

PARISH

Clowne

APPLICATION Temporary siting of a 50m meteorological monitoring mast (single pole with guy wire supports)
LOCATION Damsbrook Farm Mansfield Road Clowne Chesterfield
APPLICANT Empirica Investments Ltd
APPLICATION NO. 12/00004/FUL **FILE NO.** H3646
CASE OFFICER Mr T Ball
DATE RECEIVED 3rd January 2012

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Assistant Director Planning
REASON: Level of public interest.

SITE

The site is located in the open countryside to the south of Clowne, between Mansfield Road and Stanfree. It is situated just below the top of the escarpment slope on its western side between two areas of woodland to the north and south, and between Stanfree Cottage and Congreave House to the West and East. There is an overhead high voltage electricity line on pylons passing east-west to the north of the site.

The site is bounded on all sides by open countryside in agricultural use, and is accessed via an existing single vehicle width track off Damsbrook Lane. The field has native hedging maintained to a height of approximately 1.5m. There are occasional hedgerow trees.

The site of the proposal has a ground level of approx. 137m AOD, whilst the two nearest properties are at 102m AOD (Stanfree Cottage) and 149m AOD (Congreave House) which are approximately 415m and 405m respectively from the site. The land is within an area of generally grade 2 quality agricultural land.

PROPOSAL

Erection of a meteorological mast, 50m high for a temporary period of up to 12 months. The purpose of the mast is to collect baseline data to contribute to the assessment of the location as a site for wind energy development.

50m pole of galvanised steel tube, 165mm in diameter supported by 6 guy wires, 3 of which are anchored 15m from the pole and 3 at 30m from the pole. Guy wires are connected to ground anchors which are buried in a back filled trench 1.2m deep by 1.2m long by 0.3m wide. The mast itself sits on a steel base plate.

Access to the site is along the existing track off Damsbrook Lane. No changes are needed or proposed.

AMENDMENTS

Design & Access Statement received with details of the mast 09.03.12.

Confirmation of grid reference of site of proposed mast. 18.04.12

Coal Mining Risk Assessment received 25.05.12. This identifies that the main risk is the potential presence of a recorded mine shaft near to the proposed location and potential shallow mining in the vicinity. This represents a low to moderate risk in consideration of safety and stability of the ground. In the absence of a specific ground investigation to confirm the geology beneath the site it is not possible to discount any risk posed by the potential for unrecorded mine workings. Suggests a planning condition could secure appropriate site

investigation works and any necessary remedial works to ensure safety and stability of the proposal.

HISTORY

11/00635/FUL: Erection of a single wind turbine (45m hub height, 67m blade tip height) concurrent application for same location by same applicant.

CONSULTATIONS

Crime Prevention Design Advisor: No comments. 16.01.12

NATS (National Air Traffic Services): Does not conflict with safeguarding criteria, no safeguarding objections. 18.01.12. *Further comments following confirmation of correct grid reference*: Does not conflict with safeguarding criteria, no safeguarding objections. 25.4.12

Local Highway Authority (DCC): No objections. 19.01.12

ARQIVA (BBC and ITV transmission network): No objection. 19.01.12

Coal Authority: Objects, acknowledges that the proposal is for a temporary siting of a mast but records show that it is likely to be sited directly over a recorded mine entry. A Coal Mining Risk Assessment is required as part of the application. 26.01.12 *Further comments following consideration of Coal Mining Risk Assessment*: The assessment provides sufficient information to withdraw objection to this particular application for the temporary siting of a meteorological mast. 15.06.12

Ministry of Defence: No safeguarding objections. 17.01.12. *Further comments following confirmation of correct grid reference*: No safeguarding objections. 09.05.12

JRC (on behalf of fuel, power and water industries radio systems): Does not foresee any potential problems. 02.02.12. *Further comments following confirmation of correct grid reference*: Does not foresee any potential problems. 16.05.12

Clowne Parish Council: Members expressed the following concerns: 1. Not within the BDC Local Plan; 2. No public consultation; 3. Increased noise pollution; 4. Need for Environmental Impact Study (birds/bats etc); 5. Impact on area visibility. 06.02.12

CAA: No response.

Development Control Archaeologist (DCC): Given the extremely minor nature of the trenching required for the anchor points do not have any concerns. 23.04.12

PUBLICITY

4 Site notices posted. 59 neighbours notified.

45 responses received of which some object to a wind turbine and express reasons against such a proposal, while others see this application as a precursor to a wind turbine/farm and set out objections to the mast and/or turbine. As this application was received after that for the wind turbine (11/00635/FUL) many copy their objections for both applications or refer back to those made for the turbine application. Objections relating to the wind turbine are not relevant to the determination of the current proposal, only concerns which relate to the meteorological mast can be taken into account in the consideration of this application.

There are 19 objections to the meteorological mast on the basis that it is precursor to the wind turbine to which they have already objected; arguments against the mast are much the same as against the turbine: unsightly, diminution in the lifestyle of local residents, dominate areas character and appearance to the extent that it outweighs any benefit or contribution to region energy targets.

The following objections from 30 respondents are considered to relate specifically to the proposal for a meteorological mast and can be taken into account in the consideration of the application (Numbers in brackets indicate approximate number of objectors who raised this issue):

- Too close to own property and other dwellings. (4)
- No social or economic benefits to local community. (9)
- Fruitless waste of time to go ahead with mast as no reasonable social benefit from a wind turbine due to proximity of a large number of dwellings and related potential health problems. (1)
- Contrary to policies to protect the environment from over development and unnecessary building. (1)
- Could cause a distraction to motorists on Clowne Road Stanfree and Mansfield Road near Damsbrook where there are fatal accident black spots. (1)
- Application for turbine should follow after 12 month monitoring period has taken place so account can be taken of data. (1)
- Health implications. (10)
- Development in the countryside. (1)
- Risk to light aircraft from Netherthorpe airfield.(2)
- Poor wind speeds in area will lead to inefficient turbine. (1)
- Very visible and unsightly, too close to residential areas, will reduce the appeal of the area to home owners and developers as well as reduce quality of life of residents. (3)
- No prior consultation of the community. (18)
- Submission of inaccurate and misleading reports with turbine application cast doubts on information submitted. (8)
- Conflict with Council's Renewable Energy and Low Carbon Study of May 2004 which identifies the area as constrained. (4)
- Contrary to NPPF – area not identified as suitable; landscape valued (see responses) interferes with enjoyment of green space; public right of way should be protected and undisturbed; community gives high value to this green area. (1)
- Significant detrimental effect on beauty of area, unnecessary damage to countryside and natural habitat of wildlife. (2)
- Visual eyesore/negative visual impact. (4)
- Noise and negative visual impact on rural character. (8)
- Stability and proximity to drift mine. (1)
- No timescale for mast removal. (1)

It can be seen that the main objections relate to this being a precursor for a wind turbine, that there has been no prior consultation with the local community and that information submitted by the applicant is inaccurate and misleading. More specifically there are strong objections to the visual impact of the mast on the character of the area (particularly its rural character) and its impact on residential amenity due to its proximity to residential properties, health and noise implications of the proposal and that there are no social or economic benefits from the development for the community. Other issues relate to conflict with the Council's renewable energy study, hazard to road traffic and light aircraft, poor wind speed, impact on wildlife and ground stability.

POLICY

National Planning Policy Framework (NPPF)

Policies 97 and 98

Bolsover District Local Plan (BDLP)

GEN1 (Minimum Requirements for Development)

GEN2 (Impact of Development on the Environment)

CON4 (Development Adjoining Conservation Areas)

CON10 (Development Affecting the Setting of Listed Buildings)

CON13 (Archaeological Sites and Ancient Monuments)

ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings)

ENV3 (Development in the Countryside)

Other (specify)

Planning for Renewable Energy A Companion Guide to PPS 22 (2004)

The White Paper 'Our Energy Future – Creating a Low Carbon Economy' 2003

'Meeting the Energy Challenge – The Energy White Paper' 2007

Planning for climate change – guidance for Local Authorities – April 2012 Planning & Climate Change Coalition (Town & Country Planning Association, Friends of the Earth and over 35 cross-sector organisations including the RTPI, CPRE, National Trust, Wildlife Trusts Landscape Institute etc).

Local Development Framework

Emerging Local Development Framework – Revised Preferred Options for the Core Strategy (April 2010): results of public consultation being assessed; this sets out the Council's proposed policy direction including the overall approach to development and the key policies that will be used to consider planning proposals. No relevant specific proposals in relation to renewable energy; policy to protect areas with potential for wind power development, such area to be identified in the Site Allocations Development Plan Document.

ASSESSMENT

The Principle of Development

This application has generated a high level of public concern. However, for many objectors their primary concern relates to the future potential to construct a wind turbine. Many of the concerns expressed about the current application for a temporary meteorological monitoring mast centre on an assumption that approval of this proposal would set a precedent or pave the way for a wind turbine or farm. It is true that the applicant has submitted a planning application for a wind turbine which is under separate consideration, but this application for a monitoring mast must be judged on its own merits. Concerns and public comments about the impacts of a wind turbine cannot be taken into account in the consideration of this application; only the concerns which relate to the monitoring mast. Approval of the current application in no way implies that a wind turbine would also be approved in this location (clearly there are many issues and very significant impacts which can result from wind turbine/farm development which are not considered in this report or application).

The White Papers, 'Our Energy Future – Creating a Low Carbon Economy' 2003 and 'Meeting The Energy Challenge – The Energy White Paper' 2007, seek to increase the

proportion of energy generated by renewable sources such as wind power and aim to cut the amount of carbon dioxide the country produces. The guidance (Companion Guide to PPS22: Renewable Energy which is still published guidance even though PPS22 has itself been superseded by the National Planning Policy Framework – NPPF) seeks to encourage the appropriate development of further renewable energy schemes throughout England. 'Meeting The Energy Challenge' states that planning professionals and local authority decision makers, in considering applications should look favourably on renewable energy developments

The NPPF states that in determining planning applications local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy and that they should approve applications, unless material considerations indicate otherwise, if the impacts are (or can be made) acceptable.

Planning for Climate Change which provides guidance for local authorities similarly expects planning decisions which should not prevent, delay, or inhibit proposals for renewable energy and associated infrastructure having regard to the objectives and advice in the guide. This includes giving significant weight to the wider environmental, social and economic benefits of renewable energy projects recognising that small scale projects provide a valuable contribution to the local area and contribute to security of supply and to cutting greenhouse gas emissions. Planning permission should not be rejected because the level of output is small.

In principle then national planning policy seeks to encourage wind farm developments which would include the provision of temporary anemometer or meteorological masts as part of the assessment of site potential. The provision of such masts does not prejudge applications for the actual wind farm which would be treated on their own merits within the same national policy background.

With regard to the policies of the local plan the site is not within a greenbelt and the maximum loss of agricultural land which could result from the proposal is 0.1ha for a temporary period of 12 months. Policy ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings) of the Bolsover District Local Plan will only allow development which involves the loss of grade 2 agricultural land if there is a strong need to develop on the particular site which overrides the national need to protect such land. Need is dealt with by the NPPF which states that applicants no longer need to demonstrate the need for renewable energy and that applications for renewable energy should be looked upon favourably. Agricultural use can continue up to the area of the mast with its guy ropes. Given the relatively small area of agricultural land involved and the temporary nature of the proposal it is considered that the proposal could not be refused on grounds that a small area of grade 2 agricultural land may be unavailable for a period of 12 months.

The site is within the countryside where policy ENV3 (Development in the Countryside) of the Bolsover District Local Plan applies. ENV3 will allow development in the countryside if it is necessary in such a location or where development is necessary for the exploitation of sources of renewable energy provided that, inter alia, the development (the monitoring mast) would not materially harm the rural landscape. The meteorological monitoring mast is required to assess the site for its suitability for a wind farm and if suitable to provide information for the design of such a development for renewable energy provision, and can, therefore, be considered to comply with these two criteria; impact on the landscape is

considered below.

Subject to a satisfactory impact on the landscape, the erection of a 50m wind monitoring mast is therefore considered to be acceptable in principle being in accordance with national policy and guidance as expressed through the NPPF (unless material considerations indicate otherwise), the Companion Guide to PPS22, the 2007 Energy White Paper and generally in compliance with policy ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings) and the aims of policy ENV3 of the Bolsover District Local Plan.

Impacts of the Development Proposed

The main impacts of the development will be its effects on the general landscape, on nearby dwellings and in particular the settlement of Stanfree, and on nearby heritage assets. There are no highway safety issues as the mast is over 55m (fall distance plus 10%) from the nearest public right of way.

The proposed mast would be tall at 50m high (higher than the existing pylon near to the site which is estimated to be 30 - 35m high on a ground level approximately 10m higher). The proposed mast is relatively slender being a galvanised steel pole with a diameter of 165mm, the monitoring equipment will be small scale (although not specified), and the guy wires will be narrow, such that overall visual impact will reduce quickly with distance.

Impact on cultural/historic heritage/assets.

The applicant has not submitted with the application an assessment of the impact of the proposal on heritage assets of the area in accordance with the NPPF. However the NPPF indicates that such assessments should be proportionate to the importance of heritage assets and no more than is sufficient to understand the impact of the proposal on their importance. There are many heritage assets (conservation areas, listed buildings and ancient monuments) within the surrounding area.

It is considered that by virtue of the design of the proposal, its setting and its temporary nature (12 months) none of the heritage assets will be directly affected significantly by this proposal.

The design of the mast whilst 50m high is slim with the necessary guy ropes probably making the most visual impact. Taking account of the setting of the proposal near to existing pylons (albeit of lower height but of bulkier lattice type construction), generally, because of the distances involved, topography and localised screening afforded by trees and hedgerows and other built development, and taking account of the temporary nature of the proposal (a 1 year permission is sought), the overall impact on the heritage landscape and its assets is considered to be minimal, if not negligible. Any impact will be for a temporary period.

There is therefore general compliance with policies CON2 (Development Adjoining Conservation Areas) and CON10 (Development Affecting the Setting of Listed Buildings) of the Bolsover District Local Plan, and general compliance with the NPPF as the character and setting of the various Listed Buildings, Ancient Monuments and Conservation Areas is preserved. Any impact will be for a temporary period. The mast will allow the assessment of the site as a renewable energy source.

Impact on General Landscape on nearby dwellings and in particular the settlement of Stanfree.

The site of the meteorological monitoring mast is on the western facing escarpment slope overlooking Stanfree. It is to be positioned below the ridge line in agricultural land. The nearest cluster of Stanfree is approximately 550m from the site with other isolated dwellings closer (e.g. Stanfree Cottage). To the north a high voltage power line with pylons cuts across the landscape with a substantial pylon (approx. 30 – 35m high) at a high point on the ridge (over 10m difference in ground levels) approximately 120m to the north east.

The proposed mast is likely to most visible from Stanfree where it will be seen against the skyline at the higher level above the village but within the context of a substantial pylon. It is considered that because of its design and temporary nature any visual impact will be minimal. Where there is an interruption to the enjoyment of residential amenity this would similarly be of minimal impact and for a temporary period.

From Clowne and other nearby properties on the ridge there will be views of the mast. Although because it is to be sited on the downward slope its full height as a structure will not be appreciated. Again because of its design and temporary nature any visual impact will be minimal.

Because of distance, localised screening, and its slender design and colour it is unlikely that the proposed mast will be discernable from other more distant view points (e.g. Barlborough) to such a level that it can be considered as visually intrusive, particularly as it is only for a temporary period of 12 months.

The proposal is therefore considered to be in general compliance with policies GEN2 (Impact of Development on the Environment) and ENV3 (Development in the Countryside) of the Bolsover District Local Plan in relation to its impact on residential amenity and on the rural landscape.

Other Matters

It is highly unlikely that the proposal will produce any noise, vibration, electro magnetic interference, harm to wildlife, or damage to habitats which might be a material consideration in the determination of this application. There are unlikely to be any health or noise implications. None of the consultees have identified any issues related to these impacts. There is general compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 of the Bolsover District Local Plan.

As the proposal is for a temporary meteorological monitoring mast there are unlikely to be any benefits economically or socially to the local community other than perhaps some short term employment opportunity. The mast will help establish whether this is technically a good site for a wind turbine.

With respect to the Council's Renewable Energy and Low Carbon Study, this assesses the District's potential for the installation of renewable and low carbon energy technologies, suggests possible approaches for different scales and types of development, and makes recommendations on future policy directions. The study, undertaken by consultants, was considered by the Council's Planning Committee on 29 April, 2009. The study will help to inform the development of policies in the New Local Plan for renewable and low carbon energy and as a result has little weight in the determination of planning applications.

However it does show constrained areas and less constrained areas for wind turbine developments, Damsbrook Farm is within a constrained area, i.e. an area unsuitable for the development of large scale turbines based on the 38 constraints as identified in the study. This study relates to turbine development and not a monitoring mast.

Consultees have raised no issues with respect to traffic hazards, air traffic hazards and impact on wildlife. The Coal Authority does not object to this proposal for the temporary siting of a meteorological mast having considered the implications in relation to the presence of possible coal mining shafts or shallow workings and related stability issues.

Approval of this proposal which is for a monitoring mast to assess, in particular, wind speed, will determine if wind speeds and wind character are suitable for wind turbine development at this site.

Pre-application consultation with the local community is not a requirement of planning application submission, but is recommended good practice both nationally and in the Councils 'Statement of Community Involvement' adopted May 2006.

Listed Building: Addressed in the report above
Conservation Area: Addressed in the report above
Crime and Disorder: No issues raised.
Equalities: No issues raised.
Access for Disabled: No issues raised.
Trees (Preservation and Planting): None affected.
SSSI Impacts: No issues raised.
Biodiversity: Addressed in the report above.
Human Rights: No issues raised.

Conclusions/Reasons for Approval

The principle of a meteorological monitoring mast allied to a prospective renewable energy source is acceptable in this countryside location and the visual impacts of this temporary proposal upon the landscape generally and upon the setting of heritage assets within the area are not considered to be so material as to warrant the refusal of planning permission.

Consideration has been given to other issues raised which may impact on residential amenity (e.g. through noise and visual impact, etc) but nothing is considered to be so material as to warrant the refusal of planning permission. The proposal generally complies with the policies of the development plan.

Consideration has also been given to the potential benefits of wind energy projects in contributing towards the national goals of increasing the proportion of energy generated by renewable resources and reducing carbon dioxide emissions; given that an anemometer mast is a necessary step in the delivery of wind farm development. However, the granting of planning permission for the temporary wind monitoring mast in no way implies that a later planning permission for a wind turbine/farm on this site will be granted. This is because the impacts of a wind turbine/farm development on this site have not yet been assessed, any such application would be determined on its own merits.

Main development plan policies applicable:

Policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), CON4 (Development Adjoining Conservation Areas), CON10

(Development Affecting the Setting of Listed Buildings) and ENV3 of the Bolsover District Local Plan.

RECOMMENDATION: APPROVE, subject to the following conditions given in précis form and to be formulated in full by the Assistant Director Planning:

1. Start within 3 years.
2. The mast hereby permitted shall be removed and the land restored to its former condition as agricultural land on or before 31st December 2013 or within 12 months of its erection whichever is the earliest. The applicant shall notify the LPA in writing when the mast has been erected.