to a circle of 1500 metres (a mile) radius, the total length of the public rights of way affected is close to 10 miles. This is quite unacceptable in my view.
- The nearest public right of way is about 55 metres from the proposed site so walkers in the vicinity are possibly vulnerable to large pieces of ice thrown from the turbine blades or debris in the event that there is a fire in the hub as sometimes happens.
- It is difficult to imagine the size and visual impact of industrial wind turbines when viewed from such a footpath, however, comparing the height of the proposed wind turbine with St Boniface's Church in Bunbury (this is the nearest man made structure to the proposed wind turbine site) the proposed wind turbine is more than twice the height of the church tower!
- Some of the very best countryside in the UK is becoming despoiled by the plethora of wind turbines being erected in inappropriate places.
- The claim of natural screening by the woodland is also erroneous. The only residence screened from view is the applicants own home! Trees that are less than one third of the height of the turbine cannot provide screening, either visual or noise
- The whole countryside will be subject to this eyesore for many miles around for 25 years
- This proposed monstrosity will dominate this glorious part of the Cheshire countryside and will be visible for miles around. Incidentally, there seem to be some discrepancies over the heights given throughout the back-up documentation. Whatever the eventual height, it will despoil the area. The damage to wildlife, especially birds, is well-reported and totally unacceptable.
- Cheshire is already blighted by motorways, railways, heavy industry and overspill from Manchester, Chester, Liverpool and the potteries. Another blight on the countryside is unforgivable.
- Residents hate seeing the wind turbines in the Welsh Mountains and think they spoil the beauty of the area.
- Bath House, Dob Lane, Spurstow is over 400 years old and Listed Grade 2 \*.
- The outlook from this house is over unspoilt Cheshire countryside with historic Bath Wood to the left hand side, famous for its' ancient spa. To the right hand side is beautiful arable farm land rising to the mound where the wind turbine will be situated, and which will be directly visible.
- Recently some telegraph cables were set underground to enhance the beauty of the area which has now left a completely unspoilt and natural outlook for everyone to enjoy including the many walkers who benefit from this beautiful part of our country.
- The construction is equivalent to a 16 storey building which totally dwarfs every building within 15 miles and is almost higher than the Bickerton Hills.

- The Council is supposed to protect its citizens from loss of its green belt.
- It is also stated in the application that if the turbine is removed in 25 years time that only the above ground facility will be removed and that any underground infrastructure such as cables would be left buried. This can only be considered as industrial pollution.
- Land will not be restored afterwards and will leave an eye sore.
- Impact on High Ash has not been assessed

### ***Questionable Benefits***

- There will be no economic or ongoing benefit to the local community.
- The owner and energy suppliers are the sole beneficiaries even when taking into account the energy feed into the national grid.
- A decision by the developers of the Bickerton wind farm to cease that development determined that, after evaluating the energy generation from a test mast, there was insufficient generation from the available wind resource.
- Although this was on a larger scale, the fact remains that a commercial farm was not deemed to be viable so why would 1 turbine be considered any more viable? Has a test in conjunction with the Met Office actually been undertaken to evaluate? It is of interest that the report states the site is only “likely to have good wind resource.”
- This massive structure, well over 150ft high will produce only a trickle of intermittent electrical energy. Although the capacity is 225 kw, the average output will be approximately 55kw.
- Do not produce what is claimed by those who have interests in obtaining cash subsidies from the Government.
- According to Ofgen the average household electricity consumption is 3300kWh. The proposed 225kW turbine could generate this amount in nine hours (or 2.4 minutes per day per year). Therefore the proposed wind turbine would seem to be far in excess of the requirements for a domestic generator.
- These turbines do not provide an adequate and reliable source of power for the environmental damage caused by them and their need to have additional generating plant on stand-by for when they are unable to generate power due to either no wind or relatively high winds.
- The Prime Minister has said that any new schemes must benefit the local community
- Ridley is, in any event, sheltered from the prevailing wind by the Beeston and Peckforton Hills. On this ground alone, a windmill at this location is singularly unsuitable.
- Wind power is not carbon neutral as emergency diesel generated electricity has to be available for when there is no wind or the wind is too strong.
- “Likely to be a good wind resource” is hardly conclusive proof that the turbine will perform efficiently. An independent, year long test, should be performed to monitor wind speeds with the results published.
- The economic justification is invalid; de-commissioning earnings in 25 years have nil present value, and the cost of generation is more than the value of electricity earned - otherwise substantial subsidy through tariff support would not be needed.
- Other objectors have quoted respected professors and specialists who have reported that the building of wind turbines in this country is environmentally bankrupt



- The farm's need for electricity profit to fund investment is slight - they are currently building a substantial new farm unit without the support of electricity income. They could use the money needed to build the windmill to invest in the farm instead.
- Many eminent scientists have examined the marketing claims supporting wind turbines and found them wanting. For example, Professor Jack Steinberger, Director of the CERN particle physics laboratory in Geneva and a Nobel prize-winner, said "... wind represents an illusory technology — a cul-de-sac that will prove uneconomic and a waste of resources in the battle against climate change."
- To be acceptable the turbine should contribute to the affected community in cash, jobs and a benefit to the power supply that is in excess of the damage that it will cause. If there is no appreciable benefit then it should not be allowed. With a potential output of only 55kw coming from the turbine this will contribute nothing to the local or even national community and will serve as a burden for no purpose.
- for a turbine that is rated as having a maximum output of 225kw, the average output is likely to be only 55kw
- Ridley Bank farm could employ many other truly "green" strategies such as water collection and heat pumps that have no negative impact. Indeed, even as a commercial enterprise there are no benefits to the local economy as the farm is family run with little employment opportunity for others ( see plan app 12/1235N). It is also unclear from the application as to whether this turbine is to be connected to the National Grid.
- Much larger than is required for the farm

### ***Environmental Report***

- The energy company benefitting have submitted the report to the council re impact - there is no independent report.
- Report has a pro installation bias and a lack of balance.
- Unsubstantiated and uncommitted reference to local benefits (jobs and economic) whilst down playing local concerns around visual impact.
- The proposal, which seems to have been written in subjective terms by a company with a vested financial interest in the project going ahead
- Application should only be considered when independent surveys have been completed.
- There seem to be some discrepancies over the heights given throughout the back-up documentation.
- The photographs taken in the application by the agent/applicant to support that it would not damage the vista have quite conveniently been taken from behind trees and in dips. There needs to be a bigger assessment into the visual impact on the surrounding area before any decision is made.
- The Application does not show what the turbine will look like from the A49 or the nearest dwelling. Most of the visuals are from far away and not from the perspective of local homes or local infrastructure.
- The application refers to a 32.5m to hub wind turbine. The actual height is 49m when the propeller is taken into account. The plan does not show a 40m x 40m x 6m deep (approximates) slurry storage pit that has been created adjacent to this site and close

to the public footpaths. This has already impacted on the green belt area in this vicinity and does not seem to have been subject to a planning application

- The Environmental Report and the supporting Technical Analysis prepared by VG Energy to be full of errors and misleading statements that undermine its credibility and render the submission invalid. The details of my objection are given below in comments relating directly to pages and paragraph numbers of the Environmental Report:

- **Page 5 para1. i.** The height of the turbine to blade tip is shown as 47.6 m. This figure indicates a blade length of 14.6 m. However, at Page 7 para 2. iv the tip height is given as 49 m and the blade length 16 m. With a rotation rate of 36.71 revolutions per minute, the increase in diameter of the blades raises the tip speed significantly to well over 100 mph (calculated to be 145 mph) with associated increases in noise and damage to wild life.
- **Page 5 para 1. ii.** The rationale for the installation of the wind turbine is purely financial. There would be no increase in employees nor in employment scope, merely an increase in revenue from subsidies. The laudable objective of decreased carbon footprint could be achieved much less obtrusively by the installation of photovoltaic (PV) panels on the south-facing roofs of the two large warehouse structures that are in the process of construction on the farm.
- **Page 6 para 2. i.** The Site Description states that the turbine would be situated at an elevation of 124 m AOD. It adds that the turbine “is likely to have a good wind resource”. For a purportedly authoritative document, this is a staggering admission that there has been no research into wind speeds at this location and therefore no evidence is forthcoming. The whole argument is consequently based on speculation without substantiation. The elevation of the proposed turbine location, added to the height of the structure itself, makes the tip almost equivalent to the highest point in the Sandstone Hills. And yet the proposed Bickerton wind turbine was eventually abandoned by Banks Developments because there was insufficient wind to make it viable. Furthermore, the proposed site is a mere 453 m from the nearest third party dwelling. Research has shown that a separation distance of 2 kilometres is needed to avoid serious health issues affecting the inhabitants of dwellings nearer than this distance owing to the non-modulated, low-frequency noise emanating from wind turbines. The British Medical Journal Editorial of 8 March 2012 states categorically that there is epidemiological evidence of a strong link between wind turbine noise, ill health and disruption of sleep. For this reason a 2 kilometre separation has been declared mandatory in Scotland.
- **Page 6 para 2. iii.** Topography – There is no evidence produced to support the statement that the turbine is “well placed to receive good wind resource”.
- Nearby structures – The turbine would not be a safe distance from dwellings.
- Landscape and visual impacts – No information is given on relative heights and the turbine would totally dominate the surrounding area.
- Noise – As stated above, a distance a just 453 m is far too close for the health and wellbeing of the inhabitants of the nearest dwelling and could cause irreparable physical and mental damage to the inhabitants.
- Page 7 para 2. iv. As stated above, the same outcomes could be achieved by PV panels and the proposed tip height has increased without explanation from 47.6 m on Page 5 to 49 m.

- Page 8 para 2. vii. I treat with scepticism the assertion that, after 25 years have elapsed, 81 cubic metres of concrete would be removed and the area reinstated.
- **Page 9 para 3. i.** There is no indication of the quality or characteristics of the small sample of 1009 adults and the assertions lack authenticity and credibility. For instance, what proportion of those questioned were town dwellers and what proportion rural dwellers? It is also interesting that the survey ignored solar power as an alternative source of energy.
- **Page 10 para 3. iv.** The arguments are both speculative and spurious. The borrow from Prince Charles, we may get used to seeing a carbuncle but it remains a carbuncle and remains no less offensive regardless of the passing of time.
- **Page 10 para 3. iv.** This paragraph reads like a cut and paste exercise taken from a standard manual. It is certainly not specific to this particular case.
- **Pages 11-12.** The arguments do not resonate locally but again appear to have been copied from a manual. There is absolutely no evidence that there will be an improvement in employment when only the owner of the turbine would benefit. The concluding statements are spurious and without foundation.
- **Pages 13 – 23.** These pages are largely irrelevant and repetitive. They are a generic series of generalisations that contribute nothing except a vain attempt at justification for the project.
- **Page 24** is another waste of print as it is a direct, word-for-word repeat of Page 6. Page 25 similarly repeats Page 7 until the final small paragraph and adds nothing to the submission. Page 29 is interesting solely for the fact that all the photomontages exclude the most affected area – namely Ridley and its inhabitants. Pages 30 to 36 continue in this vein, with lots of justification for methodology but no specific mention of the most affected area. These omissions of any reference to the most affected area are an indictment of the whole report. There is a large amount of spurious justification from sources that are not affected by the proposals but none from the areas directly affected.
- **Page 37 para 6. iv. d.** Wind turbines are clearly completely out of character with all the various descriptions of the countryside's characteristics and no attempted justification for the turbine can alter this fact.
- **Page 39 final line.** The proposed positioning of the turbine at an elevation of 124 m AOD and with its own tip height of 39 m would create a "pronounced and intrusive addition to the landscape" and for this reason alone the proposal should be rejected.
- **Page 41 line 1.** The use throughout the report of modifying adjectives and adverbs such as "slight", "somewhat", "transient" and "moderate" suggests a lack of conviction in the arguments and certainly weakens the case being presented.
- **Page 42 para g.** The impact will, as stated, be "more greatly" felt at a localised level. This localised level is Ridley. But there is no mention at all of Ridley in this report. For this reason, I find it a complete sham and totally unacceptable.
- **Page 43 para g. ii.** It is beyond belief that the so-called Zone of Theoretical Visibility excludes Ridley and its 120 inhabitants, many of whom live 400 m to the west of the proposed site. I am led to the conclusion that Ridley has been excluded because its inclusion would contradict all the spurious conclusions drawn from the report. In a similar fashion, the roads quoted (A49, A51 and

A54) might seem to produce a convincing argument to anyone unfamiliar with the area, but the conspicuous omission is the A534, which runs past the site. The turbine would be a massive item on the horizon even from west of the A49/A534 junctions and any vehicle turning east into Wrexham Road (A534) from the A49 (Whitchurch Road) would have full view of the turbine until nearly in Faddily. The A534 is statistically one of the most dangerous roads in Britain. The proposed construction, being so near to the A534, would create a major distraction to drivers and can only exacerbate the dangerous nature of the road.

- **Page 44 Viewpoint 1.** The existing power line that is used to mitigate the effects of the proposed turbine is insignificant in comparison with the size and impact of the proposed turbine. The conclusions drawn (low visual sensitivity, moderate impact and minor significance) are subjective and are used to enhance the argument in favour of the development. Local residents and indeed road users are likely to disagree very strongly with these conclusions. On subsequent pages, the photomontages from Cholmondeley Castle, Bulkeley, Haughton and Bunbury are almost irrelevant but give bulk if not substance to the developer's argument. The most significant photomontage, from Ridley, again is conspicuously absent from the report.
- **Page 47 Table 6.9.** The use of words such as "fleeting" and "transient" (twice) is designed to distract the reader by attempting to minimise the sensitivity of the visual effects. Hence the conclusions that the sensitivity is low and the impact slight, conclusions that are very contentious. There is mention of the nearest road, the A534, but the statement that the views are "transient" is both erroneous and misleading and repeats the duplicity highlighted above at Page 43. The Summary at Page 48 merely reinforces all these errors and misleading conclusions.
- **Page 49 para iii.** The statement that the development will have a minor/moderate overall effect on the landscape and landscape amenity, is not significant, is acceptable to the local landscape, and does not create an irreparable and detrimental medium change to character and landscape fabric is quite simply wrong. The proposal is fundamentally unacceptable to the residents of Ridley and the surrounding area.
- **Pages 50-51 para iv.** Mitigation. This section is simply padding to make the submission look good as the whole section is speculative. There are no mitigation schemes proposed for the project. Furthermore, the assertion that the scale of the turbine is not at odds with the local area is highly disputed, especially in Ridley, which is again excluded from mention at Page 52.
- Section 7 is largely irrelevant and adds nothing to the case for the turbine at Ridley Bank Farm. It simply begs the question why photovoltaic panels on the new sheds have not been considered as a far more acceptable option.
- **Page 71 para 10. iii.** The noise factor is dealt with in technical jargon and generalisations in statements such as "single turbines with very large separation distances between turbines and the nearest properties" without defining these distances. My studies of noise factors have concluded that the BMJ statement (see above under Page 6 para 2.i) regarding public health should be the yardstick by which any turbine installation is measured. This proposal clearly falls well short of the minimum criteria and consequently poses potential risks to the health and wellbeing of the residents of Ridley. The final justification for the turbine is meant to be in the Appendix to the report. However, the Appendix

refers to a smaller turbine and the greater span of the proposed construction would increase the wing-tip speed to well over 100 mph with concomitant noise and lethality.

- Throughout the VG Report there are references to its being a desk-top study and it certainly reads like one, with a scarcity of facts about the immediate area and a lack of attention to those living in close proximity to the site. Too much of the report is obviously taken from generic sources and little care has been taken to correct anomalies and errors. More importantly, the report fails to address the concerns of those living in the vicinity, whose views of the Cheshire landscape will be blighted for the rest of their lives if this development is allowed to proceed. There are also serious health and safety issues, not only regarding drivers along the A534 who may well be distracted by the new structure but also for the residents of Ridley who would be within earshot of the low frequency, non-modulated noise from the turbine.

### ***Danger to Air Traffic***

- The suggested site lies within a “Wind turbine Dev. Safeguarding area” and could interfere with local airspace especially the police and air ambulance helicopters.
- NATS (W(F) 17573) has objected to the development pending an operational assessment as it appears to conflict with their safeguarding criteria.
- As previously stated, this is the highest point in the area and is directly below very busy flight paths. The risk of interference to Air Traffic Control would be a real and ever present danger
- Given the frequent helicopter and light planes that pass over Ridley at low altitude, the NATS response to the proposal should be taken as a shot across the bows of the proposal and a clue to the wishes of the great majority of local residents.

### ***Road Safety***

- The staggered road intersection between the A49 and A534 is highly dangerous and has resulted in at least four major accidents in the last 7 months.
- The photomontage information included with the application is taken from too great a distance and is totally inadequate to assess the visibility of the proposed turbine at these two junctions but does suggest that it will be seen by traffic using these roads. In order to assess the increase potential risk to drivers there is a clear requirement for accurate photomontage images ;
  - From the A534 travelling east circa 200m\* from the junction with the A49
  - From the A49 travelling north circa 200m\* from the junction with the A534
- Cheshire East Highways Dept. should decide the actual locations and review the new images prior to the determination of the application to establish the degree of driver distraction as these junctions are already an accident blackspot and the sight of the moving blades of a sunlit turbine would further add to the risk of traffic collisions.
- Would be a distraction on an important local trunk road that already has a poor accident record

### ***Public Consultation***

- None of the neighbours to the proposal have been notified

- There are no notices near to the site.
- The proposers and Cheshire East planning department appear to be trying to sneak this application "below the radar"
- People living less than 1000m from the proposed location have not been advised of this proposal by letter or public communication.
- Such a controversial proposal should be advertised to the local community in order that their comments can be taken into the decision making process.
- The underhand approach to this proposal with zero consultation or engagement is counterproductive and provocative.
- The non-independent report refers to "Public perception".
- The local community has not been advised of this application, and the opinions sort from those being directly effected.
- Homes that are close to this proposed development have not been contacted by the Council
- It seems rather a stealthy approach.
- A recent High Court Judge, Mrs Justice Lang, ruled that the "rights of local villagers to preserve their landscape" was more important than the government's renewable energy targets. Additionally, Mrs Justice Lang stated that "lower carbon emissions did not take "primacy" over the concerns of the people". As tax payers residents deserve the right to be advised of this application and have sufficient time to respond accordingly. The timescale detailed in the "Important Dates" section of this application is not justifiable or fair. These dates should be reviewed and a public enquiry / hearing should become part of the process, along with a full independent report.
- Published Government policy (July 2013) gives local government guidance on how these inshore wind turbines should be considered in regard to local community consultation and impact on the environment. Cheshire East Council has not complied with that policy in this case.
- None of the neighbours have been consulted over this plan nor any of the residents of the village of Ridley where the proposed turbine will be erected. The impact of such a large structure will not only affect the immediate neighbours but will clearly affect residents in other villages such as Houghton, Chorley, Faddiley, Bickerton, Croxton Green, Bulkeley, Spurstow, Cholmondeley, etc and they have been consulted over this.
- decision makers should only consider the application once the whole community has been given their opportunity to comment. It is clearly stated in numerous comments that the need for renewable energy and diversity of land usage does not automatically override all other environmental protections, landscape and the visual impact of the local community.
- Communities Secretary Eric Pickles said: "The views of local people must be listened to when making planning decisions. Meeting Britain's energy needs should not be used to justify the wrong development in the wrong location.
- There are clearly a number of areas where this proposal is found wanting and it has been made worse by Cheshire East not notifying residents and allowing only a minimal time for objections to be raised to this proposed blight on our community

### ***Noise / Residential Amenity***

- Applicant uses a report based on the generally disputed ETSU-R-97 regulations, now 15 years old and set by the turbine manufactures when turbines were in their infancy. Wind turbine noise is a complex subject. Serious concerns about noise issues such as health and sleep deprivation. A recent government planning inspectors' comments on houses less than 750m from a wind turbine *"for a family to be exposed to the pervading influence of this windfarm for a period of 25 years appears to me to be wholly unacceptable and I do not consider that there is adequate reason to accept such harm in this instance"* (Mr. Chris Frost APP/Y2430/A09/2108595) These comments seem particularly relevant to this case when the only beneficiary will be the proposer.
- ETSU-R-97 is a standard written 14 years ago when wind turbines were much smaller and the blade tip speed was much slower than today. The developer states that they will comply with the ETSU-R-97 standard. However, even if they do comply with this standard, the levels of noise for residents who live nearby can still be unbearable. The internet is a telling library of evidence from people who have had their lives impacted by noise pollution from turbines and this simply cannot be ignored as a major concern.
- It should be noted that while the planning documentation for this development makes frequent reference to Scottish planning considerations, Scottish law suggests a minimum separation distance of 2km between the turbine and housing. In England there is no such guidance but if examples are to be used to add weight to the developers argument, such facts add perspective to the discussion regarding the environment in which applications are managed north of the border.
- Despite assurances in the application, noise (amplitude modulation) from the blades operating at tip speeds up to 70 miles per hour will have a negative impact on residential amenity and health.
- The noise generated by the turbine appears to have been conservatively estimated by 24Acoustics. The 35db noise level is measured at only 10m/s or 22mph; a mere breeze outside of the summer months. A noise study of the Norwin 29-33/225KW stated that the noise which is generated by the tips of the turbine rotors will increase with the wind speed and even at 12m/s or 26mph it will be over 600m before 35db is reached. Given the winter weather the conditions at Chesterton Lodge will be dreadful and the noise in the surrounding area unpleasant. Source: Noise study of Norwin 29-33/225KW Wind Turbine
- There are a number of studies which highlight issues of noise pollution which can be apparent across a wide area of the landscape.
- Government policy is being developed with the Distances from Residential Premises Bill which is proposing a minimum distance of 1500m for 50m-100m turbines. Therefore, this turbine is far too close to many family homes that derive no benefit whatsoever from its existence.
- In terms of noise generation, according to the figures given in the report, at a wind speed of 10m/s the sound generation for the proposed turbine is 100dBA (as loud as a motorbike). Only at a distance of 750m does this fall to 30dBA, an acceptable level of noise.
- A lady had a wind turbine being built close to her house in Norfolk and the effects were ill health, disruption to sleep patterns and eating patterns and a real suffering from the effect of noise pollution.
- UK Noise Association recommends that wind turbines are not sited within one mile of houses.

- The turbine will be just 216 metres from the nearest residential dwelling. The Wind Farms Distance from Housing states a minimum distance of 350m. A Bill going through parliament called, 'The Wind Turbines (Minimum Distances from Residential Premises) Act 2012' by Lord Reay states that the minimum distance from a turbine to a residential dwelling requirement is 1000m.
- There is a potential risk of sleep disturbance and related health issues from this proposal. Objectors highlight concerns from recent medical authorities on impact to mental health and sleep patterns from noise of turbines
- Reference made to concerns about noise from wind turbines identified by independent noise working group
- Will generate stress for sensitive receptors

### ***Television Interference***

- Television Interference on up to 220 homes: According to the BBC Wind Farm Assessment Tool 60 homes will be affected by interference to television service and up to 220 might be affected. Ofcom has not been consulted.
- d) Highway Safety and Shadow Flicker: Shadow and light flicker occurs within ten rotor diametres of a turbine; in this case, 192 metres. The A49 lies within 550 metres of the proposed turbine, thus it could cause significant flicker and danger to motorists as well as to local residents.
- It is recognised that Electromagnetic interference from wind turbines may affect electromagnetic or radio communication signals including, broadcast radio and television, mobile phones, radar and telemetry. Have the companies who use transmitters on the existing mast (sited within 100 meters of proposed turbine) been contacted to check the effect on their signals? And what are their responses.

### **Ecology and wildlife**

- Residents note owls, bats and birds of prey are regular features of the local environment. A turbine would be a great risk to these creatures who thrive in this area.
- It will be a substantial danger to rare local birds and wildlife
- The application has acknowledge the potential impact on wildlife, particularly raptor and bats however the applicant has dismissed the potential impact on wildlife. No mention has been made of the peregrine falcons nesting 1.5 km distant.
- The ecological impacts of wind turbines are well documented and it short sighted that the proposed footprint of the turbine will sit not only in an area of natural beauty but also within the range of a number of protected bird and bat species. If adequate mitigation is not provided, which it almost never is, then the impacts of species covered by The Cheshire Biodiversity Action Plan could be deleterious.
- It would appear that there has not been a proper impact assessment regarding the affect on local wildlife and the consequential effect on protected species such as Buzzards, Owls and Bats which are plentiful within the immediate area of the turbine site.
- The plan of the proposed development shows its close proximity to a pond. This pond is a natural feature and is vital for the areas Great Crested Newt population. The pond



is essential for the breeding season as it is one of the few pieces of natural established standing water in hundreds of square acres.

- Request that a full independent study is performed to protect these endangered animals.
- It is illegal in this country to capture or disturb this species or otherwise endanger its wellbeing. Furthermore, we have a thriving bat population that feed in the area between the two woodlands that this turbine is proposed to be situated. This would directly effect the activities of the bats and endanger their environment and wellbeing. It is illegal to interfere with the bats.
- It is also worthy of a mention for the local wildlife in the woodlands. Since a change of ownership, efforts have been made by the new owners to encourage the local species of birds and wildlife, and increased populations are noticeable.

### ***Impact on Footpath and Tourism***

- The proposed location of the turbine is very close to the confluence of two footpaths and may well be within *topple distance*.
- Apart from the potential risk to walkers the turbine would constitute a significant reduction of the visual amenity to walkers in the area.
- Will be visible from the extensive network of local footpaths, one of which is only a very short distance from the proposed site.
- Site is adjacent to a local right of way (currently blocked by an electric cattle fence constructed by the farmer involved).
- Will have negative impact on walkers and users of public right of way network, and will impact on tourism of the area

### ***Precedent***

- Would set a precedent for further turbines
- The information included in the application appears to have been a significant investment for a single turbine
- Could be “the thin end of the wedge” attracting further applications for multiple turbines if this is approved.
- As there is no justification being put forward for this application other than as a potential income source then may we presume that all landowners in Cheshire East would be able to have their own turbine to create additional income – beware of creating a dangerous precedent.

### ***Impact on Property Value***

- There will be a substantial damage to property values as a result of the ruination of the views across the landscape.
- This farming family is rooted to their farm. Everyone else may choose to move on with their lives. This could really prevent them from selling up and moving without long delays and loss of capital.
- Presumably the applicant will compensate me for the potential loss of inheritance when the value of house prices fall. He will also be able to compensate the other house owners in the area. In other areas where wind turbines have been allowed, house

prices have fallen dramatically. The average price of a house in Ridley is over £400,000. In areas where wind turbines have been put up, similar priced houses have lost over £100,000 in value. In addition, the council tax bands have had to be reduced. This would mean a loss of over £10,000 per year for Cheshire East council.

- Do not see how the proposer would be able to compensate everyone with the estimated £1,000 profit per year he would make from a 2.5k turbine (Source - Centre for Alternative Technology).
- The erection of turbines has been shown to reduce property prices and there are some 200 residential properties within a 2 mile radius. These properties could lose up to 20% of their sale price or become unsaleable if the turbine goes ahead equating to a loss of value of well in excess of £10m.

### ***Other matters***

- Much evidence is missing and further work is required
- Not supported by Government
- On the 1st August new guidelines and planning practice for renewable energy were issued by the Department for Communities and Local Government (DCLG)
- The new advice, which replaces PPS 22, will help shape local criteria for inclusion in Local Plans and provide the context for dealing with individual planning applications.
- The document makes it clear that the need for renewable or low carbon energy does not automatically override environmental protections and that "cumulative impacts" will require particular attention
- A report by Defra will shortly be published which will show that wind farms are harmful to local areas, are inefficient and have an adverse effect on rural life and the economy.
- 25 years may be deemed temporary in the eyes of the law but for people living close by that constitutes the remainder and then some of a working life. Temporary by law is not really temporary for those living along side such invasive structures.
- Technology moves at a tremendous pace and solar panels are advancing and becoming more efficient and cheaper. How can a turbine stay concurrent with latest technology over 25 years? Government and countrywide opinion is already moving away from wind turbine technology.
- This planning application may cause local businesses such as B&B's the Thatch, Beeston Castle and the Peckfernton Hotel, to suffer despite no benefits to the local community.
- The supporting documentation at no point mentions Ridley, the very place where it is to be sited. Additionally, five photomontages purporting to show how unobtrusive the proposed turbine would be, are taken from five villages, but not a single one is taken from Ridley, the place whose residents will be most affected. Nor is there any mention of Ridley in the back-up documentation and Ridley mysteriously does not feature on the maps used to show the wind turbine's proposed position. One has to wonder why this is. Even the front-page report in the Nantwich Chronicle says that Ridley Bank Farm is near Faddiley, so presumably the editor/reporters have been deceived or misled.
- In an area of Norfolk that has seen a large number of turbines appear across open countryside and without exception they have all had a negative impact on the landscape, there appears to have been no attempt to lessen the impact when viewed from any angle or distance. Residents around the areas complain of health issues that

were not there before the turbines appeared. In addition there are extensive reports of disruption to wildlife on the ground and to bird movements and nesting areas.

- This development is a commercial enterprise as the application clearly states that it is considered to be a means of diversification, which solely benefits the applicant to provide an additional source of income. As dairy farming and electricity production are not dependant upon each other then this application should be viewed as a new business enterprise ( as declared by the applicant), and should be rejected on the grounds of the negative impact on the residents, wildlife, and landscape of this beautiful, historic area.
- Solar technology is a realistic alternative which does not have an impact on its neighbours, local population or surroundings. The extremely large cattle shed that is currently being constructed has a very large south facing roof that could be utilised to provide more than enough energy for the farm.
- The carbon footprint of the farm could be better improved by reducing the road miles incurred in providing feed and bedding and the spreading of slurry and manure in the area. Recent development work at the farm suggests that this is likely to increase rather than reduce.
- Does not accord with the Government position identified in the written ministerial statement

## Support

At least one letter of support has been received making the following points:

- Support the proposal as a life long resident of Bulkeley and Ridley Parish living in direct sight of the proposed wind turbine and also as an organic farmer. Feel strongly that we must use more green energy sources, especially with recent controversy about Fracking and Nuclear power stations dumping radioactive waste to sea. Having seen many wind turbines (home and abroad), feel that they are peaceful and not intrusive. Cheshire East must contribute its share of renewable energy, and the site is in one of the area's designated suitable for Wind Turbines in a report commissioned by Cheshire East in 2011. Also it is away from Bickerton Hills (area of special scenic value).
- The scale and design is as in keeping as is practical, with much of the base hidden by woodland, and has very few close neighbouring properties.
- Do not believe construction traffic is a problem, after all if we can close roads for a bike race or concerts, surely we can manage traffic for construction of something which is saving the environment.
- As a farmer myself, well aware of the importance of diversification, especially in the current over supply of milk, and extremely volatile prices of all farm produce.
- We must all remember, the price of Oil is unlikely to remain this low.
- As an immediate neighbour to Ridley Bank Farm, we have no objection to this application and would like to support Mr. Latham. The Lathams have proved themselves to be good farmers and excellent stewards of their land and surroundings.

We are familiar with the site of the proposed wind turbine and believe it will have minimal impact on the surrounding area. We have every belief Mr. Latham will conduct all works to this construction in as sympathetic manner as possible.

We as a county must consider all forms of sustainability and we applaud the efforts being made

### **Stephen O'Brien MP**

*Let me state from the outset I am against wind farms full stop. You may be aware that changes introduced by Conservatives recently will give people a much greater say over wind farms in their communities, shifting the balance of power to local communities in deciding whether to agree to onshore wind proposals. Indeed new planning guidance from the Department for Communities and Local Government will make clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It will give greater weight to landscape and visual impact concerns, especially for heritage sites.*

*I have written in support of the objections to this application to the office of the Chief Executive of Cheshire East Council.*

### **7. APPLICANT'S SUPPORTING INFORMATION:**

- Noise Study
- Environmental Report and bat survey

### **8. OFFICER APPRAISAL**

#### **Principle of development**

##### Local Plan Policy

The application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Policy NE.19 of the Crewe and Nantwich Borough Local Plan states that proposals for the generation of power from renewable energy sources will be permitted where:

- the development would cause no significant harm to the character and appearance of the surrounding area;
- highway safety standards would not be adversely affected;
- the development would have no unacceptable impact on the amenities of neighbouring residential occupiers by reason of noise, disturbance, pollution, visual intrusion or traffic generation; and
- the proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest.

Therefore the proposal is considered to accord with this policy subject to addressing the visual impact, highway safety, amenity and nature conservation implications of the proposal as discussed below.

##### Other Material Considerations

In the case of wind energy development, the NPPF and NPPG are important material considerations, as are relevant sections of the National Policy Statements (NPS) on Energy (EN-1) and Renewable Energy (EN-3).

### *National Planning Policy Framework*

At the heart of the NPPF is a presumption in favour of sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits. There are three dimensions to sustainable development: economic, social and environmental and each of these are considered below.

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 (NPPF para 93).

Local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources, and policies should be designed to maximise renewable energy while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. When determining planning applications, there is no requirement for a demonstration of the overall need for renewable or low carbon energy and LPAs should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if its impacts are (or can be made) acceptable (Paragraph 98 NPPF).

Applications for wind turbines should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan (NPPG). A range of environmental and planning issues to be considered in respect of wind turbines are also identified and these are considered below.

### *National Policy Statements*

In considering wind turbine applications, NPPF advises LPAs to follow the approach set out in Government National Policy Statement for Renewable Energy (EN-3) (and the relevant sections of the overarching National Policy Statement for Energy (EN-1)). EN-1 highlights that the need for new renewable electricity generation projects is urgent and identifies the role of renewable electricity generation in enabling the UK to source 15% of energy consumption from renewable sources by 2020.

EN-3 identifies general principles for site selection of wind turbine applications (albeit aimed at schemes over 50MW which is not applicable in this case). Key considerations include predicted wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts, landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues.

### *Other considerations*

The UK is legally bound to cut greenhouse gas emissions by at least 34% by 2020 and 80% by 2050, compared to 1990 levels. The UK Renewable Energy Roadmap (Update November 2013) also states that 'The UK has made very good progress against the 15% target introduced in the 2009 EU Renewable Energy Directive. In 2012, 4.1% of UK energy consumption came from renewable sources, up from 3.8% in 2011.'

Accordingly, there is policy support at national level for renewable energy proposals subject to the addressing the provisions below.

### Written Ministerial Statement

The Governments Written Ministerial Statement (WMS) issued in June 2015 is a material consideration and provides the most recent expression of the Government's position on wind turbine proposals. The WMS explains that *'Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites.... the local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing'*.

### Emerging Policy

Policy SE8 (Renewable and Low Carbon Energy) of the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 states that renewable and low carbon energy schemes will be *'positively supported and considered in the context of sustainable development and any impact on the landscape'*. It confirms that weight will be given to the wider environmental, economic and social benefits arising from renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively upon:

- I. *'The surrounding landscape including natural, built, historic and cultural assets and townscape; including buildings, features, habitats and species of national and local importance and adjoining land uses'*.
- II. *Residential Amenity including visual intrusion, air, noise, dust, odour, traffic generation, recreation and access; and/or*
- III. *The operation of air traffic, radar systems, electromagnetic transmissions, and the Jodrell Bank Radio Telescope.*

The justification to the Policy identifies the technologies that will be most viable and feasible which includes *'wind turbines of small, medium, and large scale'*, and notes that the Councils evidence base studies identify potential locations suitable for renewable and low carbon technologies. The evidence base (Cheshire East Climate Change and Sustainable Energy Study) identifies that the application site lies within an area of opportunity for mid and large sized turbines. It also states that following the WMS, areas suitable for wind energy development will be formally identified in the Site Allocations and Development Policies document.

### **Landscape and Visual Impact**

The landscape surrounding the proposed site is attractive and highly valued by local residents but has no formal designation. The nearest Local Landscape Designation Areas (formerly ASCVs) are the Cholmondeley Estate located 4.8 km to the south and the Beeston, Peckforton, Bolesworth & Bickerton Hills and c.4.0km to the west.

The application site lies within the 'Rolling Farmland' Landscape Character Type and the 'Faddiley' Landscape Character Area (2008 Cheshire Landscape Assessment), the key features of include:

- large to medium scale arable fields laid over gentle broad rolling topography, with an increase in undulation in the vicinity of High Ash.
- hedgerow trees are generally abundant and the occasional large block of woodland is locally prominent.
- narrow meandering lanes rising and falling with the topography, connecting dispersed and isolated cottages and farms passing between high hedges which restrict many views.
- at elevated open locations there are views out over large fields with an extensive and intact hedgerow system.
- some vantage points enjoy extensive views to distant higher ground including Pennine Hills to the east, Sandstone Ridge to the west, Peckforton Hills along the area's western boundary and Beeston Castle to the north.

In terms of landscape effects, the applicants Landscape and Visual Assessment (LVIA) predicts:

- The landscape sensitivity to be Medium
- The magnitude of change to be Moderate
- The significance of the effects of the proposed development would therefore be Moderate

The definition of 'moderately significant effect on the landscape and landscape amenity' in the LVIA is '*The proposed scheme would be moderately out of scale with the landscape or at slight odds with the local pattern and landform; will leave an adverse impact on a landscape of recognised quality*'.

With regard to visual impacts, the LVIA identifies five representative viewpoints and for each the sensitivity of the receptors and the predicted magnitude of the visual effect has been assessed to determine the significance of any impact. The definition of minor and moderately significant effects on visual amenity is:

- Minor - *The proposed scheme would slightly intrude on local visual receptors; would slightly affect important visual amenity*
- Moderate – *The proposed scheme would noticeably intrude on local visual receptors; would leave an adverse impact on the recognisably important visual amenity.*

Of the five viewpoints, two are predicted as having a moderately significant visual effect on receptors (Cholmondeley Castle and Bulkeley village) with the remainder identified as moderate/minor or minor. Cholmondeley Castle is identified as an important heritage asset and visitor attraction so receptors (visitors) are highly sensitive. The LVIA identifies that from

this viewpoint the turbine would be a relatively small feature on the skyline. From Bulkeley village, the upper part of the turbine would be visible in the distance on the skyline between trees in the foreground. The LVIA identifies that it is highly unlikely that receptors within the village would be able to see the turbine at any time of the year due to intervening distance and screening from the two wooded areas surrounding the turbine and intervening tree-lined fields.

In terms of visual impacts from other receptors the LVIA identifies that views from surrounding roads would be fleeting as the roads are flanked by established hedgerows and trees, so the significance of the effect is Minor/Moderate. For the National Cycle Route 45 (which passes through Wrenbury, Norbury Common, Egerton Green, west of the Sandstone Ridge and then Peckforton) the significance of the visual effect on this route is assessed as moderate.

#### Views of the Council Landscape Officer:

##### 1) Landscape Sensitivity

The 'Cheshire East: Landscape Sensitivity to Wind Energy Development, May 2013' is one of the key evidence documents for the emerging Cheshire East Local Plan Strategy. This assesses the extent to which the character and quality of the landscape is susceptible to change as a result of wind energy development. The study finds that the landscape character type within which the site is located would have a low to medium sensitivity to wind turbine development, identifying that *'Although the gently rolling and relatively large scale reduces sensitivity to the principle of wind energy development, the undeveloped skylines, presence of human scale features and rural scenic qualities increases sensitivity'*.

Given the size of the turbine and its location on relatively high ground, the Landscape Officer concludes that the local landscape has a medium sensitivity to the type and scale of turbine proposed. The turbine would clearly be a large scale and uncharacteristic feature in the landscape and although it would be located on the highest ground in the locality, the topography and land cover would tend to minimise viewpoints. Available views of the turbine would tend to be on the skyline. The relative proximity to main A roads would tend to reduce the perception of tranquillity in the locality. The development would not obstruct or harm the network of footpaths which follow medieval field pattern and would not result in the loss of woodland or natural habitats, nor would it obscure or interrupt views to distinctive landmarks. Therefore it is considered to have a moderate impact on landscape character.

##### 2) Visual Impacts

The Landscape Officer considers that the turbine would be a large and uncharacteristic feature in the landscape, and due to the rotor blades rotation would be more noticeable than a static structure of similar scale. It would mainly be visible against the sky, but the pale grey colour and non-reflective finish would help to reduce its prominence to some extent.

In winter, views from the A49 between the Cholmondeley Castle entrance and the Ridley Green cross roads would be more prominent as the roadside hedges have been trimmed and lowered. However no substantial difference between summer and winter views are anticipated as there are no apparent new viewpoints/areas created.



On receipt of the LVIA, five additional photomontage viewpoints were provided at the request of the Landscape Officer; who then assessed the impact as follows:

- 1) Wrexham Road (300m south of the site) - from this location (and nearby public footpath Ridley FP8) the wind turbine would be a prominent feature against the sky.
- 2) Public Footpath Ridley FP 5 (200m south of the site) - from within the same field the turbine would be a very dominant and uncharacteristic feature. This view illustrates the most conspicuous view of the wind turbine.
- 3) Ridley Green (900m west of the site) - the hub and rotor blades would be visible above Ridley Wood against the sky. In this middle distance view, it would be a recognisable new element in the overall scene and would be an uncharacteristic feature in terms of its form, scale and movement and would have a moderate visual impact on these properties.
- 4) Public Footpath Spurstow FP 25 (600m northwest of the site) - turbine would be a noticeable and uncharacteristic feature on the skyline and would be similar in scale to the surrounding trees. It would not have a marked affect on the quality of the overall scene. The telecommunications mast is visible to the left of the turbine.
- 5) Public Footpath Spurstow FP 32 (2.1km from the site) - turbine would be visible in the distance, against the sky and above the tree line. It would be a noticeable and uncharacteristic feature but it would be a fairly minor component of the overall view.

- *Impacts on Residential Properties in the Vicinity*

The nearest property is occupied by a relative of the applicant. Chesterton Lodge (425m from the site) is the closest third party property. Its front elevation faces the wood and has high hedges along the roadside frontage. Due to the orientation of the property, the Landscape Officer considers that any views of the wind turbine through or between the roadside hedges from ground floor principal room windows, and also views from first floor bedroom windows would be oblique views. In Visual Impact and Residential Visual Amenity Assessment terms, views from first floor bedroom windows are generally afforded less weight/importance than views from ground floor principal room windows because bedrooms are not usually occupied during daylight hours.

Chesterton Farm (c.750 metres to the west of the site) on Wrexham Road has mature trees on its frontage and any views from here would be oblique due to the orientation of the farm house and filtered by the trees.

For the dwellings in the converted barns at Ridley Green Farm (c.900 metres to the west), the top half of the mast and the rotor blades would be visible above the wood and against the sky. It would be an uncharacteristic feature in terms of its form, scale and movement and would have a moderate visual impact on these properties.

Ridley Hill Farm, at c.1.4km to the west, has numerous mature and semi-mature trees in the grounds of this property and high roadside hedges and trees in the vicinity which would be likely to screen views of the turbine.

Properties off Badcock Lane, Dob Lane & Bathwood Lane to the North and North West are between 750m and 1250m from the site. The turbine is unlikely to have a visual impact on any of these properties due to a combination of factors including the distance from the site, the undulating topography, agricultural buildings, intervening trees and woods plus the orientation of the dwellings.

In respect of visual impacts the Landscape Officer concludes that:

- From the public footpaths and the A534 in the immediate vicinity of the site the proposed wind turbine would obviously have a substantial visual impact.
- Views from other public footpaths in the vicinity to the north and east will vary depending on direction of travel, distance, tree cover and topography.
- Apart from a moderately adverse impact on some of the Ridley Green properties it is unlikely to have a visual impact on residential properties in the area.
- Due the undulating topography, the high and intact hedgerows and the abundance of trees in the surrounding landscape it is unlikely to have a visual impact on nearby villages and lanes. Views from main roads are likely to be intermittent and fleeting.
- In long distance views (for example from Cholmondeley Castle, the Sandstone Ridge area, and footpath 32 to the north) the turbine is likely to be visible above the tree line and against the sky but it would be a minor component in the overall panoramic views.

On this basis, the Landscape Officer concluded that it would be difficult to justify a recommendation of refusal on landscape grounds and, if the application were refused, it would be a difficult case to defend at an appeal.

Given that this is a contentious scheme, and clearly a sensitive landscape, the Council has commissioned an independent Landscape Consultant to provide a secondary appraisal of the scheme.

The conclusions of the consultants are:

- *The Applicant's LVIA is weak and formulaic and under reports on the significance of a number of the visual effects and the overall landscape effect of the turbine. It also contains a number of technical inconsistencies. However even with these criticisms its general reporting is appropriate and the conclusion it reaches as to Moderate Landscape effects and overall Moderate Visual effects are considered acceptable.*
- *From considering the descriptors and other comments in the Applicant's LVIA the landscape and visual effects should all be considered as adverse effects.*

- *The review conducted by the CEC Landscape Officer appears to be fair and reasonable. They too consider that there will be Moderate effects on the landscape as a resource and generally Moderate effects on visual receptors.*
- *With respect to users of footpath Ridley FP5, the visual effect should be classified as a Major, Adverse. Some of the residents of the Ridley Green Farm complex may experience a Major/Moderate Adverse effect. Not all will experience this level of effect, as it will depend on the orientation of home, boundary planting and from which rooms the turbine is visible from. Should great concern be expressed by these residents, a more detailed survey of their views could be undertaken.*
- *In determining the application there is a need to consider the two areas of greater than Moderate, Adverse visual effects that in Environmental Impact Assessment terminology would be considered Significant which are the Major, Adverse visual effect on Ridley FP5 users and the Major/Moderate, Adverse visual effect that may occur for some, but not likely all residents of Ridley Green Farm.*

Overall the Landscape Consultants conclude that this is a reasonable location for a wind turbine of this size. Although the turbine would be an alien, intrusive element, it would only be prominent in the landscape rather than dominant, and the overall landscape character of the surrounding area would remain attractive even with the turbine within the scene.

It would have Moderate, Adverse Landscape effects for a long time frame but these are reversible on decommissioning. Likewise the visual effects, with the exception of the two greatest adverse effects at Footpath Ridley FP5 and at Ridley Green Farm, are Moderate, Adverse or less meaning the development is relatively well sited in visual terms. This does not mean that it will not be visible from wider locations but rather that from other residential properties, roads and footpaths in the area that its adverse visual effects are considered acceptable as the turbine would not be over bearing or dominant within the view.

- *Effect on Living Conditions at Ridley Green Farm*

Following the recommendations of the Landscape Consultant, a more detailed visual amenity assessment of Ridley Green Farm complex has been undertaken by the Landscape Officer (and verified by the independent Landscape Consultant) to determine the significance of the impact on the visual amenity of each of the properties and the effect on living conditions.

Views eastward from the properties are currently wide, open, and attractive. The turbine would be located c.900m to the east on an elevated, wooded ridge. The top half of the mast, the hub and the rotor blades would be visible above the trees and against the sky. There is little screening within the gardens and the intervening field hedgerows and trees would not provide screening due to the elevated location of the proposed site. The turbine would be a conspicuous and uncharacteristic feature in views. Its form and scale would create a medium negative magnitude of change on the character and quality of the wide, open and attractive views from Ridley Green Farm. The turbine is assessed as having an adverse impact on the residential visual amenity of five properties at Ridley Green Farm and that the significance of the visual impact varies from small adverse to medium-large adverse (for two properties).

The visual effect of wind farms on living conditions has been examined at several public inquiries and from these appeal decisions it is apparent that the visual effect of a development has to be described as - overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views for there to be 'material harm' to living conditions.

From the above assessment the Landscape Officer concludes that the proposed wind turbine would not be overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views and therefore would not cause material harm to living conditions at Ridley Green Farm.

### ***Response to objectors independent assessment***

Following the deferral of this item from the Southern Planning Committee in February 2015, an independent Landscape and Visual Assessment has been submitted by an objector. This concludes that there are a large number of receptors that have not been considered, including users of the public footpath and residential properties, of which there are a much greater number of receptors than previously identified. The assessment considers that many will experience changes to views and the significance of these changes must be fully assessed, along with potential cumulative impacts.

In response the Landscape Officer notes that the additional five visualisations (and wireframe models) requested by the Council following submission of the application clearly illustrate how the adverse visual effects of the turbine would reduce over distance and this combined with the original LVIA enables an assessment of the likely visual impact on receptors in the short, medium and longer-distance views. It is also noted that relevant technical guidance advises that viewpoints should be reasonable and necessary to cover the likely visual effects; and the emphasis should always be on proportionality in relation to the scale and nature of the development and its likely effects.

In respect of the impacts on public rights of way users, the Council's independent Landscape Consultant identified that the users of the footpaths are more likely to cross open fields and benefit from less vegetative screening, and thus are more likely to experience views of the development. Users of Footpath Ridley FP5 are likely to as a worst case experience a major adverse visual effect that is reversible on removal of the turbine. The other paths in the area are not expected to experience the same level of impact, which at worst would be moderate adverse visual effects. The Sandstone Trail and National Cycle Route 45 would only experience minor adverse effects.

The impacts on the closest properties has been carefully considered as set out above, and for Ridley Green Farm where significant adverse visual effects could potentially be experienced, a detailed visual amenity assessment was undertaken which concluded that there would be no material harm to the living conditions of the residents.

The objectors assessment also identifies a number of properties within the 2km study area and four that would experience a change in views. In regard to the four identified properties the Landscape Officer concludes:

- High Ash Farm - The rear elevations will face west and have wide panoramic views towards the turbine and Sandstone Ridge. The telecommunications mast is also visible on the skyline. The turbine would be visible on the skyline at a distance of approximately 1.2km and the visual effect is considered to be moderately adverse.
- Windmill Bank and Bath House Farm - The first is located 60m northeast of the site and faces south east so any views from the principle windows would be very oblique. Bath House Farm is located 1.2km north west and the main elevation faces south east. Views of the turbine from principle windows would be highly unlikely.
- Ridley House Farm and Ridley Hill cottages – located c.1.2km from the site and may have views towards the turbine from principle rear windows; however no material harm to these dwellings is anticipated.

It is noted that the Councils independent consultant identified that there are other properties in the area that may experience views of the turbine other than those formally assessed previously; however *'what they will not experience in our opinion are significant adverse views'*.

With regards to cumulative impacts; this is a requirement of developments which are subject to Environmental Impact Assessment Regulations, which is not applicable to this application. The nearest consented turbine development is 7.5km northwest of the site (not implemented) and 13km northwest (3 turbines installed). As such no cumulative landscape or visual impacts are anticipated.

Overall, therefore the Landscape Officer concludes that in respect of visual impacts, there would be a substantial visual impact from the closest public footpaths but this would lessen on others located further away. There is unlikely to be an adverse visual impact on residential properties in the area, apart from the Ridley Green complex where the impact would be moderately adverse. However the turbine would not be overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views and therefore would not cause material harm to living conditions at Ridley Green Farm; and overall the Landscape Officer maintains his opinion that it would be difficult to justify a recommendation of refusal on landscape grounds.

## **Amenity**

There are numerous relatively isolated residential properties and farm holdings located in the vicinity of the site. However the proposed mast is 425m from the nearest residential property and the associated equipment does not produce any significant noise. Given the limited width of the mast and the large distance from neighbouring properties it is not considered that the development would have a detrimental impact on residential amenity in terms of over domination, visual intrusion and noise pollution.

The Environmental Health Officer has not totally relied on a noise report in the recommendations as a consultee, they have also taken into account ETSU-R-97, plus the various debates around the use of this document, and their own professional knowledge. Consequently they have recommended a proposed condition to protect the

amenity of local residents. If the Environmental Health Officer had totally relied on the submitted information, then they would not be recommending conditions to be attached.

The applicant has taken into consideration ETSU-R-97 (Assessment and Rating of Noise from Wind Farms) and has submitted a simplified assessment, which is acceptable for 'smaller' wind turbines. It should be noted that there is provision within ETSU-R-97 for a simplified assessment based on predictions alone if the turbine "...noise is limited to an LA90,10min of 35 dB(A) up to wind speeds of 10 m/s at 10m height". The ETSU document considers that compliance with this condition alone would offer sufficient protection of amenity and background noise surveys and corrections for wind sheer would be unnecessary.

The submitted noise assessment is for a Norwin 29 wind turbine with a tip speed of 57.4rpm. The proposed wind turbine is a Norwin 33 wind turbine with a tip speed of 54.4rpm. In the Annex submitted with the report, details are provided to show that the proposed turbine will have a reduction of approximately 1.4dB(A) in noise level, as the tip speed is lower. Hence the distances provided in the noise report, to meet the above condition, can be classed as a worse case scenario.

The following conditions are recommended by the Environmental Health Department in the consultation response.

*Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.*

*The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.*

In the absence of any objection from Environmental Health, it is not considered that a refusal on amenity grounds could be sustained.

In order to address the reasons for this application being deferred at Southern Planning Committee on 25<sup>th</sup> February 2015, the Environmental Health Officer will be present at Southern Planning Committee when this application is considered.

## **Highway Safety**

The site is located over 400m from the nearest public highway and in the absence of any objection from the Strategic Highways Manager; it is not considered that there are any highways reasons for refusal.

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council’s Ecologist has commented as follows:

### Birds

Wind turbines can have an adverse impact upon birds. However, only a limited number of bird species are considered to be at significant risk. It is advised that no significant habitat for sensitive birds is present in the locality of the proposed development and whilst occasional bird casualties cannot be discounted, the proposed turbine is not likely to pose a significant risk to birds.

### Bats

The Council's Ecologist has advised that the pond on site and the adjacent hedgerows provide suitable foraging commuting habitat for bats. Natural England advises that to minimise the potential impacts of turbines upon bats the turbine should be positioned so that the blade tip is 50m or more from any hedgerow or tree. In this instance, the turbine base is approximately 50m from the nearest hedgerow and 40m from the adjacent pond.

Using the Natural England guidance, for the blade tip of the turbine to be 50m from the nearest relevant habitat feature the base of the turbine must be just under 75m away from the hedgerow and pond. Natural England identify 5 bat species as being sensitive to wind turbines (at the medium or high level). Only one of these species is regularly recorded in Cheshire.

It was therefore advised that the turbine may pose a risk to bats, and in order to mitigate this impact the appropriate stand-off of 75m should be provided. Accordingly the applicant has relocated the turbine and the Council's ecologist has confirmed that the revised location would be adequate to mitigate its potential impacts upon bats. In addition and following the request of Members at Southern Planning Committee on 25<sup>th</sup> February 2015 an extended phase one habitat survey has been submitted along with bat activity surveys. The bat activity survey concluded that given the distance of foraging bats to the application site, the level of foraging activity and the relatively small numbers of bats recorded, the proposal will not have a negative impact on local bat populations and the Council's Ecologist accords with this view.

#### Great Crested Newts

A pond is present on the eastern edge of the field (approximately 27m from the application site) which provides suitable habitat for breeding amphibians. An extended phase one habitat survey has been submitted which identifies the pond as having average suitability to support Great Crested Newts (GCNs) however given the current land use, limited size of the application footprint and the resulting loss of terrestrial habitat, the survey considers that even if GCNs are present in the pond, it is highly unlikely that any GCNs will be encountered during the construction works.

Nevertheless, as a precaution to ensure no GCNs are harmed, recommendations are made in respect of the grassland being maintained to a short sward, a fingertip search to be conducted by a suitably qualified and licenced ecologist prior to works commencing, escape routes provided in any open trenches and excavations covered to reduce the possibility of wildlife entering. Such measures could be secured by planning condition. The survey also notes that the applicant will use temporary skids instead of a permanent access track which will also minimise the potential chance of impact upon GCNs.

Considering the small scale of the proposed development the Council's Ecologist is satisfied that the proposed development would not be significantly likely to have an adverse impact upon any GCNs. The Council's Ecologist also considered that the proposed relocation of the turbine to ensure it is 75m away from the pond, as required to mitigate the potential impact of the development upon bats, would further assist in mitigating the potential risk to GCNs.

#### **The impact on the telecoms mast and television signal**



With regard to the issue of impact on television and telecoms signals, the developer has stated that:

*“in the past, wind turbines have been shown to disrupt analogue signals but this is no longer an issue with the switchover to digital television signal. All television sets have now been transferred to receive digital transmission which is unaffected by wind turbine developments. From initial inspection, and no objection being raised by statutory Consultees or relevant Authorities, we do not foresee that the turbine at Ridley Bank will cause any impact to telecommunication or television signals within the local area.”*

The issue of the impact of Wind Turbines on television signals was considered by an Inspector at an Appeal relating to the erection of a turbine at Land east of Dawson Farm, Bosley (application Ref 13/2314M). At paragraph 9 of his decision, the Inspector stated:

*“Arqiva are responsible for providing the transmission network for the BBC and ITV and have no objection to the proposed turbine. The BBC’s windfarm tool indicated that the proposed wind turbine could affect 65 homes for which there is no alternative off air service and 224 more for which there may be an alternative service. In their report to committee, officers noted that the tool (which is no longer available) provided only rough estimates and that interference would only become apparent once the turbine had been erected. Council officers recommended the imposition of a condition to require counter measures should it be shown that the proposed wind turbine interferes with TV reception. In light of the conflicting evidence before me and given that I have read nothing to suggest that remedial measures could not be taken, I will impose a condition along the lines suggested by the Council’s officers.”*

Given that planning inspectors clearly consider that this matter can be adequately dealt with by condition, it is not considered that a refusal on these grounds would be appropriate and that a similar condition should be imposed in this case.

## **The health impact**

In respect of Health Impacts the developer has stated that:

*“VG Energy has installed over four hundred wind turbines throughout the UK, and there have been no complaints registered with regards to any adverse health impacts as a result of any development. As standard, Environmental Health was consulted during the planning process and have stated that they have no objection to the proposed development at Ridley Bank Farm. It is also stressed that as demonstrated throughout the Environmental Report, all relevant guidance has been adhered to with regards to noise and shadow flicker impacts. Both factors were deemed to have negligible impact upon neighboring residents. In November 2014, the Massachusetts Department of Environmental Health published a health impact study in relation to wind turbines which was written by a team of independent engineers and doctors. The report found ‘no clear or consistent association is seen between noise from wind turbines and any reported disease or other indicator of harm to human health’.*

*Further information was also requested following the Committee meeting with reference to BMJ 8 March 2012. This article was written by Christopher D Hanning,*

*who is a member of the advisory group for 'The Society of Wind Vigilance'. Therefore the findings discussed within this article cannot be recognized as neutral, as Mr. Hanning's personal bias views against wind turbines are reflected throughout the article. The article refers to the UK noise guidance ETSU-R-97, commenting that it was 'published in 1997 and not reviewed since'. This is written to suggest that they do not believe this noise guidance is fully adequate for assessing wind turbine applications today. However, as highlighted within the 'Planning practice guidance for renewable and low carbon energy', the planning guidance which we were directed towards, it states that ETSU-R-97 'should be used by local planning authorities when assessing and rating noise from wind energy developments'. The ETSU-R-97 guidance is the recognized guidance for noise assessment and has been followed closely when addressing potential noise impacts within the Environmental Report for this proposed development, and noise levels have been found to be below the stated limits within this guidance.*

*Additionally we were also asked to respond with reference to an article published in the Royal Society of Medicine Journal, August 2014. The article is entitled 'Diagnostic criteria for adverse health effects in the environs of wind turbines'. Throughout the article it refers to wind turbines under the general term 'Industrial Wind Turbines (IWT)'; however there is no definition to classify the size of turbine/wind development this article is referring to. There is a large difference between a small, single wind turbine and a large wind farm, and this important difference is not acknowledged at all within the piece. The proposed turbine at Ridley Bank Farm is 49m to tip, which as highlighted is considered by the council as a small scale development, and therefore not of 'industrial' size. Furthermore, health is controlled by the World Health Organisation, European Union, the UK government and on a local level Environmental Health whom have no objection to the proposed development. All of those listed have had no involvement with the publication of this article in the Journal of the Royal Society of Medicine, and as this is an open journal there is no control governing which articles are published. Additionally it is prudent to note that there is no scientific evidence within the article to support the findings. Finally, in the article there is no mention of policy; policy dictates planning applications as there is no discussion of this within the piece, it has no bearing or relevance towards the proposed development at Ridley Bank. "*

In order to address the reasons for this application being deferred at Southern Planning Committee on 25<sup>th</sup> February 2015, consultation has also taken place with CEC's Public Health Department, who in turn sought advice from Public Health England (PHE). The Public Health Department do not consider that there are any specific threats to people's health associated with the proposed development. However, they note that many members from the local community are clearly very anxious about the proposed development and such anxieties may bring their own health consequences, but the Department are unable to easily quantify these. They also agree with the comments provided by Public Health England.

PHE refers to their position statement for onshore wind farms; noting however that this is primarily aimed at Nationally Significant Infrastructure Projects and it does not cover all of the issues raised by objectors, nor noise or shadow flicker considerations. This notes that PHE's remit is for development which are likely to involve chemicals, poisons or radiation which could potentially cause harm to people.

In respect of electromagnetic fields, PHE recommend compliance with relevant technical guidance. If it is considered not practicable for compliance to be achieved at all locations accessible to the public, the report should provide a clear justification for this. The report should include an appropriate risk assessment showing that consideration has been given to mitigation measures from acute risk. In relation to possible long-term health effects and precaution, the report should include a summary of compliance with PHE advice and Government policy.

With reference to risk of chemicals, PHE note that at this point in time there is no body of evidence conclusively linking wind farms with adverse health effects arising from emissions of chemicals from wind farm developments; and when operational, wind generation should not produce emissions, pollutants or waste products so installations are unlikely to lead to public health impacts associated with emissions of chemicals.

There is potential for impacts to arise during construction and decommissioning phases from the transport of material and equipment; however PHE advise that applicants should adhere to best practice guidance during these phases and applicants should ensure that potential impacts are assessed and minimised.

Where onshore wind farms are located near to people, there is evidence that they may be more likely to give rise to other environmental impacts. The most common concerns expressed are related to noise and shadow flicker. PHE statement concludes that the onus is on the applicant to conduct the assessment of compliance with the referenced advice and policy, and to gather and present the information clearly, leaving no additional analysis necessary on the part of PHE.

In the light of the above, and in the absence of any objection from the Councils Environmental Health Officer, Public Health Department or PHE, it is not considered that a refusal on health grounds could be sustained.

## **Other Issues**

Manchester Airport and the MOD have been consulted on the proposals and raised no objections on safety grounds.

### National Planning Casework Unit

The National Planning Casework Unit have requested that should the committee be minded to approve the application, it be passed to the Secretary of State for his consideration before any decision notice is issued.

### Planning Guidance

In respect of the issue of planning guidance identified by the MP, the developer has responded as follows:

*“The new planning guidance produced by the Department for Communities and Local Government (DCLG) entitled ‘Planning practice guidance for renewable and low*

*carbon energy', was mentioned in the representation from Stephen O'Brien. Although this document was not referenced within the application, the reason for this is discussed later, the topics which are raised within this practice guidance have been addressed in relation to the proposed development at Ridley Bank Farm. Within the guidance highlighted, areas of assessment include: noise impacts, safety, electromagnetic transmissions, ecology, heritage, shadow flicker, energy output, cumulative landscape and visual impacts, and decommissioning. Throughout the Environmental Report submitted, each of these key points have been thoroughly analyzed, concluding that the development will not present an adverse impact to the local area. As such, we do not feel it is necessary to repeat the findings of the assessment within this brief statement, and direct interested parties to the relevant chapters of the submitted Environmental Report.....May it also be highlighted that the proposed application was registered by Cheshire East Council on 1<sup>st</sup> July 2013, and the mentioned planning guidance was not published until post-submission of the application resulting in the document not being referenced."*

Officers agree with the developers interpretation of the guidance and, the proposed development has been deemed acceptable by Officers and Consultees in relation to each of the topics noted within the guidance referred to by Mr. O'Brien as detailed elsewhere in this report. It is also noted that this DCLG planning practice guidance has now been withdrawn and has been replaced by National Planning Practice Guidance.

### **Concerns of Local Communities and the planning balance**

As referred to earlier, the Written Ministerial Statement (WMS) states that '*...local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.*'

The WMS is an important material consideration, being the most recent expression of the Governments position on wind turbine development. In applying the provisions of the WMS, the starting point must be an assessment of the application against the Council's Development Plan, and the presumption in favour of development contained in paragraph 14 of the National Planning Policy Framework; after which any other relevant material planning considerations must be taken into account including the provisions of the WMS. A balancing exercise must then be undertaken to consider how much weight shall be applied to the each consideration in reaching a decision.

In this case it is considered that the proposals accord with Policy NE.19 of the Development Plan and it has been demonstrated through the advice of Council officers and additionally through independent assessment by specialist consultants where necessary that the environmental criteria in the policy have been met.

The NPPF states in paragraph 98 in respect of determining planning applications for renewable energy development that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and importantly '*approve the application if its impacts are (or can be made) acceptable*'. It may be inferred from the NPPF therefore that that the delivery of renewable and low-carbon energy is central to the three dimensions of sustainable development.

Whilst it is accepted that there will be an element of harm to the landscape caused by the scheme, energy development usually has some adverse landscape impact and it would be necessary to demonstrate that the landscape effects of the proposal would be so harmful to the extent that the presumption in favour of sustainable development would be clearly outweighed. Given the conclusions of the Landscape Officer and the independent Landscape Consultant, this is not the case. Equally the other potential environmental impacts raised by the scheme have been addressed and where necessary mitigated. It is therefore still regarded as comprising sustainable development attracting the presumption in favour as identified in the NPPF.

In respect of the WMS, the NPPF, NPPG and WMS do not offer any explanation of what the term 'addressed' means; but does confirm that the assessment of whether a proposal has the backing of the local community is 'a planning judgement for the local planning authority'

It is considered that the intention of the WMS (and NPPG) is to focus on the substance of planning concerns raised, and not the number of people raising such concerns. If the decision maker, exercising its planning judgment, is satisfied that the appellant has fully addressed the planning impacts identified by affected local communities and that the proposal complies with the principle of the adopted Development Plan, as supported by the NPPF and NPS, then it must be concluded that the proposal has the backing of the affected local community. The wording of the WMS and NPPG is clear on this point. The use of the phrase 'and therefore has their [the affected communities] backing' creates a clear objective test to determine whether a scheme can be deemed to have the backing of the community.

Schemes of this nature generate strong views and genuine concerns. Through the initial statutory consultation process on this application, and also following the submission of further information, local communities have identified a range of planning impacts and these have been considered in the assessment of this application. It is accepted that schemes such as wind turbines will always present an element of impact that cannot be fully addressed. The views of relevant technical experts have been sought on a wide range of planning issues raised by this proposal, and the statutory consultees are satisfied with the level of information submitted and consider the extent of impacts generated by the scheme to be acceptable. It is also noted the applicant has made revisions to the scheme design in response to issues raised through the consultation process and mitigation would be also secured by planning conditions. Accordingly it is considered that the planning impacts have been addressed as far as possible and accords with the approach of the WMS.

For the reasons outlined above, it is considered that that there are no material considerations sufficient to outweigh the benefits of the scheme or its compliance with development plan policies relating to renewable development, and the presumption in favour of sustainable development.

## **CONCLUSIONS**

There is broad support at both national and regional level for renewable energy proposals and wind turbine. Local Plan policy is also permissive provided that certain criteria are met.

The application was deferred by Southern Planning Committee on the 25<sup>th</sup> February 2015 for further information with respect to the following:

- Submission of a bat survey
- Consultation with Cheshire East Council's Public Health Department
- Request an Environmental Health Officer attend the Southern Planning Committee meeting at which this application is considered.

Following the submission of additional information the proposed development has been deemed acceptable by Officers and Consultees in relation to the topics noted. The Council's Ecologist is satisfied that the proposal will not have any adverse impact on bats.

It is therefore considered that all of Members previous concerns have been addressed and for the reasons stated above, and having due regard to all other matters raised, it is concluded that the proposal complies with the local plan policy and in the absence of any other material considerations to indicate otherwise it is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to referral to the Secretary of State and the following conditions:

1. **Standard**
2. **Approved drawings**
3. **Removal when no-longer required for electricity generation purposes.**
4. **The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.**
5. **Prior Approval of External Lighting**
6. **No development shall take place until details of a scheme for the investigation of complaints that the wind turbine hereby permitted is interfering with TV or mobile communications reception and for any remedial measures should interference be proven have been submitted to and approved in writing by the local planning authority.**
7. **Implementation of ecological mitigation identified in the ecological reports**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in there absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**





#### NOTES

TOTAL SITE AREA AMOUNTS TO 1386 SQUARE METRES

TURBINE BLADE TIP HEIGHT TO BE 49 METRES

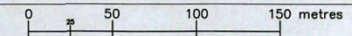
TURBINE POSITIONING TO BE A 39 METRE DIAMETER CIRCLE TO ALLOW FOR MINOR REPOSITIONING DUE TO GROUND CONDITIONS, MICRO-SITING ALLOWANCES, ETC.

ACCESS TRACK TO BE 3.5 METRES WIDE, WIDER AT CORNERS.

CRANE PAD TO BE 12 METRES BY 12 METRES.



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PROPOSED ERECTION OF ONE 49 metre TO TIP NORWIN WIND TURBINE for MR LATHAM at RIDLEY BANK FARM, WREXHAM ROAD, TARPORLEY, CW6 9RZ.

SITE REFERENCE	DRAWING NO.
03176	002
SCALE	DATE
1:2500	07/06/2013