

AGENDA ITEM NO	1
APPLICATION NO	1574/13
PROPOSAL	Retention of wind turbine 24.8metres to tip (18.3 metres to hub) in current position (Turbine previously granted under Planning Permission ref 2777/10).
SITE LOCATION	Palgrave Community Centre, Upper Rose Lane, Palgrave
SITE AREA (Ha)	
APPLICANT	Palgrave Community Council
RECEIVED	June 3, 2013
EXPIRY DATE	August 16, 2013

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

(1) a Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Code of Practice or such other protocol / procedure adopted by the Council. The Members reasoning is included in the agenda bundle

PRE-APPLICATION ADVICE

1. Following the installation of the wind turbine, various enforcement enquires were undertaken. This resulted in the conclusion that the wind turbine was not positioned in the location authorised by planning application 2777/10. The revised application was then received.

SITE AND SURROUNDINGS

2. The playing field forms part of the eastern edge of Palgrave. To the north and east are fields that in part form part of a Special Landscape Area. To the north the land drops away from the playing fields to form part of a shallow valley and far north is the town of Diss. North west there are out shots of the built up area of Palgrave, mostly screened by trees. To the south is a mainly linear pattern of residential development with gardens backing onto the playing field, with exception of a recent affordable home development. West is the Community centre, parking and access. Beyond this is an industrial estate. The playing field is flat and at the same level as the development south and west.

The siting of the wind turbine is in the north corner of the playing field but 6 metres to the south of the position approved under planning application 2777/10. The wind turbine itself is designated as a visually important open space (VIOS) and is subject to policy SB3 of the Local Plan. The field is enclosed by mature

trees and hedges with some gaps and areas in need of restoring, but overall represents a reasonable buffer between the playing field and agricultural fields beyond. Additional planting has been undertaken in accordance with the conditions set out in application no. 2777/10 which once grown will remove the gaps. The site is outside the Conservation Area that mainly covers the core of the village. The site is not within the Special Landscape Area.

HISTORY

3. The planning history relevant to the application site is:

1574/13	Retention of wind turbine 24.8metres to tip (18.3 metres to hub) in current position (Turbine previously granted under Planning Permission ref 2777/10).
2777/10	Erection of a Wind Turbine (hub height 18.3m, highest point to tip 24.8m) Granted
0914/10	Erection of a Wind Turbine (hub height 18.3m, highest point to tip 24.8m) Withdrawn 09/07/2010

PROPOSAL

4. Retention of a wind turbine on a tube mast, hub height of 18.3 metres and 24.8 metres to the tip when at its highest point. The turbine is located within the north corner of the playing field, 6 metres to the south of the approved site location.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. Palgrave Parish Clerk, Consultation Sent: 19/06/2013, Reply Received:

This application was considered at an additional meeting of the Parish Council on 9th July, when 6 Councillors and 5 members of the public were present, with Councillor David Burn also in attendance.

The meeting was adjourned and the present chairman of Palgrave and District Community Council (PDCC) was invited to comment on this application. His statement reflected that published in the July issue of the Palgrave Star, which is to the effect that it is intended to address the breaches of planning regulations

and the planning contravention notice in order to correctly complete a process started two years ago and so tidy up the past. In response to a question he confirmed that the application had been made by those members of the PDCC who made the original application; the present PDCC executive committee had not been involved in the decision.

He then added that the PDCC executive committee had [on Wednesday 3rd July] considered the findings and recommendation of the Turbine Working Party [formed under the chairmanship of Councillor David Burn] and had agreed to submit a planning application to relocate the wind turbine [to a suitable position in the adjoining field to the east].

One other member of the public contributed to the discussion.

Councillors then formally considered the application in detail and at length. It was resolved to OBJECT to this application for the following reasons:

Contrary to CL24 WIND TURBINES IN THE COUNTRYSIDE

Its elevated position at the edge of the settlement renders the wind turbine visible along the Waveney Valley from Scole to the east, Roydon to the west, various points in Diss and properties bordering the A1066, from locations to the south beyond the parish boundary, across the 'Special Landscape Area' and from the Lows Public FP crossing it to the north, and approaching the settlement along Rose Lane.

Contrary to H16 PROTECTING RESIDENTIAL AMENITY

Contrary to E12 GENERAL PRINCIPLES FOR LOCATION, DESIGN AND LAYOUT

Contrary to GP1 DESIGN AND LAYOUT OF DEVELOPMENT

The location is within land designated a 'Visually Important open Space', held in trust for use as a recreation ground for the inhabitants of the Parish of Palgrave. It is the only such recreational space within the village, is used regularly by the pupils at the village primary school, and the presence of the wind turbine anywhere within this space is incompatible with these uses and users. There are no safeguards to limit the risks to members of the public in the event of any failure in the turbine structure of components.

Whilst the land is not strictly within the settlement boundary it is effectively enclosed by it. Housing to the south and part of the eastern boundaries with provision for further housing along the remainder of the eastern boundary to within a few metres of the wind turbine, housing to the north just beyond a small strip field, and the business park to the west.

The location of the wind turbine near housing and in the recreational open space affects the amenity of those living nearby by inflicting noise and visual (flicker, reflections, shadows) nuisance. The visual impact was not considered nor assessed in the previous application but needs to be taken into consideration with this one as it cannot be eliminated. The noise nuisance (whether or not deemed a statutory nuisance) continues despite remedial measures and as such is likely to do so for the remaining 23-year life of the wind turbine. The environmental health officer is no longer responding to these on-going complaints but that does not mean that they do not exist.

Contrary to CL8 PROTECTING WILDLIFE HABITATS

The impact on the bats, birds, and other wildlife known to be living in or using

the nearby hedge and tree-line and in the uncultivated land immediately beyond it has not been assessed. The location is considerably closer to the hedge and tree-line than is usually recommended.

Contrary to RT12 FOOTPATHS AND BRIDLEWAYS

There is a permissive footpath running close to the other side of the hedge and tree-line forming the eastern boundary of the site. With the close proximity of the wind turbine there are no safeguards to limit the risks to members of the public in the event of any failure in the turbine structure of components, these are the same risks as those pertaining to users of the community land.

PRECEDENT

Councillors were concerned that granting approval to works that had been deliberately carried out in advance of any submission in respect of or agreement to the pre-commencement conditions may create a precedent that could be used by others to pre-empt the proper processes in order to secure a financial advantage.

EFFECTIVE DATE

Should the planning authority be minded to approve the application, Councillors were also concerned that back-dating the permission would similarly give an unwarranted legitimacy to the installation.

MSDC - Environmental Health, Consultation Sent: 19/06/2013, Reply Received:

I understand that this application regularises the consent ref 2777/10 in so far as the turbine was placed 6 metres from the original consented position.

In this (actual) position the applicant has provided distance measurements to the nearest noise sensitive receptors in Upper Rose Lane and Lows Lane.

These are 117.6 and 147.5 metres respectively.

The change in noise level in comparison with the location previously consented is + 0.6 dB at Upper Rose Lane and -0.4 dB for Lows Lane.

It is widely held by acoustician's that a 1 dB change in level is very small and would not be noticed in day to day life. It would be just noticeable in perfect laboratory conditions.

A 3 dB change in level is generally just noticeable, and is a small change in perceived level.

I can therefore conclude that a fractional change (+ 0.6 DB) will have no perceivable impact on the noise climate.

The current noise levels have been subject to complaint to the Environmental Protection Team and we have recently written to all complainant's outlining the monitoring which acknowledges the noise as being audible; it is not of such a level to be a statutory nuisance. The turbine complies with the limits as set out in government guidance for wind turbines: The Assessment and Rating of Noise from Wind Farms, ETSU-R-97. While there has been criticism of ETSU-R- is still remains the only official government guidance for wind turbines and advices

that compliance with these noise limits is sufficient to protect both internal and external amenity of wind turbine neighbours.

With regards to shadow flicker government guidance: Planning for Renewable Energy, A Companion guide to PPS22 advises that shadow flicker has only been proven to occur within ten rotor diameters of a turbine, and affect properties 130 degrees either side of north relative to the turbine position.

From the applicant's plan it would appear that houses in Lows Lane are more than 130 meters from the turbine. Houses south of the turbine in Lower Rose Lane are within 130 meters but outside of the 130 degree arc.

I therefore confirm that I do not have any objection to this application.

MSDC - Conservation Officer, Consultation Sent: 19/06/2013, Reply Received:29/07/2013

I visited the area when the original application was made, and have visited again to assess the impact of the turbine as erected. At that time I concluded that it seems unlikely that the turbine will be visible beyond these [shrubs, trees, industrial buildings], but even if it is, potential harm is mitigated by the intervening modern development beyond the historic core of the village. Accordingly I raised no objection.

Two factors have changed now: the turbine has been installed, albeit not in the approved position, allowing a more realistic assessment; and the policy background has evolved with the NPPF setting out how harm to heritage assets and their setting should be weighed against benefits of development, and English Heritage's guidance on setting.

The assessment of the site and surroundings should include factors other than simple intervisibility, such as the character of the areas, the degree of change over time, and the experience of enclosure, openness and so forth. The green at the heart of the Conservation Area has a strong sense of enclosure, pierced in a few places where more modern development can be glimpsed beyond.

In fact the turbine head and blades are visible near the entrance to Forge Close, and across the green to Garnet House, a listed building. The arc of visibility is quite small, and the turbine appears in the background to the bungalow, telephone wires, and an industrial building. The context of modern housing and industrial buildings limits the turbine's impact on the character of the area and on the glimpsed view out of the Conservation Area. I therefore conclude that the harm arising is limited, and does not warrant a refusal on heritage grounds. Given the distance involved, I do not consider that the change in position of the turbine could make a material difference to the quantity of harm in heritage terms.

Moreover, in accordance with the NPPF any harm on any grounds should be weighed against public benefits arising.

For these reasons my recommendation is the same as for the previous application.

No objection.

MSDC - Tree and Landscape Officer 3/07/2013

The current turbine position offers no further visual impact concerns than did the approved one in my opinion. The landscape retention and further planting agreed under 2777/10 is adequate and acceptable.

If minded to support, I suggest you may wish to attach a condition requiring retention and continuing management of the site boundary vegetation in accordance with proposals already agreed by 2777/10.

Suffolk County Council - landscaping

Views of the proposed turbine are widely available. It is clear that the turbine is visually prominent, for both local road and footpath users. Views are also offered to residential properties in particular those on Upper Rose Lane, where the rear elevations face the turbine and are approximately 120 -130m from the turbine. Properties on Lows Lane appear to be about 140m distance. It is apparent that the proposal is highly visually intrusive. For some properties on Upper Rose Lane the impacts may be overbearing/oppressive.

The proposal has a significant visual impact on the Special Landscape Area, and is readily visible from footpaths within and on the edge of the Lows to the north of the site.

Both the existing and proposed locations have a similar degree of direct cumulative visual impact with the turbines on Eye airfield.

I am content that the visual impacts of the proposal on public and residential visual amenity are so significant that they are a material consideration.

However, The LPA must be satisfied that these impacts outweigh the benefits of the scheme if they are to form grounds for refusal. Based on the existing approval of 2777/10 it would appear this balance has already been established in this case.

Suffolk County Council - Ecology

The existing location is within 50m from blade-tip of the boundary hedgerow and trees, a habitat feature which may be used by bats, as identified by the Suffolk Biodiversity Partnership flowchart "Recommended approach for bats and small wind turbines in Suffolk" (March 2013).

As no information has been provided about the risks to bats (both the species using hedgerows/trees and open-flying bat species such as Noctule bats) for this site, additional information will be required to allow this application to be determined.

If an evaluation of the risks to bats is not provided, prior to determination, then I suggest that the application is refused.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.

- no objections to the proposal
- six metre difference in location of turbine has little impact
- turbine is detrimental to the landscape, located on a high point in the village it is dominant from a large area of the village and visible of the skyline from long distant views
- detrimentally affect on residential amenity due to noise, visual domination and shadow flicker
- detrimental to biodiversity
- visual domination restricts use of playing field
- screening landscaping is inadequate and will take time to grow
- the turbine is unsafe and easily accessible
- turbine has resulted in community divisions and an alternative location is therefore being sought.

ASSESSMENT

8. The issues for consideration in the assessment of this application are:

- Principle of Development
- Highway and Access Issues
- Design
- Listed Buildings and their settings and Conservation Area
- Residential Amenity
 - Noise Impact
 - Health and Safety
 - Shadow Flicker
 - Electromagnetic Interference
- Landscape Impact and Landscaping
- Biodiversity
- Need for lighting
- Conclusion and summary of reasons for recommendation

Principle of Development and development plan policies

Local Plan 1998

Policy CL24 of the Mid Suffolk Local Plan 1998 is a saved policy which refers to wind turbines. It provides that wind turbines should be sited to minimise their visual impact on the landscape and they should not be permitted where their operation would result in a loss of amenity for nearby residential properties and users of rights of way.

This policy therefore establishes that wind turbines within the countryside could be acceptable subject to the given criteria. This site is just outside the settlement boundary for Palgrave. Policy CL24 sets down that it is the visual impact and loss of amenity that are key considerations.

Further saved policies from the Local Plan 1998 also apply, some of which are explored in the relevant sections below.

Of note in terms of principle, Policy SB3 is applicable in this case as the site lies

within the designated visually important open space (VIOS). The policy provides that

"within or abutting settlement boundaries, visually important open spaces will be protected because of their contribution to the character or appearance of their surroundings and their amenity value to the local community. The district planning authority will resist development which would have a harmful effect on these identified visually important open spaces because of their contribution, in an undeveloped form, to the distinctiveness of their setting or the character of a settlement or nearby landscape."

This policy does not contradict the principle of development on this land, but it is considered that any development should not be harmful to the location's undeveloped form or distinctiveness of the setting or character of the settlement/landscape. In many villages VIOS will be playing areas, sport pitches or greens and this is because of their functional contribution to the community activity more so than their visual quality. The principle of a wind turbine on a VIOS has been accepted by the previous approval of planning permission for the turbine. The revised location of the turbine is still in the corner of the playing field and is unlikely to restrict the functionality of the field for community uses.

The Core Strategy and Core Strategy Focused Review (CSFR)

The Core Strategy Focused Review (CSFR) was adopted by Full Council on 20 December 2012 and should be read as a supplement to Mid Suffolk's adopted Core Strategy (2008). This document updates some of the policies of the 2008 Core Strategy. The document does introduce new policy considerations, including Policy FC 1 - Presumption in favour of sustainable development that refers to the National Planning Policy Framework (NPPF) objectives and Policy FC 1.1 - Mid Suffolk approach to delivering Sustainable Development that provides

"development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan. Proposals for development must conserve and enhance the local character of the different parts of the district. They should demonstrate how the proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the Mid Suffolk Core Strategy and other relevant documents."

The retention of the wind turbine providing renewable energy is considered to be a form of sustainable development.

In addition to the Local Plan 1998, Mid Suffolk District Council adopted its Mid Suffolk Core Strategy in September 2008 and this is part of the "development plan". Essentially it is considered that three policies from the strategy apply to this development:-

Policy CS2: Development in the countryside and countryside villages
Policy CS3: Reduce contributions to Climate Change
Policy CS5: Mid Suffolk's Environment

Policy CS2 provides that in the countryside development will be restricted to defined categories in accordance with other Core Strategy policies and this includes renewable energy projects. This proposed development is considered to be a renewable energy project and so the policy does not preclude it from being located within the countryside, which is the case with regard to this proposal. The saved policies of the Local Plan 1998 are not superseded by this policy and all criteria established by the Local Plan 1998 would remain applicable.

Policy CS3 provides that the Council will promote and encourage the appropriate development of stand-alone renewable energy schemes to assist in achieving the Regional Spatial Strategy's target of 10% total electricity consumption in the East of England by 2010 and 17% by 2020. This is a policy that provides a goal, but is not a specific policy to outline the criteria for judging this application. In addition the Regional Spatial Strategy has been revoked.

Finally Policy CS5 refers to Mid Suffolk's Environment and provides that all development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area. It goes on to provide that the Council will protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encourage development that is consistent with conserving its overall character.

In conclusion the Mid Suffolk LDF Core Strategy 2008 seeks to encourage renewable energy projects, but in the main does not provide specific criteria in order to judge wind turbine proposals. Importantly the Core Strategy does outline the need to maintain and enhance the environment, the historic environment and retain the local distinctiveness of the area. The principle of a wind turbine has been accepted by the previous approval of planning permission for the turbine.

Highway and Access Issues

The application is for retention of an existing wind turbine as such no construction traffic would be required and the only vehicular traffic would be for maintenance. Existing access arrangements are considered appropriate and currently serve the community centre and playing fields.

Design

The design for wind turbines are defined by their purpose and for the most part appear similar except for their size. The design of the turbine is considered acceptable albeit utilitarian.

Listed Buildings and their settings and Conservation Area

The NPPF refers to Listed Buildings and seeks to protect their setting. Paragraph 2.16 sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an

essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Furthermore English Heritage has also provided guidance in respect of wind turbines and the historic environment. They provide the following:-

"Visual dominance: Wind turbines are far greater in vertical scale than most historic features. Where an historic feature (such as a hilltop monument or fortification, a church spire, or a plantation belonging to a designed landscape) is the most visually dominant feature in the surrounding landscape, adjacent construction of turbines may be inappropriate.

- *Scale: The extent of a wind farm and the number, density and disposition of its turbines will also contribute to its visual impact.*
- *Intervisibility: Certain archaeological or historic landscape features were intended to be seen from other historic sites. Construction of wind turbines should respect this intervisibility.*
- *Vistas and sight-lines: Designed landscapes invariably involve key vistas, prospects, panoramas and sight-lines, or the use of topography to add drama. Location of turbines within key views, which may often extend beyond any designated area, should be avoided.*
- *Movement, sound or light effects: The movement associated with wind turbines as well as their scale may be a significant issue in certain historic settings. Adequate distance should always be provided between important historic sites and wind turbine developments to avoid the site being overshadowed or affected by noise and shadow flicker effects."*

In this case your Conservation Officer has assessed the development in relation to both the Palgrave Conservation Area and Listed Buildings within the area and concluded that he has no objection given the distance and scale of the development. On that basis officers do not consider the proposal would conflict with the statutory duties which in essence seek to conserve and enhance the heritage environment. The revised location of the wind turbine would not have a significant impact on the Palgrave Conversation Area or surrounding listed buildings.

Residential Amenity

Noise Impact

The Environmental Health officer has stated that the 6 metre difference between the authorised position and the revised position would not have a discernible difference in noise levels.

The data provided to support the previous application was examined at the time by Environmental Health officers in respect of noise who also took readings from the site during the day and night. This concluded that the nearest property is some 121 metres from the site and would not be likely to suffer from noise levels above the acceptable guideline during the day or night. Since the installation of the turbine, Environmental Health have received a large number of noise complaints, they have concluded that while the noise is audible it does not

constitute a statutory nuisance.

While the turbine is clearly audible to neighbouring properties and has given rise to local concerns, it is within the limits of government guidance for wind turbines and is not considered to be unacceptably detrimental to the amenity of neighbours.

Health and Safety

Health and safety matters raised have related to the possibility of the turbine falling and unauthorised access to the wind turbine. As with all mechanical structures there is the risk of failure and turbines have a number of safeguards to account for some reasons for potential failure. This risk was not considered to be so significant to warrant refusal of the previous application and is not normally a determining issue in planning terms. The revised location of the wind turbine would not be considered to have altered these impacts.

Shadow Flicker

Shadow Flicker is where the sun passes 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'. The effect is to make the room where the shadow flicker is occurring to go from completely dark to light in a strobe like effect.

The Committee Report for the previous application stated that:

"A useful assessment of Shadow Flicker is by A.D Clarke (A.D Clarke author of "A case of shadow flicker/flashing: assessment and solution", published by Techno Policy group, Open University, Walton Hall, Milton Keynes). This study provides that shadow flicker can be mitigated by siting wind turbines a sufficient distance from residences likely to be affected and flicker effects have been proven to occur only within ten rotor diameters of a turbine.

In this case the turbine has a 13 metre diameter and so the potential shadow flicker effect could be up to 130 metres. This distance would be the worst scenario with the ultimate daylight conditions to create shadow flicker and it does not take into account any screening or terrain features or software to shut down the turbine as needed. Shadow flicker will also only occur within a zone northwards of a turbine, given the position of the sun during the day in the sky and through out the year. There are no gardens or dwellings within the zone of influence and all recognised official public footpaths are out of range of the affected area. On this basis it is considered that there would be no significant shadow flicker that would warrant refusal."

Videos have been provided which state to show shadow flicker in a number of neighbouring properties. However these videos do not show rooms going from completely dark to light therefore it may be that these show less severe shadow flicker or shadows caused by the wind turbine. The agent has confirmed that no efforts have been made to reduce shadow flicker.

The Environmental Health Officer has considered the issue of shadow flicker and has stated that in accordance to the government guidance the only dwellings which could be affected by shadow flicker are no. 9 and 10 Common Hill, the

occupiers of which have provided written support of the proposal and have not reported any concerns relating to shadow flicker.

In conclusion, there does not appear to be any strong evidence of shadow flicker and it is not considered that the 6 metre difference between the approved and existing position of the wind turbine would have any noticeable difference.

Electromagnetic Interference

In larger wind turbine schemes this could be considered a material consideration, but given the scale of this development the actual potential to cause electromagnetic interference that would be material and measurable is considered to be minimal. No electromagnetic interference has been noted by objectors to the turbine.

• **Landscape Impact and Landscaping**

The landscape officer did not object to the previous application for the wind turbine, it being concluded that while the development would alter the visual qualities of the landscape it will not adversely affect the character significantly to warrant refusal.

Additional planting and management was sought by the Landscape Officer on the previous application to enhance and replace areas of boundaries of low quality to ensure effective screening is safeguarded for the future, especially in relation to the special landscape area to the north east. This has been undertaken. The landscape officer has confirmed that the revised location of the wind turbine does not have any additional impact on the surrounding landscape. A condition would be required to ensure that the landscaping is retained.

Comments have also been provided by the Suffolk County Council Landscape Officer. He has stated that the wind turbine has impacted on the local landscape but this needs to be balanced by the positive impacts on the proposals in terms of renewable energy.

It is concluded that although the turbine has an impact on the local landscape, the difference between the approved and existing site location does not have a significant and unacceptable impact.

• **Biodiversity**

Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive. Woolley versus Morge determined that in order to discharge its regulation 9(5) duty a Local Planning Authority must consider in relation to an application the following:-

(i) whether any criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed; and

(ii) if one or more such offences is likely to be committed, whether the LPA can be satisfied that the three Habitats Directive "derogation tests" are met. Only if

the LPA is satisfied that all three tests are met may planning permission be granted.

Since the 2010 application the Suffolk Biodiversity Partnership "Recommended approach for bats and small wind turbines in Suffolk" has been published, and the SCC ecologist has recommended refusal of the application in the absence of an evaluation of the potential risks to bats. It is clear that if this was a completely new application for a wind turbine a bat survey would be required.

The revised location is further away than the 2010 permission from the hedges and trees although only by 6 metres. Given that a bat survey was not required for the previous application and that permission has been implementable it is considered that this must weigh in the balance. In the circumstances it is considered that, if members are minded to grant permission, it should be subject to a requirement upon the applicant to provide further evidence and information to demonstrate on balance that the development must not give rise to the risk of commission of an offence. An appropriate delegation is required.

- **Need for lighting**

There is no lighting relating to the wind turbine. A planning condition is proposed to ensure no lighting is added in the future.

- **Conclusion and summary of reasons for recommendation**

The application is for the retention of a wind turbine, six metres from its authorised position, with a fall back position that the wind turbine can be repositioned to its authorised location. Given the scale of the wind turbine and its surroundings it is not considered that this six metre difference has had a significant effect on biodiversity interests, residential amenity or landscaping to justify a recommendation of refusal of the application.

On this basis it is recommended that this application should be granted permission.

RECOMMENDATION

That permission automatically be delegated to the Corporate Manager Development Management to grant permission subject to the receipt of information and evidence to demonstrate to his satisfaction that the turbine will not give rise to the risk of an offence to bat species and that full permission be granted subject to the following conditions:

- 1 yr Time Limit
- Scheme of decommissioning to be agreed
- Landscape scheme to be retained
- No lighting
- No changes to the external appearance or colour of the wind turbine without planning permission
- Plans listing and siting

Philip Isbell
Corporate Manager - Development Management

Elizabeth Truscott
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. **Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

- Cor3** - CS3 Reduce Contributions to Climate Change
- Cor4** - CS4 Adapting to Climate Change
- Cor5** - CS5 Mid Suffolks Environment
- CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

2. **East of England Plan**

- EE ENV3** - Biodiversity and Earth Heritage
- EE ENG2** - Renewable Energy Targets
- EE ENG1** - Carbon Dioxide Emissions and Energy Performance
- EE ENV6** - The Historic Environment

3. **Mid Suffolk Local Plan**

- CL24** - WIND TURBINES IN THE COUNTRYSIDE
- H16** - PROTECTING EXISTING RESIDENTIAL AMENITY
- CL11** - RETAINING HIGH QUALITY AGRICULTURAL LAND
- CL12** - THE EFFECTS OF SEVERANCE ON EXISTING FARMS
- E12** - GENERAL PRINCIPLES FOR LOCATION, DESIGN AND LAYOUT
- E10** - NEW INDUSTRIAL AND COMMERCIAL DEVELOPMENT IN THE COUNTRYSIDE
- HB1** - PROTECTION OF HISTORIC BUILDINGS
- T10** - HIGHWAY CONSIDERATIONS IN DEVELOPMENT
- GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- HB13** - PROTECTING ANCIENT MONUMENTS
- CL8** - PROTECTING WILDLIFE HABITATS
- RT12** - FOOTPATHS AND BRIDLEWAYS

4. **Planning Policy Statements, Circulars & Other policy**

- NPPF** - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of **24** interested party(ies).

The following people **objected** to the application

Mr Steve Harold, Sunnyholme, Lows Lane, Palgrave
Mr A Wilmshurst, Plemont, Lows Lane, Palgrave
The Owner / Occupier, 3 Common Hill, Upper Rose Lane, Palgrave
Mr Neil Weston, The Old Rectory, Upper Rose Lane, Palgrave
The Owner / Occupier, 1 Rose Villa, Lows Lane, Palgrave
The Owner / Occupier, Yew Tree, Lows Lane, Palgrave
Mr D Sutton, 4 Upper Rose Lane, Palgrave, Diss
Mrs E Collins, 5 Upper Rose Lane, Palgrave, Diss
Mr Geoffrey Hinchliffe, The Lows, Lows Lane, Palgrave
Mr M Hutton, Wellcotte, Upper Rose Lane, Palgrave
The Owner / Occupier, 5 Goolds Close, Palgrave, Diss
R.M. True, 2 Sycamore Close, Palgrave, Diss
Brian W Bussey, 3 Limes Close, Palgrave, Diss
Mrs Jane Spillings, Cherry Cottage, Upper Rose Lane, Palgrave
John Sparks, Pear Tree Cottage, Crossing Road, Palgrave
Mr and Mrs David and Lesley Kershaw, Flint End, 8 Church Farm Close,
Palgrave
Ms F Bainbridge, 11 Blands Farm Close, Palgrave, Diss
The Owner/Occupier, Goolds Close (No number given), Lows Lane, Palgrave

The following people **supported** the application:

Mrs Janet Catton, 2 Upper Rose Lane, Palgrave, Diss
Miss H Frost, 10 Common Hill, Palgrave, Diss
Mr J Kilgannon, Linden Rise, Priory Road, Palgrave
Mr M Rogers, 9 Common Hill, Palgrave, Diss

The following people **commented** on the application:

Mr R Hellen, The Chestnuts, Crossing Road, Palgrave
Mr & Mrs Allen, 2 Rose Villa, Lows Lane, Palgrave