

DELEGATED REPORT

Date: 16 June 2011
Team: Major and Commercial Team
Ward: Rural West York
Parish: Copmanthorpe Parish Council

Reference: 11/00289/FUL
Application at: Land North Of Low Westfield Road Copmanthorpe York
For: Erection of cable stayed wind monitoring mast up to a maximum height of 70 metres for a temporary period of three years
By: Banks Renewables Ltd
Application Type: Full Application
Target Date: 7 April 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a cable stayed wind monitoring mast. The original application indicated that the height would be up to 80 metres in height, the applicant has now revised the height to 70 metres. The application is for a temporary consent for three years.

1.2 The steel pole will be up to 219.1 mm in diameter (would taper from 197.3mm to 219.1mm) and would be secured to the ground with cables that would stretch to a radius of 50 metres. The steel guy wires would be attached to 5 land anchors There would be measuring devices on horizontal booms attached to the mast to measure the wind speed, the indicative drawing indicates 8 devices. The finish would be a matt grey.

1.3 The mast is to collect wind speed data for a potential application for wind turbines on the site, and to achieve finance for a potential wind farm. The data collected would be used in a noise assessment to be submitted with a potential future application. In addition it would assist in the design and selection of potential wind turbines on the site. No application for wind turbines has been submitted for the site or the neighbouring fields as yet.

1.4 The site is to the west of the village of Copmanthorpe, and in a field currently being used for arable crops. The site is 150 metres to the south of the single track Colton Lane and 160 metres north of the footpath - Low Westfield Road. The site is open and flat in character. The nearest dwelling would be 22 Holmfield Close in Copmanthorpe which is approx 740 metres from the proposed site.

1.5 A previous application for a 50 metre high monitoring mast (07/02915/FUL) at Elvington Water Treatment Works was approved by East Committee on 11 September 2008.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYSP2

The York Green Belt

CYSP3

Safeguarding the Historic Character and Setting of York

CYGP1

Design

CYGP5

Renewable energy

CYGP14

Agricultural land

CYGP23

Temporary planning permission

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Accept the statement that the equipment will be towed onto the site by a Land Rover and that this will have no impact on the local road network beyond that of normal agricultural activity

3.2 The statement also states that the access to the site will be either from Ebor Way to the north, or Low Westfield Road to the south. Ebor Way is a long distance footpath a section of which runs along Colton Road to the north of the site. Colton Road is a classified highway (C291). Low Westfield Road is not an adopted public highway nor does it have any definitive rights of way; the highway authority therefore cannot grant rights of access along it. To use this road, it should be included within the applicant's ownership or control or it should be shown to have the owner's permission to use. If the site is to be accessed using this route then full details of the Land Rover and trailer combination are requested due to the restricted access within Back Lane

ENVIRONMENTAL PROTECTION UNIT - No objections

3.3 Due to the temporary nature of the proposals EPU do not have any objections to the proposals.

3.4 In terms of noise associated with the monitoring mast itself, whilst they may be a small amount of noise as a result of wind movement through the steel guy wires, it is highly unlikely to result in any loss of amenity due to noise.

3.5 Whilst it is appreciated that granting of planning permission for the proposed mast in no way prejudices the outcome of any future application for wind turbines, there are some concerns over whether or not the proposed mast will achieve the necessary outcomes for such a scheme. Wind speeds and directions can vary significantly at differing heights above ground level; with difference becoming more prominent the higher up you go. In many situations it is possible to have total opposing wind directions at different heights at the same time. Indicative plans unveiled by the applicant have shown that the long term proposal

would be to install wind turbines tip height of 145m, this being 65m taller than the top of the proposed mast. Thus the proposed mast is unlikely to give a true reflection of the wind speeds and directions at tip height etc. Ideally it is preferred that the monitoring also be carried out at the proposed tip height of 145m, but appreciate that this may be unlikely to be achieved.

3.6 In terms of the proposals it is requested that wind speed and direction be monitored at 10m above ground level, at the top of the mast, and at least one other position on the monitoring mast. The positions to be submitted and approved in writing with the Local Planning Authority prior to construction and commencement of monitoring.

COUNTRYSIDE ASSISTANT - No objections

3.7 The mast will be situated within an arable field which at present has relatively little wildlife interest.

3.8 The 80m high mast could however potentially have an impact on birds, but in this location, this is unlikely to be significant, and provided that there is adequate lighting installed on the mast, particularly on the guy ropes, this should not be a problem. Small LED lights to be present at different heights up the mast itself and also on the guy wires. Alternatively other forms of deflector or flight diverters attached to the wires could be used, such as UV or coloured deflectors. In this location though do not consider that this would be so significant/essential so would be happy for this to be a recommendation or informative rather than secured by condition.

3.9 Whilst this application only refers to the installation of a wind monitoring mast, would however just like to raise the issue that in order to implement any wind farm development within this location, bat monitoring will also need to be carried out. Possibly the best way to do this would be to implement this on the mast (which could allow bat detectors to be installed at different heights?) whilst the monitoring for wind is also taking place. By collecting all of this information together at the same time, this could then also allow analysis of the levels of bat activity in different weather conditions.

LANDSCAPE ARCHITECT

3.10 The mast (and supporting wires), although tall, is very slender and to this end would have a very limited physical and visual impact on the open character of the greenbelt in relation to policy GB1 a), b), and c), especially given its temporary nature.

3.11 Night-time safety lights attached to the mast should be kept to a minimum.

3.12 A condition should be attached to enforce the proposed temporary nature.

3.13 No objections, provided that acceptable very special circumstances apply.

ARCHEOLOGIST – No objections

3.14 The site lies in an area where relatively few archaeological investigations have been carried out. However, the site lies in an area which has great archaeological potential. The site lies adjacent to the postulated line of a Roman road; it lies in a geological and topographical context where evidence will be found for (a) for human activity within a dynamic post-glacial landscape (b) the emergence of landscape divisions and clearances from the 4th millennium BC onwards and (c) the development of a complex late-prehistoric Romano-British landscape.

3.15 The groundworks for this test mast provide an ideal opportunity to carry out part of the evaluation programmed. Would like all groundworks carried out in association with the construction of the mast to be carried out as an archaeological exercise: that is, supervised removal of all topsoil, cleaning of surfaces and selective excavation of revealed archaeological features and deposits. The information obtained from this exercise can be used to inform the design of future evaluation works that will be required in connection with an application for a wind farm on this site. Would like standard condition ARCH1 (an archaeological excavation) on any consent that is granted

EXTERNAL CONSULTATIONS

COPMANTHORPE PARISH COUNCIL - Object

3.16 The site of the proposed wind mast lies in a distinct agricultural landscape, characterised by native ancient hedgerows, and is within the draft Greenbelt. In addition to the definitive footpaths there are many field paths used by walkers.

3.17 The applicant's supporting statement indicates access will be via Ebor Way or Low Westfield Road. Ebor Way is Colton Lane, and Low Westfield Road is not adopted and is an undesignated ancient bridleway, the ownership of which is unknown. Consent and permission would be required from the owner

3.18 The mast and guys will obstruct the track and field path used for decades and still used by walkers.

3.19 It is adjacent to the hedgerows where the scarce Lesser Whitethroat and Yellowhammer nest each year, and is on a field upon which Skylarks nest. It should be noted that Askham Bog a SSSI is nearby

3.20 Insufficient supporting photographs have been submitted, lack of submitted assessments relating to visual intrusion, land constraints, environmental impact, ecological impact, renewable energy, biodiversity, conservation etc

3.21 The development is on the direct flight path of aircraft landing at Rufforth Airfield. Gliders, microlights and balloon flight will be affected. There are other operational airfields in the area

3.22 Very Special Circumstances should be shown to justify mast and wind farm applications

3.23 The Copmanthorpe Village Design Statements has been adopted as supplementary planning guidance and should be taken into account

3.24 Concerns that if the application is granted any conditions are unlikely to be enforced with any diligence

3.25 The City has prepared a publication "York: New City Beautiful - Towards an Economic Vision". Unfortunately the report restricts itself to the City bounded by the Ring Road and ignores the main approaches to the "City Beautiful" which gives that vital first impression. However the A64 from Leeds and the main conurbations to the south and west already provides this green access as it runs alongside Copmanthorpe with agricultural land and Pike Hills Golf Club on either side. How will a wind farm sit within the context of this publication?

NATIONAL AIR TRAFFIC SERVICES LTD - No objections

3.26 Proposed development from a technical safeguarding aspect and does not conflict with the NATS safeguarding criteria

CIVIL AVIATION AUTHORITY

3.27 At 80 metres in height the mast does not technically constitute an aviation en-route obstruction

3.28 The relatively close proximity of a local gliding focused aerodrome at York/Rufforth is noted. CAA are aware that tall structures close to gliding sites have caused difficulties at other locals. The aerodrome in question is not a CAA licensed facilities and that as in all cases aerodrome safeguarding responsibilities rest with the relevant aerodrome director

3.29 At 80 metres in height the mast would be one of the tallest structures in the immediate vicinity and might be viewed by some quarters as needing to be lit and/or marked for aviation purposes. Unless there is any aerodrome safeguarding issues, aviation warning lighting on tall structures only becomes legally mandated for structures of a height of 150 metres or more. However structures of a lesser height might need to be lit if, by virtue of their location and nature, they are considered a significant navigational hazard. The CAA would be unlikely to have issues associated with an aviation stakeholder (e.g. a local aerodrome operator or airspace operator) request for lighting/marketing of any structure that was considered to be a significant hazard to air navigation.

3.30 If a wind turbine proposal is submitted should be aware that such developments have a very significant potential to impact upon local aviation operations (both civil and military. related policy and guidance (CAP 764) is available on www.caa.co.uk.

MINISTRY OF DEFENCE - No comments received

YORK GLIDING CENTRE

3.31 As the height of the proposed mast has been reduced to 70 metres, it will be outside the approach surface.

3.32 Have concerns that it is a pilot for a project that would seriously impact on their operations

NORTH YORKSHIRE AIR AMBULANCE - No comments received

SELBY DISTRICT COUNCIL - No objections

3.33 As the monitoring mast would be temporary and have limited massing Selby District Council does not have objections

YORK NATURAL ENVIRONMENT PANEL - No objections

3.34 The panel are encouraged by the number of monitors on the mast; however there should be adequate studies of birds and bats over a greater area than that covered by the mast alone. Bat surveys should be carried out at different heights along migratory/commuting/feeding routes over a minimum of a year.

REPRESENTATIONS RECEIVED AS THE RESULT OF PUBLICITY

595 letters of objection have been received some relate to the proposed wind monitoring mast and some relate to the potential application for a wind farm. The comments have been separated in those relating to the application for the proposed wind monitoring mast and those relating to a wind farm, of which no application has been received. Comments made in respect of the potential wind farm cannot be taken into account in the determination of the application.

COMMENTS OBJECTING TO WIND MONITORING MAST

3.35 Is within the greenbelt,

3.36 Area provides public amenity space and the proposed development would alter the character

3.37 Would cause noise and vibration

3.38 Visually Intrusive, concerned regarding height, scale, colour, visible from dwellings and gardens

3.39 As the wind farm should not be allowed therefore there is not a need for the monitoring mast

3.40 Too close to housing. Cause devaluation of properties, Council tax will have to be reduced due to devaluation

3.41 Distraction for motorists on the A64 and surrounding road network. A large number of accidents will occur

3.42 Cause a danger to airborne traffic

3.43 Local businesses will be adversely affected e.g. Rufforth Gliding Club

3.44 Object to the time period proposed, too short, too long

3.45 Have concerns that the data collected will not provide a true reading. The data will not be collected for a sufficient period of time. Data should be submitted to CYC. Should be independently assessed and verified

3.46 Object to the funding provided for the mast

3.47 Danger to wildlife including insect, birds and mammals

- 3.48 The mast should be the same height as the turbines so the resident can view the impact and to provide accurate coverage of the wind levels at all heights
- 3.49 Impact on the gateway and entry to York and subsequent impact on tourism
- 3.50 Will impact on the view of York Minister
- 3.51 Concerned regarding the construction noise
- 3.52 Concerned that the LPA is considering the application
- 3.53 There should be a moratorium on development on Green Belt.
- 3.54 A Policy Planning Statement should not overrule a Village Statement
- 3.55 Impact on Askham Bog
- 3.56 Maybe a target for vandals
- 3.57 Light pollution if any lights are affixed to the mast
- 3.58 No point in making the mast blend in with the surrounding with the colour finish when the following turbines will be more unsightly
- 3.59 The application does not address the impact of a wind farm
- 3.60 Tests should be undertaken at a number of sites. A detailed assessment of all none green belt locations suitable for such development should be procured.
- 3.61 An undertaking of a Community Levy or Section 106 should be required
- 3.62 The council should let the applicant know of any restrictive covenants that may affect the schemes viability
- 3.63 Would affect York's bid to become a UNESCO world heritage site and therefore affecting resident's livelihoods and the level of investment within the city
- 3.64 Not consulted by CYC
- 3.65 Supporting information is misleading
- 3.66 Roads may not be able to accept the traffic, concerned regarding the risk from construction traffic
- 3.67 Will interfere with TV and radio signals
- 3.68 Supporting statement indicates that access will be via Ebor way or Low Westfield Road. Ebor way is in fact Colton Lane, and Low Westfield Road is not adopted and an undesignated bridleway, the ownership of which is unknown.
- 3.69 Cause harm to ancient hedgerows
- 3.70 Concerned that it would set a precedent
- 3.71 Would like earlier decision published made between CYC and Banks Renewable that this is a suitable site for such a development
- 3.72 If allowed will become a brownfield site
- 3.73 Is the distance of the mast from residential properties consistent with the recommendation contained in the Department of Energy and Climate Change report that wind turbines should be no closer than 10 rotor lengths from nearest dwelling. If not the data is unlikely to be of value
- 3.74 Concerned that users of the area may not be safe if mast were to collapse
- 3.75 A risk assessment is required for the potential danger to aircraft and the possibilities of ground casualties in Copmanthorpe from a stricken aircraft
- 3.76 Will be unable to sell properties, or obtain mortgages. Has the developer put in place a guarantee to purchase such properties at a pre wind mast values? Will CYC provide financial guarantees to compensate residents should the proposal be allowed? Would like details of how much of a council tax reduction the residents of Copmathorpe can expect
- 3.77 The applicant gives two different measurements for the width of the proposed mast
- 3.78 Photograph submitted shows a 60 metre high mast, not submitted photographs to the east and west of the proposed site
- 3.79 Applicant has supplied wind data at 50 metres but not at 80 metres
- 3.80 The education course on wind turbines at Askham Bryan College should not be used as an argument for the construction of the mast.
- 3.81 Askham Bryan College can provide other methods of energy generation for its needs
- 3.82 Cheaper alternative methods of energy generation are available rendering the test to be academic and unnecessary
- 3.83 Will be an adverse visual impact to Pike Hills Golf Club which has over 800 members

- 3.84 Potential high pressure gas main on this land?
- 3.85 Supporting information is misleading
- 3.86 Would like to know what financial benefits the landowners are being offered for allowing this application
- 3.87 Seek clarification from the council on the appropriateness of the applicant offering financial incentives to the local community
- 3.88 Concerned who will own the development if it should go ahead. There is a suggestion that CYC are actively encouraging the application rather than the landowners. As such there needs to be transparency over ownership and the future of the development before the application progresses further
- 3.89 No evidence has been submitted that the mast can safely dissipate a lightning strike
- 3.90 No mitigation has been submitted to prevent people climbing the mast
- 3.91 Cause subsidence to properties and exacerbate existing subsidence problems
- 3.92 Weather conditions may obscure the mast
- 3.93 In the supporting statement the data collected will be used to inform the design and siting of the turbines not if they are viable
- 3.94 There should be defined separation distance between dwellings and masts
- 3.95 Should comply with PPS22, PPG2, and PPS9. Contrary to Policies GP23, SP2, SP3, GP5, GP14, GP20, GB1 of the CYC Local Plan
- 3.96 The siting is because the applicant perceives CYC has “softer“ planning laws
- 3.97 Concerned that Selby DC did not object
- 3.98 Only one owner of the land has been stated in Section 25 of the application form. There is another owner from Land Registry records
- 3.99 The applicant has been stated incorrectly on the application form
- 3.100 Concerned that Countryside Assistant has said in her response that bat monitoring equipment could be added to the mast if it was approved.
- 3.101 Wind speed data is available and as such mast is not required

COMMENTS OBJECTING TO WIND TURBINES

- 3.102 Turbines would not be sufficiently efficient to warrant the impact on the village.
- 3.103 Safety implications to air traffic
- 3.104 Too close to housing - Cause devaluation of properties, Council tax will have to be reduced due to devaluation
- 3.105 Use of agricultural land
- 3.106 Wind turbines would impact on quality of life and cause illness
- 3.107 The turbines do not work when it is too cold, too windy, or not windy enough
- 3.108 The wishes of the voters are ignored
- 3.109 Will result in future applications to increase the height of the turbines
- 3.110 Concerned that development not viable and the applicant is only after the funding available for such a project
- 3.111 Would impact on the character of the village and the surroundings. Will create a semi-industrial aspect to many viewpoints in the village
- 3.112 'Flicker effect'
- 3.113 The government's renewable targets relating to this scale of wind turbines should not be applicable within York boundary
- 3.114 Concerned how structures of these sizes can be considered so close to the main access road/visual impact of a city that relies heavily on tourism.
- 3.115 The area is used for walking and cycling; the structures will prevent this and will have to travel to experience the same type of amenity
- 3.116 Germany and Denmark are actively rejecting the technology
- 3.117 More appropriate sites for renewable energy
- 3.118 Wind Turbines are inefficient, heavily sponsored by the Government and would not even be considered unless subsidised. They are inefficient unless built on an industrial sized scale.
- 3.119 The turbines would be the largest in the country, possibly due to the lack of wind

- 3.120 Turbines would overshadow York Minster, would have an impact on the visual environment, not just locally but in the Vale of York as a whole
- 3.121 Onshore wind farms have not achieved even a 30% load factor in any year since 2003 and in December 2010 had a load factor of 5.8%.
- 3.122 Will affect the water supply when foundations are laid, it will interfere with the underground watercourse from which the objector draws their household water. May impact on the water supply to Askham Bog
- 3.123 There is no immediate adjacent high voltage collection point for any power generated
- 3.124 Existing noise problems from the A64
- 3.125 Consider turbines and the subsequent pylons to be ugly
- 3.126 Impact to insects, birds, and mammals, some of which are protected
- 3.127 The proximity to residential dwellings is unacceptable and inconsistent with regulations imposed on wind turbine construction and development by countries such as France and Denmark. In Scotland any turbine over 100metres has to be 2 km away from dwellings. The proposed turbines exceed the height and are 500metres from dwellings. Evidence from Canada, America and Australia indicates that turbines should be sited a minimum of a mile and half away from the nearest dwelling. Report from the DECC recommending that turbines should be sited at least 10 rotor lengths from the nearest dwelling, will all the turbines be in accordance with this guideline. Until some ruling is made all applications should be put on hold
- 3.128 No amount of landscaping would mitigate the visual impact of the turbines.
- 3.129 All wind farms should be built off shore
- 3.130 Cause a distraction to drivers on the A64 and other surrounding roads
- 3.131 Potential safety implications of the children that play in the area
- 3.132 Is in the greenbelt
- 3.133 Strobe effect especially during winter will impact on the users of the A64, causing accidents
- 3.134 How much non green energy is used in the manufacture and erection of turbines
- 3.135 Noise will impact on farm animals
- 3.136 Seek clarification that turbines are cost effective and produce a significant amount of electricity relative to the size and the amount of disruption they cause
- 3.137 Will the electricity generated by the turbines be sent underground or over ground?
- 3.138 Concerned how the public exhibition was carried out by Banks. The information was inaccurate
- 3.139 State that Banks cannot afford the level of development it is committed too
- 3.140 Wind turbines use more electricity than the amount produced
- 3.141 There no feasibility study and no alternative sites been suggested
- 3.142 Ice can collect on the blades and cause danger to passers by
- 3.143 If wind turbines are required within the CYC boundary then a proactive approach should be taken to find the most appropriate site
- 3.144 Question the durability if the devices to be used in the future
- 3.145 Risk of turbines collapsing
- 3.146 Would be overshadowing and are overbearing
- 3.147 50 temporary constructions jobs does not justify the wind turbines
- 3.148 Turbines are produced in other countries and as such the transportation is not environmental friendly
- 3.149 There is a Wind Turbines Bill (minimum Distance from Residential Premises) currently before the House of Lords. This specifies minimum distances
- 3.150 Should this development proceed, funding for such restoring site to its original condition should be guaranteed
- 3.151 Will not benefit the electricity bill of the nearby residents
- 3.152 Would like details of all the meetings between the applicant and CYC
- 3.153 Wind farm including the height would be oppressive, overwhelming and overbearing harming living conditions of propel leaving nearby

- 3.154 Would like to know how much funding Banks Renewables received from the UK Government or European bodies for wind turbine projects
- 3.155 Question the commitment of the applicant to return the land to its pre development condition. Should this development proceed, funding for such restoring site to its original condition should be guaranteed

10 LETTERS OF SUPPORT, for the same reasons as the objection comments these representations have been separated into comments in support of the monitoring mast and comments in support of a wind farm.

COMMENTS IN SUPPORT OF MONITORING MAST

- 3.156 The proposed mast will not be visually intrusive or have negative impact on the quality of life
- 3.157 The feasibility of erecting turbines to provide energy needs to be tested
- 3.158 Kyoto Protocol - must commit to reduce emissions
- 3.159 The temporary structure would not cause a lasting loss of amenity to the local community nor be to the permanent detriment of the greenbelt
- 3.160 It is unlikely to generate any noise appreciable from ground level
- 3.161 Being stationary it is unlikely to pose a hazard to wildlife
- 3.162 Pilots of aircraft will be able to avoid the mast
- 3.163 The mast will prove if there is enough wind to justify the development of a wind farm, it is for the planning application for the actual wind farm to determine if the site is actually suitable for the erection of wind turbines not this wind monitoring application. If the monitoring proves the site viable then would be in favour of the development.

COMMENTS IN SUPPORT OF WIND TURBINES

- 3.164 The UK is an importer of fuel; oil and gas are in short supply
- 3.165 Wind energy has benefits in terms of climate change and secures energy supplies. Industrial turbines may not contribute much individual but collectively they make a difference,
- 3.166 Well designed turbines are quiet enough to cause no disturbance to people living a few hundred metres away
- 3.167 RSPB support wind power
- 3.168 Circumstances globally have advanced well beyond the stabilisation point for CO2 levels, and we will directly face increasing weather and economic disruption, mitigation measures are required as soon as possible
- 3.169 Heritage arguments may emerge that press for preservation issues. However no part of Britain is untouched. There is a vast network of railways and canals that carved through the country on a much greater scale, that many heritage supporters now campaign to maintain. Victorian reservoirs and sewer systems that abolished water-transmitted diseases. Wind-farms fall into this new category of potential heritage, very much like windmills that are renovated for their aesthetic appeal; turbines bring a new sculptural aesthetic to the landscape that should be supported.
- 3.170 The audio levels experienced in close proximity to turbines are insignificant, and at the distances cited at the meeting, could be dismissed altogether for any resident, even at the margins, especially where double-glazed.
- 3.171 The proposed site is, in effect, a farm factory-floor, and replacing diesel pollution and noise from agricultural machinery, and the cessation of regular chemical spraying, if the land is so rescheduled, may be of even greater local benefit.
- 3.172 Coal-fired power stations not only greatly add to the CO2 overburden, but release quantities of radioactive material from the burning minerals into the air, that in themselves contribute to our health problems, and create acid rain.
- 3.173 Nuclear option may be an option, however this is a short term solution

COPMANTHORPE WIND FARM ACTION GROUP - Object

- 3.174 In close proximity to 4 airfields concerned regarding safety of airborne traffic
- 3.175 Cause a distraction to users of the A64 and surrounding roads, concerned regarding safety
- 3.176 The construction of the mast will cause unacceptable disturbance to the wildlife on the site. Concerned wildlife may not return
- 3.177 Not aware that a bat survey has been carried out
- 3.178 As the site lies within 2km of a SSSI (Askham Boggs) the applicant should be required to submit an ecological statement to assess any potential threat and the need for mitigation.
- 3.179 The mast is to be finished in grey, presumably to lessen the environmental impact. If this is the case the mast is less visible to birds that use the site resulting in bird death.
- 3.180 The proposed mast would inappropriate development in the greenbelt
- 3.181 Concerned regarding the archeologically heritage in the site and surrounding area
- 3.182 Concerned regarding the danger of collapse of the proposed mast to the users of the nearby footpaths, roads, and bridleways
- 3.186 The mean wind speed for this area is low, lower than the country average. As such would like to know what is the purpose of erecting the mast
- 3.187 Planning guidelines state that the usual height for an anemometer mast ranges from 25m to 60metres. Proposed height of 80m is an admission that this site would be struggling to attain sufficient wind speeds to make a wind farm viable?
- 3.188 Concerned that it would set a precedent if a future application for a wind farm is submitted
- 3.189 PPS22 stresses the importance of consulting with local communities there has been no consultation other than an exhibition by the applicant (2 March)
- 3.190 The application form has not been completed correctly
- 3.191 The properties just outside the York Boundary within the Selby District Council area were not notified of the application,
- 3.192 Was problems submitting objection to the scheme because an address "did not exist".
- 3.193 There were not enough site notices

The Copmanthorpe Wind Farm Action group have submitted a petition with 1708 signatures objecting to the wind turbines at the above site. It is clarified on the front page that the term 'wind turbines' includes the wind monitoring mast.

MCLEAN AVIATION - Object

3.194 McLean Aviation is an aircraft maintenance organisation operating from Rufforth Aerodrome. Use the runways under a licence agreement with York Gliding Centre. Runway 17/35 (the north south runway) takes incoming or outgoing aircraft almost directly past the proposed wind farm location. The company has regular visitors using single and twin engined aircraft that pass through the Hagg Wood area at 600ft minimum (182.88 metres) which is consistent with a normal glidascope approach. It is not unusual for a heavily loaded aircraft to be similar height on climb out. For these reasons any obstruction proposed would be a potential danger to the users of Rufforth Aerodrome

3.195 The reduction in height to 70 metres whilst below the Rufforth Aerodrome safeguarding plan limits does not remove their concerns, as the test mast will lead to an application for wind turbines that they will object too.

YORK RACECOURSE - Object

3.196 The proposed mast is about 800M from the published routing into the racecourse landing site. The published height for RWY36 (This is the magnetic compass heading, for the runway that approaching aircraft will need, so RWY36 is due north) on this route is 400ft, based on Church Fenton QFE (This is the barometric altimeter setting which will cause an

altimeter of the aircraft to read zero when at the reference datum of a particular airfield (generally a runway threshold).

3.197 In normal temperature conditions the altimeter will read height above the datum in the vicinity of the airfield. The barometric pressure can alter during the day and is normally different in different parts of the country. Church Fenton is the closest airfield to get this information which the pilot will need before they land. The height is set to maintain separation between low flying jets from Church Fenton and departing aircraft from the racecourse. Given that aircraft may be required to adjust their routing to de-conflict with other aeroplanes and gliders, there is the potential for limiting the manoeuvring capability of inbound helicopters.

JULIAN STURDY MP for York Outer – Object to the application

3.198 The planned height of the mast, whilst lower than the proposed wind turbines themselves, would have a significant, negative impact on the surrounding community and would be out of keeping with the local surroundings

3.199 The proposed height is out of proportion with any existing natural feature or development in the area

3.200 Concerned regarding the safety implications for aircraft using Rufforth Airfield. There are an increasing number of airborne activities taking place from the airfield all of which have the potential to come into conflict with the proposed mast

3.201 Would be an unacceptable intrusion into the Green belt which surrounds the historic city and provide protection to the area

YORK RYDALE FRIENDS OF THE EARTH - Support the application

3.202 More renewable energy needs to be generated

3.203 Wherever it is sited there will be objections, and when the scheme is up and running local opinion changes into support

YORK CIVIC TRUST – Object

The objection is to a possible wind farm

3.204 The wind farm would impact on the entrance to the city

3.205 The wind farm should not compromise or challenge the dominance of the Minister in the landscape, and from important view points such as Ingrish Hill, Garrowby Hill, Terrington and the White Horse at Sutton Bank

4.0 APPRAISAL

RELEVANT SITE HISTORY

11/00579/EIASP - Scoping opinion for proposed wind farm at Ribble Sykes and Low Westfield - Scoping Opinion Decision issued

KEY ISSUES

1. Greenbelt
2. Visual and Landscape Impact
3. Aviation Safety
4. Impact on Birds and Animals
5. Impact on Residential Amenity

ASSESSMENT

PLANNING POLICY

YORKSHIRE AND HUMBER REGIONAL SPATIAL STRATEGY

4.1 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. However the Coalition Government has made clear its intention to pursue the revocation of Regional Strategies and the intention to remove the RSS is a material consideration. The York Greenbelt is specified in PPG2 and the boundaries of the Green Belt are clearly detailed on the Proposals Map of the City of York Council Development Control Local Plan.

4.2 The aim of Policy ENV9, of the Yorkshire and Humber Regional Spatial Strategy is to influence policy within the Local Plan and emerging LDF, its intention is to safeguard and enhance the historic environment, and ensure that historical context is taken into account. The sky-lines, view, and setting of the City of York are specified within the policy. This is also supported by Policy Y1.

4.3 The application is not been assessed against the regional and national targets for the generation of renewable energy, as they are not considered to be directly applicable to this application. A discussion of the targets would form part of the assessment of an application for a wind farm.

LOCAL PLANNING POLICY

4.4 The emerging Core Strategy, part of the Local Development Framework, has not yet been out for Public Consultation and as such the application has been assessed against the policies set out in the City of York Council Development Control Local Plan.

4.5 The relevant development plan is The City of York Council Development Control Local Plan Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.6 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.

4.7 Policy GP23 'Temporary Planning Permission' in the City of York Council Development Control Local Plan (2005) states that planning permission will be granted for the temporary use of land or the erection of temporary buildings for a limited period provided: there would be no loss of amenity to the occupants of adjacent property as a result of the proposal; or the applicant can demonstrate that there is no viable permanent alternative immediately available; and where appropriate, plans are to be brought forward for permanent development; and that the period for which consent is sought is the minimum required to allow the permanent development proposal to be implemented; or a trial period is necessary for the development, to allow an assessment of its character or effects.

4.8 The Copmanthorpe Village Design Statement (2003) is supplementary planning guidance. The design statement emphasises the importance of the surrounding fields and

native hedges to the visual amenity of the village. The majority of the guidelines relate to housing development within the village and the retention of the character of the village. The guidelines that do apply relate to the retention to the rural character of the village, and the retention of open spaces. In addition the views into and out of the village are considered to be significant to the overall character of the village, and the existing locally distinctive landscape features surrounding the village should be preserved and protected.

4.9 PPS7 'Sustainable Development in Rural Areas' states that new development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Priority should be given to the re-use of previously developed sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations in comparison with greenfield sites. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

GREEN BELT

4.10 The site is in the Green Belt. Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. The boundaries of the Green Belt are detailed on the Proposals Map of the Development Control Local Plan (DCLP) and this site clearly falls within the Green Belt. Policy GB1 'Development in the Green Belt' of the DCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.11 The proposed wind mast does not fall into any of the specific categories of development which are appropriate development within the greenbelt and as such the proposed development is considered to be inappropriate. Such proposals, by their very nature, will be situated in open areas and in York this will almost inevitably be on Green Belt land. Renewable energy projects when located in the green belt will generally constitute inappropriate development and may impact on the openness of the Green Belt. Although there is no advice contained in PPG2 in relation to potential renewable energy schemes, the advice contained in PPS22 'Renewable Energy' gives significant weight to the need to find renewable sources of energy. A main thrust of Government guidance 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. DCLP Policy GP5 reflects advice in PPS22. PPS22 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 onto say that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources, which is also the argument put forward by the applicant.

4.12 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 the applicant in making informed decisions on whether future turbines are appropriate in this location and if so, how they would best operate. The mast would also collect information for noise assessments to accompany a future application for a wind farm; in addition the mast would help the applicant gain funding for potential wind farm on the site. As such, whilst the proposal would constitute inappropriate development in the Green Belt when considered against PPG2, it is in line with 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 3 years. Given the thrust of Government guidance which is encouraging of such renewable energy developments, 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.

4.13 Paragraph 32 of the annex to PPS22 states that anemometers will normally be required for at least 12 months, preferably longer. The proposed term of 3 years is considered to be reasonable, and the length of time can be conditioned.

4.14 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 slim design and the slim 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. As a result its visual impact in the surrounding flat open rural landscape, the setting and character of Copmanthorpe, and on the on the wider setting and skyline of York would be considered to be limited. Furthermore any potential harm is mitigated by its temporary nature.

IMPACT ON RESIDENTIAL AMENITY

4.15 There may be a small amount of noise as a result of wind movement through the steel guy wires, however it is considered unlikely to result in any loss of amenity due to noise. As the mast is stationary it is not considered to cause flicker. By virtue of the slender width the proposed mast is not considered to impact on signals to television and radio aerials. At a distance to the nearest house of approx. 764 metres, it is not considered that the mast will dominate or be overbearing in views from local residential property. Therefore it is considered that the mast will not adversely affect the residential amenity.

4.16 Objectors have raised concerns about the safety of the mast and the potential for collapse; the proposed mast would be 150 metres from the closest public right of way, twice the topple distance. In the unlikely occurrence of a mast collapse it unlikely to impact on the users of the public right of way.

IMPACT TO BIRDS AND OTHER ANIMALS

4.17 There is not considered to be an impact to animals from the proposed mast. The Conservation Assistant has requested that lighting be added to the mast and guy wires to act as a flight diverter to birds, particularly in poor visibility. The lighting is their preferred option, although they are willing to accept bird deflectors or flight diverters. They state that they do not consider the lights or diverters to be essential, however they are considered preferable and such the bird diverters could be conditioned.

ARCHAEOLOGY

4.18 There are no listed buildings in the immediate vicinity of the proposed mast, however Colton Lane and the surrounding fields may be of archaeological interest. The CYC Archaeologist has suggested that the area has archaeological potential. It is only the supporting wires that would be driven into the existing surface. The Archaeologist has suggested condition ARCH1 - the implementation of a programme of archaeological work. Whilst only the guy wires will be attached to the ground it is considered to be reasonable to condition.

AVIATION SAFETY

4.19 The proposed mast has been reduced in height and as such falls below the 75 metre high approach surface, as indicated in the Safeguarding Map for Rufforth Aerodrome (3.85km to the north of the site). The Civil Aviation Authority advises that unless there are aerodrome safeguarding issues, aviation warning lights on tall structures are only legally mandated for structures at 150m or more. The Ministry of Defence has not commented on the proposal. It is not considered that lights are required on the mast for aviation traffic.

TRAFFIC SAFETY ISSUES

4.20 The proposed wind mast by virtue of its slender design and the set back from the surroundings roads is not considered to cause a diversion to vehicle drivers. As already discussed the mast is not considered to be unduly prominent, and the mast will not appear suddenly while travelling along the road and as such drivers would be prepared for the mast and it is not considered to be a diversion impacting on road safety.

4.21 The applicant has confirmed that they would use an existing field entrance from Colton Lane. The proposed mast would be transported to the site by long base Land Rover with trailer and would be expected to be erected within the day and as such is not considered to unduly increase the traffic within the village.

AGRICULTURAL LAND

4.22 Policy ENV7 relates to the use of agricultural land: "If development of agricultural land is required it should take place on poorer quality land wherever possible and appropriate" The policy is reflected in Policy GP14 'Agricultural Land' of the City of York Council Development Control Local Plan which states that planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1, 2, and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal can not be located elsewhere. The site is within a field currently used for arable crops; the field is classified as grade 2 agricultural land. It is considered that the proposed mast will not prevent use of the majority of the field for agricultural purposes.

FLOOD RISK

4.23 The site is within Flood zone 1, the site is set within a relatively level flat field, and the proposal is unlikely to result in any additional floodrisk. The proposal does not require any hardstanding as it will be supported by cables driven into the existing surface.

OBJECTIONS

4.24 There is significant local opposition to the proposal and the comments are precised in the previous section. 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 is to provide wind data at or near the hub height of a potential wind turbine, the mast would also collect information for noise assessments if a future application for a wind farm is submitted, and to help the applicant's gain funding for potential wind farm on the site. The determination of the application must be based on what has been applied only. If the applicant decides to submit an application for a wind farm all issues relevant to such an application will be fully considered and assessed as part of that application. If members are minded to approve this monitoring mast, this does not in anyway suggest support for a future turbines which will have to be assessed on its own merits.

5.0 CONCLUSION

5.1 The proposed location for the monitoring mast has been chosen as it is within a site that is being considered for a wind farm. However the application is for a 70 metre high wind monitoring mast, not for wind turbines. As such the application should be assessed on what is being applied for not for an application that may be submitted in the future.

5.2 The proposed mast, despite being 70 metres high will not, by virtue of its slender design, have an adverse visual impact in the area. The proposed mast would not be particularly visually prominent, despite its height. Neither is it considered to harm the openness of the Green Belt. As a result its visual impact in the surrounding flat open rural landscape, the setting and character of Copmanthorpe, and on the on the wider setting and skyline of York would be considered to be limited. Furthermore any potential harm is mitigated by its temporary nature. It is considered that very special circumstances exist which outweigh any harm by inappropriateness to the Green Belt.

5.3 The proposed mast by virtue of its slim design and distance from the residential properties is not considered to result in harm to the residential amenity to the occupants of the nearby dwellings.

5.4 The proposed mast is not considered to cause harm to the wildlife of the area. In addition by virtue of its height it is not considered to unduly impact the users of the nearby Rufforth Aerodrome. The proposed mast by virtue of its distance from the nearby roads and its slim design is not considered to cause a distraction to the users of the transport network. Approval subject to the following conditions is recommended.

5.5 Under Circular 02/09 inappropriate development on land allocated as Green Belt should be referred to the Secretary of State if the proposed development by reason of its scale, nature, or location would have a significant impact on the openness of the Greenbelt. For the reasons set out in this section and the previous section the proposed development is not considered to have a significant impact on the openness of the Green Belt and as such does not require to be referred to the Secretary of State.

6.0 RECOMMENDATION: Approve

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

Drawing Number HJB/TA755/18 received 9 February 2011
Drawing Number HJB/TA755/19a received 27 May 2011;

Reason: For the avoidance of doubt and to ensure that the development is carried out only

as approved by the Local Planning Authority.

2 The mast and all associated works shall be wholly removed from the site within 3 years of the date of this decision notice.

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 ARCH1 Archaeological programme required

4 Development shall not commence until details of the bird deflectors to be attached the guy wires including number, locations, means of attachment have been submitted to and approved in writing by the Local Planning Authority. The approved deflectors shall be fitted concurrently with the erection of the mast and guy wires and shall be retained thereafter throughout the life of the development

Reason: To prevent any potential impact to birds and comply with PPS9.

5 Prior to the commencement of development the colour and finish of the mast shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried and maintained using the approved colour and finish.

Reason: So as to achieve a visually cohesive appearance.

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 impact on the openness of the Green Belt, visual impact, danger to birds and local residential amenity, with particular regard to noise and disturbance. It is considered that very special circumstances, namely its temporary nature, have been demonstrated to justify development within the greenbelt. As such the proposal complies with Policies GB1, SP2, SP3, GP1 GP5, GP14, and GP23 of the City of York Development Control Local Plan (2005) and Central Government advice contained within Planning Policy Guidance 2 'Green Belts', Planning Policy Statement 7 'Sustainable Development in Rural Areas', PPS9 'Biodiversity and Geological Conservation', and Planning Policy Statement 22 'Renewable Energy'.

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