

SPECIAL PLANNING APPLICATIONS COMMITTEE

10th November, 2010

PRESENT - Councillor Baldwin (in the Chair); Councillors Dunstone, Freitag, Hartley, L. Haszeldine, Johnson, Lee, D.A. Lyonette, Regan, Stenson and Walker. (11)

APOLOGIES – Councillors M. Cartwright and Robson. (2)

PA53. DECLARATION OF INTERESTS – There were no declaration of interests reported at the meeting.

PA54. PROCEDURE – The Borough Solicitor’s representative gave a short presentation which outlined the procedure to be followed during consideration of the applications for planning permission before this Committee.

RESOLVED – That the procedure be noted.

PA55. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Refused

09/00741/FUL - Moor House, Barmpton , Darlington. Erection of 10 wind turbines, one anemometer mast plus associated access tracks, crane pad and control building.

(In reaching its decision the Committee took into consideration the Planning Officers report (previously circulated), 203 letters of objection; 221 letters of support; a petition in support of the application containing 26 signatures; five letters of support from Officers; the objections from the Ward Councillor, East and West Newbiggin Parish Council, Bishopton Parish Council, Great Stainton Parish Council, Little Stainton Parish Council, Sadberge Parish Council, Morden Parish Council, Seven Parishes Action Group, Campaign to Protect Rural England (CPRE) and the Ramblers Association; the comments of the BBC, the Environmental Health Officer and Durham County Council Landscape Section and the concerns of Durham Bat Group that had been received, two further letters of objection that were highlighted at the meeting and the views of Mr. Dyke, Mr. Hancock and Mr. Arnott, applicants, Mr. Snedker, supporter, Mr. Barker, Mrs. Penk and Mr. Rankin, objectors, Mr. Mackenzie, Mr. Wood, Mrs. Dickinson and Mrs. Wise, Parish Councillors and Councillor B. Jones, whom Members heard).

The Development Manager made the following responses to issues raised by the various presentations :-

With regard to the offer of the community facilities fund; the contribution to the establishment of a warm zone and the contribution of the scheme to the Council's business rates in his view this should not be influential in the final decision as they were extraneous planning gains not necessary to make the planning application acceptable. In his view the development was already acceptable without these gains.

The efficiency of the development and relative efficiency compared to other renewable schemes should not be given weight in consideration of the application. This issue has not been accepted as a material consideration by the Planning Inspectorate.

Road safety issues had been examined by the highway authority and highway agency and were found to be acceptable.

Members were advised that the scheme was compliant with the ETSU guidelines and as such national policy guidance would suggest the scheme to be acceptable in terms of noise impact. The causes of excessive amplitude modulation (EAM) were not well understood. There was uncertainty as to whether it would occur and if it did occur whether it would cause a noise impact problem. There is a lack of evidence therefore on which to base a refusal of planning permission on EAM grounds and to do so would be unreasonable. Proposed condition 22 was considered to be acceptable - time would be needed to resolve any problems if they were to occur and the matter was best resolved through an iterative process. If a mitigation scheme was not forthcoming to deal with a problem the Council could take enforcement action. The condition had been used by a previous appeal Inspector and endorsed by the Secretary of State.

In terms of cumulative impact, the proposed development should only be looked at in terms of what other schemes were already approved or operational. A number of schemes in the locality were at various stages in the planning process but could not reasonably be considered in terms of cumulative impact as there was no guarantee these schemes would get approval.

With regard to the incidence of shadow flicker it was clarified that the relevant slide in the presentation referred to hours rather than days per year with one property being significantly effected and others less so. It was re-iterated that a condition would be imposed so that on receipt of a complaint the developer would be required to automatically stop the relevant turbine by software control at the relevant times when shadow flicker might potentially occur.

With regard to concerns about aviation, there was condition requiring satisfactory radar improvements to be agreed with the LPA in discussion with the airport. Development could not commence until the details of this scheme had been agreed and could not come into operation until the agreed scheme was in place. The airport should be the ultimate reference point as to whether this scheme was acceptable in terms of aviation safety and there should be no need for further consultation on this.

The significance of national policy stating that considerable weight should be attached to the wider environmental benefits of renewable energy was cited and also the Council being signed up to various carbon reduction initiatives. Also that following today's Court decision guidance in the RSS was to be taken into account.

Members were advised that if they had reservations about visual and landscape impact they might wish to consider deferring the application to allow for more information to be provided. This might help in terms of providing further information to address concerns expressed by Members about the impact of the development on Skerningham Park.

There was further clarification given around the Arup addendum report and reference was made to the Scenario 11 of the Addendum report which had considered the impact of Moorhouse with Butterwick and concluded that the impact of the development on a number of receptors was either acceptable, likely to be acceptable or possibly acceptable.

Following the debate the Committee concluded that the development was not acceptable due to its visual impact in the open countryside. There was further discussion on the reasons for refusal during which time the Development Manager referred to the relevant policies.

In arriving at the decision the following sequence of events took place:-

1. A Motion to grant was moved and seconded
2. An amendment to the motion was moved and seconded
3. The amendment was thereupon put to the meeting and the reasons for refusal in relation to visual impact were presented
4. The amendment was carried
5. The Motion, as amended, was thereupon put to the meeting and carried.

Amendment carried.

RESOLVED - That planning permission be refused on the following reason

In the opinion of the Local Planning Authority the proposed development would adversely affect the character of the local landscape and visual amenity to an unacceptable level when seen from various viewpoints including nearby settlements and public rights of way to the detriment of the enjoyment of the countryside and the amenities of local residents contrary to policy E26 of the Local Plan taking into account the Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain (NEA / ARUP 2008) and Addendum (ANEC / ARUP October 2009).