Agenda Item No 7

Planning and Development Board

13 January 2014

Planning Applications

Report of the
Head of Development Control

1 Subject

1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 Availability

5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.

5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 10 February 2014 at 6.30pm.

6 Public Speaking

6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.

6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:

- e-mail democraticservices@northwarks.gov.uk;
- telephone (01827) 719222; or
- write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

Item No	Application No	Page No	Description	General / Significant
1	CON/2013/0024	4	**Packington Landfill Site, Packington Lane, Little Packington, Meriden,** Variation of conditions relating to planning permission NW6/08CM035 to allow existing green waste composting facility to remain in operation for a further 10 years and to extend the range of waste's that can be accepted, processed and stored on site	General
2	PAP/2013/0321	10	**Wienerberger Brick Works, Rush Lane, Dosthill,** Installation and operation of 1no: 130m high wind turbine and associated infrastructure (including access track, electrical equipment, temporary construction compound and hardstanding)	General
3	PAP/2013/0482	139	**11 Knowle Hill, Hurley, Warwickshire,** Erection of bungalow at rear of property	General

General Development Applications

(1) Application No: CON/2013/0024

Packington Landfill Site, Packington Lane, Little Packington, Meriden, CV7 7HN

Variation of conditions relating to planning permission NW6/08CM035 to allow existing green waste composting facility to remain in operation for a further 10 years and to extend the range of waste's that can be accepted, processed and stored on site, for

Sita UK Ltd

Introduction

This application has been submitted to the County Council as the Waste Authority and it will determine the application. The Borough Council has been invited to make representations as part of the consultation process.

The Site

The existing Packington landfill site is to the south of the M6 Motorway and to the east of the A446 in the far southern part of the Borough. The site of this application is close to the western side of the side where the A 446 slip road bridges that road en-route to the NEC. There is an existing compound here. Appendix A shows the location and Appendix B illustrates the compound.

Background

Planning permission was granted by the County Council in 2006 for this green composting facility. It was the subject of conditions. One limited the life of the permission to 5 years thus expiring in November 2013. A further condition limited the waste treated here to only "waste plant matter".

The Proposals

It is proposed to vary the time condition such that the permission would expire in November 2023 and that the material deposited here be limited to "organic matter (including soils and wood waste)".

The applicant states that the extended time would "provide continued waste treatment facilities that would assist in the diversion of waste from landfill". The other proposal is said to provide a complimentary activity to the existing and the wood recycling facility located on the other side of the landfill site.

The applicant acknowledges the site is in the Green Belt and states that the very special circumstances in this case are: co-location with other waste management facilities; continued use of previously developed land, absence of amenity impacts and proximity to the urban conurbation.

Development Plan

The Warwickshire Waste Core Strategy 2013:

- Policy CS2 identifies preference for waste management facilities to be located in broad locations such as "active mineral sites and landfills" and "previously developed land";
- Policy DM1 states that new waste facilities should conserve the natural and built environment where possible by having no unacceptable impacts and the development satisfies Green Belt policy. In these circumstances the location needs of certain types of waste facility are material considerations that should be given significant weight in Green Belt areas,
- Policy DM2 refers to new facilities having no adverse amenity impacts.

Saved Policies of the North Warwickshire Local Plan 2006 – ENV2 (Green Belt), ENV6 (Land Resources), ENV8 (Water Resources), ENV9 (Air Quality), ENV11 (Neighbour Amenities), ENV14 (Access Design).

Other Material Planning Considerations

The National Planning Policy Framework 2012

Planning Policy Statement Number 10: Planning for Sustainable Waste Management 2011.

The Waste Management Plan for England 2013

Observations

The site is in the Green Belt. New development proposals should thus be determined against the policy set out in the NPPF. Here it says that when considering any application, substantial weight should be given to any harm to the Green Belt. There is no direct reference in the NPPF as to how waste facilities are to be treated, but Members will be aware that new buildings are regarded as inappropriate development with just limited exceptions and that engineering operations and mineral extraction are not inappropriate provided they preserve openness and do not conflict with the purposes of including land within the Green Belt. The applicant is starting from the position that the proposals are inappropriate but that he puts forward a number of considerations which in his view would constitute the very special circumstances necessary to outweigh the presumption of refusal due to that inappropriateness. These do carry substantial weight because they are supported by the very recently adopted Waste Core Strategy; current Government Waste policy in PPS10 which has not been superseded by the NPPF and the Government's more general approach to waste management. Moreover a planning permission has already been granted here for this use, as have others which Members will be aware off – wood recycling and the Anaerobic Digester plant.

It is considered that in these circumstances the proposal to extend the time limit should be supported. The re-wording of the condition relating to the nature of the waste stream dealt with at this site also is reasonable in these circumstances. However, it is essential that Member's earlier concerns are respected, in that the Packington site should be fully restored and returned back to open land in line with the agreed restoration plan such that its Green Belt function is fulfilled.

Recommendation

That the Borough Council has no objection to this application subject to the County Council being requested to ensure that time periods for such activities should only be granted if they reflect the time table for the final restoration of the Packington site.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

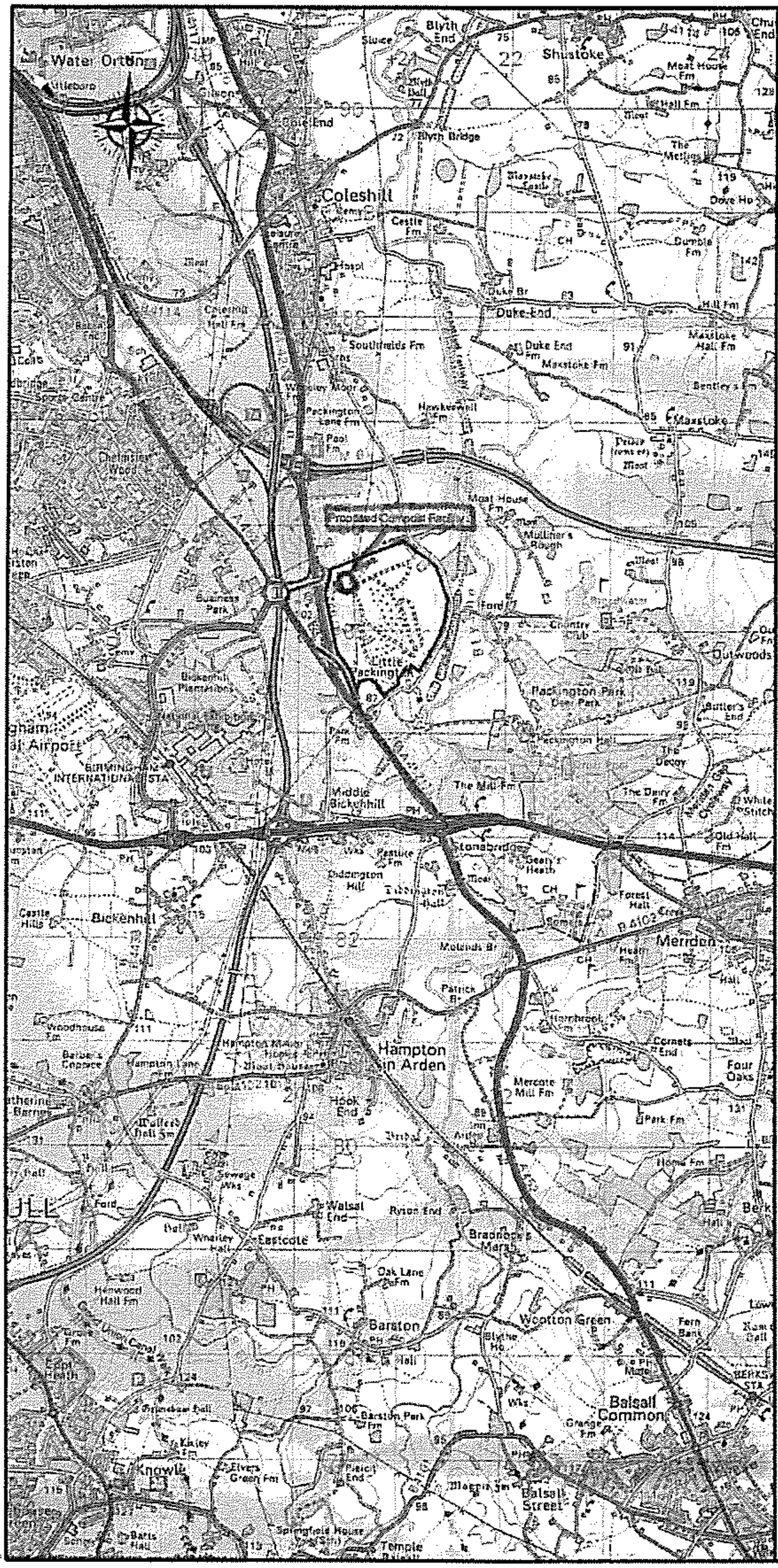
Planning Application No: CON/2013/0024

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Letter	5/12/13

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix A



Notes

1. Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationary Office, Crown Copyright, Licence Number 100004910.

2. Grid squares at 1km

Site Boundary

Proposed Compost Facility

SITA UK

Packington Landfill Site

Proposed Composting Location Plan

See Grid

August 2008

Lpl-Pln-0808-01

RB

Annex B

(2) Application No: PAP/2013/0321

Wienerberger Brick Works, Rush Lane, Dosthill, B77 1LT

Installation and operation of 1no: 130m high wind turbine and associated infrastructure (including access track, electrical equipment, temporary construction compound and hardstanding), for

Wienberger Ltd - Wienerberger Ltd

Introduction

The receipt of this application was reported to the August Board Meeting. It resolved to undertake a site visit and to tour around the surrounding area. In addition several Members visited a nearby wind farm which has 125 metre high turbines in order to better appreciate the size being proposed at Dosthill. A note of these visits is attached at Appendix A.

The report prepared for the August meeting is attached at Appendix B and it provides a description of the site and the proposal together with a summary of the applicant's supporting documents, and an outline of the relevant Development Plan policies. It should be treated as part of this final report.

Appendix B also contains location plans. So that Members who did not attend the visit can better appreciate the location, it should be pointed out that the turbine is proposed to be located in an arable field immediately to the east of the brickworks site. The turbine would therefore not be within the main manufacturing area or the area where clay is presently being extracted. This field stands well above the "floor" of the brickworks site. The proposed access to the turbine would be via a new road running around the northern end of the brickworks, following the line of Rush Lane, before emerging into the field.

Additional Information

Since the receipt of the application, the applicant has provided some additional background information in respect of the need for the turbine and a review of alternative options. This is attached at Appendix C. Additionally a letter responding to matters raised by objectors has also been received from the applicant – Appendix D.

As a consequence of consultation responses from the Environmental Health Officer, the applicant has submitted a Shadow Flicker Management Plan - see Appendix E.

The Government published revised Planning Guidance for renewable and low carbon energy on 29 July this year. This is attached in full at Appendix F.

Consultations

HS2Ltd – Given the current stage of design and consultation on the proposed Phase Two route, HS2 Ltd would not at this stage wish to make any specific comments on the application. However the proposed route announced by the Secretary of State shows that HS2 will pass over land that would be the subject to this application. Consequently the site or parts of it may in the future be required by HS2 Ltd to construct/or operate the railway.

Warwickshire CC Public Rights of Way - No objection

Environment Agency - No objection subject to a condition relating to any contaminated ground found during construction.

Warwickshire CC Highways - No objection subject to conditions relating to details of construction routes being agreed

Highways Agency- No objection subject to a standard condition

Severn Trent Water Ltd – No objection

Network Rail – No objection

Ministry of Defence - No objection

Birmingham Airport – Objection. The proposal would seriously degrade radar coverage to the north of the airport. There have been subsequent meetings between representatives of the Airport and the applicant but they have failed to resolve differences including consideration of the use of conditions or a Unilateral Undertaking

Inland Waterways Association – No objection

Natural England – The proposed development will not damage or destroy the interest features of the Kingsbury Brickworks Site of Special Scientific Interest. In terms of protected species then there is no objection subject to mitigation measures, and bio-diversity and landscaping enhancements need to be included should opportunities arise.

RSPB – The Society has no objection. Wind farms are essential to help prevent catastrophic climate change along with other renewable energy developments. As a matter of principle RSPB supports the development of wind power. The available scientific evidence shows that wind farms do not cause serious problems for birds and other wildlife if they are carefully designed, sited and managed. We do not anticipate that this development will threaten bird populations locally or more widely.

English Heritage – An initial assessment states that the proposal would be located in an environment already very degraded by quarrying and industrial activity. Whilst there are a number of heritage sites within a 5km radius of the site, the turbine appears to be sufficiently remote from these and possibly partially screened by topography so as not to cause any direct harm to the significance or setting. However individual assessments should be made. The applicant has done so in the documentation accompanying the application.

National Grid – No objection

Environmental Health Officer - No objection from a noise perspective but concerns are raised about shadow flicker

He agrees with the applicant in respect of the predicted noise levels but recommends a precautionary approach through the use of conditions in the event of an approval. Noise limits should be set at 35dB or 5dB above background noise during the day time and no more than 43dB or 5dB at night time hours at the closet residential property.

In respect of shadow flicker he concludes that the predicted impact will be greater than recommended limits and thus the turbine would need to be shut down during some periods. However the triggers for doing so and the procedures to be followed in such instances were unclear at the time of submission. A Management Plan has since been submitted which is satisfactory as far as he is concerned. This introduces a monitoring system with a default mechanism which would shut down the turbine if flicker occurred above agreed thresholds.

Tamworth Borough Council - The Council objects to the application following a unanimous vote by its Planning Committee. It refers to the significant detrimental impact on resident's visual amenity due the size of the turbine and its proximity to residential property; the potential impact from noise which could not be mitigated even with the proposed community fund, and that the proposal fails to accord with Green Belt policy as there are no very special circumstances in this case.

Representations

Members may be interested to know that 4000 letters of notification were posted to local residents – half of whom were resident in the Dosthill and Hockley areas of Tamworth.

There have been twelve letters of support for the proposal. These include one from the Brickworks company itself and this is attached at Appendix G. Also included is one from West Midlands Friends of the Earth – see Appendix H. Other matters raised in the letters include:

- overall benefits of low carbon energy sources and renewable energy on climate change
- energy costs here are substantial for this type of business and thus all alternatives should be explored
- this type of development is needed and is ideal.

Kingsbury Parish Council – Objection on the following grounds:

- Damage to Landscape Character and Visual Amenity
- Living Conditions nearby including noise and other pollution
- Impact on Nature Conservation
- Lack of Pre-Application Consultation
- Potential Legislation governing distances between turbines and houses
- Turbines are not now efficient
- The damage to the community is greater than any benefit to the applicant
- Visits should be made to see similar turbines

The CPRE objects referring to the impact on the openness of the Green Belt; on wildlife in the nearby SSSI and the River Tame, local heritage assets, residential property and that the countryside here is being eroded with the M42, the HS2 and with the cumulative impacts from turbines.

Councillor Lewis representing the Hurley/Wood End/Piccadilly part of the Kingsbury Ward objects to the proposal.

There have been one hundred and eleven objections. Members should note that around 90% of these are from addresses in Tamworth. A significant number of matters are raised and these are largely common to all of the objectors. A useful "summary" of these is represented by the letters attached at Appendix I. The matters raised include:

- Degradation of the character of the neighbourhood
- The Local Community's voice should be the most important
- Minimum distances should be enforced
- Highway issues given the character of the A5
- Noise levels and overall health impacts.
- Accidents
- Impact on landscape amenity
- Impact on residential amenity
- Impact on wildlife
- Impact on pets and working animals
- Disruption of hydrology
- Turbines are not effective
- Electromagnetic interference
- The only beneficiary is the applicant
- Impact on Property Values
- Impact on heritage assets

Observations

a) Green Belt

The application site is in the Green Belt. The Council's approach to the control of new development here is to follow Government guidance. This used to be through its Planning Policy Guidance Note Number 2, but that has been superseded by the National Planning Policy Framework ("NPPF"). This says that inappropriate development is harmful to the Green Belt by definition and thus there is a presumption of refusal. In this case the turbine is a "building" under the definitions in the Planning Act and therefore as new buildings are inappropriate development by definition in the NPPF, the starting point for determining this application is that there is a presumption of refusal.

However as Members are aware, there are other matters which need to be considered here.

The first is to see whether the proposal falls within one of the exceptions set out in the NPPF. It is considered that it does not. The site of the turbine is not within a brown-field site being in an open arable field, and hence the exception dealing with limited infilling within a brown-field site does not apply here.

The second is that the NPPF makes specific reference to renewable energy projects. It says that elements of such projects may comprise inappropriate development. In these cases, the developer will need to demonstrate very special circumstances if projects are to proceed. Such circumstances the NPPF continues, may include the wider environmental benefits associated with increased production of energy from renewable sources. This point is taken up elsewhere in the NPPF where it states that Local Planning Authorities should not require applicants to demonstrate the overall need for

renewable energy, and that those Authorities should recognise that even small-scale projects provide a valuable contribution to cutting green house emissions. As a consequence therefore, before acting on the presumption of refusal, the Board does need to understand the applicant's very special circumstances such that they can be then weighed against the presumption.

In view of these two matters, the Board will first have to establish the level of harm here to the Green Belt as a consequence of the proposal. Whilst it is "de facto" harmful because of the NPPF, the actual "real life" harm also needs to be established, because if that is significant then the weight of the very special circumstances put forward by the applicant should be equally if not more significant, if they are to overturn the presumption of refusal. This is therefore the approach now to be taken.

b) Openness

Members should be aware that in looking at the impact of the turbine on the openness of the Green Belt, they are not making the same judgement as they might do on looking at the impact on landscape character or on visual impact. These will be looked at separately below.

There is no definition of "openness" within the NPPF but it is generally taken to mean the absence of development. In other words, in planning terms, that one's perception of space is not constrained, contained or limited because of new built development. By fact and by degree it is considered that this proposal will have an impact on the openness of the Green Belt hereabouts. This is due to its height standing on the highest land surrounding it; its design involving moving parts thus drawing attention, its visibility over some distance in a number of directions because of the nature of the immediate, medium and more distant topography, its visibility as one passes through the surrounding area and there being no other similar tall structures or buildings nearby or further afield. In short, it will have a "presence" which will change the perception of space in more than its immediate locality. Because of these factors and because this presence will be felt by both a large resident and transitory population, the impact on openness here will be substantial.

The other matter in looking at Green Belt issues is to assess if there is any worse impact on the purposes of including land within the Green Belt than the existing situation on site. There are five purposes for including land within the Green Belt. Four of these are not applicable here – preventing neighbouring towns from merger; preserving the setting of historic towns, checking the unrestricted sprawl of large built up areas, and encouraging the recycling of derelict and other urban land. It is however considered that the fifth is applicable – assisting in safeguarding the countryside from encroachment. The encroachment here is due to the fact that the turbine and its associated structures are within an open field; its size, its substantial impact on openness and its visibility through large areas of countryside.

As a consequence it is confirmed that this is not appropriate development in the Green Belt and that the harm done to the Green Belt is substantial.

c) Very Special Circumstances

The applicant agrees that the proposal is inappropriate development and therefore that there have to be material planning considerations of such weight to amount to the "very special circumstances" necessary to warrant overturning the presumption of refusal.

The applicant's case is set out in his Planning Statement – see Appendix J. In section 1.5 the "very special circumstances" are identified. These are the wider benefits of renewable energy and support for an existing local business. This section also points out that planning permissions have been granted for wind turbines in the Green Belt, and that the proposal would not impact on the purposes of including land within the Green Belt. It is accepted that there is "some impact" on openness but that this is "minimised by its location in close proximity to the existing development and quarry", and that the harm is outweighed by the need for renewable energy and the support that the development would provide to a local business. Moreover he argues that there are no substantially adverse impacts on other considerations to warrant refusal.

Before bringing matters together in the form of a conclusion which will balance the inappropriateness against these very special circumstances, it is necessary to consider each of the potential impacts on all of the other planning considerations. This should then establish whether there are additional factors that need to be brought into the final assessment. These other considerations will largely follow the content of the Government's new National Guidance issued at the end of July and as referred to above – see Appendix F.

d) Impact on Landscape Character

The essential issue here is to establish what impact this turbine would have on the character of the surrounding landscape. It is therefore necessary to commence this by defining what the existing landscape character is. As the turbine here is large and would be widely visible, it is true to say that the potential impact on landscape character has to be looked at over a wide geographic area, and thus there are likely to be different landscape characteristics within that area. It is acknowledged that the applicant has accepted this point and the analysis he undertook has covered an extensive area – up to 20km - and he has referenced different characters within his study area.

It has to be said right from the start that the site is not located within or is any of the surrounding area within a designated Area of Outstanding Beauty, or other designated landscape area.

In broad terms the area is generally described as being an "Arden" landscape. The key characteristics are thus, "well wooded farmland with a rolling landform; ancient landscape patterns of small fields, winding lanes and isolated hamlets, narrow meandering river valleys with long water meadows and industrial development associated with former mineral extraction and urban edge landscapes".

At a more detailed level, the Borough Council's own Landscape Character Assessments can be used. The site itself is in an area called the Tamworth Fringe Uplands. Here the key characteristics are, "an indistinct and variable landscape, with relatively flat open fields, fragmented by restored spoil heaps, large scale industrial buildings and busy roads and bordered by the settlement edges of Tamworth, Dordon and Kingsbury and other visual detractors – the M42 and the Oil Depot".

Immediately to the west is the area known as the Tame Valley Wetlands. This is characterised by being, "a flat, highly modified river corridor landscape extensively worked for sand and gravel resulting in a new wetland landscape contrasting with remaining flood meadows and grass land. Busy roads and rail lines have an urbanising influence".

Beyond this to the west are the Middleton to Curdworth Tame Valley Farmlands and the Wishaw to Trickley Coppice Wooded Uplands. The former displays, "a predominantly open arable landscape with large fields, golf courses, a dispersed settlement pattern with busy roads and with long and panoramic views to the east".

To the south of the site is the Wood End to Whitacre Upper Tame Valley Farmlands, described as, " undulating farmland rising dramatically to the east and incised by many sub-valleys with open arable fields and woodland punctuated by an ancient settlement pattern and scattered rural properties".

Any assessment of landscape impact should take account of the ability or capacity of the landscape to absorb the proposed change. In other words what is the magnitude of change and does it materially alter the key characteristics as defined above? In order to asses this impact, the applicant has identified fourteen vantage points and provided a series of photo-montages overlaying the turbine on an existing landscape background. Members visited some of these vantage points during their visit.

The previous report outlined the applicant's analysis – see Appendix B. In respect of the impact on the Tamworth Fringe Uplands, then the applicant concedes that up to 1.75 kilometres from the site, the turbine would become the key characteristic in the landscape of substantial magnitude and major impact, altering its key characteristics. In the Tame Valley Wetlands the applicant concludes that this is already a highly modified landscape and with the effect of distance, screening, intervening landforms and settlements, there would be no significant alteration to the key characteristics of the landscape in this area. The same conclusion is reached in respect of the Wood End to Whitacre Upper Tame Valley Farmlands area because of the presence of the oil terminal, associated industrial works and intervening tree cover. Beyond these areas, the applicant concludes that there would be limited change to the landscape because of the distance factor and the intervening tree, landform and settlement cover. His overall conclusion is that the turbine would relate well to the existing landscape character respecting its scale and composition. He agrees that inevitable landscape effects will arise but concludes that these would be localised and thus that the landscape has the capacity to accommodate the scale of his development.

It is agreed that the applicant has undertaken a thorough analysis which addresses all of the matters raised in the Government's new guidance. The Board will thus need to decide whether it concurs with the overall conclusions reached. In short these are not agreed. It is agreed with the applicant that the landscape in the area around the site would be materially changed with the turbine becoming the dominant feature. It could thus not be absorbed into the existing landscape and this would extend for up to 2 kilometres from the site. Even within an urban fringe landscape as here containing pylons, a motorway, large industrial buildings and the effects of previous mineral extraction, the turbine would still dominate the landscape. This is more than just a "localised impact". It is agreed that with distance and with intervening natural landscape features, built form and vegetation, the impact of the turbine will reduce. However in this case it is considered that because of its height and design, the impact will be greater than that suggested by the applicant. For instance, in the River Tame valley the landscape form is of a river corridor. It is agreed that this is much modified by mineral extraction which is now being restored as nature conservation wetlands, but there is little built form visible and the turbine would introduce and exert a strong influence. It is agreed that such an influence would be less further to the south and to the west, but it is the size of the turbine that exerts that strong influence by introducing noticeable built form into what are essentially rural and open areas of countryside, with the development standing well above the horizon in wide panoramic vistas. Even when viewed from the

Kingsbury, Baddesley and Hurley areas with the Kingsbury oil depot and the Birch Coppice "sheds" in the foreground, the turbine would be a predominant built feature on the sky-line.

It is therefore concluded that the proposal would not accord with Development Plan policy. Saved Policy ENV1 of the Local Plan says that development which would "neither protect nor enhance the intrinsic qualities of the existing landscape as defined by Landscape Character Assessments, will not be permitted". Even if the more limited conclusion of the applicant is accepted then the development would still not accord with this policy. This is because the key to this policy is that new development should "protect" or "enhance". This does neither. The policy is a "saved" policy, but it is considered that it should carry full weight as it accords with the NPPF. Herein one of the core planning principles is that planning should "recognise the intrinsic character and beauty of the countryside" and there is also recognition that planning should "contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes". The proposal therefore does not accord with the NPPF in this respect.

The proposal would neither accord with saved policies ENV12 and ENV13 of the Local Plan. The former says that development will only be permitted if all the elements of the proposal harmonise with both the immediate setting and the wider surroundings to present a visually attractive environment, and the latter says that new buildings will only be permitted where the scale, massing, height and appearance of the proposal positively integrates into its surroundings. It is considered that this is not the case here. Again these saved policies should be given full weight as they are in line with the approach of the NPPF as set out above. Additionally the NPPF says that planning decisions should aim to ensure that developments "will add to the overall quality of the area". It is considered that the proposal does not accord with the NPPF in this regard.

e) Impact on Visual Amenity

In respect of the impact on the visual amenity of residents, then the applicant concedes that views from residents in Dosthill, particularly in its southern half, would result in substantial change causing major impact on their visual amenity. The same would apply to residents in Whateley. From Hockley, particularly from the southern edge; from some areas of Fazeley, from the northern edges of Kingsbury, and from some areas of Hurley and Drayton Bassett the applicant concludes that the degree of change would be slightly less and thus the impacts would be less, but nevertheless this would still be of significant impact for some residents. From settlements further afield, the applicant concludes that the impact on visual amenity would be limited or insignificant.

In respect of travellers passing through the area by road, the applicant concludes that there would be significant impacts between 1.6 and 3 kilometres for drivers on the M42 (depending on whether they are south or north bound) and between 2 kilometres and 0.75 kilometres for drivers on the A51. For drivers on the A4091 and other minor roads close to the site the impacts are said to be moderate, reducing to little impact on the A5 and other more distant routes.

For rail travellers, the impacts are said to be significant within about 350 metres of the site, but the duration of these impacts would be very limited.

For walkers using the public footpath network, then the applicant concludes that the turbine would have significant effects within about 4 kilometres of the site particularly where there are unobstructed views.

In terms of cumulative impacts, then the applicant considers that there would be limited impact on visual amenity from a combination of this turbine and the one permitted at the M42 Services and that this would be limited to small numbers of residents. There would however be significant impacts on drivers on the M42 and from some public footpaths.

It is noticeable here that the applicant agrees that the turbine will have substantial and significant impacts on visual amenity over a far wider area than just the local area around the site. This is agreed and it is this issue which arises in practically all of the objections received. Saved policy ENV11 of the Local Plan says that development will not be permitted if the occupancy of nearby properties would suffer significant loss of amenity. It is considered that this is the case here. The policy again is considered to accord with the NPPF and thus carry full weight. The NPPF refers to planning "seeking a good standard of amenity for all existing and future occupants of land and buildings". As such the proposal is not considered to accord with the NPPF in this respect.

e) Noise Impacts

The Environmental Health Officer has responded to the application by agreeing that the turbine should cause no significant noise impact. However as with other cases dealt with in the Borough, he considers that a precautionary approach should be taken with the imposition of noise "thresholds" through the imposition of planning conditions should a planning permission be granted.

The appropriate Development Plan policy for consideration of noise impacts is saved policy ENV11 of the North Warwickshire Local Plan 2006. This states that where would be "significant" loss of amenity due to amongst other things noise, then planning permission should not be granted. It is considered that this policy should carry full weight as it accords with the NPPF and in particular paragraph 123 where it says that planning decisions should aim to reduce noise from giving rise to significant adverse impacts as a result of new development. The key adjective here is "significant". In light of the response from the Environmental Health Officer it is considered that there is not a reason for refusal here.

f) Wildlife Impacts

A common theme running through many of the objections received is the potential impact on wildlife and particularly on bats and birds. This is emphasised here because of the nearby River Tame Valley and is associated wetlands and nature reserves and their ornithological interest for breeding and migratory birds at a local as well as at a national level. The site is also close to the Kingsbury Brickworks SSSI – designated for its geological interest. The closest SSSI in respect of nature conservation interest is the ancient woodland of Kingsbury Wood (1.5km to the south) and there are others in the River Tame Valley (3 to 6 km distant). Additionally there are nine non-statutory designated nature conservation sites of ornithological or bat interest within three kilometres of the site.

Natural England has been consulted and has no objection to the proposal, satisfied that the proposal would not damage or destroy the interest features of the Kingsbury statutory site, and given that the appropriate survey work has been undertaken in respect of bats concludes that the proposed development would be unlikely to affect bats. In respect of other domestic species – badgers, water voles etc - then the appropriate surveys have been undertaken in line with Natural England's Standing

Advice and the conclusion is that the proposal is unlikely to be detrimental to the maintenance of the species concerned at a favourable status in their natural range.

It is noteworthy that the RSPB has not raised an objection, particularly because of the two SSSI's in the River Tame Valley at Middleton Pool and Whitacre Heath. Interestingly the Society concludes that climate change itself is having far greater adverse impacts than turbines on birds and thus sees renewable energy developments such as turbines as being essential. It concludes by saying that available scientific evidence shows that wind farms do not cause serious problems for birds. On the information it has here, it is not anticipated that this proposal would threaten bird populations locally or more widely. It is accepted however that there would be some displacement but with the variety of habitats in the surrounding area there would be no significant impact.

The relevant Development Plan policy here is saved policy ENV3 of the North Warwickshire Local Plan 2206. This policy is divided into three areas. Given the response from Natural England in respect of the nearby SSSI, it is considered that the proposal accords with the approach of ENV3 in respect of national sites. In respect of regional and/or locally important sites, then the responses from both Natural England and particularly the RSPB are formative in that the proposals would be unlikely to have a "harmful effect" on nature conservation assets. The same conclusion arises in respect of protected species. This policy is considered to accord with section 11 of the NPPF and thus carry full weight. There is therefore no reason for refusal based on potential nature conservation impacts. However in the event that planning permission is granted, then opportunities for nature conservation and bio-diversity enhancement should be considered through the use of planning conditions.

g) Highway Impacts

The Highway Authority – Warwickshire County Council – has not objected to the proposal. It says that vehicle movements associated with every day use would be low and thus it is considered that if operational, the turbine would not create any material increase in the number or type of vehicle using the existing access arrangements. During construction then the issue becomes one of over-sized vehicles visiting the site. The Highway Authority draws attention to the standard of the Rush Lane junction with the A51 but notes that there are proposals to address this. Moreover the route suggested to the M42 junction 9 at Dunton Island is accepted as being suitable. However conditions are recommended in order to explore the detail of the operation. As a consequence it is not considered that there is a reason for refusal here.

The Highways Agency does not object to the proposal.

There are no objections either from the public rights of way team of the Highway Authority as there are no recorded rights of way crossing or immediately abutting the application site.

The relevant Development Plan policy here is saved policy ENV14 of the North Warwickshire Local Plan 2006. Given the responses from both Highways Agency and the Highway Authority here, it is not considered that there is a reason for refusal here, but that planning conditions will be required as recommended by those Authorities. There is nothing in the NPPF which is likely to treat this issue differently.

h) Heritage Impacts

The initial conclusion from English Heritage as recorded above is agreed. There are five scheduled ancient monuments within 5km of the site along with six conservation areas, seven Grade 2 star Listed Buildings and 89 Grade 2 listed buildings. The applicant has therefore undertaken assessments on the more significant of these features, bearing in mind English Heritage guidance that "protection of the setting of heritage assets need not prevent change", and that most of the assets themselves are surrounded by other more recent and modern developments.

Tamworth Castle is a Grade 1 Listed Building and potential impacts on its setting have been assessed, even although it is just outside of the 5km radius studied by the applicant. The turbine will be seen from the Castle just as other more modern buildings are now – blocks of flats, the Snow Dome and the Holiday Inn. The turbine would be another built feature and a further component in very mixed views. It is unlikely to therefore have a material impact on the Castle's setting.

The seven grade 2 star Listed Buildings are the Dosthill Sunday School; Kingsbury Hall, Kingsbury Church, Middleton Hall and its associated buildings, Drayton Bassett Church and Middleton Church. The overall assessment of the applicant is agreed that there would be imperceptible or negligible impacts on these assets as they already stand in their own grounds and immediate settings. This is not to say that the blades of the turbine would not be visible from one or other of these assets. The issue is whether that visibility materially affects the setting of these Listed Buildings. Given the distances involved and the intervening land forms, buildings and vegetation it is not considered that is significant impact through discernible change to their settings. The same conclusion applies to the closest of the grade 2 Listed Buildings – Freasley Hall, Yew and Sycamore Cottages, Whateley Hall Farmhouse, The Malt House, Hockley Hall and Holt Hall, although in the case of the latter two buildings, the turbine will be visible in part due to proximity and thus the impacts would be limited.

In terms of the Conservation Areas, then the closest is Dosthill – just over a kilometre to the north-west. Views into and out of the Area are restricted due to other development surrounding the Area. As a result, clear views of the turbine are unlikely, but where they are, they would be of low impact not materially altering the character and appearance of the Area, which is essentially that of an urban environment. The same conclusions apply to the Wilnecote, Kingsbury, Fazeley and Bolehill, Polesworth and Tamworth Town Centre Areas. However the turbine would just be visible from the south eastern edge of the Fazeley and Bolehill Area, but not materially affect the character of the Area as a whole. These Areas are in general terms historic town centres and not open spaces or in countryside locations and thus their respective characters and appearance are unlikely to be materially affected.

It is agreed that there are no significant impacts to the settings of scheduled ancient monuments in the area.

Consideration of impacts on heritage assets is a statutory duty. Local Planning Authorities have a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area. It is considered that the proposal is sufficiently distant from the Areas around it and that there are intervening landforms and buildings to be sufficient to preserve their characters and appearance. Similarly with Listed Buildings, the duty is to ensure that there are no material impacts on the special architectural or historic attributes of these buildings. In this case the proposal is not within the curtilage of, or close to a Listed Building. However the setting of a Listed Building is a material consideration too. It is not

considered that the setting of these buildings is materially affected. English Heritage has not raised objection.

The relevant Development Plan policies here are saved ENV15 and ENV16 from the North Warwickshire Local Plan 2006. It is considered that these fully align with section 12 of the NPPF and thus carry full weight. However given the conclusions above it is not considered that there are sufficient grounds here for a refusal.

i) Shadow Flicker

The Environmental Health Officer draws attention to the applicant's supporting documentation which describes a worst case scenario here as there being shadow flicker for 400 hours a year. He understands that this is not a "predicted" or even an "expected" level, but points out that it is excess of the generally recommended level of 30 hours a year. This is understood to be a consequence of the size of the turbine. Whilst the applicant had included a complaint investigation procedure and a proposed mitigation strategy, this is said to be heavily reliant upon an investigation undertaken by the applicant within some ten days. He does not consider this to be robust or responsive both in terms of looking at mitigation measures for affected properties and the inclusion of "shut down" periods. These concerns have been put to the applicant as left unattended they were likely to be the subject of a refusal reason. The applicant has submitted a shadow flicker management plan in response.

This is attached in full at Appendix E. In short it includes the installation of a mechanism within the turbine which would shut it down if agreed levels of shadow flicker are exceeded – in this, the recommended level would be 30 minutes per day or 30 hours per year. The applicant proposes to survey all receptors (dwellings and offices) prior to commissioning the turbine and the findings would be modelled into a device to be installed into the turbine which would shut it down should the level above be exceeded. The survey work would be undertaken with the Council's officers present. Mitigation measures for individual addresses could also be agreed.

The Environmental Health Officer is satisfied that this Plan would provide safeguards and thus allay a potential refusal reason, but he recommends that it is conditioned should planning permission be granted.

The relevant Development Plan policy here is saved policy ENV11. As indicated above in section (e), it is considered that this policy accords with the NPPF and thus should be given full weight. The policy says that where there is "significant" loss of amenity then a planning permission should not be granted. The submission of the Management Plan with its sanction of shutting the turbine down is a significant mitigating circumstance here and it is considered that in these circumstances the imposition of a condition is the proportionate way forward.

j) Operational Impacts

Some representations received include issues which generally relate to safety matters. The Government's new guidance stays that "fall over distance" plus 10% is often used as a safe separation distance. Members will have seen from their visit, that this "guide" is fully satisfied. Moreover it is material that the Highways Agency, Network Rail and the National Grid have not raised objections due the proximity of the turbine close to their respective infrastructures. Members too will have seen large turbines immediately adjacent to the M1 Motorway and of course there is a planning permission for one in the HGV lorry park at the M42 Dordon Service Area.

k) Air Traffic and Safety

The Government's recent guidance points out that wind turbines can have an adverse impact on air traffic movement and safety. Whilst they represent a risk of collision they may more commonly interfere with the proper operation of radar by limiting the capacity to handle air traffic and aircraft instrument landing systems. In this case the Birmingham Airport has objected to the proposal. The reasoning behind that objection has been relayed to the applicant and he disputes the conclusion reached by the Airport. Notwithstanding on-going discussion between the parties, no agreement could be reached including the use of planning conditions or through the use of a legal agreement. As such the Airport maintains its objection.

l) Other Impacts

The Environment Agency has raised no objection subject to a condition in respect of any contaminated land which might be found, and the Severn Trent Water Ltd has not lodged an objection.

The proposed line of the next phase of HS2 runs to the south of the site but HS2 Ltd has not raised an objection to the proposal.

The Ministry of Defence has not raised an objection.

m) Representations Received

The representations received very largely include all of the matters raised above. There is however a number of other separate issues which are mentioned and should be addressed.

One key one that is referred to is the view that there is insufficient distance between the turbine and residential property. A response to this was outlined above. However to make it clear, the Government's own recent guidance explicitly states that, "Other than when dealing with set back distances for safety, distance itself does not necessarily determine whether the impact of a proposal in unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses". In other words a refusal based on a view that the turbine is within a certain distance of a residential property would carry very little weight. As the guidance says, it is the context that is important. The conclusions above in respect of the impact on openness, and the visual and landscape impacts are thus of far more weight here.

Another representation widely referred to in the objections is the potential impact on house and property values. Members will know that this is not a material planning consideration and no weight should be attached to this concern. Similarly there was reference in some of the representations received to the potential impact on domestic animals, but again it is not considered that this should be a material planning consideration here.

An objection based on the potential that a planning permission here would act as a precedent for other turbines in the locality should be given little weight. Members will be aware that it is a clear tenet of planning law that each proposal should be considered on its own individual merits. In this case the turbine is "bespoke" to the brickwork's energy requirements and as discussed above it would have its own unique impact on the

openness of the Green Belt and on the landscape character hereabouts. It can thus be assessed on its own merits as a site specific proposal. Other proposals would have their own impacts and it is agreed that that might need to include cumulative impacts, just as here. The potential combined cumulative impact of this current proposal and the approved turbine at the M42 Services is referred to above and this carries some weight in the overall assessment of the impacts on openness and landscape character. Any future proposals will also need to assess cumulative impacts too. A straight forward expectation that a refusal should follow because of likely precedent is not considered to be a consideration of weight in determining this application.

Several representations refer to the applicant not considering alternative forms of renewable energy or that the technology proposed is inefficient. This is addressed by the applicant at Appendix C. However, Member's attention is particularly drawn to the advice in the NPPF where one of the core planning principles outlined in paragraph 17 is that the planning system should, "support the transition to a low carbon future and encourage the use of renewable resources, for example by the development of renewable energy". Paragraph 97 states that in order to help increase the supply of renewable energy, local planning authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable sources". In paragraph 98, when determining applications, local planning authorities should not "require applicants to demonstrate the overall need for renewable energy and recognise that even small scale projects provide a valuable contribution to cutting green house gasses". The brickworks business clearly wishes to use renewable energy in its business enterprise here. In light of the NPPF's guidance, it is not considered to be reasonable for the Council to consider a refusal on the grounds that the Company should first consider alternative technologies; that the technology may be inefficient or that it should look at a wider variety of alternative sites for locating its renewable energy source. Members are therefore advised to give little weight to these matters.

n) Initial Conclusion

All of the above issues now need to be brought together into a short conclusion such that it can then be weighed against the applicant's case in the final assessment.

It is concluded that the development is inappropriate development in the Green Belt. Not only is it that harmful by definition, it is also harmful in that it would have a substantial "real-life" adverse impact on the openness of the Green Belt particularly in proximity to the turbine but also over a wider geographic area. To this are added the substantial adverse impacts on the landscape character in the immediate vicinity but also on many other landscape characteristics further afield, and the adverse impacts on visual amenity, significantly for those resident in the nearby residential areas but also on those passing through. Cumulatively these impacts are considered to be substantial.

o) Final Assessment

The application site is in the Green Belt. The proposal is for inappropriate development here and thus the presumption is that planning permission should be refused. This is the starting point for this final assessment. The applicant agrees and considers that the "very special circumstances" outlined in the application are of sufficient weight to override this presumption. It was indicated in section (a) that the greater the cumulative impact of this inappropriate development, then the greater the case needed to be from the applicant in order to overcome the presumption. It is considered that the cumulative adverse impacts here are substantial and thus the applicant's case has therefore to be equally substantial. That case does carry significant weight. The NPPF makes it explicit

that one of the Government's core planning principles is to "support the transition to a low carbon future" and thus planning decisions will play a key role "in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and in supporting the delivery of renewable and low carbon energy." Hence this principle itself becomes a very special circumstance in its own right which has to be considered when assessing applications in Green Belt locations. The applicant quite rightly therefore treats this as central to his case.

There is certainly merit here in how that principle is then translated into this development proposal. There are two matters here of weight. Firstly, the beneficiary of the renewable energy here is an industry heavily reliant on high energy consumption. The evidence to support this and its benefit to this industry is outlined in the various appendices to this report. It is thus exactly the kind of renewable energy project that could be supported. Moreover there would be some public benefit too with electricity for up to 1400 dwellings being exported into the National Grid. The NPPF makes it very explicit that there is a responsibility on "all communities to contribute to energy generation from renewable or low carbon sources" and this is repeated in the latest Government guidance. Secondly, this project relates to an industry central to the Government's planning policies – the need to build more houses. Whilst the applicant argues that support for the proposal will ensure the future of this factory here at Dosthill with the retention of local employment opportunities, the argument does need to be widened in that this industry is working in the national interest. Members will have seen the scale and extent of the manufacturing process whilst on site and the very real sustainable advantage of having the raw material sourced on-site. Renewable energy provision would thus enhance these sustainability benefits.

For these two reasons it is considered that the applicant's case does carry significant weight. The assessment to be made is whether it is sufficient to override the presumption of refusal.

It is considered not. There are several reasons for this. Firstly, the essential characteristics of the Green Belt are its openness and its permanence. Each of these defining characteristics would be substantially compromised here and it is not easy to find any means of mitigation. The NPPF continues by saying that very special circumstances "will not exist" unless the potential harm to the Green Belt, and any other harm, is "clearly" outweighed by other considerations. In this case it is considered that the harm done to the Green Belt goes to the very essence of the Green Belt and thus those considerations can not clearly outweigh that harm. Secondly, harm will be caused here other than to the Green Belt – the material change to landscape character and visual amenity. These impacts themselves are sufficient to warrant a refusal because of the degree of that harm. Again it is difficult to establish whether there can be any form of mitigation here to limit these impacts. As a consequence and thirdly, the most recent Government guidance is that the need for renewable energy does not automatically override environmental protections and that protecting local amenity is an important consideration which should be given proper weight in planning decisions. It is considered that in this case, those environmental protections should be retained because of the degree of the harm caused by the proposed development. Fourthly, that same recent advice says that it is important that the planning concerns of local communities are properly heard. Here there is significant objection from those most directly affected.

p) The Proposed Community Fund

Members will be aware from the August report – Appendix B – that the applicant is offering a Community Trust Fund amounting to £125k to be expended on "environmental and sustainability related projects within the local area" in the event of an approval for the turbine.

Local financial considerations relevant to a planning application are matters which can quite properly be taken into account in the grant of planning permission by virtue of Section 143 of Localism Act 2011. The offer of the Fund is thus a matter which needs to be addressed openly. It is considered that the planning merits of the case should be fully dealt with prior to looking at this matter and this is why it is left until this point in the report. In short the issue is whether the offer of the Fund is sufficient to add that additional weight to the applicant's case so as to overcome the planning conclusion reached above. It is considered not because of the significant objection to the development from the local community which is generally based on sound planning reasons. Additionally as concluded above, those planning reasons go to the very heart of Green Belt policy and thus the offer of the Fund is not something which would lead to a re-consideration of this matter of principle.

Recommendation

That planning permission is **REFUSED** for the following reasons:

1) This proposal is inappropriate development in the Green Belt. It is thus harmful to the Green Belt by definition. It is considered that the material considerations advanced by the applicant are not of a weight to amount to the very special circumstances sufficient to overcome the presumption of refusal as a consequence of that harm. This is because of the substantial impact that the proposal would have on the openness of the Green Belt by virtue of its height; its location on high ground and its visibility over an extensive area. The proposal does not accord with saved policy ENV2 of the North Warwickshire Local Plan 2006 and the National Planning Policy Framework 2012.

2) The proposal is considered to have a substantial adverse impact on the character of the landscape to the extent that it would not protect or enhance the intrinsic quality of its characteristics in the vicinity of the proposal or over a wider surrounding area. It does not harmonise with its surroundings or add to the overall character of the area. This is by virtue of its size and its location and the characteristics of the surrounding landscape. The proposal does not accord with saved policies ENV1, ENV12 and ENV13 of the North Warwickshire Local Plan 2006 and the National Planning Policy Framework 2012.

3) The proposal is considered to have a substantial adverse impact on the visual amenity of surrounding and more distant occupiers by virtue of the size, the location of the proposal and the extent of the area affected. It does not accord with saved policy ENV11 of the North Warwickshire Local Plan 2006 or the National Planning Policy Framework 2012.

4) Birmingham Airport, a safeguarded civil aerodrome, advise that the proposal would lead to an unacceptable degradation of radar coverage in an operationally significant area to the north of the Airport, to the extent that it would direct the Local Planning Authority to refuse planning permission under Section 77 of the Town and Country Planning Act 1990 as set out in the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0321

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/7/13
2	Wienerberger Ltd	Support	16/7/13
3	M Kondakor	Support	29/7/13
4	The British Ceramic Foundation	Support	23/7/13
5	C Wilkinson	Support	30/7/13
6	G Jordan	Support	31/7/13
7	Central Hydraulic Loaders Ltd	Support	11/7/13
8	B Jones	Support	11/7/13
9	T Sanders	Support	12/7/13
10	H Eppel	Support	12/7/13
11	Friends of the Earth	Support	7/8/13
12	C Jones	Support	9/8/13
13	M Koutstaal	Support	12/8/13
14	C Pincher MP	Objection	10/7/13
15	P Lawlor	Objection	16/7/13
16	S Lawrence	Objection	14/7/13
17	R Hewkin	Objection	12/7/13
18	T Payne	Objection	15/7/13
19	K Caves	Objection	15/7/13
20	G Hopgood	Objection	11/7/13
21	M Smith	Objection	11/7/13
22	P Berrow	Objection	11/7/13
23	D Kelly	Objection	11/7/13
24	D Farrell	Objection	11/7/13
25	L Carr	Objection	15/7/13
26	I Warner	Objection	11/7/13
27	L Smith	Objection	15/7/13
28	R Hancocks	Objection	14/7/13
29	M Stait	Objection	13/7/13
30	H Sturgess	Objection	17/7/13
31	R Irvine	Objection	15/7/13
32	B Hulland	Objection	16/7/13
33	A Winning	Objection	17/7/13
34	W Jenkinson	Objection	19/7/13
35	Objector	Objection	19/7/13
36	L Stretton	Objection	21/7/13
37	Mr & Mrs Billings	Objection	21/7/13
38	N Payne	Objection	21/7/13
39	D Gowdy	Objection	20/7/13
40	C Gilbert	Objection	20/7/13

41	A McNulty	Objection	20/7/13
42	J Beadley	Objection	20/7/13
43	J Beasley	Objection	20/7/13
44	M Butler	Objection	20/7/13
45	Mr & Mrs Harris	Objection	22/7/13
46	J Newell	Objection	22/7/13
47	S Clarke	Objection	22/7/13
48	T Clarke	Objection	22/7/13
49	R Carless	Objection	22/7/13
50	N Hargreaves	Objection	25/7/13
51	G Bridgewater	Objection	25/7/13
52	D Byles MP	Objection	23/7/13
53	B Peacock	Objection	24/7/13
54	J Mereweather	Objection	25/7/13
55	Mr & Mrs Wynn	Objection	25/7/13
56	J McNally	Objection	25/7/13
57	M Amos	Objection	26/7/13
58	R Alexander	Objection	26/7/13
59	J Horobin	Objection	22/7/13
60	H Firth	Objection	22/7/13
61	M White	Objection	22/7/13
62	K Wakefield	Objection	23/7/13
63	M Majhu	Objection	23/7/13
64	M Gurney	Objection	23/7/13
65	R Darby	Objection	23/7/13
66	R Martin	Objection	22/7/13
67	L Smith	Objection	22/7/13
68	T Gopsill	Objection	23/7/13
69	J Gopsill	Objection	23/7/13
70	M Moss	Objection	26/7/13
71	Mr & Mrs Zajac	Objection	29/7/13
72	D Smith	Objection	29/7/13
73	L Williams	Objection	27/7/13
74	A Bryant	Objection	29/7/13
75	J Webb	Objection	30/7/13
76	Mr & Mrs Dean	Objection	29/7/13
77	K Webborn	Objection	29/7/13
78	M Pursglove	Objection	29/7/13
79	Objector	Objection	26/7/13
80	Mr & Mrs Marven	Objection	28/7/13
81	E Pendleton	Objection	28/7/13
82	M Heath	Objection	28/7/13
83	V Jennings	Objection	28/7/13
84	H Young	Objection	29/7/13
85	Mr & Mrs Humphries	Objection	29/7/13
86	R Brandeth	Objection	30/7/13
87	J Turton	Objection	31/7/13
88	D Izon	Objection	31/7/13
89	C Izon	Objection	31/7/13
90	R Znajda	Objection	31/7/13
91	R Walton	Objection	31/7/13

92	B Hastings	Objection	1/8/13
93	L Hastings	Objection	1/8/13
94	A Avery	Objection	1/8/13
95	M Capell	Objection	31/7/13
96	C Jones	Objection	31/7/13
97	K Noble	Objection	31/7/13
98	N Spiers	Objection	30/7/13
99	D Turner	Objection	30/7/13
100	R Bracher	Objection	30/7/13
101	Kingsbury Parish Council	Objection	28/7/13
102	Mr & Mrs Bennett	Objection	30/7/13
103	National Grid	Consultation	12/7/13
104	Natural England	Consultation	15/7/13
105	Inland Waterways Association	Consultation	11/7/13
106	MOD	Consultation	22/7/13
107	Network Rail	Consultation	22/7/13
108	Severn Trent Water Ltd	Consultation	10/7/13
109	Highways Agency	Consultation	23/7/13
110	WCC Highways	Consultation	25/7/13
111	Environment Agency	Consultation	29/7/13
112	WCC Footpaths	Consultation	29/7/13
113	HS2 Ltd	Consultation	30/7/13
114	Head of Development Control	Letter	16/7/13
115	Head of Development Control	Letter	22/7/13
116	Applicant	Letter	31/7/13
117	Applicant	Letter	1/8/13
118	Applicant	Letter	16/8/13
119	Environmental Health Officer	Consultation	23/8/13
120	Tamworth Borough Council	Consultation	23/8/13
121	J Whitehurst	Objection	3/8/13
122	C Fulwell	Objection	2/8/13
123	W Jephcott	Objection	22/7/13
124	R Constable	Objection	5/8/13
125	Mr & Mrs Bates	Objection	6/8/13
126	D Hughes	Objection	5/8/13
127	M Coldwell-Horsfall	Objection	8/8/13
128	Mr & Mrs Simmons	Objection	9/8/13
129	CPRE	Objection	9/8/13
130	D Barker	Objection	10/8/13
131	J Chesney	Objection	12/8/13
132	N McCullogh	Objection	10/8/13
133	M May	Objection	12/8/13
134	K Byrne	Objection	14/8/13
135	S Allatt	Objection	15/8/13
136	Councillor A Lewis	Objection	15/8/13
137	ANON	Objection	18/8/13
138	L Adams	Objection	20/8/13

139	B Tibbles	Representation	1/9/13
140	Birmingham Airport	Objection	23/8/13
141	Applicant	E-mail	5/9/13
142	Applicant	E-mail	9/9/13
143	Applicant	E-mail	16/9/13
144	Environmental Health Officer	E-mail	13/9/13
145	Environmental Health Officer	E-mail	25/9/13
146	Applicant	E-mail	24/9/13
147	Site Visit	Note	29/8/13
148	Site Visit	Note	4/9/13
149	Birmingham Airport	E-mail	24/9/13
150	Applicant	E-mail	23/9/13
151	Applicant	E-mail	25/89/13
152	Applicant	E-mail	30/9/13
153	Birmingham Airport	E-mail	21/10/13
154	Applicant	E-mail	25/10/13
155	Applicant	E-mail	1/11/13
156	Birmingham Airport	E-mail	21/11/13
157	Head of Development Control	E-mail	22/11/13
158	Applicant	E-mail	25/11/13
169	Birmingham Airport	E-mail	17/12/13
170	Head of Development Control	E-mail	17/12/13
171	Birmingham Airport	E-mail	17/12/13

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix A

PAP/2013/0321
Proposed Wind Turbine – Weinerberger Works, Dosthill

Site Visit: Thursday 29 August 2pm

Present: Councillors Butcher, Humphries, Moss B, Phillips, Sweet and Wykes with J Brown

1. Members travelled along the M1 Motorway between Junctions 19 and 18 in order to view the eight wind turbines grouped to the immediate east of this stretch of the Motorway. These turbines are each 125 metres tall. From the Motorway the turbines were practically at ground level meaning that their full height could be seen.
2. From Junction 18, the group travelled through Crick and onto Yelvertoft. The land here is higher than the Motorway and the blades of the turbines were seen from the road between these two villages.
3. From Yelvertoft, the group travelled to Lilbourne. The full height of the turbines was again visible from here and Members were able to see the turbines in relation to houses that fronted the road.
4. From Lilbourne the group returned to the A5.
5. Whilst travelling to and from the M1, Members were able to see a number of other turbines around the Lutterworth area and at the DIRFT terminal.

PAP/2013/0321
Proposed Wind Turbine, Dosthill

Site Visit

We 4 September 2013: 6pm

Present: Councillors Butcher, L and N Dirveiks, Humphries, Lewis, May, Phillips, Sharratt, Sweet, Winter and J Brown

1. Members visited a number of vantage points en-route to the site. These were identified in the supporting documentation. The ones visited were Heanley Lane, Hurley; Whateley, Hedging Lane, Hockley and Kempton Drive, Dosthill. Members also overlooked the brickworks site at the point where safeguarded Dosthill By-pass joins the A51.
2. At each of the vantage points, the position of the turbine was located and the predicted views from the photo-montages supplied in the applicant's supporting documentation were viewed.
3. Members arrived on site shortly after 7pm.
4. There was a short question and answer session during which Members viewed the submitted plans and the photo-montages from the vantage points not visited.
5. Members then divided into two groups and were taken by the Wienerberger's personnel to the actual site of the proposed turbine. Here they could view the general location as well as noting the ground level of the base of the turbine relating that to the surrounding countryside, and the adjoining brickworks site and its associated quarry.
6. Members left the site just around 7.45pm.

Appendix B

PAP/2013/0321
Wienerberger Brick Works, Rush Lane, Dosthill

Installation and Operation of a single 130 metre high wind turbine and associated infrastructure (including access track, electrical equipment, temporary construction compound and hard standing) for

Wienerberger Ltd

Introduction

The receipt of this application is reported to the Board through this report in order to acquaint Members with the site and the proposal prior to determination. The opportunity is also taken to outline the Development Plan background as well as other material planning considerations which will need to be assessed.

As with other wind turbine applications, Members are recommended to undertake a site visit and also to tour around the surrounding area in order to better understand the landscape's character and appearance.

The application site falls inside North Warwickshire but it will have an impact on residents living in Tamworth. As a consequence residents in Dosthill and Hockley have been notified as well the Tamworth Borough Council. Members may wish to know that 4000 residents have been notified of the application together with a number of Parish and Town Councils as well as other surrounding Local Planning Authorities.

Prior to the submission of the application, the applicant presented the proposals to Members and officers of both this and the Tamworth Borough Council. The submission does not differ from the outline of the proposals given at that time.

The Site

The Wienerberger Brickworks are probably better known locally as the former Baggeridge brick works site. This is a substantial industrial concern just to the south of Dosthill and to the east of the A51. Access is from Rush Lane which has a junction with that road around 900 metres to the west of the site.

The general location is shown in Appendix A, and Appendix B illustrates the site in a little more detail.

To the north of the brick works site is the Biffa landfill site beyond which are residential areas in Tamworth and to the west is reclaimed land which benefits from planning permission to erect industrial buildings. There is existing residential development to the north-west comprising the southern extent of Dosthill – 625 metres to the nearest house. Further to the west on the A51 are established industrial premises. To the south there is open land being current clay workings as well as further clay reserves. There is open land

to the south west, being former mineral workings, and to the east is open agricultural land beyond which is the hamlet of Whateley – 660 metres distant. A National Grid electricity line with its pylons crosses this land too.

The Birmingham to Derby railway line is in cutting along the western boundary of the brickworks site and the M42 motorway is just over a kilometre to the south. There are overhead lines to the east. The land rises noticeably to the south and east.

The actual site of the proposed turbine is to the south east of the main building complex at the premises and is at the same ground level as those buildings.

The Proposals

The proposal is for a single wind turbine, 130 metres tall from ground to the tip of the blade. The hub would be 80 metres off the ground and the blades would cover a 100 metre swept area. Associated ground level buildings would be single storey – no more than 3 metres tall and have a maximum floor area of 60 square metres. These would be located around the foot of the turbine. A temporary construction compound is required together with a crane hard standing. Construction traffic and subsequent service vehicles would use the existing southern access from the brickworks onto Rush Lane and thence to the A51. Construction traffic would arrive from the south and also leave to the south – from and to Junction 9 (Dunton Island) of the M42 Motorway. Minor road improvements would be required particularly at the junction of Rush Lane with the A51. There would be some "over-sailing" too of adjoining land. Construction is likely to take nine months and involve a new internal access track within the industrial premises to access the actual site.

Illustrations of the turbine are at Appendix C and the associated buildings are shown at Appendix D with a layout at Appendix E.

The turbine is designed to generate 2.5MW of electricity over a 25 year period after which it would be de-commissioned. It is anticipated that 70% of the electricity generated would be provided for the brick works with the surplus exported to the National Grid – equivalent to meet the annual needs of 1360 houses.

For the applicant it is said that the proposal, as a green initiative, would benefit the environment generally by providing a renewable source of energy, delivering a supply of electricity which would be secure and have a predictable cost thus protecting it from volatility in future electricity pricing. The long term future of the business is thus seen as sustained with 850 jobs protected – 65 at this site.

A Community Trust Fund is proposed proportionate to the amount of electricity generated and this would amount of £125k for the local community to expend on environmental and sustainability related projects in the local area.

Supporting Documentation

A number of documents have been submitted with the application to provide the evidence base to assess potential impacts arising from the proposal. A non-technical summary has been produced by the applicant and this overview is attached at Appendix F.

In terms of **Site Selection and Design** the applicant has stressed that the proposal has been arrived at as a consequence of a balance between several factors – making use of the location with the best wind speeds; not prejudicing the manufacturing operations on site, ensuring that safeguarded distances between the pylons to the east and the railway line to the west are retained and that sufficient distance is maintained from existing residential property, particularly in respect of possible noise emissions.

The documents include information about **Pre-Application Consultation** referring to a bespoke web site and to a public exhibition held prior to submission. This was attended by 50 people and three main issues are said to have been highlighted: noise emissions particularly at night, the appearance and size of the turbine and concerns that the two Authorities would not work closely together.

There is a substantial document dealing with the potential **Landscape and Visual Assessment.** The methodology used in this work follows best practice guidance set out by the Landscape Institute and the Institute of Environmental Management and Assessment. A range of other guidance is called on, including the Natural England's Countryside Character for the West Midlands, and this Council's own Landscape Character Assessments. The former describes the area in general terms as having, "well-wooded farmland with a rolling landform with ancient landscape patterns of small fields, winding lanes and isolated hamlets, narrow meandering river valleys with long water meadows and industrial development associated with former mineral extraction and urban edge landscapes." The Council's document describes the area surrounding the site itself as being, "generally run down and indistinctive; an open arable landscape marred by former coal workings, spoil heaps, busy roads and large scale industrial areas, along with other prominent visual detractors –eg. the M42 Motorway, Kingsbury Link, the oil terminal and the brickworks site itself". The landscape character beyond this more local area surrounding the site, takes on much more of the character and form as described in the more regional description set out earlier. A full description of landscape characteristics is provided in the document.

In order to assess the extent of likely landscape and visual effects, the documentation suggests that visibility of the turbine would be extensive within a five kilometre radius of the site, but less so to the north east. At 10 kilometres visibility becomes "patchy" to the north–west and south-east and that there is very limited visibility towards 20 kilometres, more so to the west, south-east and north-east.

A total of 14 vantage points have been selected in order to asses the likely magnitude of landscape and visual effects. Photo-montages for each, showing existing and proposed

views are included in the documentation. The conclusions from the documentation in respect of the direct effects on landscape character suggest that in the area up to around 2 kilometres from the site there would be a significant change with the turbine becoming the dominant feature. In the Wood End to Whitacre area it is suggested that the turbine would be seen with other "urban" features such as the oil terminal, existing settlements and intervening trees such that there would be no significant landscape change. In the Tame Valley, the conclusion is that this is a "highly modified man-made landscape" which lacks any structure and thus the overall effect of the turbine would not be significant. In respect of looking at the effects from residential areas, then at Dosthill, it is concluded that there would be substantial change experienced for those residents closest to the turbine extending to around a kilometre away from the site. Further north there is greater likelihood of existing structures and building interrupting views. At Whateley and in Hockley the conclusion is that there would be substantial change. Kingsbury it is said would experience significant change particularly in its northern area. At Wood End there is not considered to be significant effects. At Hurley there would be significant effects from the more elevated locations in the south west of the settlement. Middleton it is said would experience moderate effects due to intervening woodland. In Drayton Bassett it is concluded that there would be moderate effects at its south eastern end. Dordon would experience slight change it is said particularly from residents on its western fringe, and at Baddesley there would slight change at the far western end on the higher ground overlooking Birch Coppice.

The document also assesses the landscape effects from road and rail users. It concludes that there would be significant effects from the M42 particularly travelling north. There would be substantial change for travellers going north on the A51 out of Kingsbury and significant change for those travelling south. Travellers on the A4091 would experience moderate change but change to users on the A5 would be limited. For rail travellers the effects would be limited because of the cutting and intervening landforms and vegetation. For footpath users the document concludes that there would be significant change for up to 4 kilometres distance.

The report then concludes by taking a view on the cumulative visual impacts, given that there is an approval for a 67 metre tall turbine at the Dordon Services. It says that there would be significant sequential effects for travellers on the M42 Motorway; from public footpath users in locations where visibility allows views of both turbines and from a limited number of dwellings in Whateley.

A selection of photo montages provided by the applicant is at Appendix G.

Heritage Impacts are assessed in terms of potential impacts on the settings of Listed Buildings, there being 7 grade two star buildings within a 5 km radius and 89 grade 2 listed buildings; the character and appearance of Conservation Areas, there being six conservation areas within a 5 km radius, and potential influence on scheduled ancient monuments, there being five such sites within a 5 km radius. The impact statement then deals with the individual sites and settings. The overall conclusion is that there would be no direct adverse impact and no wider impacts on the setting of these assets.

A **Natural Heritage** Assessment has also been prepared. This identifies eight statutory sites within a 20km radius of the site and fourteen non-statutory sites within a 3km radius. Contact was made with Natural England, the RSPB and the West Midlands Bird Club and particular attention was paid to ornithological interests because of the lakes and water bodies in the River Tame valley. The conclusion was that there are no significant ecological impacts.

A **Noise Assessment** has been undertaken within parameters agreed by Environmental Health Officers with the advice of the most up to date relevant best practice guidance note from the Institute of Acoustics. Those parameters include measures of background noise levels as well as selecting the locations for noise surveys and assessments. The conclusion from the assessment is that the day and night time limits can be met and thus the turbine would not be detrimental to residential amenity.

An assessment has also been undertaken of existing **Infrastructure** within the site and surrounding area, including utilities, aviation, rail facilities and services. This includes reference to the proposed HS2 line. No adverse impacts are anticipated. **Geological and Hydrological** assessments have also been undertaken which indicate that there are likely to be no significant effects. A similar conclusion was drawn from an assessment of the likely impacts from **Shadow Flicker.**

A **Planning Statement** has been submitted too. This refers to a number of planning policies as set out in the National Planning Policy Framework 2012; the National Policy Statement for Energy and for Renewable Energy Infrastructure, the North Warwickshire Local Plan 2006 and the Council's submitted Core Strategy of February 2013. Because the site is in the Green Belt, the applicant has set out the planning considerations which he considers amount to the "very special circumstances" required to override the presumption against the grant of planning permission for this inappropriate development. These are identified as the wider benefits of renewable energy; supporting an existing local business. The statement suggests that there would be some impact on the openness of the Green Belt and that it would not prejudice the purposes for retaining land within the Green Belt. In respect of other Development Plan policies the statement concludes that the supporting documentation indicates that there would be no adverse impacts to warrant refusal. The overriding conclusion is that this is sustainable development and should be supported as it complies with the NPPF.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 3 (Natural and Historic Environment); Core Policy 11 (Quality of Development) and policies ENV1 (Protection and Enhancement of Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV19 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings) and TPT1 (Transport Considerations).

Other Material Planning Considerations

The National Planning Policy Framework 2012 – Sustainable Development; Building a Strong Competitive Economy, Requiring Good Design, Protecting the Green Belt, Meeting the Challenge of Climate Change, Conserving and Enhancing the Natural and Historic Environments.

National Policy Statement for Energy – 2011

National Policy Statement for Renewable Energy Infrastructure – 2011

The Council's submitted Core Strategy – February 2013

Observations

This proposed single wind turbine is for one the largest turbines in the country and is larger than any proposal that the Council has had to consider to date. As with other cases, the starting point will be to assess the proposal against the Development Plan. In this case the site is in the Green Belt and thus the NPPF policy towards new development in such areas will need to be considered. The Board will have to decide whether this is appropriate or inappropriate development. If the latter, then the main issue will be to establish whether there are material planning considerations of such weight either individually or cumulatively which would amount to the very special circumstances necessary to override the presumption of refusal. Those considerations, as indicated above, will inevitably lead to discussion of the NPPF's approach towards renewable energy projects and the benefits that they bring. In this case the provision of the electricity requirements of the brick works operations with a sustainable energy source will be a significant factor.

As in other cases, the Board will have to assess the likely impacts of the proposal on a number of different factors – visual, landscape and noise will be the main ones. In coming to these assessments, the Board will be able to call on the advice and guidance of the consultation responses with a number of different Agencies; their own officers and the representations received from residents and Parish Councils. Because of the location of the proposal right on the boundary between North Warwickshire and Tamworth, the Board will need to give equal weight to all representations received particularly as many of the nearest residents to the proposal live in Tamworth.

At this stage the Board should be aware of the scale, scope and nature of the proposal; the reasons for its submission and the relevant planning policy background and issues. The recommendation below is to undertake both a site visit and a tour around the surrounding area. That tour will need to be wide ranging given the scale of the project.

Recommendation

At this stage the Board is recommended to visit the site and to undertake an extensive tour of the surrounding area.

Background Papers

Application 2/7/13

Appendix A

Kingsbury
Wind Energy Scheme

Regional context plan

Figure: 1.1

Legend:

- Proposed turbine location
  422114, 299036
  100m rotor, 80m hub, 130m tip height

Scale: 1:50,000 @ A3 N

cs: a7b4156efb82ca75e77c7deb27cf3d4e

APPENDIX B

Kingsbury
Wind Energy Scheme

Local context plan

Figure: 1.2

Legend:

- Proposed turbine location
  422114, 299036
  100m rotor, 80m hub, 130m tip height

Scale: 1:8,000 @ A3

N

cs: 7b8172ae883c7eb8f1d50336f198ebc

APPENDIX C

Kingsbury
Wind Energy Scheme

Site layout plan

Figure: 2.1

Legend:

- Proposed turbine location 422114, 299036 100m rotor, 80m hub, 130m tip height
- 100m rotor swept area (50m radius)
- Development boundary
- Land ownership boundary
- Field boundary
- Existing onsite road
- Site tracks to be created
- Temporary turning head
- Temporary construction compound
- Electrical enclosure
- Switchgear building
- Storage container
- SCADA room
- Coshh container
- Road
- Building

Scale: 1:2500 @ A3

N

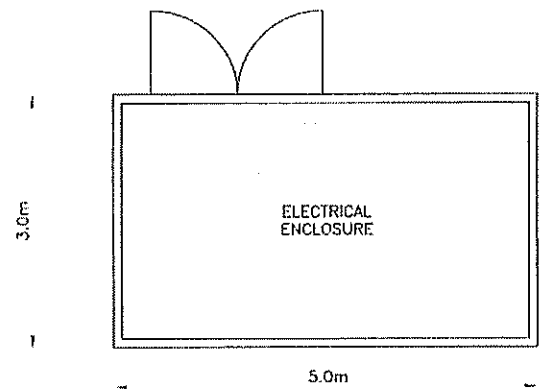
cs: 03a98d136673bd8d62b5cd540ca578b5c

Appendix D

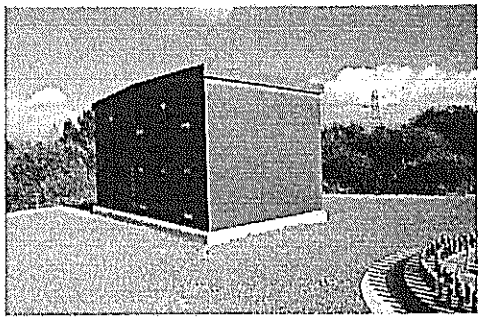
Scale: 1:650 @A3

Kingsbury
Wind Energy Scheme
Typical Turbine Details

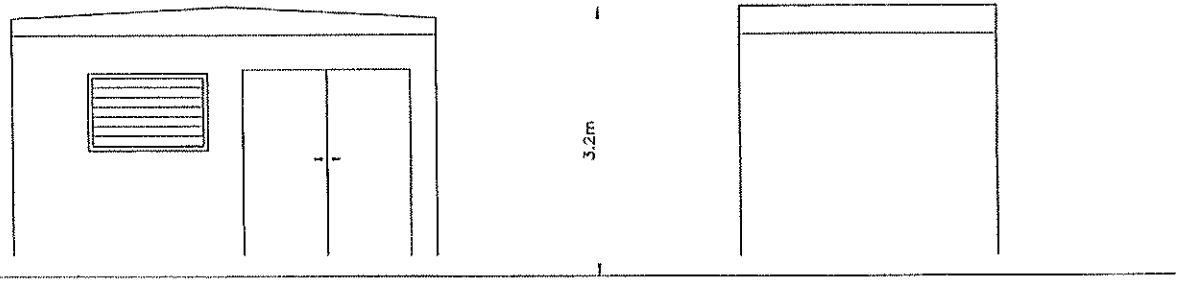
Figure 2.2



PLAN



TYPICAL ENCLOSURE



FRONT ELEVATION

SIDE ELEVATION

SCALE 1 : 50

0 1m 4m

Kingsbury
Wind Energy Scheme
Electrical enclosure

Figure 2.6b

Scale: 1:50 @A3

WIND DIRECT

APPENDIX E

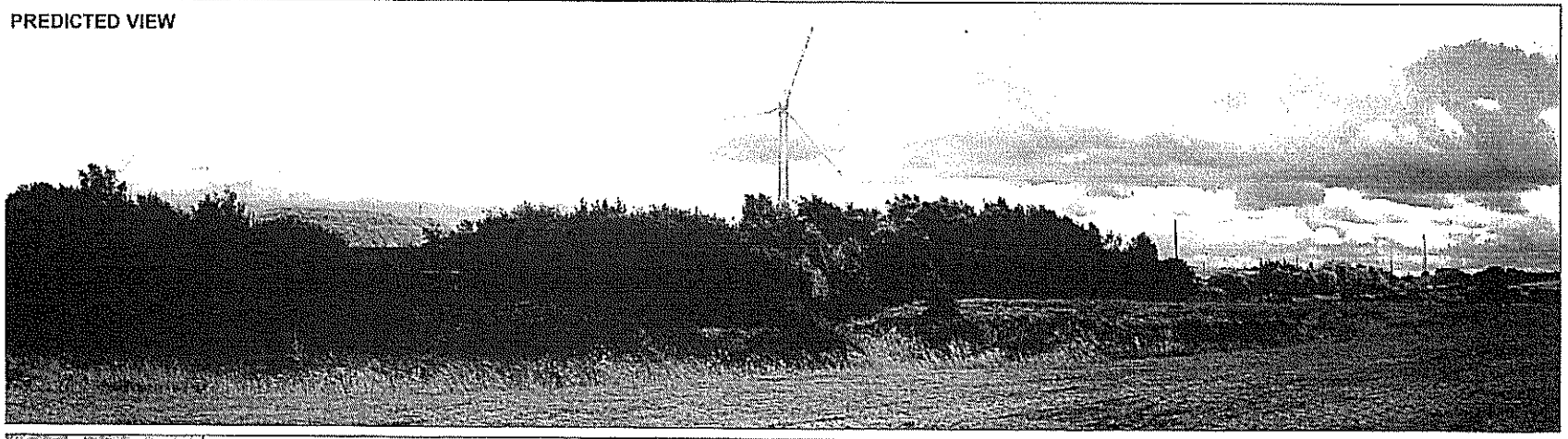
Scale: 1:100 @A3

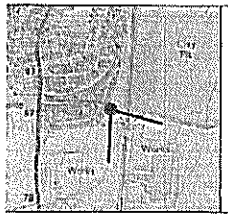
Kingsbury
Wind Energy Scheme
Switchgear Building

Figure 2.6c

EXISTING VIEW

PREDICTED VIEW





Viewpoint 1 : View South East from Kempton Drive, South East of Dosthill - Photomontage Visualisation 1B

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	421739, 299557
Date Photograph Taken	11/08/2011	Distance to Nearest Turbine (m)	642	Centre of View (deg.)	144
Time Photograph Taken	12:10	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	75

Map Legend (Theoretical Visibility)

Blade Tips Only

Blade Tips and Nacelle

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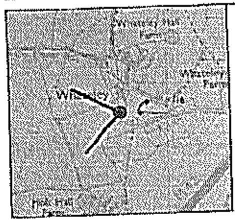

Viewpoint 2 : View West from Whateley Lane, Whateley - Photomontage Visualisation 2B

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	50	Viewpoint Grid Reference	422771, 299167
Date Photograph Taken	26/01/2012	Distance to Nearest Turbine (m)	670	Centre of View (deg.)	259
Time Photograph Taken	12:35	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	115

Map Legend
(Theoretical Visibility)

Blade Tips Only

Blade Tips and Nacelle

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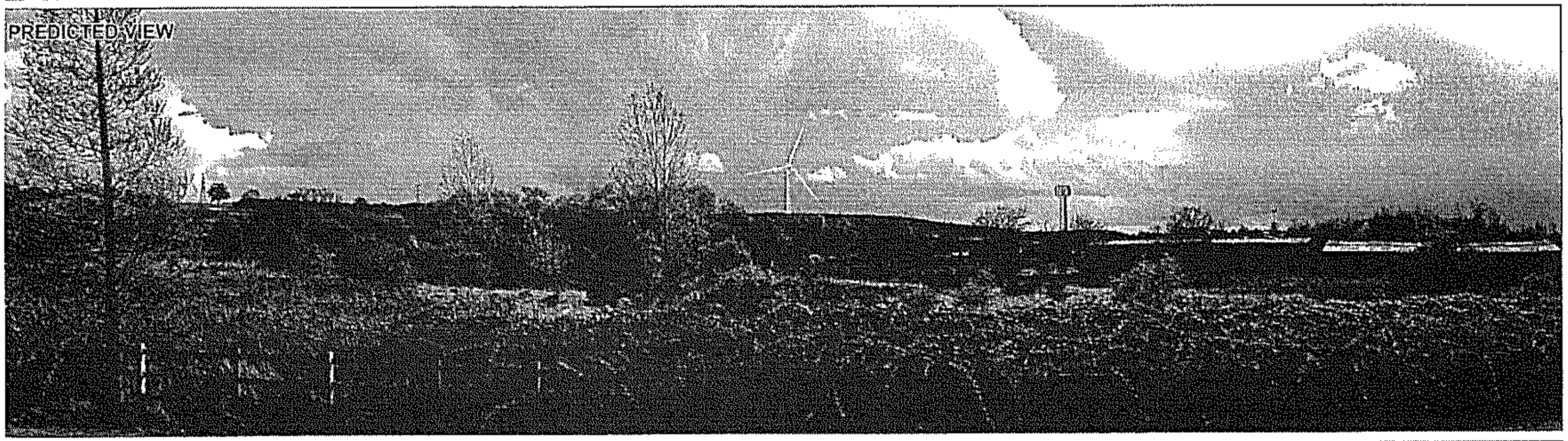
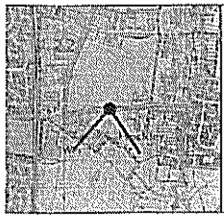
WIND DIRECT

Appendix G





Viewpoint 3 : View South from roundabout on Hedging Lane, West of Hockley - Photomontage Visualisation 3B

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	422219, 300372
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (km)	1.3	Centre of View (deg.)	184
Time Photograph Taken	14:50	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	69

Map Legend
(Theoretical Visibility)

Blade Tips Only

Blade Tips and Nacelle

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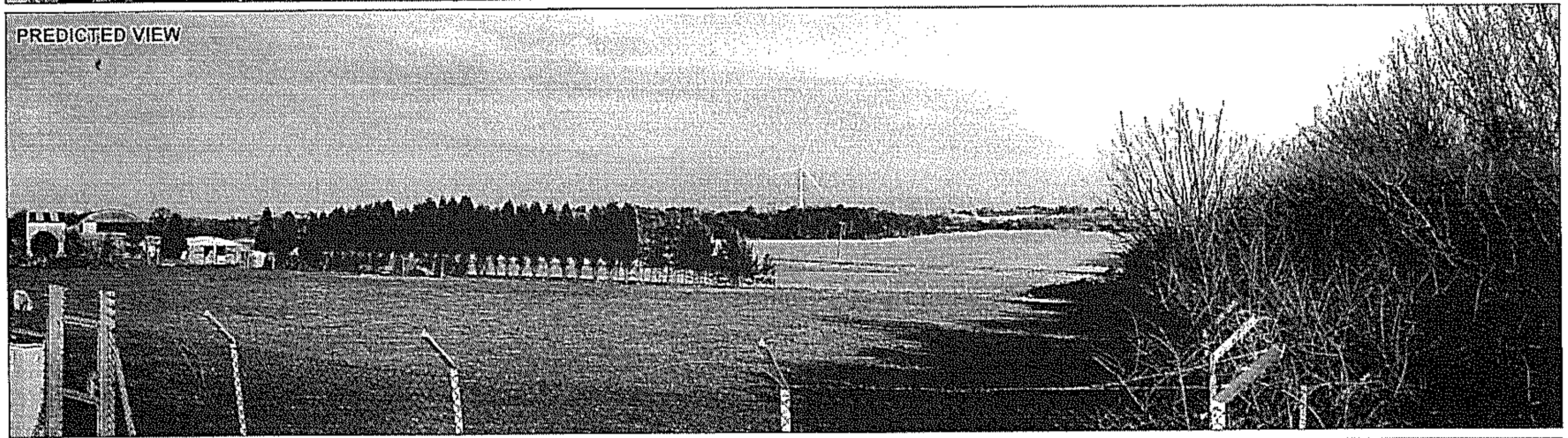

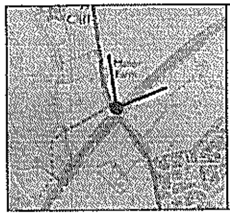

Viewpoint 4 : View North East from A51 (Tamworth Road) at bridge over M42 - Photomontage Visualisation 4B

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	50	Viewpoint Grid Reference	421214, 297536
Date Photograph Taken	28/01/2012	Distance to Nearest Turbine (km)	1.7	Centre of View (deg.)	30
Time Photograph Taken	14:00	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	70

Map Legend (Theoretical Visibility)

Blade Tips Only

Blade Tips and Nacelle

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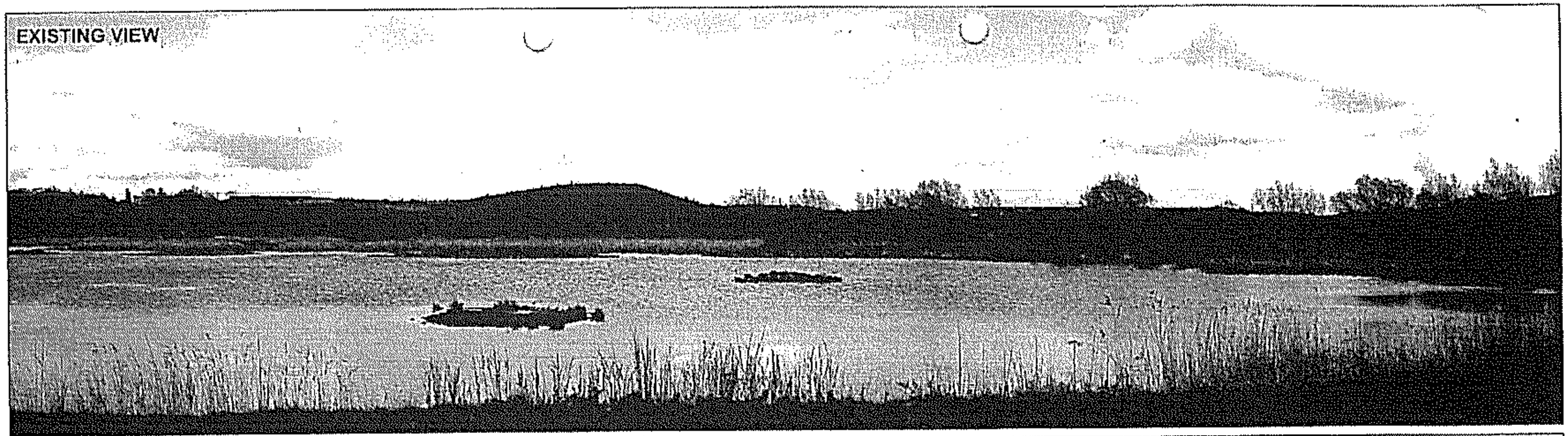

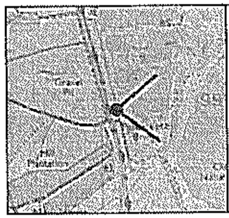

Viewpoint 5 : View East from the Heart of England Way - Photomontage Visualisation 5B

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	420071, 298954
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (km)	2.0	Centre of View (deg.)	88
Time Photograph Taken	13:10	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	62

Map Legend
(Theoretical Visibility)

Blade Tips Only

Blade Tips and Nacelle

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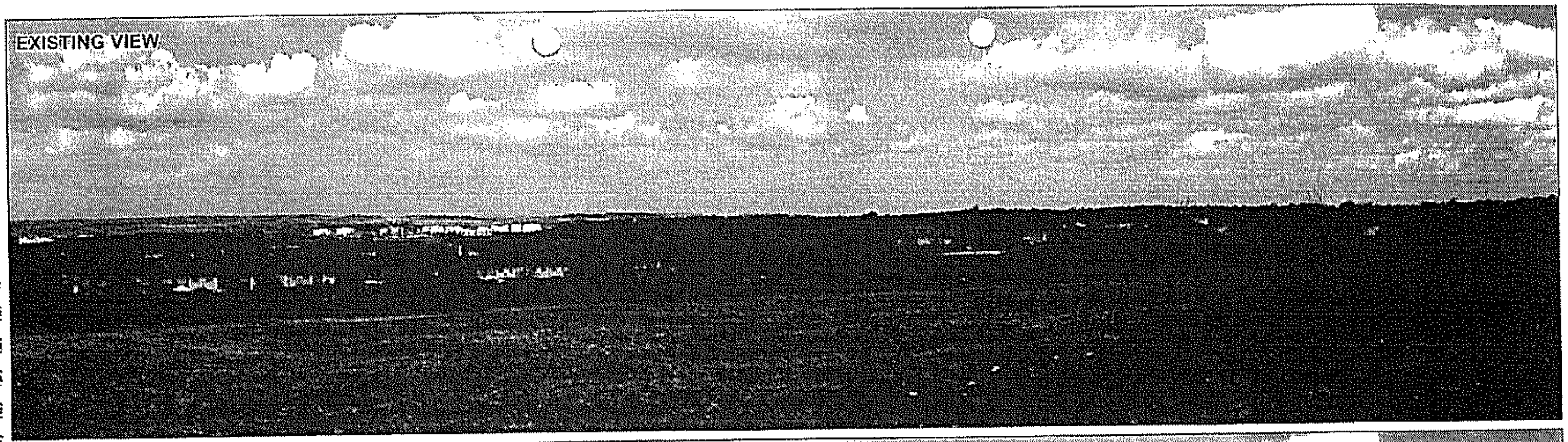

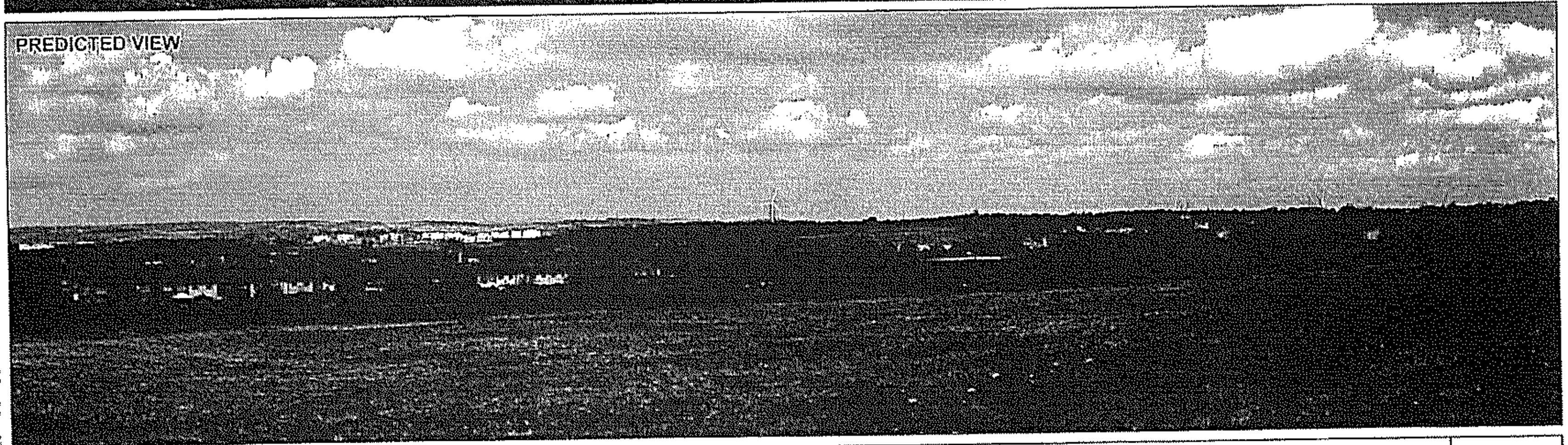

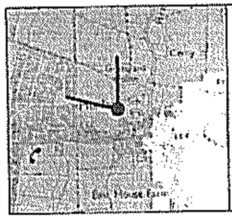

Viewpoint 9 : View North West from Public Footpath, Hurley - Photomontage Visualisation 9B

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	424572, 295948
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (km)	3.9	Centre of View (deg.)	322
Time Photograph Taken	11:15	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	70.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	119

Map Legend
(Theoretical Visibility)

Blade Tips Only

Blade Tips and Nacelle

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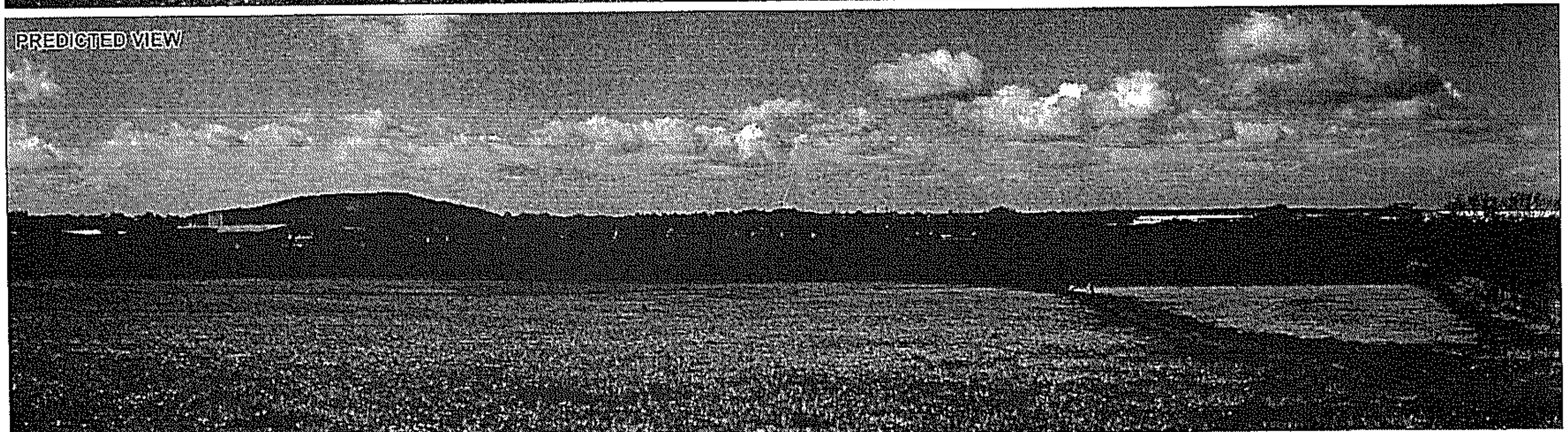

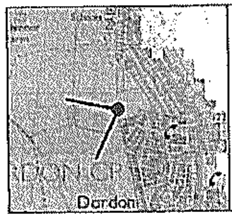

Viewpoint 10 : View South West from Public Footpath, West of Dordon - Photomontage Visualisation 10B

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	425823, 300921
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (km)	4.2	Centre of View (deg.)	243
Time Photograph Taken	10:20	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	76.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	112

Map Legend
(Theoretical Visibility)

Blade Tips Only

Blade Tips and Nacelle

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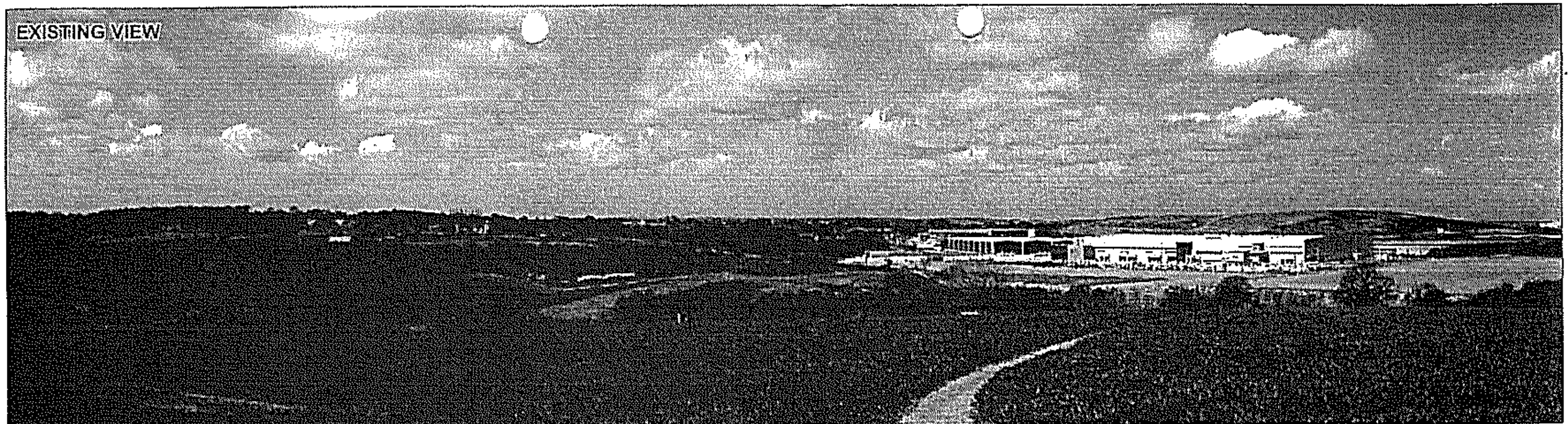

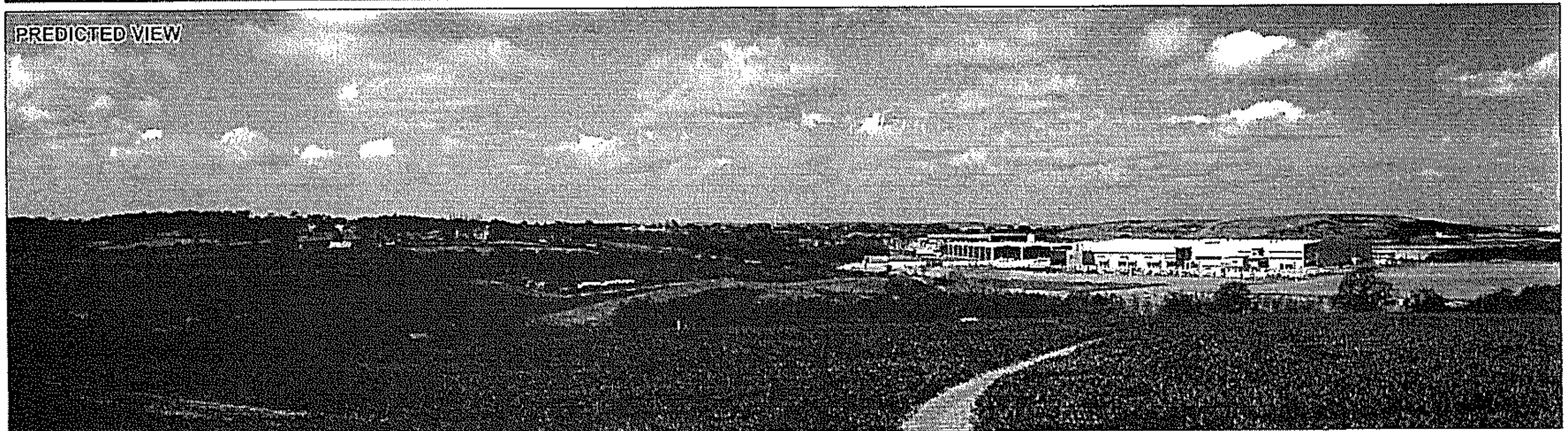

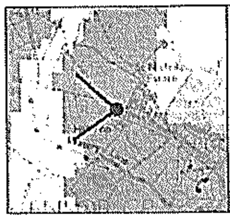

Viewpoint 11 : View West from Public Footpath, West of Grendon Common - Photomontage Visualisation 11B

Recommended Viewing Distance (mm)	300	Camera Lens (mm)	30	Viewpoint Grid Reference	426694, 298828
Date Photograph Taken	17/04/2012	Distance to Nearest Turbine (km)	4.6	Centre of View (deg.)	273
Time Photograph Taken	10.45	Turbine Blade Tip Height (m)	130	Included Angle (deg.)	78.39
Height of Camera Above Ground (m)	1.5	Number of Turbines Visible	1	Viewpoint Elevation (m)	123

Map Legend
(Theoretical Visibility)

Blade Tips Only

Blade Tips and Nacelle

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WIND DIRECT

APPENDIX F

Kingsbury
Wind Energy Scheme

Support Document

Volume 1 – Non-Technical Summary

July 2013

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INTRODUCTION

This Non-Technical Summary (NTS) forms part of the Support Document (SD) that has been prepared by Wind Direct to accompany a planning application for the proposed Kingsbury Wind Energy Scheme.

The Kingsbury Wind Energy Scheme is situated on land owned by Wienerberger Ltd, the proposed consumer of the wind generated electricity as part of an on-site generation project.

Developer and Project Team

Wind Direct specialises in Wind Energy Schemes for direct supply to intensive energy users, and is founded on the expertise of pioneering companies who began working in renewable energy in the early 1990s. Wind Direct is a business stream of the Wind Prospect Group, a company involved in the development of 77[1] wind energy developments around the world, totalling 2437MW. Wind Direct is developing Wind Energy Schemes across the UK and currently has over 20 industrial and rural sites in various stages of planning and development.

This Support Document has been prepared by Wind Direct with contributions from the following consultants:

STEPHENSONHALLIDAY
ENVIRONMENTAL PLANNING · LANDSCAPE ARCHITECTURE

avianecology acia

[1] Wind Prospect Group Development Track record 2013 http://www.windprospect.com/docs/document5/4381%20Development%20Track%20Record%20LR.pdf

Development Proposal

Wind Direct aims to establish the concept and viability of a wind energy project at Kingsbury through the planning application and supporting documentation. The proposal is for the erection and operation of a single wind turbine up to a maximum of 130m in height and output of up to 2.5MW. The exact model of turbine to be installed at the site would be decided following a future tendering process.

The development is proposed on a field to the east of the operational Wienerberger brick manufacturing facility. A plan of the proposed turbine layout and associated infrastructure is provided in **Figure 2.1, Volume 3** of the SD and reproduced in this NTS.

The construction, operation and decommissioning of the proposed wind turbine is anticipated to be over a period of 27 years (25 operational years). It would contain the following components:

- One wind turbine
- Turbine foundation
- Crane hardstanding
- Internal access track and site entrance
- Temporary construction compound
- Underground cable network
- A small transformer kiosk adjacent to the turbine
- Storage containers
- SCADA control room and;
- A switchgear building

Kingsbury Wind Energy Scheme would have an operational life of approximately 25 years. After this time, the development would be decommissioned in order to return the land to its former use.

THE NEED FOR THE DEVELOPMENT

Community Benefits

- A Community Benefit Fund worth £2,000 per megawatt of installed capacity per annum will be available for local residents to access to promote a healthy and sustainable community. The fund will contribute £125,000 to support local projects over the 25 year lifetime of the wind turbine.
- The community benefit fund is designed to assist local initiatives.
- There is a commitment to use local contractors wherever possible in the construction of the wind turbine.

Economic Benefits

- On average 70%[2] of the electricity from the wind turbine will be supplied to Wienerberger's Kingsbury site. Securing a supply of electricity at predictable cost and protecting the site from the volatility of future electricity pricing will be a key benefit towards ensuring the long-term future and sustainability of the Kingsbury site.
- The benefits received by the brick works will be felt throughout the local area due to economic multiplier effects. The introduction of a wind turbine will generate or protect more economic activity in the area, which strengthens the local economy. A higher economic multiplier will lead to greater economic vitality because business activity is encouraged, and jobs are created and sustained.
    - *"Every megawatt of wind energy we install generates £700,000 worth of value for the UK, of which £100,000 stays in the local area."*[3]
- According to these figures, the Kingsbury turbine would bring £1.75million worth of value to the UK and £300K to the local area.
- Wind turbines are required to pay business rates which go directly to the local council. The business rates are a function of the yield production, therefore a single 2.5MW turbine may provide annual assumed rates of £27K

Environmental Benefits

- The project has the potential to generate the equivalent electricity used by approximately 1,358[4] homes - the equivalent of meeting the needs of 88%[5] of households in Kingsbury. Wienerberger is predicted to use 70% of this quota.
- It has the potential to offset up to 3,602[6] tonnes of carbon dioxide emissions per year and reduce reliance on electricity produced by imported fossil fuels.
- The wind energy scheme is designed to build upon existing environmental projects. A series of biodiversity enhancement measures are proposed comprising hedgerow improvements and scrub management to improve habitat connectivity to benefit a range of species including birds, bats and great crested newts.

[2] Dependant on the turbine model selected, wind resource and Wienerberger electricity demand
[3] Renewable UK – Renewableuk statement on judicial review of Milton Keynes council's policy on wind farms
[4] Based on DECC, Digest of United Kingdom Energy Statistics (DUKES), 2010
[5] According to OS address point data, total no. of households in Kingsbury is 1540. Number of homes powered figure is provided for comparison purposes only and is based on a capacity factor of 27.1% which is average output for UK onshore wind for the last five years according to DECC, DUKES Dec 2012.
[6] Based on Data from DECC Fuel Mix Disclosure Table, 2012

CONSULTATION

An important element of any planning application for a wind turbine is consultation with statutory and non-statutory consultees, including public consultation.

Consultation with statutory consultees was undertaken throughout the development phase. Consultees included Local Councils, Natural England, the RSPB, Local Bird Clubs, English Heritage, Telecommunication operators, utility service providers, Birmingham Airport and the Ministry of Defence.

A public exhibition was held at Kingsbury Water Ski Centre on the 18th June 2013 to introduce the proposal to the local community, provide answers to questions and receive feedback. A community website has been set up to provide information and keep the local community up to date with development of the proposal. Further information can be found at www.kingsburywindenergy.co.uk

ENVIRONMENTAL REPORTS

Following an extensive consultation phase with a range of statutory consultees, non-statutory consultees and the public, a number of surveys were carried out to determine the potential impacts of the development on the surrounding environment.

Noise

Wind turbines emit two types of noise, aerodynamic noise produced by the movement of the rotating blades through the air and mechanical noise, from gearboxes or generators.

From the first generation of wind turbines progress has been made in reducing both aerodynamic and mechanical noise. New designs are quieter and create significantly less noise relative to power output than older turbine designs.

The UK Government guidance (ESTU-R-97, The Assessment and Rating of Noise from Wind Farms) sets out that noise from wind turbines should be no more than 5dB above existing background noise levels during the day and night.

A noise survey has been carried out based on relevant government guidance to assess potential noise impacts on the nearest residential receptors. The wind-speed-dependent noise levels predicted at the properties nearest the proposed wind turbine are close to or below the current prevailing background levels during the daytime. Noise from the turbine will remain well within a 'flat' limit of 35dB, or 5dB above the background levels, whichever is the greater. A night-time limit of 43dB, or 5dB above background levels would also be met under all foreseeable circumstances. These limit values were derived by applying the recommendations of the ETSU-R-97 report, which is regarded as the best available guidance on good practice, and presents a reasonable compromise between the interests of the nation, wind energy developers and wind turbine neighbours.

Construction activities will be short-lived and noise arising from construction will not adversely affect local residents. It may therefore be concluded that provided construction activity proceeds only during the normal working day, no noise nuisance is expected.

The proposed daytime and night-time planning limits can be met by the site design, and the noise from the operational turbine will not be detrimental to the amenity of local residents.

Landscape and Visual

Landscape effects are defined by the Landscape Institute as "changes to landscape elements, characteristics,

character, and qualities of the landscape as a result of development", whereas visual effects are concerned with the effect of the proposed development on views from receptors such as residential dwellings, infrastructure networks and public amenity space.

An appraisal of the landscape and visual effects of the Kingsbury Wind Energy Scheme has been prepared by Stephenson Halliday, a firm of independent Environmental Consultants and Landscape Architects.

North Warwickshire Borough Council was consulted on the scope of the LVIA study area, the location of viewpoints and cumulative schemes within the Study Area.

The assessment has been based on the best practice guidance document Guidelines for Landscape and Visual Assessment 3rd Edition

The assessment has concluded that direct effects on the landscape fabric of the site during construction and operation will be limited in extent and fully reversible on decommissioning of the turbine.

The landscape sub-type 'Tamworth Fringe Farmlands with Wind Turbine' would be created at distances up to approximately 1.75km from the proposed turbine where the turbine would become an additional characterising element of the landscape. There would be no significant effects upon the landscape designations within the Study Area.

There would be some major and major/moderate effects with respect to the visual amenity of a limited number of farmsteads and scattered dwellings and on the periphery of settlements at distances of up to approximately 4km from the proposal. The potential for visual effects on settlements of a major and major/moderate level would be limited and subject to a level of screening by landform and tree cover, but would include dwellings at the edge of Dosthill, Hockley, Whateley, Kingsbury, Hurley, Drayton Basset and Fazeley.

Significant visual effects from roads would be limited to very intermittent glimpses from the M42, the A51 and the minor roads within approximately 2.5km of the proposed turbine.

Significant effects from the Heart of England Way would be limited to sections within approximately 4km of the turbine where unobstructed visibility is possible. No significant effects would occur from the other long distance recreational routes passing through the Study Area. From the local public rights of way within approximately 4km of the turbine, where unobstructed visibility is possible, major and major/moderate effects upon visual amenity would occur.

It is considered that the potential for significant cumulative effects arising from the addition of Kingsbury to the full baseline and other proposals would be very limited.

In conclusion, the proposed Kingsbury Wind Turbine would relate well to the existing local landscape character, respecting the scale and composition of the landscape. Inevitable landscape and visual effects of a major to major/moderate level would occur, however these would be localised in extent and it is concluded that the landscape in the vicinity of the site has the capacity to accommodate the scale of development proposed.

Cultural Heritage

The assessment of cultural heritage has considered both the potential direct physical effects of the proposed development on surviving upstanding or buried heritage and archaeological resources and the indirect effects on the settings of nearby heritage assets.

No direct effects are predicted in relation to any currently known archaeological or built heritage feature. The archaeological potential of the area around the proposed development is low and the probability of encountering hitherto undiscovered buried archaeological features is also judged to be low.

There are a total of five scheduled monuments, six conservation areas, seven Grade II* and ninety Grade II listed buildings within 5km of the proposed turbine location. No significant impacts are predicted.

Natural Heritage

Wind turbines have the potential to effect a range of species through the construction, operation and decommissioning of a wind turbine.

An appraisal of the natural effects of the Kingsbury Wind Energy Scheme was prepared by Avian Ecology, a firm of independent Environmental Consultants.

No direct impacts on designated sites are anticipated. Indirect impacts are anticipated to be neutral following the implementation of appropriate pollution control systems.

Minor negative impacts on habitats are anticipated on a 'within site only' basis as a result of the small-scale loss of habitat of low ecological value.

No impacts are anticipated upon the nesting sites of breeding birds. The possibility of occasional collision or small scale displacement of widespread and commoner bird species cannot be discounted, although these are likely to be of minor significance at local/parish level only. Impacts of the development are not considered to affect the conservation status of any bird population (including those that are qualifying features of statutory designated sites).

The possibility of minor adverse impact on bats at an individual level cannot be precluded, as is the case with all wind turbine schemes; however no impacts upon the conservation status of any bat species is anticipated as a result of the development.

Following the implementation of Great Crested Newt (GCN) Reasonable Avoidance Measures and other mitigation works, the potential for minor adverse impacts on individual GCN during construction will be negated. Population level impacts are anticipated to be neutral and as such, the favourable conservation status of the species will not be affected.

No other residual impacts are considered likely to occur and no significant additions to cumulative impacts in relation to other schemes in the wider area are anticipated.

A series of simple habitat enhancement measures are proposed. These will enhance the site for wildlife overall and lead to an overall biodiversity gain.

Overall, no significant ecological impacts are considered likely to occur through the construction, operation or decommissioning of the proposed wind turbine and associated development.

Infrastructure and Shadow Flicker

A comprehensive consultation process was undertaken with infrastructure operators and organisations for the Kingsbury Wind Turbine planning application.

Careful placement of the turbine outside of recommended exclusion zones ensures no predicted interference to infrastructure.

There is the potential for some limited interference to terrestrial television reception. Where a television reception problem, attributable to the wind turbine, is established, mitigation measures would be implemented.

No impacts to civil aviation or MoD operations were identified, which could not be controlled by operational mitigation.

There is potential for some limited shadow flicker occurrences. The astronomic worst case shadow flicker hours resulting from the turbine could theoretically be 402 hours per year. Where shadow flicker is identified to be a problem, established mitigation measures will be implemented.

Geology and Hydrology

Wind turbines have the potential to affect the geology and hydrology through the construction, and decommissioning phases of a wind turbine project.

The assessment found that there are no significant hydrological, hydro-geological or geological issues affecting the site. Additionally there are no significant flooding, water quality and abstraction issues affecting the site.

Mitigation measures following the relevant Pollution Prevention Guidelines and implementing best practice measures, during the construction phase of the development, will be implemented during the construction process.

FURTHUR INFORMATION

Free copies of this non-technical summary can be downloaded from our website www.kingsburywindenergy.co.uk

Alternately hard copies are available from:

Wind Direct, 4th Floor Warwick House, 737 Warwick Road, Solihull, B91 3DG

Printed copies cost £150 + VAT or a DVD is available for £5 + VAT.

A full copy of the planning application and supporting documentation is available for inspection at the Council Offices:

Development Control
North Warwickshire Borough Council
South Street
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CV9 1DE

Appendix C

FAO: Jeff Brown
Head of Development Control Services
North Warwickshire Borough Council
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1st August 2013

Dear Mr Brown:

Planning Application PAP/2013/0321: Proposed installation and operation of one wind turbine up to 130m in height and associated infrastructure.

Thank you for your email dated 31st July 2013. Please find below information regarding Wind Direct's Consultation process.

Pre-Planning Consultation

There is no statutory requirement to undertake pre planning consultation on wind turbine applications which do not require an Environmental Impact Assessment. Wind Direct however recognises that it is good practice to consult with the local community on projects of this nature.

Wind Direct held a public exhibition on the 18th June 2013.

Prior to the public exhibition all residential addresses within 1km of the proposed wind turbine location were sent a newsletter inviting residents to attend the public exhibition. This is the same distance (1km) as the area affected by the flicker map (referenced in Mr Pinchers email). In addition adverts were placed in the Tamworth Herald.

The exhibition was well attended with approximately 40 attendees. The average exhibition attendance, based on our experience, is 10% of the number of residential letters mailed out. Wind Direct sent out 374 newsletters. Unfortunately it appears that Mr Pincher has been misled regarding the number of exhibition attendees.

The project is called Kingsbury Wind Energy Scheme as it is located at Kingsbury Brick Works. I therefore do not agree that the name of this project is misleading.

The location of the exhibition was situated at the water ski centre to give equal opportunity for the residents of both Dosthill and Kingsbury. The location of the exhibition was agreed by both North Warwickshire and Tamworth planning authorities.

Additional Clarifications

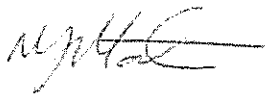
The wind turbine is predicted to bring savings of between 11 – 14% off their electricity bill depending on the model of turbine installed. On a £750,000 annual electricity bill a saving of over £75,000 a year is significant.

The community trust fund is available to provide funding for community projects, not to provide mitigation. Wind Direct has committed to investigation and mitigation of any impacts such as TV reception interference outside of the community trust fund.

The timing of a planning application is criticised whatever time of year it is submitted. The planning process is therefore flexible to be able to allow people to comment on planning applications if they are unable to do so within the 3 week consultation timescale.

If you require more information please do not hesitate to contact me.

Yours sincerely,



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FAO: Jeff Brown
Head of Development Control Services
North Warwickshire Borough Council
The Council House
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31st July 2013

Dear Mr Brown:

Planning Application PAP/2013/0321: Proposed installation and operation of one wind turbine up to 130m in height and associated infrastructure.

Thank you for your letter dated 22nd July 2013. Please find below information regarding the initial questions raised in this letter.

The Need for Renewable Energy

The need for renewable energy has been established through the planning system for many years. Prior to the NPPF the Renewables Statement of Need was released on 11th July 2006 as part of the Government's report on the Energy Review. This work aims to put the UK in a position to meet the two major long-term challenges in UK energy policy; namely to tackle climate change by reducing carbon dioxide emissions and to deliver secure, clean energy at affordable prices as the UK moves to reducing dependence on imported energy. The Statement emphasises the need to maintain a rigorous planning system that does not dis-incentivise investment in renewable generation and which must enable decisions to be taken in a reasonable time. The NPPF takes this a step further and no longer require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Below I have focused on the need for renewable energy in the context of the Wienerberger site. I have not provided additional detail on climate change science, the impact of climate change, policy context (International, European and UK), security of supply or affordability of energy, however I am more than happy to provide additional information on these topic areas if required.

Wienerberger Electricity Requirements

Wienerberger uses both gas and electricity in its operations. The amount of electricity used by Wienerberger has fluctuated from 5.6 to 9.1 Gigawatt Hours (GWh) per year. The projected energy use of the next 12 months is expected to be around 7.4GWh.

The percentage of electricity supplied and the value this brings to the company will depend on the model of turbine selected. There are a number of turbines able to be considered in the 1.5-2.5MW class and up to 130m in height.

The largest turbine (the one the application is based upon) is a Nordex N100, although for comparison I have included another candidate model, Acciona 82.

Nordex 100 (2.5MW generation, 130m in height)

Total Consumption (MWh)	7460
On-site Consumption (MWh)	3746
Total Export (MWh)	3198
% Onsite Consumption	54%
Saving on on-site Consumption	£89,911
Saving on offsite Export	£12,792
Total Saving to Wienerberger (per year)	£102,703

Acciona 82 (1.5MW generation, 121m in height)

Total Consumption (MWh)	7460
On-site Consumption (MWh)	3189
Total Export (MWh)	1170
% Onsite Consumption	73%
Saving on on-site Consumption	£76543
Saving on offsite Export	£7157
Total Saving to Wienerberger (per year)	£83,701

The generation, consumption and savings are based on a financial model which has several variables, including the turbine model, wind speed and capital cost of the project. These figures are not guaranteed and should only be used as a guide for decision making.

When the wind turbine is generating and the site operating, Wienerberger will take all the electricity from the wind turbine. The average on-site consumption takes into account night time and shutdowns when Wienerberger is closed.

The turbine proposed does not fulfil 100% of Wienerberger's electricity needs. For Wienerbergers electricity to be provided from solely wind energy they would need two large scale (2.5MW 130m equivalent) wind turbines.

The size of the turbine has been designed to meet the environmental and technical constraints of the site. Should a smaller turbine be sited where it could feasibly accommodate a larger turbine it would be wasting a potential environmental resource.

If the turbine was to be located on land owned by a third party, the third party would require a rental income. This would reduce the saving to Wienerberger. The turbine is proposed on

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Wienerberger land and for the electricity to be used by Wienerberger therefore making the most of economic efficiencies of on-site generation.

Alternative Energy Sources

Solar Panels on Buildings

Solar has been considered and the following conclusions were reached:

- The site building roofs do not face the south which is desired for maximum energy recovery;
- Due to the brick manufacturing process and the intense heat involved the roofs are replaced on an approximate 10 year cycle;
- Wienerberger's studies showed that if they installed 500m^2 of solar panels they would generate 40,500 kWh per year; if Wienerberger used a maximum of 9,000,000 kWh per year this would give Wienerberger less than half a percent of their total usage as green energy.
- The site produces dust which would settle on the solar panels reducing their efficiency.

In conclusion, although they are useful for household electricity consumption they are not for high energy using operations such as Wienerberger's.

Solar Farm on Wienerberger's Land

The area of land that would be required for a solar farm to produce the same amount of electricity as a wind turbine is significant. Between 2.5 - 2.8 hectares of land per MW is required.

Therefore to generate 2.5MW from solar it would require a land area of between 6.25 – 7 hectares. This is the equivalent of between 8 – 9 standard size football pitches.

Solar Farm on adjacent Land

In addition to the significant land required for a 2.5MW solar farm, third party landowner payments would be required, reducing the saving for Wienerberger.

Ground source heat pumps

The Wienerberger facility does not need additional heating. The heat in the kilns is recycled to be used in the dryers. This process is hot, resulting in the factory not requiring heating.

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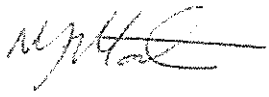
Electricity from landfill

Due to recycling the amount of gas from landfills is reducing significantly, as such it is anticipated that there will not be enough gas produced to justify the landfill company constructing on onsite generation plant that Wienerberger could have purchased electricity from.

If you require more information please do not hesitate to contact me.

Yours sincerely,



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Appendix D

16th August 2013

Dear Ms Spratley,

Thank you for taking the time to write to me expressing your concerns.

I appreciate that you feel the proposed wind energy project has not been publicised widely enough. Prior to the public exhibition I took the decision to consult with residents up to a 1km radius from the proposed wind turbine as these are the residents likely to be most concerned about the proposed development.

There is currently no government guidelines on public consultation for wind turbines, indeed there is no statutory requirement to undertake any pre planning consultation on wind turbine applications which do not require an Environmental Impact Assessment. Wind Direct however recognises that it is good practice to consult with the local community on projects of this nature.

Wind Direct held a public exhibition on the 18th June 2013 and prior to the public exhibition all residential addresses within 1km of the proposed wind turbine location were sent a newsletter inviting residents to attend the public exhibition. This is the same distance (1km) as the area affected by the flicker map. In addition adverts were placed in the Tamworth Herald, alongside editorial pieces.

The exhibition was well attended with approximately 40 attendees. The average exhibition attendance, based on our experience, is 10% of the number of residential letters mailed out. Wind Direct sent out 374 newsletters. Unfortunately it appears that you have been misled regarding the number of exhibition attendees. The majority of exhibition attendees were from the Dosthill area.

The exhibition was held from 3pm to 7pm, although I was still at the venue at 8pm, therefore affording ample opportunity for people to visit the exhibition after work.

The location of the exhibition was situated at the water ski centre to give equal opportunity for the residents of both Dosthill and Kingsbury. The location of the exhibition was agreed by both North Warwickshire and Tamworth planning authorities.

Noise Survey

1. Like any large moving structures, wind turbines emit some noise as a result of their operation. Minimising this has been the subject of much research, with mechanical noise from the gearbox all but eliminated, and improved blade design significantly reducing the sound of the blades rotating. A modern wind turbine is therefore a very quiet machine. In addition, detailed noise assessments ensure that turbines are sited in such a way as to avoid significant impacts on nearby homes. Noise limits are, rightly, extremely stringent, and conditions are rigorously enforced. These limits are generally set at a maximum of just 5 decibels above the prevailing background noise.

2. Potential noise impacts have been assessed and presented in Chapter 8, Volume 2 of the supporting documentation for the planning application. The assessment concludes the wind-speed-dependent noise levels predicted at the properties nearest the proposed wind turbine are close to or below the current prevailing background levels during the daytime. Noise from the turbine will always remain well within a 'flat' limit of 35dB, or 5dB above the daytime background levels, whichever is the greater, and within a limit of 43dB, or 5dB above the night-time background levels. These limit values were derived by applying the recommendations of the ETSU-R-97 report and the 2013 IOA Guide to its application, which is regarded as the best available guidance on good practice. The approach presents a reasonable compromise between the interests of the nation, wind energy developers and wind turbine neighbours.

3. The noise assessment takes into account the existing background noise levels. Each subsequent planning application for all types of development (including HS2) will take into account the current background levels at the time planning is sought.

4. If the planning application is successful and the wind turbine becomes operational, noise complaints will be handled via planning condition. The determining authority is North Warwickshire Borough Council.

Flicker Map/TV Reception

1. The flicker map area is 1km from the proposed wind turbine location. All residences within 1km were sent a leaflet.
2. Potential impact on TV reception is covered within the supporting documentation submitted to the council as part of the planning application. There are several solutions to TV interference and a commitment has been made by the project owner to rectify any TV interference problems associated with the wind turbine.

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Renewable Energy

The following technology has been considered by Wienerberger:

Solar Panels on Buildings

Solar has been considered and the following conclusions were reached:

- The site building roofs do not face the south which is desired for maximum energy recovery;
- Due to the brick manufacturing process and the intense heat involved the roofs are replaced on an approximate 10 year cycle;
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- The site produces dust which would settle on the solar panels reducing their efficiency.

In conclusion, although they are useful for household electricity consumption they are not for high energy using operations such as Wienerberger's.

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130m turbine height

1. The appropriate height for wind turbines varies depending on the location and the specific constraints (i.e. distance to housing/infrastructure) at that location. It is for this reason that each project is considered on its individual merits by the planning system. A recent publication by the Department for Communities and Local Government (Planning practice guidance for renewable energy and low carbon energy), July 2013 identified that "Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances."
2. When the wind turbine is generating and the site operating, Wienerberger will take all the electricity from the wind turbine. The average on-site consumption takes into account night time and shutdowns when Wienerberger is closed. The turbine proposed does not fulfil 100% of Wienerberger's electricity needs. For Wienerbergers electricity to be provided from solely wind energy they would need two large scale (2.5MW 130m equivalent) wind turbines. The size of the turbine has been designed to meet the environmental and technical constraints of the site. Should a smaller turbine be sited where it could feasibly accommodate a larger turbine it would be wasting a potential environmental resource.
3. Landscape and visual impact of the proposed development has been covered in detail in Chapter 5, Volume 2 of the supporting documentation which accompanied the planning application. The study concluded that the proposed wind turbine would relate well to the existing local landscape character, respecting the scale and composition of the landscape. Inevitable landscape and visual effects of a major to major/moderate level would occur, however these would be localised in extent and it is concluded that the landscape in the vicinity of the site has the capacity to accommodate the scale of development proposed.
4. I am unable to categorically state what the closest distance a wind turbine is located to a residential property in the UK, however I am able to provide a list of the Wind Direct projects which are operational or have planning consent and the distance from these development to residential property. Please see the following table:

Project	Status	Land Category	Turbine Height and Number	Nearest House
Longhill Road	Operational	Greenfield adjacent to commercial site	1 x 107m	190m
Eastman Chemicals	Operational	Industrial Site	2 x 108m	585m
Solutia	Operational	Industrial Site	2 x 120m & 130m	510m
Dewlay Cheese	Operational	Greenfield adjacent to commercial site	1 x 126m	400m

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East Midland Airport	Operational	Commercial Site	2 x 45m	768m
FMC Technologies	Operational	Commercial Site	1 x 100m	293m
Eye Airfield	Operational	Commercial Site	2 x 130m	676m
Border Precision	Planning Consented	Greenfield adjacent to commercial site	1 x 70m	335m
Causeway Bridges	Planning Consented	Greenfield and Greenbelt	1 x 77m	634m
Collier Quarry	Planning Consented	Greenfield adjacent to industrial site	1 x 100m	757m
Greenvale	Planning Consented	Greenfield adjacent to commercial site	1 x 110m	374m
Kinegar Quarry	Planning Consented	Greenfield	2 x 110m	563m
Mars Pet Care	Planning Consented	Commercial site	1 x 126m	430m
Noble Foods	Planning Consented	Commercial site	1 x 110m	328m
South Staffordshire College	Planning Consented	Greenfield and Greenbelt	2 x 126m	440m

It's difficult to quantify how many people have been affected by a development and whether this affect is positive or negative. Our experience of operational projects is that we have had very little contact from neighbouring residents once the turbine is turning.

5. If local residents have concerns regarding the visual and noise aspects of wind turbines I would recommend they visit an operational site. Low Spinney Wind Farm is located approximately 35km east of the proposed Wienerberger turbine and consists of 4 x 125m high wind turbines.
6. If the planning application is successful and the wind turbine becomes operational, noise complaints will be handled via planning condition.
7. Confusion regarding separation distances is understandable and reflects the different guidance relating to wind farms and single or clustered turbine developments. Internal policy from developers and differing views from each local planning authority are also a consideration. The key fact is that no statutory separation distances have ever been issued between turbines and residential housing under English or Scottish law.

Wind Direct use the following English and Scottish guidance to set suitable separation distances between turbines and residential dwellings:

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SCOTLAND
Scottish Planning Policy

SPP provides national policy on renewable energy development. For developments over 20 MW, SPP indicates that a wind farm is likely to be a prominent feature in an open landscape up to 2km away. The Scottish Ministers would support 2 km as a separation distance between turbines and the edge of cities, towns and villages so long as policies recognise that this approach is being adopted solely as a mechanism for steering proposals to broad areas of search. Within this distance, individual proposals would be judged on a case-by-case basis. The policy goes on to state that the level at which these considerations are relevant to proposals below 20 megawatts, will be dependent on the scale of development proposed. However, the design and location of any development must reflect the scale and character of the landscape.

Planning Advice Note 45 (PAN 45)

PAN 45 provides guidance on noise where a wind farm at 350m is equivalent to quiet bedroom / rural night time noise, this figure is often quoted in noise assessments. Similarly, the guidance suggests 10x rotor diameter buffer area for shadow flicker.

ENGLAND
Planning Policy Statement 22 – Companion Guide

No definitive separation distances are provided in English Policy aside from quantitative guidance provided for safety. However, in terms of safety, the minimum desirable distance between wind turbines and occupied buildings, calculated based on expected noise levels and visual impact, will often be greater than that necessary to meet safety requirements. Topple distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a minimum safe separation distance.

Planning Practice Guidance for renewable and low carbon energy

Local planning authorities should not rule out otherwise acceptable renewable energy development through inflexible rules on buffer zones or separation distances. Other than when dealing with setback distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses. This is why it is important to think about in what circumstance proposals are likely to be acceptable and plan on this basis.

Regional and Local Planning Policy

At a local level some councils set their own separation distances e.g. Aberdeenshire Council have set a minimum separation distance of 400m between a turbine and housing.

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The Highland Council on the other hand, has set a limit of 1km between a turbine and housing. North Warwickshire Borough Council does not recommend a separation distance in their Local Plan or supplementary documents. There are no statutory levels for separation distances for noise and landscape. In both Scotland and England, planning policy places the onus on developers to demonstrate the level of impact on residential receptors in line with the relevant assessment criteria.

8. New and revised legislation passes through parliament regularly, and therefore Wind Direct works with current legislation and best practice.

Wind Turbine Health Impacts

1. There is no credible scientific evidence of any link between proximity to wind turbines and impacts on health. Indeed, studies consistently show a complete absence of any link.

2. The Department for Energy and Climate Change states: "Given the existing evidence Government's view is that properly sited wind farms do not have a direct effect on public health, and that the planning system is fit for purpose determine on a case by case basis whether sites are appropriate for development".

Transport

1. Transport has been covered in detail in Chapter 2, Volume 2 of the planning documentation submitted to the Council as part of the planning application. The proposed access route to the site would be via the M42, leaving at Junction 9 and turning onto the A4097 Kingsbury Road. Continuing approximately 4km along this road before turning left onto the A51. Continuing approximately 4km along this road before turning right onto Rush Lane. The road between Dosthilll and Kingsbury is an A road and assessed as suitable for abnormal load delivery by the County Council Highways Department and the Highways Agency.
2. The timing of vehicle movements will be controlled via planning condition.
3. There will be 8 abnormal load vehicles (3 for the tower, 3 for the blades, 1 for the nacelle and 1 for the hub).
4. The local community can provide feedback on the proposed transport route to the planning officer. The planning officer will take all views into account when deciding if a proposal is suitable.

Project Feasibility

1. The site location was selected through a process of laying constraints over a map which leaves an area suitable for development. I have appended the constraints map to this document. The constraints included; a location within Wienerberger's land ownership, buffers to residential property, railways, motorways, pylons, landfill etc.

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2. Natural Heritage is covered in detail in Chapter 7, Volume 2 of the supporting documentation accompanying the planning application. The wind turbine is situated c. 106m from Kingsbury brickworks SSSI. This SSSI is designated for geological interest and no direct impacts are anticipated. Kingsbury Wood SSSI is located approximately 1.5km from the site. No direct impacts on this site are anticipated and indirect impacts are considered extremely unlikely given the distance between this site and the development. Natural England and the Royal Society for the Protection of Birds have not objected to the proposed development.

Public Consultation

1. Prior to the public exhibition all residential addresses within 1km of the proposed wind turbine location were sent a newsletter inviting residents to attend the public exhibition. This is the same distance (1km) as the area affected by the flicker map. The exhibition was well attended with approximately 40 attendees. The average exhibition attendance, based on our experience, is 10% of the number of residential letters mailed out. Wind Direct sent out 374 newsletters.
2. I have received 14 completed questionnaires (during and after the event) in addition to direct emails from residents such as the one you sent to me.
3. The project is now in the planning system. Any further public meeting needs to be requested through the planning officer.
4. There is a project specific website www.kingsburywindturbine.co.uk which displays information about the proposal. The planning application can be viewed in full on the North Warwickshire Borough Council website.
5. The project is now in the planning system. Any site visits need to be requested through the planning officer.
6. All residents within the potential shadow flicker area (1km) have been sent newsletters.

If you require more information please do not hesitate to contact me.

Yours sincerely,

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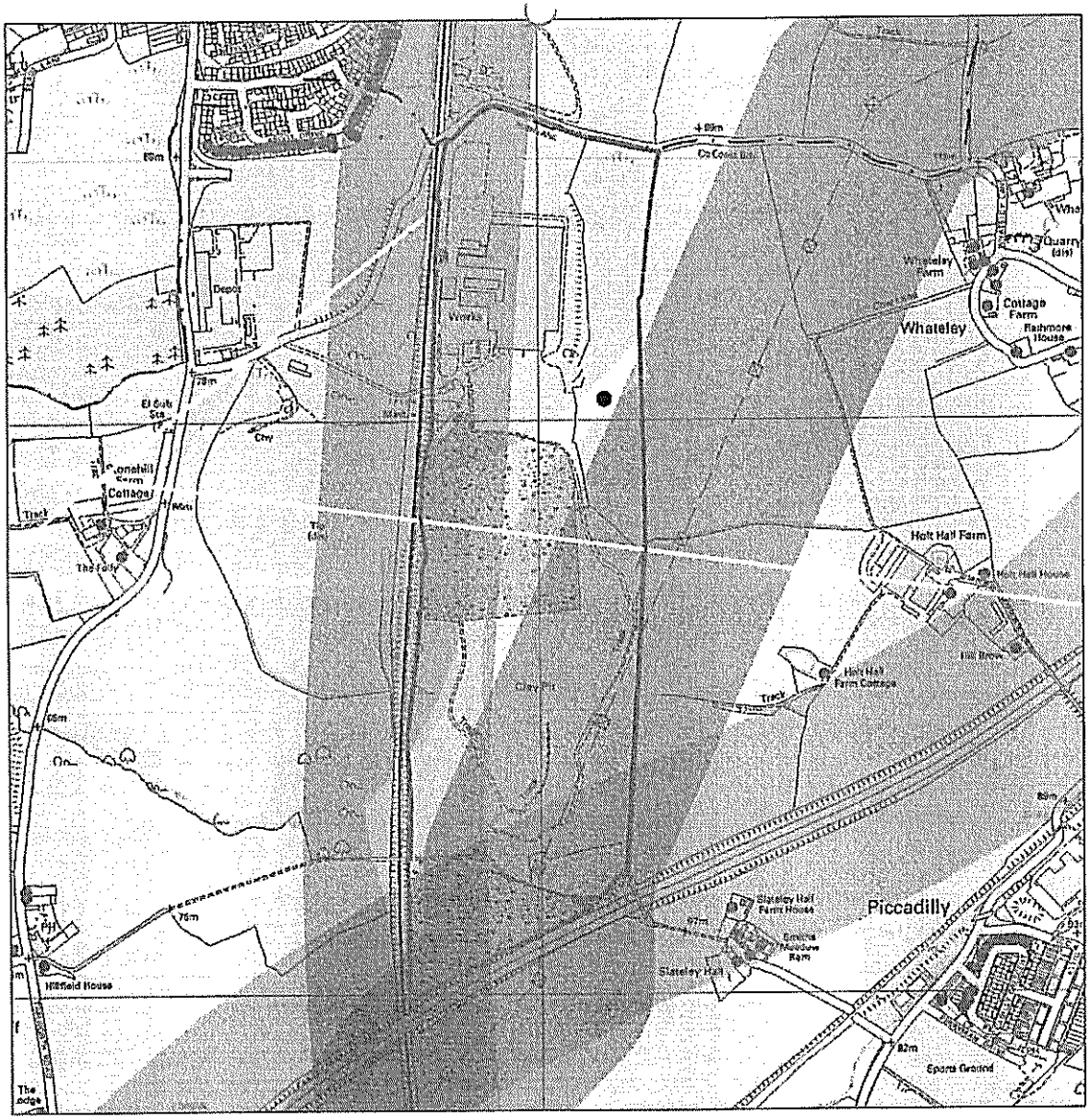

Appendix E

Shadow Flicker Management Plan: Kingsbury Wind Energy Scheme.

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Checksum	[illegible]

1 Introduction

Shadow flicker can occur when the blades of a wind turbine cover the sun for brief moments as they rotate. For an observer viewing this phenomenon through a narrow opening (such as a window from within the affected area) it can create a rapid change in luminance, appearing as if the light is being 'flicked' on and off each time a blade passes in front of the sun. The affected area is constrained in size and shape by astronomic and geometric parameters, such as the trajectory of the sun and the position and dimensions of the wind turbine. Given the perceived nuisance that this phenomenon can pose for the occupants of affected buildings, Wind Direct intend to manage the effects of shadow flicker from the Kingsbury turbine.

Wind Direct intend to fit the Kingsbury turbine with a device that is able to predict when, where and for how long shadow flicker could theoretically occur at any given receptor within the affected area. This device will compare these predictions with data collected from a light-sensor fitted onto the turbine in order to determine whether shadow flicker is occurring at any given time, thus permitting the device to monitor the amount of shadow flicker occurring at each individual receptor. The device may then turn off the turbine after a given threshold of shadow flicker minutes within a specified period of time (typically 30 minutes per day, or 30 hours per year), in order to limit the effect of the turbine upon the occupants of any affected buildings.

2 Planning Policy and Guidance

Planning for Renewable Energy, A Companion Guide to PPS22 [1], the Planning Advice Note relating to Renewable Energy Technologies, neglects to give any detail regarding mitigation requirements or the acceptability of any residual effects of shadow flicker. Given this, the implementation of shadow flicker mitigation for wind farm projects in England is likely to be case specific and only implemented following complaints. *Update of UK Shadow Flicker Evidence Base* [2] reviews the current state of international guidance, academic literature and current assessment methodologies used by a variety of developers in the UK. It identifies situations where mitigation of shadow flicker effects have been successful across Europe using turbine shut down. In the absence of any prescriptive mitigation information in any UK guidance, it may be useful to take account of the policies of other countries of similar latitude such as Ireland. Irish guidance recommends a threshold of 30 hours per year or 30 minutes per day as the upper limit of acceptable shadow flicker at an office or dwelling within 500m of the turbine.

3 Shadow Flicker Management Plan

For a fixed observer, the occurrence of shadow flicker from a given wind turbine is generally limited to certain parts of the year and certain times of the affected days. Given that the passage of the sun, the size and location of the turbine, and the location of the affected property will all be known, the validity of a complaint is relatively easy to verify by means of commercially available computer programs.

As part of this plan, Wind Direct will commission a survey of all receptors within the potentially affected area prior to the commissioning of the turbine. These receptors will then be modelled within a device that is able to predict when, where and for how long shadow flicker could theoretically occur at any given receptor within the affected area. This device is capable of verifying the occurrence of shadow flicker by the use of a light sensor, and shutting down the turbine should shadow flicker at a given receptor exceed a given threshold number of minutes. This is referred to herein as the 'shadow flicker mitigation device'.

Wind Direct shall adopt the following procedure in the event of complaints from occupants of affected buildings to either the local planning authority or the turbine operator:

- Wind Direct will arrange for a visit by a representative of Weinerberger in order to verify the occurrence of shadow flicker at the residence with the occupier. Wind Direct would notify the LPA about such imminent visits should a Council representative wish to attend.
- If occurrence of shadow flicker nuisance could be validated, mitigation options shall be discussed with the affected party.
- If Wind Direct and the occupant are able to reach an agreement, Wind Direct will arrange for, and cover the cost of, the required mitigation in liaison with the affected party.
- In the event that a mutually satisfactory solution is not agreed upon, the installed shadow flicker mitigation device will be used in order to prevent the building in question from receiving more than 30 minutes of shadow flicker within a single day, or 30 hours within a single year. This will be achieved by automatically shutting down the turbine during periods

when shadow flicker may occur at the relevant receptor once either threshold has been reached.

4 References

[1] Planning for Renewable Energy: A Companion Guide to PPS22 (2004) Office of the Deputy Prime Minister.

[2] Update of UK Shadow Flicker Evidence Base (2011) Department of Energy and Climate Change.

Appendix F

Department for
Communities and
Local Government

Planning practice guidance for renewable and low carbon energy

July 2013
Department for Communities and Local Government

This document/publication is also available on our website at www.gov.uk/dclg

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Planning practice guidance for renewable and low carbon energy

Introduction

1. This guidance provides advice on the planning issues associated with the development of renewable energy. It will be kept under review and should be read alongside other planning practice guidance and the National Planning Policy Framework. This guidance is being published in advance of the Department for Communities and Local Government's beta planning practice guidance web-based resource, and will be integrated into this web-based resource later in the year.

2. Government planning practice guidance can be a material consideration in planning decisions and should generally be followed unless there are clear reasons not to. 'Planning for Renewable Energy: A Companion Guide to PPS22' is cancelled.

Why is planning for renewable and low carbon energy important?

3. Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

Are all energy developments handled by the local planning authority?

4. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990). Renewable and low carbon development over 50 megawatts capacity will be considered by the Secretary of State for Energy[1], under the Planning Act 2008, and the local planning authority will be a statutory consultee. Microgeneration is often permitted development and may not require an application for planning permission[2].

[1] https://www.gov.uk/government/policies/providing-regulation-and-licensing-of-energy-industries-and-infrastructure/supporting-pages/planning-and-consents-for-national-energy-infrastructure
[2] https://www.planningportal.gov.uk/permission/house

How can local planning authorities develop a positive strategy to promote the delivery of renewable and low carbon energy?

5. The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

6. Local and neighbourhood plans are the key to delivering development that has the backing of local communities. When drawing up a Local Plan local planning authorities should first consider what the local potential is for renewable and low carbon energy generation. In considering that potential, the matters local planning authorities should think about include:

    - the range of technologies that could be accommodated and the policies needed to encourage their development in the right places
    - the costs of many renewable energy technologies are falling, potentially increasing their attractiveness and the number of proposals
    - different technologies have different impacts and the impacts can vary by place
    - the UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources. Whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver

7. There is information in the rest of the guidance on how to identify suitable areas, criteria-based policies and buffer zones/separation distances.

How can local planning authorities identify suitable areas for renewable and low carbon energy?

8. There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology (see paragraphs 12-13) and, critically, the potential impacts on the local environment, including from cumulative impacts (see paragraphs 43-44). The views of local communities likely to be affected should be listened to.

9. There is a methodology available from the Department of Energy and Climate Change's website on assessing the capacity for renewable energy development which can be used and there may be existing local assessments. However, the impact of some types of technologies may have changed since assessments were drawn up (e.g. the size of wind turbines has been increasing). In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For

example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location. Landscape Character Assessment is a process used to explain the type and characteristics of landscape in an area. Natural England has used Landscape Character Assessment to identify 159 National Character Areas in England which provide a national level database. Landscape Character Assessment carried out at a county or district level may provide a more appropriate scale for assessing the likely landscape and visual impacts of individual proposals. Some renewable energy schemes may have visual impacts on the marine and coastal environment and it may be appropriate to also to assess potential impacts on seascape character.

10. Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for onshore wind or large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable.

11. When identifying suitable areas it is also important to be clear on the factors that will be taken into account when considering individual proposals in these areas. These factors may be dependent on the investigatory work underpinning the identified area. The expectation should always be that an application should only be approved if the impact is (or can be made) acceptable[3].

What technical considerations relating to renewable energy technologies affect their siting?

12. Examples of the considerations for particular renewable energy technologies that can affect their siting include proximity of grid connection infrastructure and site size, and:

    - for biomass, appropriate transport links
    - for hydro-electric power, sources of water,
    - for wind turbines, predicted wind resource, considerations relating to air safeguarding, electromagnetic interference and access for large vehicles

13. Discussions with industry experts can help to identify the siting requirements and likely impacts of technologies. The National Policy Statements[4] on the Department of Energy and Climate Change's website give generic and technology specific advice relevant to siting particular technologies. The Environment Agency has published advice showing which areas may be suitable for open loop ground source heat pumps[5], as well as advice on the technologies it regulates.

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[3] See National Planning Policy Framework paragraph 98:
https://www.gov.uk/government/publications/national-planning-policy-framework--2
[4] https://www.gov.uk/consents-and-planning-applications-for-national-energy-infrastructure-projects
[5] http://www.environment-agency.gov.uk/business/topics/128133.aspx

Do criteria based policies have a role in planning for renewable energy?

14. Policies based on clear criteria can be useful when they are expressed positively (i.e. that proposals will be accepted where the impact is or can be made acceptable). In thinking about criteria the National Policy Statements[6] published by the Department of Energy and Climate Change provide a useful starting point. These set out the impacts particular technologies can give rise to and how these should be addressed.

15. In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- protecting local amenity is an important consideration which should be given proper weight in planning decisions

Are buffer zones/separation distances appropriate between renewable energy development and other land uses?

16. Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis.

What is the role for community led renewable energy initiatives?

17. Community initiatives are likely to play an increasingly important role and should be encouraged as a way of providing positive local benefit from renewable energy

[6] https://www.gov.uk/consents-and-planning-applications-for-national-energy-infrastructure-projects

development. Further information for communities interested in developing their own initiatives is provided by the Department of Energy and Climate Change. Local planning authorities may wish to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear evidence of local community involvement and leadership.

18. Neighbourhood plans are an opportunity for communities to plan for community led renewable energy developments. Neighbourhood Development Orders and Community Right to Build Orders can be used to grant planning permission for renewable energy development. To support community based initiatives a local planning authority should set out clearly any strategic policies that those producing neighbourhood plans or Orders will need to consider when developing proposals that address renewable energy development. Local planning authorities should also share relevant evidence that may assist those producing a neighbourhood plan or Order, as part of their duty to advise or assist. As part of a neighbourhood plan, communities can also look at developing a community energy plan to underpin the neighbourhood plan.

How can decentralised energy[7] opportunities be identified?

19. There is an important contribution to be made by planning that is independent of the contribution from other regimes such as building regulations. For example, getting the right land uses in the right place can underpin the success of a district heating scheme. Similarly, planning can influence opportunities for recovering and using waste heat from industrial installations.

20. Planning can provide opportunities for, and encourage energy development which will produce waste heat, to be located close to existing or potential users of the heat. Planning can also help provide the new customers for the heat by encouraging development which could make use of the heat.

21. Information on local heat demand is published by the Department of Energy and Climate Change to assist planners and developers in identifying locations with opportunities for heat supply.[8] This information will be supplemented in future by further work, including detailed mapping, on the potential for combined heat and power and district heating and cooling.

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[7] See National Planning Policy Framework glossary: https://www.gov.uk/government/publications/national-planning-policy-framework--2

[8] See http://tools.decc.gov.uk/nationalheatmap/ and http://chp.decc.gov.uk/developmentmap/

What are the planning considerations that relate to specific renewable energy technologies?

22. Renewable energy developments should be acceptable for their proposed location. In addition to the factors that should be considered regarding the acceptability of a location for any form of renewable energy development (see paragraph 15) there are particular considerations for the following technologies: hydropower (see paragraphs 23), active solar technology (photovoltaics and solar water heating) (see paragraph 24-25), solar farms (see paragraphs 26-28) and wind turbines (see paragraphs 29-45). Also, local planning authorities may wish to consider how planning conditions or planning obligations can mitigate the impacts described.

What are the particular planning considerations that relate to hydropower?

23. Planning applications for hydropower should normally be accompanied by a Flood Risk Assessment. Early engagement with the local planning authority and the Environment Agency will help to identify the potential planning issues, which are likely to be highly specific to the location. Advice on environmental protection for new hydropower schemes has been published by the Environment Agency[9].

What are the particular planning considerations that relate to active solar technology (photovoltaic and solar water heating)?

24. Active solar technology, (photovotaic and solar water heating) on or related to a particular building is often permitted development[10] (which does not require a planning application) provided the installation is not of an unusual design, or does not involve a listed building, and is not in a designated area.

25. Where a planning application is required, factors to bear in mind include:

- the importance of siting systems in situations where they can collect the most energy from the sun
- need for sufficient area of solar modules to produce the required energy output from the system
- the effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas
- the colour and appearance of the modules, particularly if not a standard design

[9] http://www.environment-agency.gov.uk/business/topics/water/32022.aspx
[10] https://www.planningportal.gov.uk/permission/house

What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?

26. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

27. Particular factors a local planning authority will need to consider include:

- encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use[11] and/or encourages biodiversity improvements around arrays[12]
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the effect on landscape of glint and glare (see guidance on landscape assessment at paragraphs 39-40) and on neighbouring uses and aircraft safety
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect

28. The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines (see paragraphs 41-44). However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

What are the particular planning considerations that relate to wind turbines?

29. The following questions should be considered when determining applications for wind turbines:

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[11] See National Planning Policy Framework paragraph 112: https://www.gov.uk/government/publications/national-planning-policy-framework--2

[12] See also https://www.gov.uk/government/speeches/gregory-barker-speech-to-the-large-scale-solar-conference

How are noise impacts of wind turbines assessed?

30. The report, 'The assessment and rating of noise from wind farms' (ETSU-R-97)[13] should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97. It is available on the Department of Energy and Climate Change's website.[14]

Is safety an issue when wind turbine applications are assessed?

31. Safety may be an issue in certain circumstances, but risks can often be mitigated through appropriate siting and consultation with affected bodies:

- *Buildings* - Fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. This is often less than the minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and due to visual impact

- *Power lines* - National Grid, and/or the relevant Distribution Network Operators will be able to advise on the required standards for wind turbines being separated from existing overhead power lines

- *Air traffic and safety* - Wind turbines may have an adverse affect on air traffic movement and safety. Firstly, they may represent a risk of collision with low flying aircraft, and secondly, they may interfere with the proper operation of radar by limiting the capacity to handle air traffic, and aircraft instrument landing systems. There is a 15 kilometre (km) consultation zone and 30km or 32km advisory zone around every civilian air traffic radar, although objections can be raised to developments that lie beyond the 32km advisory zone. There is a c.15km statutory safeguarding consultation zone around Ministry of Defence aerodromes within which wind turbine proposals would be assessed for physical obstruction. See the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002. Further advice on wind energy and aviation can be found on the Civil Aviation Authority[15] and National Air Control Transport Services websites[16]

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[13] https://whitehall-admin.production.alphagov.co.uk/government/uploads/system/uploads/attachment_data/file/49869/ETSU_Full_copy__Searchable_.pdf

[14] https://www.gov.uk/government/policies/increasing-the-use-of-low-carbon-technologies/supporting-pages/onshore-wind

[15] http://www.caa.co.uk/

[16] http://www.nats.co.uk/

- *Defence* - Wind turbines can adversely affect a number of Ministry Of Defence operations including radars, seismological recording equipment, communications facilities, naval operations and low flying. Developers and local planning authorities should consult with the Ministry of Defence[17] if a proposed turbine is 11 metres (m) to blade tip or taller, and/or has a rotor diameter of 2m or more

- *Radar* - In addition to air traffic radar, wind turbines may affect other radar installations such as weather radar operated by the Meteorological Office

- *Strategic Road Network* - The Highways Agency / Department for Transport[18] have produced advice for siting wind turbines safely in relation to the strategic road network.

Is interference with electromagnetic transmissions an issue for wind turbine applications?

32. Wind turbines can potentially affect electromagnetic transmissions (e.g. radio, television and phone signals). Specialist organisations responsible for the operation of electromagnetic links typically require 100m clearance either side of a line of sight link from the swept area of turbine blades. OFCOM acts as a central point of contact for identifying specific consultees relevant to a site.

How can the risk of wind turbines be assessed for ecology?

33. Evidence suggests that there is a risk of collision between moving turbine blades and birds and/or bats. Other risks including disturbance and displacement of birds and bats and the drop in air pressure close to the blades which can cause barotrauma (lung expansion) in bats, which can be fatal. Whilst these are generally a relatively low risk, in some situations, such as in close proximity to important habitats used by birds or bats, the risk is greater and the impacts on birds and bats should therefore be assessed. Advice on assessing risks is available from Natural England's website.[19]

How should heritage be taken into account in assessing wind turbine applications?

34. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.

Is shadow flicker and reflected light an issue for wind turbine applications?

35. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines

[17] https://www.gov.uk/mod-safeguarding
[18] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/73173/strategic-road-network-policy.pdf
[19] http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/default.aspx

can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.

36. Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at a specific property or group of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of conditions.

37. Although problems caused by shadow flicker are rare, where proposals for wind turbines could give rise to shadow flicker, applicants should provide an analysis which quantifies the impact. Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it.

How to assess the likely energy output of a wind turbine?

38. As with any form of energy generation this can vary and for a number of reasons. With wind turbines the mean wind speed at hub height (along with the statistical distribution of predicted wind speeds about this mean and the wind turbines used) will determine the energy captured at a site. The simplest way of expressing the energy capture at a site is by use of the 'capacity factor'. This though will vary with location and even by turbine in an individual wind farm. This can be useful information in considering the energy contribution to be made by a proposal, particularly when a decision is finely balanced.

How should cumulative landscape and visual impacts from wind turbines be assessed?

39. Cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

40. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts.

What information is needed to assess cumulative landscape and visual impacts of wind turbines?

41. In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

42. In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the

significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change.

43. The English Heritage website provides information on undertaking historic landscape characterisation and how this relates to landscape character assessment.

44. Figure 1 sets out the type of information that can usefully inform assessments.

Figure 1 – Information to inform landscape and visual impact assessments

- a base plan of all existing windfarms, consented developments and applications received, showing all schemes within a defined radius of the centre of the proposal under consideration
- for those existing or proposed windfarms within a defined radius of the proposal under consideration, a plan showing cumulative 'zones of visual influence'. (A zone of visual influence is the area from which a development or other structure is theoretically visible). The aim of the plan should be to clearly identify the zone of visual influence of each windfarm, and those areas from where one or more windfarms are likely to be seen
- the base plan and plan of cumulative zones of visual influence will need to reflect local circumstances, for example, the areas covered should take into account the extent to which factors such as the topography and the likely visibility of proposals in prevailing meteorological conditions may vary
- maps of cumulative zones of visual influence are used to identify appropriate locations for visual impact studies. These include locations for simultaneous visibility assessments (i.e. where two or more schemes are visible from a fixed viewpoint without the need for an observer to turn their head, and repetitive visibility assessments (i.e. where the observer is able to see two or more schemes but only if they turn around)
- sequential effects on visibility occur when an observer moves through a landscape and sees two or more schemes. Common routes through a landscape (e.g. major roads; long distance paths or cycle routes) can be identified as 'journey scenarios' and the proposals impact on them can be assessed
- photomontages showing all existing and consented turbines, and those for which planning applications have been submitted, in addition to the proposal under consideration. The viewpoints used could be those identified using the maps of cumulative zones of visual influence. The photomontages could be annotated to include the dimensions of the existing turbines, the distance from the viewpoint to the different schemes, the arc of view and the format and focal length of the camera used
- at the most detailed level, description and assessment of cumulative impacts may include the following landscape issues: scale of development in relation to landscape character or designations, sense of distance, existing focal points in the landscape, skylining (where additional development along a skyline appears disproportionately dominant) and sense of remoteness or wildness

Decommissioning wind turbines

45. Local planning authorities should consider using planning conditions to ensure that redundant turbines are removed when no longer in use and land is restored to an appropriate use.

Agenda 9

Wienerberger

Jeff Brown
Head of Development Control services
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

RECEIVED
25 JUL 2013
North Warwickshire Borough Council

16th July 2013

Dear Mr Brown,

Kingsbury Wind Energy Scheme (Reference PAP/2013/0321)

I support the Kingsbury Wind Energy Scheme application for the following reasons:

1. Wienerberger is predicted to use all of the electricity from the wind turbine when the factory is operating. As the factory is not open 24/7, this will average out at 70% usage over the year with the remainder exported via the national grid. Electricity will be provided at a fixed cost protecting the site from price volatility, contributing to the businesses long term sustainability and protecting jobs at the Kingsbury Works.

2. The Kingsbury wind turbine could have the potential to generate up to 5,935MWhrs of electricity per year, sufficient to power around 1,358 homes (equivalent to 88% of the homes in Kingsbury).

3. The wind turbine could offset up to 3,602 tonnes of carbon dioxide emissions per year and reduce reliance for electricity on costly and polluting fossil fuels.

4. Should this proposal be consented, this commitment includes £125K to be invested in a local community trust fund over the lifetime of the project.

5. The development has the potential to bring £1.75million worth of value to the UK and £300K to the local area.

6. The wind turbine will pay business rates which go directly to the local council. The business rates are calculated based on the electricity produced; therefore a single 2.5MW turbine may provide annual assumed rates of £27K.

7. The application includes plans for the enhancement of biodiversity including hedgerow improvements and scrub management, which will benefit a range of species including birds, bats and great crested newts.

Yours faithfully,

Martin Rose – Development Manager – Wienerberger Ltd.

TERCA POROTHERM

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Registered office: Wienerberger House, Brooks Drive, Cheadle Royal Business Park, Cheadle, Cheshire SK8 3SA | Registration in England No. 5299520
VAT No: GB 145 133 788

Appendix 4

Friends of the Earth

West Midlands

Jeff Brown
Development Control Manager
North Warwickshire Borough Council,
South Street,
Atherstone,
Warwickshire.
CV9 1DE
planningcontrol@northwarks.gov.uk

7th August 2013

Re PAP/2013/0321 wind turbine@ Wienerberger Brick Works, Rush Lane, Dosthill, Warwickshire B77 1LT

Dear Jeff

West Midlands Friends of the Earth (WMFOE) would like to thank you for the opportunity to comment on this planning application WMFOE would like to support the application.

Firstly we would like to touch upon some basic observations. Human induced Climate Change is happening and is something that we as a society will not only have to adapt to BUT something we will have to mitigate against. We in the UK, as one of the largest and oldest economies on the planet, will have to show leadership in those actions. Obviously we will have to become far more efficient in the electricity that we do use and design and market much more energy efficient products than we do at present.

In that the nation will still need to generate electricitythe country as a whole must generate it much closer to where it is consumed and in as environmentally benign manner as possible. The generation of electricity from wind is one of those technologies.

There has to be a balance between the need for lower carbon electricity with aspects of noise, visual intrusion, wildlife and national security. These are immediate and practical concerns which may be overtaken by technology. However these issues should be secondary to the future of the human species and our ability to survive on this Planet?

West Midlands Friends of the Earth
The Warehouse Allison Street Digbeth Birmingham B5 5TH
Telephone 012 16 43 91 17 Fax 012 16 43 81 17 Email chrisc@foe.co.uk

Firstly does the nation really need any more electricity to be generated,is the UK as efficient as we could be with that electricity thatis currently produced? If so then can the UK produce that electricity that is required in a way that

Avoids future competition over precious natural resources
Does not burden future generations with clean up costs
Is a technology that we would be happy for everyone on the planet to deploy?

This is putting into practice real stewardship for handing on a cleaner planet to the next generation.
Wind is not perfect BUT it is one of the solutions that we have and it is deployable NOW and is proven to deliver.

World populations are less likely to fight over wind than fossil fuels or uranium and winning it is less dangerous that mining and processing.

If the next generation doesn't like them they can recycle them.

No one should lose sleep over a wind turbine in the wrong hands.

If these issues are dealt with then the current generationmay well develop the technologies future generations kids will thank us for.

In terms of this particular applicationWMFOE have been in contact with colleagues from other NGO's as well as the Statutory Agencies such as the Environment Agency, Natural England and English Heritage.

WMFOE have also read the Environmental Impact Assessment which forms part of this planning application.

While WMFOE support the generation of electricity from wind resourcesWMFOE also believe that it would be appropriate to allay the concerns of local residents. It is also essential that local residents are more informed as to the realities of living close to wind turbines. Maybe visits to other communities living with wind technologiescould be arranged or people from those locations could visitKingsbury to explain what it is really like living next to a wind farm.

What form of ongoing community involvement with this project is envisaged?It is essential that the local community is involved with these projects to ensure that they are appropriate for the local area, of the correct scale, under appropriate ownership and control. It is also essential that they receive benefits in kind from these developments, if indeed, they are permitted.

If this planning application were to be refusedWMFOE would like North Warwickshire District Council to say where within the district they think would be suitable for the erection of wind turbines and at what scale?? If, for some reason, no such site exists what measures will the local authority put in place for North

Warwickshire to become far more efficient in the manner in which it uses electricity, reduce its energy demands and in turn reduce its climate change emissions and show leadership in how we can move forward with respect to our climate responsibilities?

We look forward to following the determination of this application.

Yours sincerely

Chris Crean
On behalf of West Midlands FOE

West Midlands Friends of the Earth
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Appendix 1

26 July 2013

To:
North Warwickshire Borough Council,
Tamworth BC,
Rt Hon MP C Pincher

By Email

Cc: Tamworth Herald, Parish Council, All Councillors both BC's

A Spratley Objection Comments Part 2 (*after further research on proposal*) :
My continued Objections against Dosthill Wind Turbine planning application number PAP/2013/0321

The Development Plan (Local Plans, Supplementary Planning Documents, etc)

I consider that this planning application is **contrary** to the contents of local development plans given the extremely close proximity to **private houses.** It will irreparably degrade the character of the neighbourhood.

Local Community
The Government has indicated that developments should not be permitted if the local community is opposed to a scheme and this is enshrined in the Localism Bill. This gives a strong mandate from the local community to refuse the application if enough people oppose. This proposal is contrary to Local Plan Policy ENV1.

Government Guidance (Planning Policy Guidance Notes, Statements and Circulars)

Recent government guidance as identified by MP C Pincher has changed the emphasis of such planning proposals in the last month or so to give increased importance **to views expressed by the local community.**

Accordingly the I request that the application be **refused** and no access to appeals be allowed e.g. to PINS/SoS.

Planning Legislation (Including Case Law and previous decisions e.g. Lichfield Turbine)

Recently, many communities around the country have managed to lobby to keep such developments away from their homes and neighbourhoods.

We strongly recommend that the government investigate and provide guidance on **minimum distances** from homes as suggested in Australia of **10km.**