

PLANNING COMMITTEE

16 June 2014

Attendance:

Councillors:

Ruffell (Chairman) (P)

Evans (P)

Izard

Jeffs

Johnston (P)

McLean

Pearson (P)

Read (P)

Rutter

Scott (P)

Deputy Members

Councillor Gottlieb (Deputy Member for Councillor McLean)

Councillor Laming (Deputy Member for Councillor Izard)

Councillor Lipscomb (Deputy Member for Councillor Jeffs)

Councillor Newman-Mckie (Deputy Member for Councillor Rutter)

Others in attendance who addressed the meeting:

Councillor Wright.

Others in attendance who did not address the meeting:

Councillors Humby, Hutchison, Phillips, Thompson and Weston.

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1. **PROPOSED 14 TURBINE WIND FARM AT UPPER NORTON FARM BULLINGTON CROSS – APPLICATIONS 13/00800/FUL (WCC), 13/00046/FUL (BDBC) AND 13/00753/FULLN (TVBC) APPLICANT EDF ENERGY RENEWABLES**
(Report PDC995 and Update Sheet refers)

The decision arising from consideration of the above Report is circulated separately and forms an appendix to the minutes.

The Committee agreed to receive the Update Sheet as an addendum to Report PDC995.

Councillor Evans made a personal statement that she had been unable to attend the informal coach tour held on Friday 13 June 2014, but had sufficient knowledge of the application site to consider the application and would reserve her final view after hearing the full facts of the presentation. (Note: Due to prior commitments, Councillor Evans left the meeting shortly before the end of the meeting and did not vote on this item).

Councillor Lipscomb declared a disclosable pecuniary interest as he was the Council's appointee on the board of the South Downs National Park Authority, which had commented on this application. However, as there was no material conflict of interest in this item, he remained in the room and spoke and voted under the dispensation granted to him by the Monitoring Officer on behalf of the Standards Committee. He also declared a personal (but not prejudicial) interest as a member of the Dever Society. However, he had not participated in their representation on this application and he spoke and voted thereon.

Councillor Pearson declared a personal (but not prejudicial) interest as a member of the Council for the Protection of Rural England. However, he had not participated in their representation on this application and he spoke and voted thereon. He also declared a personal (but not prejudicial) interest as a member of Winchester Action on Climate Change (WinACC). However, he had not participated in their representation on this application and he spoke and voted thereon.

This was an application outside the area of the South Downs National Park (WCC).

The application was considered by the Planning Committees of Winchester City Council, Basingstoke and Deane Borough Council and Test Valley Borough Council at a single meeting attended by all three authorities held in the Guildhall, Winchester, as the proposed development site at Upper Norton Farm was at a point of intersection of the administrative boundaries of the three local authority areas. The developer had had to separately apply to each authority for consent and each authority had then to determine its own application.

Each individual authority meeting was formally opened by its own Chair for the consideration of procedural items and then adjourned.

There then followed an informal meeting Chaired by Councillor Ruffell (Winchester City Council) assisted by the chairmen of Basingstoke & Deane Borough Council planning committee (Councillor Sherlock) and Test Valley Borough Council planning committee (Councillor Brooks).

During the informal meeting the application was presented by the officers of the three authorities and the officers replied to questions from the Members of the three authorities. Reference was made to the Update Sheet which included details of any changes in circumstances and additional information received after the Agenda was published. It was explained that the recommendations for refusal varied between the three authorities to reflect the different circumstances between the three, for example on heritage, and the revised reasons for refusal for all three authorities were detailed in the Update Sheet.

During public participation the following members of the public spoke in objection:

Christopher Napier (Council for the Protection of Rural England); Darcy Ladd (Chilbolton Observatory); Gerald Smith (Popham Airfield); Anthony Fortescue (Testbourne Estate), Charles Hobbs (Dever Society); Jackie Hensman; Eva Butler (Tufton Warren) and Douglas Paterson (Keep Hampshire Green).

The public speakers replied to questions from Members of the three Committees.

In summary Mr Ladd stated that the Chilbolton Advanced Meteorological Radar required a low horizon to look up to 200 kilometres to study severe weather events. There was other evidence that a wind farm at 10 kilometres distance could affect a scanning sector of 10 percent, but this could be 20 percent or more. The movement of the turbines could also lead to a Doppler effect which could cause interference.

In reply to comments made by Mr Smith, the Local Authorities' Aviation Consultant (Osprey) stated that for aircraft taking off in a northerly direction, a 5° to 10° turn would take them away from the turbines, but there was no requirement for them to do so.

The following Parish Councils made representation in objection: Lucy Downson (Wonston Parish Council); June Perins (South Wonston Parish Council); Annabel Smyth – Osbourne (Bullington Parish Council); Mark Williams (Hurstbourne and Prior) and Caroline Jolly (Laverstoke and Freefolk).

The Parish Council representatives replied to questions from Members of the three Committees.

The following Ward Members made comment on the application:

Councillor Wright (a Ward Member for Wonston and Micheldever WCC); Councillor Thacker (County Councillor Whitchurch and Clere); Councillor Baker (a Ward Member for Overton, Laverstoke and Steventon BDBC); Councillor Godfrey (a Ward Member for Wonston and Micheldever WCC) and Councillor Tilbury (a Ward Member for Overton, Laverstoke and Steventon BDBC).

In summary, Councillor Wright stated that there would be an increased risk to air safety at Popham Airfield due to the congestion of civil aircraft, which could lead to student and hobby flyers going elsewhere, which in turn could affect its commercial viability and also the airport's charity work. He disagreed with the Councils' aviation consultant's (Osprey) report that the risk was acceptable. Due to air safety reasons and the fact that aircraft would be moved into areas of higher population causing nuisance, he asked that an additional reason for refusal be included regarding aviation safety and the effect on Popham Airfield.

Councillor Thacker also made reference to air safety concerns regarding Popham Airfield, the potential effect on its commercial viability and a lack of objectivity in the local authorities' aviation consultant's report. He added

concerns regarding the effect on low flying Ministry of Defence aircraft and stated that an additional reason for refusal should be included regarding aviation safety. Reference was also made to the effect of the proposals on the commercial viability of the wedding business at Tufton Warren as referred to in public speaking by Eva Butler. Points were also made regarding the connection of the wind turbines to the national grid which could be to the detriment of other local renewable energy suppliers.

Councillor Baker stated that there was a need for renewable energy and that the proposed site had some positives due to its location outside of areas of special landscape quality, being close to the A34 and A303 and a recycling yard. However, there remained concerns regarding aviation and impact on landscape that could not be mitigated and she would support refusal of the application.

Councillor Godfrey expressed concerns at the impact on views from South Wonston of 14 wind turbines and also questioned the benefits to parish councils from the community contributions and to the City Council from increased business rates. He stated that the scheme could benefit speculative investors over community benefit. The proposals would change the character of the area, making it more industrial in nature, and affecting the tourism and leisure economy. There was also clear evidence that low frequency noise from such developments could disturb sleep. In seeking views from the local population, the majority were clearly in favour of refusal.

Councillor Tilbury stated that he was supportive of renewable energies but not in this location as the impact was too great. There were complicated implications for aviation due to the impact on Popham Airfield and Ministry of Defence helicopter flights. There were alternative ways to generate local energy and there would be impact on residential and commercial neighbours to the application site.

Ward Councillors replied to questions from Members of the three Committees.

The following members of the public spoke in support of the application:

Jeremy James Heath – Caldwell; Tanya Rahman; Alan Walker; Helen Jones; Patrick Geraets; Martin Heath (Hampshire Renewable Energy Co-Op).

The public speakers replied to questions from Members of the three Committees as follows:

In summary, the development of the wind farm was supported as it was one of the most efficient ways to generate energy. The site at Bullington had been identified as a prime site with sufficient wind speeds at 80 metres above the surface to support such a development and it also benefitted from road access. The small impact on the Chilbolton Research Radar Facility could be resolved. Small scale solar farms were more suitable for marginal land and it would require a 385 acre solar farm to produce the energy proposed at Bullington (28 MegaWatts). The Hampshire Energy Group Co-Operative was an Industrial and Provident Society for Community Benefit owned by its

members and would invite people to invest in the project and other renewable energy projects for a financial return and to help community projects. The scheme would create jobs, particularly in its initial capital project stage.

The following representatives spoke in support of the application on behalf of the applicant, EDF Energy Renewables: Ernie Shelton and Darren Cumming.

The applicant replied to questions from Members of the three Committees as follows:

The erection of the temporary monitoring mast, for which planning permission had been granted by Winchester City Council, would be commenced within the next two weeks.

The community benefit fund would make a donation of £140,000 per annum (based on £5,000 per MegaWatt of generated power), which, over a 25 year period, could pay £3.5 million to local parishes. A Trust would need to be established for its management. In addition, community ownership would allow 10 percent of the scheme to be available to local people, and a Memorandum of Understanding had been signed between EDF Energy Renewables and Hampshire Renewable Energy Co-Operative for local people to buy shares. In this way, £10 million per annum in total would be returned to the local community. EDF Energy Renewables operated two of its 25 wind farm schemes in this way.

Horizontal turbines had been preferred as these were the primary product of the main supplier. At the end of the turbine's life (25 years) the turbines would be removed along with their supportive crane pads and the foundations covered to the depth of 1.5 metres.

A Habitat Improvement Plan would be produced to give consideration to bats, including mitigation measures.

EDF Energy Renewables would be willing to enter into a condition to mitigate adverse impact on the Chilbolton Research Radar Facility.

The Government provided subsidy by means of Renewable Obligations. The support for Renewable Obligation Certificates (ROCs) for onshore wind was 0.9 ROC per MegaWatt hour. ROCs were traded on the open market and currently had a value £42/£43 each, which when multiplied by 0.9 gave a subsidy of approximately £39 per MegaWatt hour. Therefore, subsidies were only received when the Wind Farm was working.

EDF Energy Renewables would also pay business rates to an amount of approximately £200,000 between the three authorities.

Discussions had taken place with Scottish and Southern Energy about connection to the national grid. This would be by means of an underground connection to be constructed to a depth and width of one metre on a route to be determined by Scottish and Southern Energy.

At the conclusion of public speaking the Councillors of each respective Committee debated the application.

Following debate, each of the three Committees reconvened to formally determine the application.

In conclusion, Winchester City Council's Planning Committee agreed to refuse planning permission for the reasons set out in the Update Sheet and as reproduced below:

RESOLVED:

1. That the decisions taken on the application be agreed as set out below:

That planning permission be REFUSED for the following reasons:-

Landscape – Impact on Nationally Important Landscapes

1. The proposed development would result in unacceptable harm to the purposes and special qualities of two national landscape designations; the South Downs National Park and the North Wessex Downs AONB. The proposals would not conserve or enhance the particular qualities of these areas and would have a detrimental impact on the landscape setting of these areas and on the views out from these areas. In addition, and for the same reasons, the development would result in an unacceptable cumulative impact when taking into account the wind turbine proposals at Woodmancott. The development is therefore considered as contrary to the National Planning Policy Framework paragraphs 113 and 115, National Policy Statements EN-1 and EN-3 and Policies CP19 & CP20 of the Winchester District Local Plan Part 1 2013. Additionally, as the development has an impact on land outside the district Saved Policies E1, E6 and A6 of the Basingstoke and Deane Local Plan (2006 - 2011) and Test Valley Borough Local Plan policy DES01.

Landscape – Impact on the fabric, character and quality of the receiving landscape.

2. The proposed development would have an adverse impact on the landscape character of the area as due to the scale, prominent skyline location and visually disturbing movement of the turbines they would be incongruous and alien to the acknowledged attractive remote and tranquil downland countryside landscape character of the district in this location which also contributes positively to the setting of a number of designated and undesignated heritage assets. Development as proposed would also adversely impact on the visual amenity of this largely undeveloped area as the turbines would introduce an

extremely tall, incongruous and visually dominant industrial presence that would significantly detract from cherished panoramic views from extensive sections of public rights of way and from viewpoints within the South Downs National Park to the detriment of its setting and unique sense of place. The development is therefore contrary to Chapter 11 of the National Planning Policy Framework; National Policy Statements EN-1 and EN-3 and Policies CP19 & CP20 of the Winchester District Local Plan Part 1 2013. Additionally, as the development has an impact on land outside the district Saved Policies E1, E6 and A6 of the Basingstoke and Deane Local Plan (2006 - 2011) and policy DES01 of the Test Valley Borough Local Plan 2006.

Heritage - Inadequacy of Information / weighting to show effects would not be harmful.

3. The proposed development, due to its far reaching visual dominance breaking the skyline and introducing incongruous scale, form and movement as part of the backcloth setting to many heritage assets including Winchester Cathedral, other listed buildings, conservation areas, registered Parks and Gardens would devalue the important contribution that such assets make to the districts character and heritage. In the case of Winchester Cathedral, as viewed from St Catherine's Hill, the impact of the development on the skyline, in an otherwise undamaged view enjoyed for centuries, must be given substantial weight in terms of adverse impact. It is therefore considered that the proposed development will be detrimental to the historic character of the northern part of the district and the contribution it makes to the setting of the city, its cathedral and to the South Downs National Park contrary to NPPF paragraphs 128, 132, 133, 134, 135 and Policy CP20 of the Winchester District Local Plan Part 1 2013.
4. The E S assessment of heritage assets does not sufficiently extend to lower grade assets which make valuable contributions to the district's character, often at some distance from the site. As such, the LPA is unable to make a properly informed decision regarding the impact on the Historic Environment which is contrary to their duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses in accordance with Section 66(1) of the P(LBCA) Act 1990.

Ecology – Inadequacy of Information to show effects would not be harmful

5. It is considered that insufficient survey information has been provided to satisfactorily demonstrate that the development will not have unacceptable adverse impacts on protected species or their habitat. As a result of this lack of information, it cannot be

concluded with confidence that the proposal would not cause harm to bats and dormice and their habitats which receive legal protection under UK and European law. As such the proposals are contrary to Chapter 11 (in particular paragraph 118) of the National Planning Policy Framework (March 2012); National Policy Statements EN-1 and EN-3 and Policy CP16 of the Winchester District Local Plan Part 1 2013 and Test Valley Borough Local Plan 2006 policy ENV01 and ENV05.

Aviation

6. The proposed wind farm, by reason of its location, number and height of turbines, would pose an unacceptable additional hazard to military aircraft, particularly helicopters, within an area of relatively congested aviation activity which includes a designated MOD low flying training area where regular low level restricted landing manoeuvres are practiced with Chinook and other rotary wing aircraft. Relocation of such training facilities within the area, so as to avoid the proximity of the wind farm, is not practicable due to other restrictions and the development would thus undesirably prejudice aviation safety or continued use of such operational training facilities contrary to national interests and guidance in National Policy Statements EN-1 and EN- 3.

Chilbolton Observatory

7. The proposed wind farm by reason of its location, number and height of turbines would be likely to adversely impact the operations of the Chilbolton Observatory Advanced Meteorological Radar which supports national meteorological research, including in regard to climate change and extreme weather event prediction. The turbines would partially encroach into the radar scan view leading to data corruption prejudicial to the observatory's provision of data for national academic research. The development would therefore be contrary to national and local planning objectives for the safeguarding of nationally important infrastructure in National Policy Statements EN-1 and EN-3.

Lasham

8. Insufficient information has been provided to demonstrate that there will be an acceptable impact on the safety of operations at Lasham Airfield from the proposed development or that mitigation can create an acceptable impact. As such the application is considered contrary to National Policy Statements EN-1 and EN-3.

INFORMATIVES

1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council's have worked with the applicant in the following positive and proactive manner:-

offering a pre-application advice;
working collaboratively with colleagues in adjoining authorities;
seeking further information following receipt of the application;
considering the imposition of conditions and or the completion of a s.106 legal agreement.

In this instance:

the applicant was updated of any issues through meetings and emails;

In such ways, the Local Planning Authorities have demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

2 The Local Planning Authorities have taken account of the following development plan policies and proposals:-

Winchester District Local Plan Part 1 (Adopted 20 March 2013):

DS1; MTRA4, CP12; CP16; CP19; CP20;

Winchester District Local Plan Review 2006 (Saved Policies):

DP3; DP4; DP11; T2;

Basingstoke and Deane Borough Local Plan Review 1996-2011
(Saved Policies)

Test Valley Borough Local Plan 2006 (Saved Policies) SET03, HAZ06, ENV17, ESN32, ENV01, ENV05, AME04.

The meeting commenced at 10.00am, adjourned for lunch between 1.00pm and 2.00pm and concluded at 6.40pm.

Chairman

WINCHESTER CITY COUNCIL

SPECIAL PLANNING COMMITTEE
BULLINGTON CROSS WIND FARM
13/00800/FUL(13/0046/FUL – B&DBC &
13/00753/FULLN – TVBC)

DECISIONS

16.06.2014

Wonston

Ward

Wonston And Micheldever

Conservation

Area:

Case No: 13/00800/FUL

Ref No: W22618/03

Date Valid: 1 May 2013

Grid Ref: 448331 143461

Team: 1_NTH

Case Officer: Mr David Dimon

Applicant: EDF Energy Renewables

Proposal: Construction of a wind farm development comprising Winchester City Council (case no.13/00800/FUL) for 7 wind turbines up to 126.5m in height to blade tip and ancillary equipment, site access, external transformers, foundations, crane hardstandings, access tracks, cable trenches, anemometry mast, control building and temporary construction compound, in conjunction with planning applications to Test Valley Borough Council (case no. 13/00753/FULLN) for 3 wind turbines, ancillary equipment, external transformers, foundations, crane hardstandings, access tracks, cable trenches, and Basingstoke and Deane Borough Council (case no. 13/00046/FUL) for 4 wind turbines, ancillary equipment, external transformers, foundations, crane hardstandings, access tracks, cable trenches, as part of a single wind farm of 14 wind turbines for an operational period of 25 years (IS A MAJOR APPLICATION AND IS ENVIRONMENTAL IMPACT DEVELOPMENT) (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) Supplementary Environmental Information received 03/12/13

Location: Proposed Bullington Cross Wind Farm Site Norton Sutton Scotney Hampshire

Officer REF

Recommendation:

Committee Decision:

REFUSED SUBJECT TO THE FOLLOWING REFUSAL REASON(S):-

Conditions/Reasons

1 Landscape - Impact on Nationally Important Landscapes

The proposed development would result in unacceptable harm to the purposes and special qualities of two national landscape designations; the South Downs National

Park and the North Wessex Downs AONB. The proposals would not conserve or enhance the particular qualities of these areas and would have a detrimental impact on the landscape setting of these areas and on the views out from these areas. In addition, and for the same reasons, the development would result in an unacceptable cumulative impact when taking into account the wind turbine proposals at Woodmancott. The development is therefore considered as contrary to the National Planning Policy Framework paragraphs 113 and 115, National Policy Statements EN-1 and EN-3 and policies CP19 & CP20 of the Winchester District Local Plan Part 1 2013. Additionally, as the development has an impact on land outside the district Saved Policies E1, E6 and A6 of the Basingstoke and Deane Local Plan (2006 - 2011) and Test Valley Borough Local Plan policy DES01.

2 Landscape - Impact on the fabric, character and quality of the receiving landscape.

The proposed development would have an adverse impact on the landscape character of the area as due to the scale, prominent skyline location and visually disturbing movement of the turbines they would be incongruous and alien to the acknowledged attractive remote and tranquil downland countryside landscape character of the district in this location which also contributes positively to the setting of a number of designated and undesignated heritage assets. Development as proposed would also adversely impact on the visual amenity of this largely undeveloped area as the turbines would introduce an extremely tall, incongruous and visually dominant industrial presence that would significantly detract from cherished panoramic views from extensive sections of public rights of way and from viewpoints within the South Downs National Park to the detriment of its setting and unique sense of place. The development is therefore contrary to Chapter 11 of the National Planning Policy Framework; National Policy Statements EN-1 and EN-3 and Policies CP19 & CP20 of the Winchester District Local Plan Part 1 2013. Additionally, as the development has an impact on land outside the district Saved Policies E1, E6 and A6 of the Basingstoke and Deane Local Plan (2006 - 2011) and policy DES01 of the Test Valley Borough Local Plan 2006.

3 Heritage - Inadequacy of Information / weighting to show effects would not be harmful

The proposed development, due to its far reaching visual dominance breaking the skyline and introducing incongruous scale, form and movement as part of the backcloth setting to many heritage assets including Winchester Cathedral, other listed buildings, conservation areas, registered Parks and Gardens would devalue the important contribution that such assets make to the districts character and heritage. In the case of Winchester Cathedral, as viewed from St Catherine's Hill, the impact of the development on the skyline, in an otherwise undamaged view enjoyed for centuries, must be given substantial weight in terms of adverse impact. It is therefore considered that the proposed development will be detrimental to the historic character of the northern part of the district and the contribution it makes to the setting of the city, its cathedral and to the South Downs National Park contrary to NPPF paragraphs 128, 132, 133, 134, 135 and Policy CP20 of the Winchester

District Local Plan Part 1 2013.

4 The E S assessment of heritage assets does not sufficiently extend to lower grade assets which make valuable contributions to the district's character, often at some distance from the site. As such, the LPA is unable to make a properly informed decision regarding the impact on the Historic Environment which is contrary to their duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses in accordance with Section 66(1) of the P(LBCA) Act 1990.

5 Ecology - Inadequacy of Information to show effects would not be harmful

It is considered that insufficient survey information has been provided to satisfactorily demonstrate that the development will not have unacceptable adverse impacts on protected species or their habitat. As a result of this lack of information, it cannot be concluded with confidence that the proposal would not cause harm to bats and dormice and their habitats which receive legal protection under UK and European law. As such the proposals are contrary to Chapter 11 (in particular paragraph 118) of the National Planning Policy Framework (March 2012); National Policy Statements EN-1 and EN-3 and Policy CP16 of the Winchester District Local Plan Part 1 2013 and Test Valley Borough Local Plan 2006 policy ENV01 and ENV05.

6 Aviation

The proposed wind farm, by reason of its location, number and height of turbines, would pose an unacceptable additional hazard to military aircraft, particularly helicopters, within an area of relatively congested aviation activity which includes a designated MOD low flying training area where regular low level restricted landing manoeuvres are practiced with Chinook and other rotary wing aircraft. Relocation of such training facilities within the area, so as to avoid the proximity of the wind farm, is not practicable due to other restrictions and the development would thus undesirably prejudice aviation safety or continued use of such operational training facilities contrary to national interests and guidance in National Policy Statements EN-1 and EN-3.

7 Chilbolton Observatory

The proposed wind farm by reason of its location, number and height of turbines would be likely to adversely impact the operations of the Chilbolton Observatory Advanced Meteorological Radar which supports national meteorological research, including in regard to climate change and extreme weather event prediction. The turbines would partially encroach into the radar scan view leading to data corruption prejudicial to the observatory's provision of data for national academic research. The development would therefore be contrary to national and local planning objectives for the safeguarding of nationally important infrastructure in National Policy Statements EN-1 and EN-3.

8 Lasham

Insufficient information has been provided to demonstrate that there will be an acceptable impact on the safety of operations at Lasham Airfield from the proposed development or that mitigation can create an acceptable impact. As such the application is considered contrary to National Policy Statements EN-1 and EN-3.

Informatives

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council's have worked with the applicant in the following positive and proactive manner:-

- offering a pre-application advice;
- working collaboratively with colleagues in adjoining authorities;
- seeking further information following receipt of the application;
- considering the imposition of conditions and or the completion of a s.106 legal agreement.

In this instance:

- the applicant was updated of any issues through meetings and emails;

In such ways the Council's have demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

2. The Local Planning Authorities have taken account of the following development plan policies and proposals:-

Winchester District Local Plan Part 1 (Adopted 20 March 2013):
DS1; MTRA4, CP12; CP16; CP19; CP20;

Winchester District Local Plan Review 2006 (Saved Policies):
DP3; DP4; DP11; T2;

Basingstoke and Deane Borough Local Plan Review 1996-2011 (Saved Policies)

Test Valley Borough Local Plan 2006 (Saved Policies) SET03, HAZ06, ENV17,
ESN32, ENV01,
ENV05, AME04.
