

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

**Installation of a wind turbine, Aldington Primary School,
Roman Road, Aldington – AS/10/1211**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2010

Application by Aldington Primary School for the installation of a Proven 15kw wind turbine on a 15m mast in the playing field at Aldington Primary School, Roman Road, Aldington, Ashford, TN25 7EE – AS/10/1211

Recommendation: Permission be granted subject to conditions

Local Member(s): Mr A.Wickham

Classification: Unrestricted

Background

1. The application was considered by the Planning Applications Committee on 2 November 2010 when Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO the final comments from Jacobs Noise and conditions. At that time the County Council was working on the basis that the South East Plan (May 2009) (*i.e. the Regional Strategy*) was no longer part of the development plan because the Secretary of State had announced that Regional Strategies were revoked with immediate effect on 6 July 2010. This information had been relayed to all Local Planning Authorities by Steve Quartermain, Chief Planner, Department of Communities and Local Government in his letter of the same date.
2. As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies were re-established as part of the development plan on 10 November 2010. Notwithstanding this, Steve Quartermain advised Local Planning Authorities and the Planning Inspectorate on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. Steve Quartermain also advised that: a proposed clause of the Localism Bill will enact the earlier commitment to abolish Regional Strategies; that the Bill is expected to begin its passage through Parliament before Christmas; and that this will return decision-making powers in housing and planning to local authorities. He further advised that Local Planning Authorities and the Planning Inspectorate should still have regard to the above letter in any decisions they are currently taking. The weight to be

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given to the letter at this time must be very little bearing in mind the Cala Homes decision. As the Bill progresses through Parliament then greater weight will be accorded to it as a material consideration.

3. As the planning permission for the turbine had not been issued before the date of the High Court decision, it is necessary to consider whether a different conclusion should be reached on the proposals as a result of the South East Plan still being part of the development plan.
4. The 2 November 2010 Committee report is attached as Appendix 1. It should be noted that the final comments from Jacobs Noise have now been received and are as follows:
 - Having reviewed the day-time noise readings there is a high probability that noise levels at night would be acceptable.
 - Noise levels at high wind speeds are high in the locality, indicating that they are more effected by wind noise (leaf rustle, tree movement) so would therefore unlikely to be markedly different at night time.
 - After considering the above, and the attachment of conditions this would provide sufficient control over the use of the proposed wind turbine during the day and night.
 - Support the condition “*During the day-time periods defined by ETSU-R-97, external free-field noise levels emanating from the use of the wind turbine shall not exceed either 35dB LA90, or more than 5dB above the prevailing background noise level (LA90), whichever is the higher, at sensitive receptors for wind speeds up to 12m/s at 10m height. During the night-time periods, as defined by ETSU-R-97, external free-field noise levels emanating from the use of the wind turbine shall not exceed either 43dB LA90, or more than 5dB above the prevailing background noise level (LA90), whichever is higher, at sensitive receptors for wind speeds up to 12m/s at 10m.*”
 - Any assessment of noise impact from the wind turbine shall be undertaken in accordance with ETSU-R-97.
 - In achieving the above condition, it would not be necessary for the turbine to be switched off at night, however it puts emphasis on the Applicant to ensure that the turbine noise does not exceed these limits.

South East Plan (May 2009)

Note that following the recent successful Cala Homes High Court challenge over the earlier abolition of the South East Plan, the South East Plan now forms part of the Development Plan again. In addition, Local Planning Authorities should have regard to the Department for Communities and Local Government Chief Planners advice that the Government intends to revoke the South East Plan via the Localism Bill. This advice is, however, subject to a further challenge and this advice must carry very little weight until such time as the court decision is known.

5. This further report considers the impact of the South East Plan still being part of the development plan. In determining this application, Members should consider both reports.
6. The most relevant policies are: CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), NRM11 (Development Design for Energy Efficiency and Renewable Energy), NRM13 (Regional Renewable Energy Targets), NRM14 (Sub-Regional Targets for Land Based Renewable Energy), NRM15 (Location of Renewable Energy)

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Development), NRM16 (Renewable Energy Development Criteria), S6 (Community Facilities).

Discussion

7. The key issue to consider as a result of the South East Plan still being part of the development plan is whether consideration of relevant policies in the Plan would lead to a different conclusion on the application. I consider each of the above South East Plan Policies in turn.

South East Plan

8. **Policy CC1: Sustainable Development** states that the principle objective of the plan is to achieve and maintain sustainable development. The proposed wind turbine would serve to meet the identified priorities by
- Contributing to sustainable resource use
 - Reducing greenhouse emissions associated with the region
9. **Policy CC2: Climate Change** creates a positive duty for measures to mitigate and adapt to climate change to be adopted through the adoption of planning policy and other mechanisms. The proposal would contribute to these policy aims by helping to reduce the carbon dioxide emissions associated with Kent. Policy CC2 places a duty on planning authorities to encourage the use of renewable energy as a method of mitigation.
10. **Policy CC3: Resource Use.** A sustained programme of action to help stabilise and reduce the regions carbon footprint should be incorporated into plans and programmes. The proposed development would fulfil the stated actions by adapting an existing development to reduce its use of energy and other resources, and demonstrate a change in behaviour.
11. **Policy NRM11: Development Design for Energy Efficiency and Renewable Energy** places a duty on local authorities to promote and secure greater use of decentralised and renewable energy.
12. **Policy NRM13: Regional Renewable Energy Targets** sets numerical energy targets for regions to achieve in terms of electricity production from renewable energy sources. Although the contribution from the proposed wind turbine would be small, it would make a contribution towards these goals.
13. **Policy NRM14: Sub Regional Renewable Energy Targets** sets energy production from renewable sources targets on a sub-regional level. The proposed wind turbine would provide a contribution to these targets. It would also serve to assist in one of the stated aims by *'raising awareness, ownership and understanding of renewable energy'*. It can be argued that the development of a wind turbine at a school would be a good opportunity to raise awareness and understanding through the use as an educational tool, and thereby help renewable energy become the 'norm' for future generations.
14. **Policy NRM15: Location of Renewable Energy Development.** This policy states that within national designations such as Areas of Outstanding Natural Beauty, renewable energy development should generally be of small scale. Proposals close to the boundary should not undermine the objectives that underpin the objectives of that designation. The proposed development would be close to the Kent Downs AONB, but is within a Special Landscape Area (Policy EN27 of the Ashford Local Plan). In my opinion the turbine would

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not impact on the AONB due to the existing topography and density of woodland screening views into, out of the AONB, from this area. The issue of visual impact on the wider landscape, and immediate landscape (covered by the SLA), was discussed in the previous report in relation to other development plan policies, and therefore is not significantly altered by this policy consideration.

15. **Policy NRM16: Renewable Energy Development Criteria.** Local authorities, in their decisions, should in principle support the development of renewable energy development. Proposals should be considered on their individual merits with regard to scale, location, technology type and cumulative impact. The previous Committee report on this proposal addressed these factors as part of the normal considerations looked at during the planning application process. However, this policy does promote a duty that Local Authorities should support the principle of renewable development.
16. I conclude that the above policies of the South East Plan would not materially affect the decision made at the previous Committee Meeting, and the policies and material considerations considered within the previous report on this proposal. The policies in the South East Plan do in fact give more weight to support the proposal, and the proposal would go some distance in serving to meet policy objectives contained within the Plan.

Noise

17. Since the report on the application to the 2 November Planning Committee meeting, Jacobs Noise have submitted final comments regarding the noise information submitted by the applicants. The comments are outlined above, and go further in providing assurances that the amenity of the locality can be protected by condition. I would recommend that the condition proposed by Jacobs Noise is adopted if permission is granted.

Conclusion

18. In light of the re-emergence of the South East Plan, I remain satisfied that the proposed wind turbine would be acceptable in policy terms, and is in fact materially supported by policies within the Plan. The final comments from Jacobs Noise provide additional reassurance that the recommended conditions would help to protect residential amenity.

Recommendation

19. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the following conditions:
- Standard time condition for implementation;
 - Development to be in accordance with the approved plans
 - The recommended noise condition;
 - That in the event of complaints relating to noise then a consultant be employed to measure the impacts; and
 - That ecology advice is sought in the event of dad bats being found on site.

Case Officer: Jeff Dummett

Tel. no. 01622 221058

Background Documents: AS/10/1211 Report for 2 November Committee
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Appendix

- Report for AS/10/1211 2 November Planning Committee