

COMMITTEE REPORT

Committee: East Area
Date: 11 September 2008
Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 07/02915/FUL
Application at: Elvington Water Treatment Works Kexby Lane Elvington York
For: Erection of 50m high environmental monitoring mast and associated guy ropes for a temporary period of 18 months
By: Stephanie Walden
Application Type: Full Application
Target Date: 6 February 2008

1.0 PROPOSAL

1.1 This application was considered by Members at the Planning Committee held on 13th March of this year. At that time, the public consultation period still had 4 days in which to run and consequently members agreed to approve the scheme subject to no additional objections to those already reported being received. A further four letters were received during this period, none of which made any additional comments to those previously made but for information these referred to the following issues:

- the speculative nature of the development.
- proximity to the village.
- impact on property prices.
- danger to birds.
- detrimental to visual amenity of the area.

1.2 Whilst the above points raise no new issues not reported previously, in relation to the danger to birds, it was noted that no consultation had taken place with the Council's Countryside Officer on the application. This was subsequently carried out and the following comments have been made:

"With regard to this application, there is some interest in this but more from what may come from the findings than this application. The present application is for a tall, narrow structure retained by cables. As such, I consider there will be only a very limited impact on the surrounding nature conservation interest. Whilst the location is close to a well used water body, it is set to one side of the likely flight paths of birds into the site and away from the river and is easily avoidable. It would be useful though if the cables could be marked by some coloured buoys to make them more visible in low light conditions but other than that, I do not think that there is any particular issue, especially as it is only on a temporary basis. A large wind turbine though, if the findings suggest the location is suitable, may be a very different matter as this would be a more prominent structure and may affect both birds and bats close to the internationally recognised area at Derwent Ings and the River Derwent."

1.3 It is considered that the application should be referred back to the Planning Committee in order that these comments can be considered by Members prior to a final decision being made on the application.

1.4 The above comments are noted, in particular the reference to the possibility of placing coloured buoys on the cables to make them more visible in low light conditions. Officers have considered this and whilst this aspiration is noted, it is not considered by the Countryside Officer to be essential and he is not recommending it as a condition of approval. It is considered that by their very purpose, the placing of such buoys on the cables would make the mast more visually prominent in the landscape, a key issue given the masts location in the Green Belt. Therefore, given that they are not considered an essential safety requirement here, and given the temporary nature of the proposal, officers do not consider it necessary to place such attachments to the structure and recommend that the proposal be approved as originally submitted.

1.5 A number of comments in these additional letters also make reference to the Green Belt status of the application site, the link between the monitoring mast and any future proposal for a wind turbine and the lack of very special circumstances being put forward by the applicant. For member's information this was referred to in the original officer's report at para. 4.3 below and no new issues are raised on this which were not fully considered last time. The original report also recognised that the monitoring mast would constitute inappropriate development in the Green Belt and that very special circumstances that outweigh any harm to the Green Belt would need to be demonstrated in order to justify the granting of planning permission. For clarification, although not specifically referred to by the applicant, it is clear that the purpose of the monitoring mast is to assess the suitability of the site for a wind turbine. (see para. 4.5 below). It is considered that the desirability of exploring the potential of the site for wind energy development could be regarded as very special circumstances justifying the development, particularly for a temporary period of 18 months, as has been requested. Again, this issue was fully explored at the previous meeting.

1.6 Officers strongly believe that the application should not be considered on the basis that it may result in a future application for a wind turbine. The monitoring exercise may reveal that the site is unsuitable for a wind turbine, in which case it can be assumed that no further applications would be submitted, or it may result in the submission of an application in a different location to the monitoring mast. Any future application for a wind turbine would have to be considered separately, on its own merits, having regard to policies and Government advice prevailing at the time and any other relevant material considerations, including the location in the Green Belt and wildlife interests. It is strongly refuted that the granting of planning permission for the monitoring mast would act as a precedent for a wind turbine at some future date

1.7 In the opinion of officers there are no new issues raised as a result of the additional correspondence received which would alter the previous recommendation and decision.

1.8 The report continues below as previously presented to committee.

1.8 This application seeks temporary consent for a period of 18 months for a 50 metre high anemometer mast on land at the Yorkshire Water Treatment Plant at Elvington.

1.9 It is a 50m high slender aluminium pole secured to the ground with cables which stretch to a radius of 25 metres from the mast itself. There will be several small measuring devices on the mast in order to measure wind speed, wind direction and temperature. The information gleaned from the measuring devices will be used to decide whether a wind turbine would be appropriate to be sited in this location in the future and if so, how high that should be.

1.10 The site lies within the Green Belt to the north of Elvington village within the boundaries of the Yorkshire Water treatment works. The River Derwent runs along the northern boundary of the site and the other immediate boundaries of the site are seen against open arable land. The nearest house is some 360 metres to the south on Riverside Gardens. The nearest house to the west is on White House Grove and Derwent Grove, approx. 390 metres away.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP5
Renewable energy

CYSP2
The York Green Belt

CYGB1
Development within the Green Belt

CYSP3
Safeguarding the Historic Character and Setting of York

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL.

3.1 Environmental Protection Unit.
No objections.

EXTERNAL.

3.2 Elvington Parish Council.
Object.

- i) Development is too close to residential properties and will have an excessive visual impact on the whole village. Homes are within 400 metres and the school is only 550 metres away. Height of the proposed mast is just short of the highest point of York Minster. Visual impact assessment for mast should be made.
- ii) The existing landscape is of open nature so the mast/turbine will be a highly visible intrusion over the area. Other local parishes should be consulted.
- iii) Site is not secure as claimed by Yorkshire Water. Gates to the site are often left open and there is no full time personnel on the site.
- iv) Insufficient opportunity given for residents to comment. All residents in the north facing properties should be given the opportunity to comment.
(OFFICERS NOTE - 12 site notices were placed at various points along the whole of the north side of the main road through the village, including outside the village shop. A press advert has also being placed in the York Evening Press).
- v) Wind turbines generate noise, both audible and sub-sonic. They affect local people's quality of life.
- vi) Shadow flicker and strobe affect from wind turbines may affect local residents and the pupils and staff at the local school.
- vii) Studies have being carried out which conclude that a safe buffer of at least 2km should exist between turbines and family dwellings.
- viii) Potential impact on the birdlife in the area. The area is an important habitat for geese, barn owls and raptors. Research shows that birds are susceptible to collision with turbine blades. Has as assessment of the impact of the mast/turbine on wildlife being made.
- ix) The mast is in close proximity to Elvington airfield and would be in direct line of the approach to the runway of the airfield.
- x) Yorkshire Water have sited turbines at their treatment works at Barmby Marsh but that is a much more appropriate site as there are only 2 houses within 2km of the turbines.
- xi) Yorkshire Water should be making use of the water resource on their doorstep (River Derwent). They could utilise the weir at Sutton on Derwent to generate power and this power source would be more reliable than the wind.

The Parish Council is supportive of power generation from renewable sources - but only of schemes suitable to a particular site.

3.3 Neighbours / Third parties.

42 letters of objection have being received making the following observations.

- 1) The mast is much too close to houses and the village school. It is huge and will overlook the village.
- 2) Significant visual intrusion. The mast will dominate the skyline. Ultimate aim is to put up a wind turbine.
- 3) Noise pollution. Noise from the mast could be intrusive. Already disturbed by sirens going off at the plant.
- 4) Adverse impacts have not been analysed, particularly the visual impact on the skyline.
- 5) Application is speculative and depends on where Yorkshire Water own land, not on reasonableness. This is evident from the secretive nature of the application.
- 6) Application should be considered in terms of the longer term plan for a wind turbine.
- 7) The wider issue has not been considered ie: wind farm developments should be assessed on wider joined up thinking as opposed to small developments dotted about everywhere, giving low efficiency with high social impact.
- 8) Will affect local property prices.
- 9) Recent studies have found that there should be a buffer of at least 2km between turbines and houses.
- 10) Impact on birdlife which are susceptible to collision with blades. Area is an important habitat for birds. Have seen in excess of 200 geese flying over at any one time. Birds nest on the nearby lagoons.
- 11) Will destroy the surroundings of an important dormitory village and would represent an appalling abrogation by the Council of their duty to their citizens.
- 12) Severe doubts as to the economic viability of the proposal.
- 13) Health and safety aspects of a mast on an insecure and often unmanned site.
- 14) Implications for future developments at the site.
- 15) Inadequate notification of the application to local residents.
- 16) Development represents inappropriate development in the Green Belt and no justification has been included in the application to demonstrate that very special circumstances exist which would outweigh this harm, as required by PPG2. There is no evidence that other sites have been considered such as a site to the north which is a designated Green Belt development site. Proposal is contrary to Policy SP2 of the draft local plan (safeguarding the setting and historic character of the City of York).
- 17) Scale and appearance of the mast is not in keeping with the surrounding landscape and will be intrusive to the scenic views enjoyed by residents of Elvington as the mast will be considerably taller than surrounding buildings.
- 18) This mast could lead to the erection of a wind turbine which would have a detrimental impact on surrounding residential development through noise.
- 19) Health and safety issues for Yorkshire Water workers themselves.
- 20) Concerned about flying debris.
- 21) The principal of using greener energy is a sound one. The choice of which source of energy is not.
- 22) Concerned about the potential effect on the health of children and people from loss of sleep, headaches, depression. Children may no longer be able to play outside.
- 23) Increased levels of traffic using Dauby Lane accessing the site, particularly during construction of the mast.
- 24) Obtrusive structure. Views over open fields from homes and gardens would be ruined.

- 25) It could be placed further back within the site.
- 26) Elvington is a Conservation area and there are extra controls to preserve and enhance these. The siting of this mast is in direct contradiction to this designation. Will be particularly visible from the old bridge.
- 27) Concerned about flooding in the area.
- 28) There may be lights attached to the mast which would be visually harmful in a rural area.
- 29) Mast is on the flightpath to Elvington airfield.
- 30) Back up power generation will be required to facilitate the possibility of a power outage.
- 31) What is the cost benefit. How will the wind power integrate within the overall power profile of the water treatment works.
- 32) Quality of radio and tv reception would be affected.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Green Belt.
- Visual amenity.
- Renewable energy.
- Noise and disturbance. Neighbour amenity.

4.2 The main draft local plan policies are GB1, SP2, SP3, GP1 and GP5.

Policy GB1 and its supporting text relates to the control of development in the Green Belt and SP2 and SP3 refers to safeguarding the Green Belt and the historic character and setting of York with reference to the overall impact on the York skyline. Policy GP1 seeks to control design and ensure that neighbour amenity is not compromised. Policy GP5 relates to developments for renewable energy. The proposed monitoring mast is the initial stage in a process of considering a renewable energy scheme in the area and it is therefore considered appropriate to assess the proposal against this policy.

4.3 Green Belt.

National policy and guidance on development in the Green Belt is outlined in PPG2 and this defines what is appropriate development in the Green Belt. Renewable energy projects when located in the green belt will generally constitute inappropriate development and may impact on the openness of the Green Belt. Para. 13 of PPS22 (Renewable energy) recognises this and states that careful consideration will need to be given to the visual impact of such projects in the Green Belt and developers will need to demonstrate very special circumstances that outweigh any harm by reason of inappropriateness. It goes on to say that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

4.4 Such proposals, by their very nature, will be situated in open areas and in York this will almost inevitably be on Green Belt land. A main thrust of Government guidance generally is a focus on achieving sustainable forms of development and the Government are committed to targets aimed at increasing energy generation from renewable sources. This is advocated in PPS1 and PPS22. Draft Local Policy GP5 reflects advice in PPS22.

4.5 Whilst the mast in this instance will not directly act as a form of renewable energy, the information gained from the monitoring devices will aid Yorkshire Water in making informed decisions on whether a future turbine is appropriate in this location and if so, how this would best operate. As such, whilst the proposal would constitute inappropriate development in the Green Belt when considered against PPG2, it is in line with up to date Government guidance on renewable energy. The proposed mast is a monitoring mast and not a wind turbine and its sole purpose is to assess weather conditions. Furthermore, it is proposed to be only a temporary structure for 18 months. Given the thrust of Government guidance which is encouraging of such renewable energy developments, even small scale schemes can be considered to be appropriate (key principle vi of PPS22), and officers consider an application which is aimed at assessing whether such a development might be suitable in the future does constitute the very special circumstances referred to in para. 13 of PPS22. Officers consider that these very special circumstances outweigh the harm by reason of inappropriateness as required by PPG2.

Visual amenity.

4.6 When assessing harm to the Green Belt, it is also appropriate to consider visual impact even when it is concluded that the proposal is appropriate in the Green Belt. The proposed mast would be tall and slender in design. Given the height of the mast, and the relatively flat open character of the area, it would be visible over a relatively wide area. However, given its extremely slim design (139mm in diameter) and the even slimmer nature of the supporting cables, it would not be particularly visually prominent, despite its height. It is not considered that it harms the openness of the Green Belt. Furthermore, it is proposed for 18 months only. A condition is recommended to control this. Given the above and despite its height, it is not considered that the mast will have an unacceptable impact on the wider setting and skyline of York.

Neighbour amenity.

4.7 The visual impact of the mast has been considered above and at a distance to the nearest house of approx. 360 metres, it is not considered that the mast will dominate or oppress the views of any local resident. The mast will not generate any noise. Therefore it is considered that the mast will not affect the residential amenity of neighbouring properties.

Flooding.

4.8 The site is within Flood zone 1, the site being slightly raised as it stands within the grounds of the Yorkshire Water Treatment Works, a site which benefits from flood protection from the River Derwent. However, even without this protection, the

proposal is unlikely to result in any additional floodrisk. The proposal does not require any significant increase in hardstanding as it will be supported by cables driven into the existing grassed surface.

Objections.

4.9 There is significant local opposition to the proposal and the comments are precised at para 3.3 above. Some of the objections refer to concerns over the perceived impact and effects of wind turbines. This application is for the temporary installation of a monitoring mast to assess wind speed, direction and other weather related issues and the determination of the application should be based on what has been applied for and not what might happen in the future. If, following on from this application, Yorkshire Water decide to press ahead with plans for a wind turbine then a planning application will be required and all issues relevant to such an application will be fully considered and assessed. If members are minded to approve this monitoring mast, this does not in anyway suggest support for a future turbine which will have to be assessed on its own merits.

4.10 The publicity period for this application expires on 19 March, and officers request that the application be dealt with under delegated powers provided that no new issues or objections are raised during this period.

5.0 CONCLUSION

5.1 The proposed mast, despite being 50 metres high will not, by virtue of its slender design, have an adverse visual impact in the area. It is considered that very special circumstances exist which outweigh the harm by inappropriateness to the Green Belt. There is no impact on neighbour amenity.

5.2 Therefore the proposal is considered to be acceptable, having had regard to national guidance in PPS22 and draft local plan policies GB1, SP3, GP1 and GP5.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Prior to the commencement of the development the Local Planning Authority shall be informed in writing of the date on which the mast shall be erected and the mast and all associated works shall be wholly removed from the site within 18 months of that date.

Reason. To restrict the period in which the permission may be implemented, and to ensure the removal from the site of the mast and associated works and the site's restoration upon the expiry of the permission.

3 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing no's:
C2031 Issue A2
C2032 Issue A2
C2033 Issue A2

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Green Belt, visual impact, renewable energy and local residential amenity with particular regard to noise and disturbance. As such the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, SP2, SP3, GP1 and GP5 of the City of York Draft Local Plan (4th set of changes) dated April 2005.

Contact details:

Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405