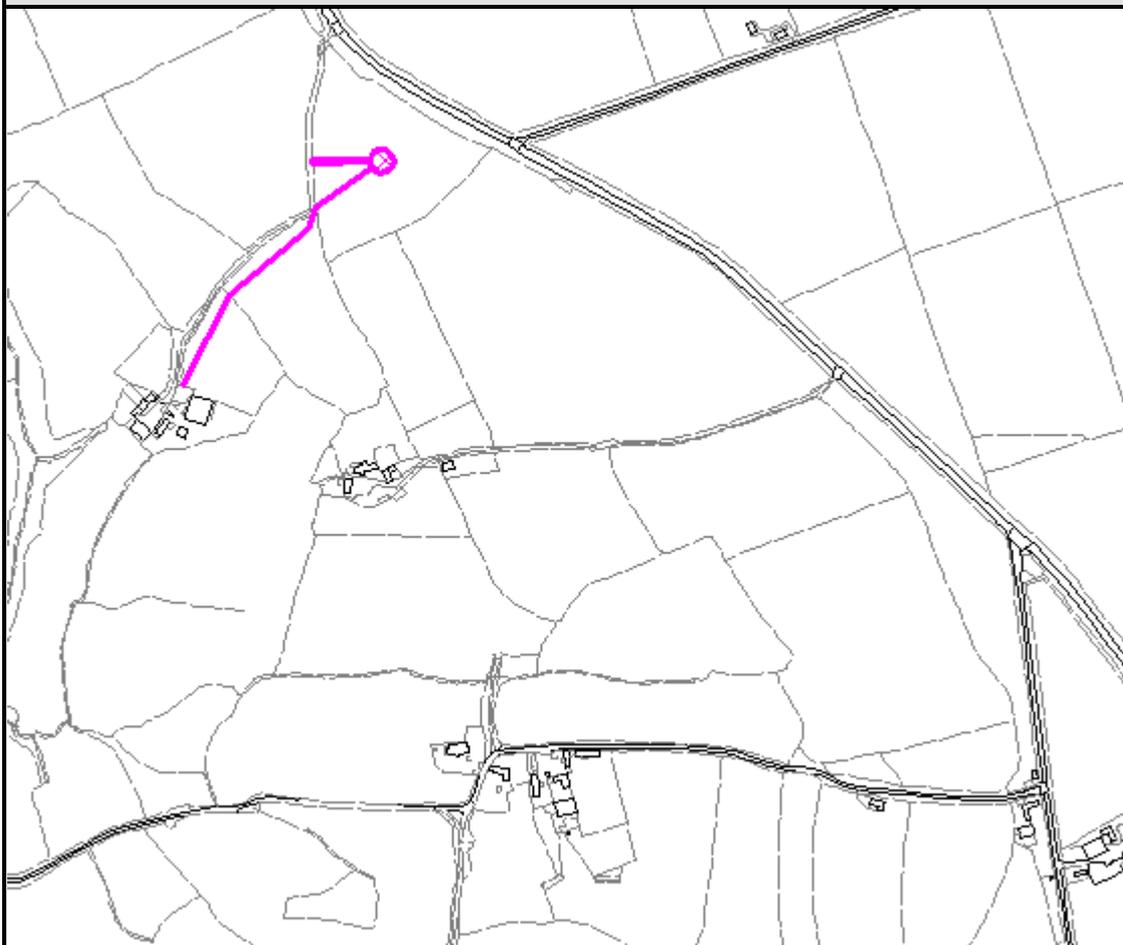


Committee Report – 4 April 2019

Application Number:	1/1306/2018/FUL
Registration date:	21 January 2019
Expiry date:	18 March 2019
Applicant:	Mr Simon Paine
Agent:	Neo Environmental Ltd
Case Officer:	Debbie Fuller
Site Address:	Eastlake Farm, Dolton, Winkleigh, Devon, EX19 8PR
Proposal:	Installation of a small-scale wind turbine (9.8kW) and associated infrastructure (Affecting a Public Right of Way).
Recommendation:	Refuse



Reason for referral:

Whilst this application does not meet the national policy test, I would like the Committee to consider the following:-

NDTJLP – ST02 mitigating climate change – (d) states promote opportunity for renewable carbon energy generation

NDTJLP – ST16 – delivering renewable energy and heat

To consider the NPPF – at the heart of the framework is “a presumption in favour of sustainable development (para. 11). This application also meets the environmental objective of the NPPF.

Relevant History:

Application No.	Description	Status	Closed
1/0116/1991	CONVERSION OF BARN TO DWELLING	PER	25.07.1991
1/0238/2018/FUL	Proposed plant room (affecting public right of way)	PER	27.06.2018
1/1242/2018/FUL	Replacement of existing single-storey extension with a two-storey extension (Affecting a Public Right of Way)	PER	01.02.2019

Site Description & Proposal

Site Description

The site is located in the open countryside and consists of agricultural land associated with, and to the north east of 'Eastlake Farm' and south of the A3124, between Winkleigh and Great Torrington. The site forms part of the land owned by the applicant resident at 'Eastlake Farm,' (as shown on 'Site Location' drawing numbered NEO00553/0071/B). The nearest settlement is 'Dolton,' which is approximately 2 miles (1.6km) to the west of the application site.

The application site is a triangular field parcel of approximately 1.7 hectares, which adjoins the A3124 at the eastern boundary, and adjoins the track, which leads to the farm, on the western boundary. The built farm complex of 'Eastlake Farm' is approximately 280 metres to the south west, with another built farm complex 'Wood Farm,' also lying approximately 280 metres to the south. A Public Right of Way (PROW) runs along part of the lane to Eastlake Farm from off of the A3124 road, passing next to (west of) the application field, and carries on south. The PROW runs to the south, to 'Wood Farm' and then south east (530 metres away) to 'Lower Cherubeer' and farm buildings, which are Grade II Listed.

'Bowl Barrow' (Scheduled Monument) lies 850 metres to the south east of the application site. 'Beaford Moor SSSI' is approximately 1.78 km northwest of the application site, and 'Halsdon SSSI' is 3.4 km west of the application site. There are no landscape designations on the site, but in terms of landscape character the site falls within a Landscape Character Type (LCT) defined by the Joint Landscape Character Assessment (LCA) for Torridge and North Devon as 'Farmed Lowland Moorland and Culm Grassland' (LCT 1F).

Proposed Development

The application seeks full planning permission for the installation of a small-scale wind turbine (9.8kW) and associated infrastructure.

The planning application is accompanied by the following supporting documents:-

- Supporting Statement, by neo Environmental, dated 20 November 2018;
- Planning Statement, by Land Investment & Planning Services Ltd, dated 22 November 2018;
- Landscape and Visual Impact Appraisal (LVIA), by neo Environmental, dated 18 January 2019,
- Wildlife Trigger List, and Ecological Impact Assessment, by neo Environmental, dated 16 January 2019.

The proposed single wind turbine measures 19.25 metres to blade tip (15 metres to hub) with a 7.5 metre rotor diameter, and associated infrastructure, comprising associated foundations and cabling. The foundations measure 3.7 metres by 3.7 metres by 1.2 metres. The cable routing runs for approximately 280 metres across open agricultural land from the turbine to the buildings at Eastlake Farm to the south west, and a cable trench of 250 metres by 0.5 metres by 0.5 metres is proposed.

Given the relatively small scale of the turbine, no ancillary access track(s) or crane lifting pad(s) are proposed.

The application is accompanied by a 'Planning Statement' by Land Investment and Planning Services Ltd, (dated 22 November 2018), which states 'The transportation of the wind turbine will require a standard sized road vehicle. No abnormal loads will occur and there will be no conflicts of movement or potential constraints due to the quality and size of the road network that serves the site. Although the development will temporarily increase traffic during installation and decommissioning stages, the frequency and period of their visitation will be limited. The road network will need no alteration and no transportation permits will be required' (page 9).

The 'Planning Statement' outlines the specific details of the single 'Lely Aircon 10' Wind Turbine and associated infrastructure and development' (page 3):-

- o Wind turbine
 - Galvanised steel monopole tower
 - 15 metre high hub
 - 3No. blades with 7.5 metre rotor diameter
 - 19.25m high tip height
 - 9.8kW power
- o Foundation
 - 4m x 4m x 1.2m
- o Cable trenching
 - 250m (approx) x 0.5m x 0.5m excavated and backfilled
- o No access track or crane pad are proposed

The statement states that 'the general area provides an excellent wind resource and is well suited for harnessing this natural energy to generate electricity for lighting, heating and other electrical needs on site; thus fulfilling the landowners development brief to lessen the host property's dependency upon the electricity grid network,' (page 7).

The statement states that the lifespan of the 'Lely Aircon turbine' is 'expected to be 25 years. At the end of this period the development will be decommissioned within a period of 6 months,' (page 8).

The statement states that the proposed wind turbine is to be 'matt light grey colour'.

Consultee representations:

Dolton Parish/Town Council: (8th Feb 2019)
The Council wishes to support this application.

Historic England - Southwest Casework: (20th Feb 2019)

Thank you for your letter of 8 February 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

DCC Archaeology Section: (6th Feb 2019)

I refer to the above application. The proposed development lies some 850m to the north-west of a group of prehistoric funerary monuments protected as Scheduled Monuments (refs: 015147 and 1015148). I would therefore advise that Historic England are consulted with regard to any comments they may have on the proposed development and the impact upon the setting of these designated heritage assets.

The Historic Environment Team have no comments to make on this planning application.

Environmental Protection: (8th Feb 2019)

In relation to the above application, the noise assessment has been undertaken in accordance with appropriate guidance, namely ETSU-R-97, to derive predicted noise levels. Although the predicted noise levels at nearby third party dwellings are within ETSU noise limits, the noise assessment does not consider the cumulative noise impact, as outlined in the IOA Good Practice Guide, resulting from other wind turbines in the area. The IOA Good Practice Guide mentions that no cumulative excess of ETSU noise limits should occur. Two consented and operational wind turbines are located within a 2km radius of the proposed wind turbine, at Coldharbour to the southeast and East Westacott to the east. However, having regard for the noise limits of the consented wind turbines, a cumulative impact exceeding ETSU limits is very unlikely and subsequently, there should be no detriment to the residential amenity of dwellings. Should planning consent be granted, in order to ensure the proposed wind turbine accords with ETSU both individually and cumulatively, the Environmental Protection Team recommends the imposition of the Authority's standard conditions as follows:

1. The rating level of noise from the wind turbine (including the application of any tonal penalty) shall not exceed 27dB LA90 (10 mins) in wind speeds up to 10 metres per second, as measured at the boundary of any non-financially involved dwelling which lawfully existed or had planning permission at the date of this permission and shall not exceed 45dB LA90 (10 mins) in wind speeds up to 10 metres per second, as measured at the boundary of any financially involved dwelling owned by the landowner of the site on which the turbine is sited. Wind speeds described shall be derived from wind speeds measured at the turbine, standardised to a height of 10 metres. Compliance with this condition shall be determined in accordance with ETSU-R-97 and recognised good practice.
2. Within 14 days from the receipt of a written request from the local planning authority (following a complaint to the local planning authority from the occupant of a dwelling which lawfully existed or had planning permission at the date of this consent), the wind farm operator shall, at the wind farm operator's expense, employ an independent noise consultant approved by the local planning authority to assess the level of noise emissions from the wind farm at the complainant's property.
3. The independent noise consultant shall follow procedures, agreed with the Council as Planning Authority prior to the commencement of the consultant's investigations, and thereafter the wind farm operator shall provide to the local planning authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 60 days of the date of the written request of the Local Planning Authority unless otherwise extended in writing by the Local Planning Authority.
4. In the event that the results of the above measurements indicate that the specified noise limits have been exceeded at any dwelling then, within 21 days of notification in writing of this by the local planning authority, the operator shall submit in writing to the local planning authority:

' a scheme of noise control measures to achieve compliance with agreed noise levels;
' a timetable for implementation of the noise control measures;
' a programme of monitoring to demonstrate the efficiency of the noise control measures.
The noise control measures will be implemented and the monitoring undertaken in accordance with the scheme and timetable agreed in writing by the local planning authority.

Devon County Council (Highways):

No response received.

DCC Rights Of Way:

No response received.

Natural England: (7th Feb 2019)

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

The Joint Radio Company: (29 Jan 2019)

Planning Ref: 1/1306/2018/FUL

Name/Location: Eastlake Farm, Dolton, Winkleigh, Devon Site Centre/Turbine at NGR/IGR: 259227

112964 Development Radius: n/a

Hub Height: 16m Rotor Radius: 4m

This proposal cleared with respect to radio link infrastructure operated by: Western Power Distribution South West (JESW) -----

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

Ministry Of Defence (Wind Turbines): (1st Feb 2019)

Thank you for consulting the Ministry of Defence (MOD) on the above planning application in your communication dated 28/01/2019.

I am writing to tell you that the MOD has no objection to the proposal.

The application is for 1 turbine at 19.25 metres to blade tip. This has been assessed using the grid references below as submitted in the planning application or in the developers' or your pro-forma

Turbine 1
Easting, 259227
Northing, 112964

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted, we would like to be advised of the following prior to commencement of construction;

- o the date construction starts and ends;
- o the maximum height of construction equipment;
- o the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

If the application is altered in any way, we must be consulted again as even the slightest change could unacceptably affect us.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

MOD: <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Civil Aviation Authority:

No response received.

National Air Traffic Services:

No response received.

Ofcom:

No response received.

Planning Policy: (18 March 2019)

The following should be taken as a formal planning policy consultation response to the proposal detailed above. The response focusses on the key principles of the proposal and does not cover all

detailed considerations or all material considerations that may be relevant in determining the planning application.

Proposal

The planning application seeks the installation of a single wind turbine of 19.25m to blade tip (15m to hub) and associated infrastructure; comprising associated foundations and cabling. Given the relatively small scale of the turbine, no ancillary access track(s) or crane lifting pad(s) are proposed. The cable routing runs for approximately 280m across open agricultural land from the turbine to the buildings at Eastlake Farm to the south west.

Site Description

The proposed turbine is intended to be erected on open agricultural land associated to Eastlake Farm, approximately 1.6km to the east of Dolton. The turbine is sited centrally within a roughly triangular field parcel of approximately 1.7 ha which adjoins the A3124 at the eastern boundary. The built farm complex of Eastlake Farm is approximately 280m to the south west of the turbine, with a further built farm complex, Wood Farm, also lying approximately 280m to the south.

Introduction

The Planning and Compulsory Purchase Act 2004 (PCPA) at s38(6) requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The principal component of the development plan of relevance in this instance is the North Devon and Torridge Local Plan 2011-2031 (adopted 29th October 2018) (NDTLP). Whilst the development plan can also comprise of a relevant neighbourhood development plan (or 'neighbourhood plan'), there is no 'made' neighbourhood plan, nor any current neighbourhood planning activity that is of relevance to the site subject to the planning application.

North Devon and Torridge Local Plan 2011-2031

The NDTLP seeks to guide development to achieve sustainable solutions and in the context of the planning system, the plan taken as a whole, can be taken to constitute what the Council considers to be sustainable development in practice for the area (para. 3.4).

Policy ST02: Mitigating Climate Change establishes that development will be expected to make a positive contribution towards the social, economic and environmental sustainability of northern Devon and its communities while minimising its environmental footprint by, amongst other things, promoting opportunities for renewable and low-carbon energy generation whilst conserving and enhancing the natural and built environment.

The site lies in the Open Countryside, where clause (4) of Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area establishes that development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development that is necessarily restricted to a Countryside location. Proposals for renewable energy development may be acceptable in the Countryside, subject to consideration of whether they are enabled through the wider provisions of the NDTLP.

Policy ST16: Delivering Renewable Energy and Heat sets out the local planning authority's strategic policy approach with respect to renewable and low-carbon energy development. In doing so, the policy provides a generally positive framework that provides in principle support for renewable and low-carbon energy development including in Countryside locations, subject to proposals being determined as being acceptable when considered against a range of matters; such as landscape, amenity and biodiversity. Whilst the policy offers in principle support for renewable and low-carbon energy development, the policy is explicit however in precluding such support for wind energy

development. As such, the policy does not provide in principle support proposals for wind energy development such as the proposal subject to the planning application.

The supporting text of the NDTLP provides further clarification on this matter. It identifies that Policy ST16 'relates to all forms of renewable energy and renewable heat development other than wind energy' (para. 6.21) before going on to set out the Councils' approach to the consideration of proposals for wind energy development (para. 6.22). This states that the NDTLP does not allocate sites for the development of wind turbines but rather provides the wider policy framework against which applications for wind energy development will be determined if such are allocated through a neighbourhood plan. It continues that all proposals for new wind turbine development must be within a Neighbourhood Plan allocation and clearly demonstrate that any impacts have been mitigated adequately to comply with the wider provisions of the development plan.

Whilst the NDTLP is supportive, in general of proposal for renewable and low-carbon energy, it is clear that Policy ST16 does not provide in principle policy support for wind energy development. The Plan does not therefore offer support for the principle of erecting the wind turbine that is the subject of the proposal and planning application. Rather, the NDTLP is clear that the proposal does not garner development plan support as it is not covered by an allocation for wind energy development in a neighbourhood plan.

Recognising the need to read and apply the NDTLP as a whole, there are a range of other policy provisions which will be applicable should the principle of development be determined as acceptable; considering in particular, but not exclusively - amenity, landscape and biodiversity. This response does not consider such matters in any detail.

National Planning Policy

National planning policy forms a material consideration in the determination of planning applications. The National Planning Policy Framework (NPPF) (MHCLG; February 2019) sets out the Government's planning policies for England and how these should be applied (Paragraph 1), citing itself that it forms a material consideration in planning decisions (Paragraph 2). National Planning Practice Guidance (PPG) provides further detail as to how the Government expects and intends national planning policy to be interpreted and applied, including specific guidance relating to renewable and low carbon energy.

The NPPF provides for a presumption in favour of sustainable development (paragraph 11) which for decision-taking means: where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework when taken as a whole.

The NPPF establishes that the planning system should support the transition to a low carbon future, helping to contribute to radical reductions in greenhouse gases; including providing support for renewable and low carbon energy and associated infrastructure (para. 148).

The NPPF goes on to detail how the Government expects local planning authorities to seek to determine planning applications for renewable and low carbon energy (paragraph 154), setting out that local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable⁴⁹. Once suitable areas or renewable and low carbon energy have been identified in local plans, local planning authorities should

expect subsequent applications for commercial scale projects outside of these areas to demonstrate that the proposed location meets the criteria used in identifying suitable sites.

Footnote 49 of the NPPF (which, in accordance with Paragraph 3 of the NPPF has the same status as the wider body of text of the NPPF) provides further national policy with respect to proposals for wind energy development, establishing that:

Except for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be fully demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

In setting out the above provisions on wind energy development, the NPPF transposes the provisions of an earlier Written Ministerial Statement (WMS) made by the Secretary of State for Communities and Local Government (Greg Clark) on the 18th June 2015 to the House of Commons [HCWS42]. The WMS, at that point in time, set out new national provisions relating to wind energy development; providing clear national policy with respect to how local planning authorities should approach the consideration of applications for wind energy development. In doing so, subject to transitional arrangements to deal with planning applications that were already submitted for consideration at the time of its publication, it introduced the two tests that are now found in footnote 49 of the NPPF:

When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- o the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- o following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.

Written Ministerial Statements can be considered as a statement of Government policy and may be material in when preparing plans or determining planning applications (Paragraph 6; NPPF); however the provisions of the WMS have now been effectively subsumed by the equivalent provisions of the subsequent NPPF and it is therefore the latter which the decision-taker can in reality reference when determining applications for wind energy development. In any case, with the exception of the transitional arrangements which would not be relevant in this case, the provisions within the NPPF and WMS are directly comparable. The provisions of the WMS are stated in this case for completeness in recognition of its reference in many of the comments received on the planning application.

Paragraph 154 and Footnote 49 of the NPPF set out the key national policy provisions for considering the in principle acceptability of wind energy development and provide the key tests which are considered as necessary to be met if a local planning authority is to grant planning permission for proposals for wind energy development.

Firstly, there is a requirement for the development site, subject to the application, to be in an area identified as suitable for wind energy development; clearly stating that such areas need to have been allocated clearly within a Local Plan or Neighbourhood Plan. This is reinforced by Planning Practice Guidance which notes that "In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan" (Planning Practice Guidance, Paragraph: 005 Reference ID: 5-005-20150618).

For the proposal subject to the planning application, the site does not fall within an area identified as suitable for wind energy development within a Local or Neighbourhood Plan; in fact with no such areas having been identified within the wider local planning authority boundary at all. As such, the proposal does not conform with the first test set out in Footnote 49 of the NPPF.

Following on, the second test requires that any relevant planning issues identified by local communities through consultation on the planning application have been satisfactorily addressed in coming to a decision to approve any application; with national policy taking such to mean that the proposal can be considered to have their backing. In reality, this is broadly similar to the normal process and practice applied for the determination of any planning application; however, in the case of proposals for wind energy development this reference reinforces the importance for the decision-taker to ensure that any legitimate planning issues identified by local communities in response to the planning application (i.e. objections) have been appropriately collated, considered and addressed in determining the application, if planning permission is to be granted. I do not provide any views as to whether the proposal subject to the planning application conforms with this requirement, rather restricting my views to the principle of development. It will be for the decision-taker to review such matters in order to come to a conclusion on conformity.

For community-led initiatives for renewable and low carbon energy, the NPPF does provide an exception to the first test (i.e. the need for sites to be identified in an area suitable for wind energy development), establishing that local planning authorities should support such proposals even if they lie outside of areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning (Paragraph 152). From the literature submitted in support of the planning application, there is no evidence to suggest that the proposal subject to the planning application could be reasonably considered to be a community-led initiative. One would expect such proposals to be led by the community - most likely through a community based organisation, such as a Parish Council or other formally constituted body. Equally, it is reasonable to assume that such proposals would be likely (in many, if not all cases) to result in some form of community benefit that could be reasonably be inferred from the realisation of the initiative - for example - provisions for reduced energy expenditure for the residents of the local community or the generation of income or reduction in running costs to support a community facility. Whilst the proposal subject to the planning application may have engendered a level of local community support, including the support of the Parish Council, it is not considered that this results in the proposal being able to be viewed as being a community-led initiative. As such, the proposal does not appear to benefit from the requirement for the site to be within an area identified as being suitable for wind energy development within a local plan or neighbourhood plan.

Finally, it should be noted that whilst the NPPF (clause (a) of Paragraph 154) establishes that an applicant should not be required to demonstrate the overall need for renewable or low carbon energy proposals, the energy contribution from a proposal is a material consideration but this needs to be weighed against the environmental effects; with Planning Practice Guidance making it clear that the need for renewable or low carbon energy does not automatically override environmental protections (PPG; Paragraph: 003 Reference ID: 5-003-20140306).

NDTLP conformity with the NPPF

For the avoidance of doubt, the approach to wind energy development adopted by the NDTLP is considered to be fully compliant with National Planning Policy. The NDTLP has complied with the provisions of the NPPF (Paragraph 151) that require development plans to "consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development". In doing so, it has explicitly elected not to identify areas suitable for wind energy development, rather delegating the opportunity to do so to local communities through the preparation of a neighbourhood plan.

The Ministry for Housing, Communities and Local Government (MHCLG) has previously confirmed, in the form of a written response from James Wharton MP to Peter Heaton-Jones MP, that the Written Ministerial Statement 'does not require local planning authorities to identify suitable areas for wind energy development. Rather, and subject to a transitional provision, the statement sets out our view

that planning permission should only be granted if the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan'. By virtue of the principles of the provisions of the WMS being transposed directly into the NPPF, the advice of MHCLG cited above is considered to be equally applicable to the approach to wind energy development set out in the NPPF.

Planning Policy Conclusion on Principle

It is clear, that whilst the NDTLP provides in principle support for proposals for renewable and low-carbon energy development, it does not provide in principle support for proposals for wind energy development. Rather, it identifies that such support can only be established by a proposal being in an area allocated for wind energy development within a neighbourhood plan; with no such areas allocated within a relevant neighbourhood plan (or in fact within the wider local planning authority area as a whole).

The provisions of national planning policy contained within the NPPF will form a material consideration in the determination of the planning application. In doing so, in a similar fashion to the Local Plan, the NPPF provides positive support for proposals for renewable and low-carbon energy, but again provides clear provisions that indicate that proposals for wind energy development should not be supported unless they are in an area designated as suitable for wind energy development in a development plan (i.e. a local plan or neighbourhood plan) or alternatively a community-led initiative; neither of which is the case for the proposal subject to the application.

As such, there would appear to be no in principle policy support for the proposal for the erection of the wind turbine application subject to the planning application.

Assessing Landscape and Visual Impact

In determining the application, it will be necessary to consider the landscape and visual impacts arising from the proposal. Whilst the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the application, the Council has a pair of assessments at its disposal that can help to ascertain the acceptability of the proposal with respect to these matters. In doing so, one should have regard, in particular to Policies ST14: Enhancing Environmental Impacts, DM08: Biodiversity and Geodiversity and DM08A: Landscape and Seascape Character.

The Joint Landscape Character Assessment (LCA) for North Devon and Torridge Districts (Land Use Consultants; November 2010) categorises the landscape character for all areas of North Devon and Torridge, going on to provide a landscape strategy for each identified typology. The LCA categorises the area within which the application site falls as the Farmed Lowland Moorland and Culm Grassland (1F) Landscape Character Type (LCT). This LCT covers the landscape's high open tracts of Culm grassland and 'moors' which sit on the poorly drained soils and sandstone ridges of the Culm Measures geological series. The Landscape Strategy for this typology indicates that new development should be integrated into its landscape setting and avoid prominent open ridgelines; going on to note that the landscape's strong sense of tranquillity and remoteness should be protected through avoiding the location of new development on prominent, open ridgelines.

The Assessment of the Landscape Sensitivity to Onshore Wind Energy and Field-Scale Photovoltaic Development in Torridge District (LSA) (Land Use Consultants; November 2011) builds upon the LCA to provide an assessment of the sensitivity of individual landscape character types to onshore wind energy and field-scale photovoltaic development in the District. The assessment is intended to inform the planning process and help Torridge District Council to make robust, well informed decisions on the planning applications received for wind and solar PV developments.

The LSA concludes that the Farmed Lowland Moorland and Culm Grassland (1F) LCT outside of the AONB has a Moderate Sensitivity to 'very small' (15-25m) wind turbines; meaning that some of the key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.

The landscape strategy for this LCT is for a landscape with occasional single or small size clusters of turbines comprising turbines that may be up to and including sizes in the 'large' category, except in the setting of the AONB where turbines will need to be smaller. There may be more than one cluster of turbines, but they should be clearly separated so that, although a wind energy development influences the perception of the landscape at close proximity, collectively they do not have a defining influence on the overall. The LSA also provides guidance on siting of wind turbines within the LCT which should be reviewed in order to understand the potential landscape harm arising from the proposal subject to the planning application.

It will be for the decision-taker to make use of these assessments, in combination with other information, including that submitted by the applicant, to determine the acceptability of the landscape and visual impacts.

Representations:

Number of neighbours consulted:	5	Number of letters of support:	28
Number of representations received:	67	Number of neutral representations:	0
Number of objection letters:	39		

67 comments have been received in respect of the application:- 39 objections and 28 in support.

Objection comments

- Policy reasons: the proposal does not comply / conflicts with the 'Written Ministerial Statement (WMS) made by the Secretary of State for Communities and Local Government (Greg Clark) on the 18th June 2015 to the House of Commons [HCWS42], the revised (July 2018) National Planning Policy Framework (NPPF), Paragraph 154 (b) and footnote 149, and fails Policy ST16 (and Paragraph 6.22) of the adopted North Devon and Torridge Local Plan (NDTLP), since no sites suitable for wind energy have been allocated in the Local Plan or within a Neighbourhood Plan;
- The Local Authority / Council would be breaching its own regulations;
- The Local Plan reflects Government policy and the outcome of a three year public consultation;
- If approved would set a precedent for other areas;
- Noise / low frequency / infrasound in tranquil area - add to road noise / only partial tree cover (impact on mental health / headaches, quality of sleep, depression, negative impact on quality of life and jobs);
- Intrusion of privacy;
- Overlooking (house overlooked by turbine);
- Overbearing impact;
- Visual impact - visible for miles / when driving on A3124 (like a 6 storey tower block);
- Cumulative impacts / effects of turbines on the landscape (5 already visible driving south on A3124 / virtual wind farm / there is no further capacity);
- Landscape impact - 'Dolton Beacon' - sited on a ridge / higher ground / highest point - visible from properties - long views to Dartmoor, has changed very little over the years / not in keeping with the area / unique characteristics / is polluting on the picturesque and beautiful scenery / rolling hills;
- Impact on the historic landscape;
- Impact on Grade 2* property and Scheduled Monuments;
- Impact on Public Right of Way (PROW);
- Impact on horses;
- Health and safety - a large structure in height, catching fire
- Road Safety (distraction for drivers at junction);
- Shadow flicker;
- Concern for wildlife (birds/owls, farm / wild animals, bats).

Support comments

- The proposal is beneficial / a great effort / an opportunity / proactive approach / steps / positive move in the right direction for the environment / environmentally friendly;
- Less / prudent use of natural resources and less reliance on energy which is not 'green;'
- Good, green, sustainable source for generating electricity/energy needs;
- The Council, local residents / people should be encouraging renewable energy / adopting for future generations / responsibility for future generations / all children;
- Reducing greenhouse gas emissions;
- Combatting / reducing climate change / saving planet;
- Un-safe / un-renewable not a future to consider;
- Green / local initiative for rural properties/communities;
- Visitors to the area / from outside Devon want to stay on carbon neutral farm/cottages;
- Rural community making a difference;
- Local people doing their bit for combatting climate change;
- Could provide lighting for the area / power home in a power cut;
- Benefit to the wider community;
- Technology accessible to all;
- Wind turbine better than solar on thatched roofs, heating with oil;
- Help family become more self-sufficient;
- Sustainable living;
- No negative impact on the landscape (i.e. out of sight of Dolton);
- Preserves the idyllic English countryside;
- Small-scale, well suited / windy location and impact on local environment is minimal;
- No impact on individuals, low background noise;

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST02 (Mitigating Climate Change); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST16 (Delivering Renewable Energy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity) and DM08A (Landscape and Seascape Character).

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities) and WACA (Wildlife & Countryside Act 1981).

Planning Considerations

The main considerations in the determination of the application is the principle of the development, design, landscape and visual impact, any impacts on heritage assets, any potential impacts on residential amenity, (including noise), ecology, and the highway network, (including the impact on the Public Right of Way).

Principle of Development

The proposed wind turbine is in open countryside, and Policy ST07 'Spatial Development Strategy for Northern Devon's Rural Area' of the North Devon and Torridge Local Plan (NDTLP) is relevant. Policy ST07 states that 'development will be limited to that which is enabled to meet local, economic and social needs.' It is important to consider the Local Plan as a whole when assessing 'local, economic and social needs' and the proposal for renewable energy is broadly supported by the Local Plan.

Policy ST02: 'Mitigating Climate Change' of the NDTLP supports the proposal as it expects development to make a positive contribution towards the sustainability of northern Devon by (amongst other things), 'promoting opportunities for renewable and low-carbon energy generation whilst conserving and enhancing the natural and built environment (criteria d).'

Policy ST16: 'Delivering Renewable Energy and Heat' of the NDTLP provides the strategic development plan policy that is intended to determine the acceptability of the principle of development for renewable and low-carbon energy proposals across northern Devon. The policy is relevant, but is not supportive for proposals for wind energy development. The supporting text to Policy ST16 (paragraph 6.22) sets out the Council's approach to the consideration of proposals for wind energy development.

The text states that 'The Council have not allocated sites for the development of wind turbines in this Local Plan, but it represents the policy framework against which planning applications will be considered, should they come forward as a result of a Neighbourhood Plan. The supporting text goes on to note that 'all proposals for new wind turbine development must be within a Neighbourhood Plan allocation and clearly demonstrate that any impacts in terms of noise, shadow flicker vibration, air traffic safety, radar and telecommunications have been mitigated adequately to comply with other policies within the Local Plan.'

The Local Plan is in conformity with Government guidance, including the Written Ministerial Statement, which has been transposed into the most recent update of the National Planning Policy Framework (Footnote 49):-

When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- o the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- o following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

As such, the NDTLP has complied with the provisions of the NPPF (Paragraph 151) that require development plans to "consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development." In doing so, it has explicitly elected not to identify areas suitable for wind energy development, rather delegating the opportunity to do so to local communities through the preparation of a neighbourhood plan.

The Ministry for Housing, Communities and Local Government (MHCLG) has confirmed, in the form of a written response from James Wharton MP to Peter Heaton-Jones MP that the Written Ministerial Statement 'does not require local planning authorities to identify suitable areas for wind energy development. Rather, and subject to a transitional provision, the statement sets out our view that planning permission should only be granted if the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan.' By virtue of the principles of the provisions of the WMS being transposed directly into the NPPF, the advice of MHCLG cited above is considered to be equally applicable to the approach to wind energy development set out in the NPPF.

The NPPF does provide an exception to this first test for community-led initiatives for renewable and low carbon energy, establishing that local planning authorities should support such proposals even if they lie outside of areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning (Paragraph 152). However, this proposal is not a community-led initiative with no legal mechanisms providing a link from any direct benefit from the turbine to the wider community. Letters of support received from members of the community have been considered, but do not result in a proposal that can be fully considered as 'community led'.

In summary, the relevant policy (Policy ST16) in the NDTLP reflects that of national guidance and does not provide in principle support for wind energy development, with the supporting text deferring to national planning policy for the consideration of proposals and delegating responsibility to the neighbourhood planning process to identify where proposals for wind energy development will be considered acceptable.

The application site has not been identified as a suitable site for wind energy development in the NDTLP and/or a Neighbourhood Plan, and is not a Community-led initiative. Therefore, it does not

conform to the requirements of National and Government Guidance or Local Plan policy and is not acceptable in principle. However, there are other considerations for the planning application and these are assessed as follows.

Design

The Local Plan policies on design are relevant - Policy DM04: Design Principles and Policy ST04: 'Improving the Quality of Development' which aim to achieve high quality inclusive and sustainable design.

Policy DM04 seeks to guide overall scale, density, massing, height, landscape, layout, materials access and appearance of development. The policy requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood. Policy ST04 states 'design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in DM04.'

The NPPF, (specifically Part 12), attaches great importance to the design of the built environment and states that developments are sympathetic to local character, including the surrounding built environment, and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The landscape impact is dealt with below, but in terms of the turbine itself, it has been designed such that the slender, tapered profile of the tower minimises visual impact with a tip height of less than 20 metres, and the matt light grey colour will be in general keeping with the landscape.

Landscape and Visual Impact

The proposed development is located within the North Devon Biosphere Reserve which extends across a wider area of North Devon. There are no landscape designations, and the application site is well away from Dartmoor National Park, and the Area of Outstanding Natural Beauty (AONB).

Policy DM08A: 'Landscape and Seascape Character,' of the NDTLP states that 'Development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets wherever possible.'

Policy ST14: 'Enhancing Environmental Assets' criterion g, states that development contributes to 'protecting and enhancing local landscape, taking into account the key characteristics, the historical dimension of the landscape and their sensitivity to change.'

The Joint Landscape Character Assessment (LCA) for North Devon and Torridge Districts (Land Use Consultants; November 2010) categorises the landscape character for all areas of North Devon and Torridge, going on to provide a landscape strategy for each identified typology. The LCA categorises the area within which the application site falls as the 'Farmed Lowland Moorland and Culm Grassland (1F) Landscape Character Type (LCT). This LCT covers the landscape's high open tracts of Culm grassland and 'moors' which sit on the poorly drained soils and sandstone ridges of the Culm Measures geological series. The Landscape Strategy for this typology indicates that new development should be integrated into its landscape setting and avoid prominent open ridge lines; going on to note that the landscape's strong sense of tranquillity and remoteness should be protected through avoiding the location of new development on prominent, open ridgelines.

The Assessment of the Landscape Sensitivity to Onshore Wind Energy and Field-Scale Photovoltaic Development in Torridge District (LSA (Land Use Consultants; November 2011), builds upon the LCA to provide an assessment of the sensitivity of individual landscape character types to onshore wind energy and field-scale photovoltaic development in the District. The assessment is intended to inform the planning process and help Torridge District Council to make robust, well informed decisions on the planning applications received for wind and solar PV developments.

As the document states on page 7, 'In undertaking any landscape sensitivity assessment it is important to acknowledge that varying attitudes to wind energy development are expressed by different individuals and constituencies. Aesthetic perceptions can be positive or negative depending on individual attitudes to the principle and presence of wind generation.'

The LSA concludes that the 'Farmed Lowland Moorland and Culm Grassland (1F) LCT outside of the AONB has a Moderate Sensitivity to 'very small' (15-25 metre) wind turbines; meaning that some of the key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.

The landscape strategy for this LCT is for a landscape with occasional single or small size clusters of turbines comprising turbines that may be up to and including sizes in the 'large' category, except in the setting of the AONB where turbines will need to be smaller. There may be more than one cluster of turbines, but they should be clearly separated so that, although a wind energy development influences the perception of the landscape at close proximity, collectively they do not have a defining influence on the overall. The LSA also provides guidance on siting of wind turbines within the LCT which should be reviewed in order to understand the potential landscape harm arising from the proposal subject to the planning application.

A Landscape and Visual Impact Appraisal (LVIA), by neo Environmental, dated 18 January 2019, has been submitted with the planning application. The LVIA has been prepared by a Chartered landscape Architect. The summary of landscape impacts explains that due to the 'small scale' the proposed turbine will have minimal impact on the characteristics of the Landscape Character, and only add to a number of small to small scale turbines which already feature within the local rural landscape, the nearest of which is a 34.2 metre to blade tip at Coldharbour Farm, approximately 1.3 km to the south east. The summary of landscape impacts concludes that there would be a 'minor adverse' effect to the overall character and landscape fabric of the application site.

Part 3 of the report assesses the 'visual impact,' including the views from the Public Right of Way. The assessment considers recreational routes, transport routes and views from residential properties. Four viewpoints were selected, 1) the intersection of the A3124 and B23217 roads (north of the application site), 2) along PROW at entrance to Eastlake Farm, 3) along the A3124 by Riddlecombe Moor, and 4) Along Aller Road, Dolton.

With regards to view point 1, the proposed wind turbine will be seen alongside other structures, such as a house, road signage, petrol station and telephone poles. At viewpoint 2 the close proximity to the PROW will make the proposed turbine prominent, but only transient views will be seen, and experienced briefly. A high Devon hedgerow obscures. At viewpoint 3 along the A3124 (south east of the application site), the top of the proposed turbine will be seen. At viewpoint 4, along Aller Road, Dolton, the proposed turbine will be barely visible through the outline of tree-lined hedgerows. It is agreed that the relatively small scale of the proposed turbine model and presence of natural and built elements within the receiving landscape will greatly help reduce its potential visibility from the range of receptors found within the study area. In summary the potential visual effects from the receptors at each viewpoint will range between 'Minor to Moderate/Minor adverse effect,' with the majority of receptors views being experienced transiently for a short duration.

In terms of the impact on the users of the PROW, the assessment finds that 'There is some localised disturbance to the tranquillity of receptors such as walkers on the nearest footpath where the proposed wind turbine will introduce a new moving modern feature into the immediate rural landscape. This will quickly dissipate as one moves towards the traffic on the A3124 main road and from which other turbines are visible. The proposal will utilise the existing field entrances for access ensuring field hedgerows are left undisturbed.'

In conclusion, it is considered that given the scale of the single wind turbine and the fact that it is a reasonable distance from other turbines, the addition of a single wind turbine at this scale and location, is in accordance with the landscape strategy, and is not considered to have a detrimental impact on the landscape character (has a 'minor' impact in terms of the impact on the surrounding landscape), and is therefore considered to accord with policies DM04: Design Principles and Policy

ST04: 'Improving the Quality of Development,' DM08A of the Local Plan, the strategy in the 'Assessment of the Landscape Sensitivity to Onshore Wind Energy and Field-Scale Photovoltaic Development in Torridge District (LSA (Land Use Consultants; November 2011),' and the NPPF.

Impacts on heritage assets (including archaeology)

In the Local Plan Policy ST15: 'Conserving Heritage Assets' and Policy DM07: 'Historic Environment' give great weight to preserving and enhancing northern Devon's historic environment.

The site is near to a Scheduled Monument, and despite the County archaeologist commenting that Historic England should be consulted, Historic England have raised no concerns. It is unlikely that, given the distance of 850 metres to the south east of the application site, that there will be an impact on 'Bowl Barrow' (Scheduled Monument).

The Grade II Listed Buildings are also considered to be of sufficient distance for the proposed wind turbine to have no detrimental impact.

The proposal therefore accords with policies ST15 and DM07 of the Local Plan.

Residential Amenity

In the Local Plan Policy DM01: Amenity Considerations in the emerging plan supports development where it would not significantly harm the amenities of any neighbouring occupiers or uses. Policy DM04: Design principles has a principle regarding amenity.

The turbine is considered adequate distance from any neighbouring dwelling (280 metres), to not have an impact in terms of overlooking, overshadowing or being overbearing.

National Policy Statement EN-3 for Renewable Energy Infrastructure identifies 'Shadow flicker' from wind turbines as a potential impact on nearby residential properties. This identifies shadow flicker as the effect caused when an operating turbine is located between the sun and a receptor, such as a dwelling. The effect occurs when the shadow of the rotating blades falls over the dwelling causing the light intensity within specific affected rooms of the occupied building to fluctuate. The document confirms, as research and computer modelling on flicker effects has demonstrated that there is unlikely to be a significant impact at distances greater than 10 rotor diameters from a turbine. The rotor diameter would be 7.5 metres and therefore the shadow flicker from the development could be observed up to 750 metres from the turbine. The NPPG makes clear that only properties within 130 degrees either side of north relative to the turbines can be affected by shadow flicker. Environmental Protection has been consulted and have no concerns about shadow flicker. The proposed turbine is considered adequate distance from residential properties for shadow flicker to not be an issue to residents.

In terms of noise the application was accompanied by a noise assessment which has been assessed by the Local Authority's Environmental Protection team, and they have made the following comment:

In relation to the above application, the noise assessment has been undertaken in accordance with appropriate guidance, namely ETSU-R-97, to derive predicted noise levels. Although the predicted noise levels at nearby third party dwellings are within ETSU noise limits, the noise assessment does not consider the cumulative noise impact, as outlined in the IOA Good Practice Guide, resulting from other wind turbines in the area. The IOA Good Practice Guide mentions that no cumulative excess of ETSU noise limits should occur. Two consented and operational wind turbines are located within a 2km radius of the proposed wind turbine, at Coldharbour to the southeast and East Westacott to the east. However, having regard for the noise limits of the consented wind turbines, a cumulative impact exceeding ETSU limits is very unlikely and subsequently, there should be no detriment to the residential amenity of dwellings.

They advise that if the application is approved that conditions be applied in order to ensure the proposed wind turbine accords with ETSU both individually and cumulatively.

It is considered that the predicted level of noise is unlikely to be an issue. The concerns raised about the residents lack of sleep, affect on mental health, and consequently jobs, etc have been considered in this respect. There is no known evidence that can be afforded weight regarding turbines catching fire which was an additional concern.

In terms of air traffic and safety the Civil Aviation Authority and National Air Traffic Services have been consulted and have made no comments. It is considered that the scale does not raise any concerns in this respect. The Ministry of Defence (MOD) have responded that they have no objection to the proposal.

The impacts of the proposed development are not considered to be detrimental to residential amenity and would be suitably designed for the intended purposes. The proposal would not impact on residential amenity and would accord with Policies DM01 and DM04 of the Local Plan.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the Policy DM08 of the Local Plan considers Biodiversity and requires a net gain. Policy ST14: 'Enhancing Environmental Assets' is also relevant.

A Wildlife Trigger List has been submitted with the planning application, which triggers the requirement for a Wildlife Report.

A 'Supporting Statement' by neo Environmental, dated 20 November 2018 has been submitted with the planning application. Part 4: 'Ecology' outlines the outcome of a 'desk based ecological assessment.' In assessing designated sites, the report includes that 'the relative small nature of this development will not lead to significant impacts for the designated sites or their qualifying features.'

The application is accompanied by a 'Ecological Impact Assessment' by neo environmental, dated 16 January 2019, which includes the results of a Phase 1 Habitat survey. The report assesses the impact on protected species, (not farm animals / horses).

The report concludes that the proposed development is unlikely to have a significant impact on any local wildlife. However, as a precautionary measure, several mitigation measures have been outlined to further reduce any potential impacts for local ecology.

The report concludes, (as well as other species), that:

- in the absence of mitigation, badgers will be significantly impacted;
- in the absence of mitigation it is considered that it is unlikely that bats will be significantly impacted by the proposed development as the turbine has been sited 50 metres from any hedgerow and is of a small scale. The potential risk of collision with bats is likely to be low, and no mitigation measures have been recommended for this species.
- In terms of birds, if the cable trench is constructed outside of the breeding season there will be no significant impacts, but the proposed turbine will have no significant impact.

If the application were to be approved it will important to apply a planning condition that the Mitigation Measures (part 8) in the 'Ecological Impact Assessment' by neo environmental, dated 16 January 2019, are followed.

The proposed turbine is sufficient distance from the SSSI's to not have a detrimental impact, and it is noted that Natural England have no comments to make on this application.

The application therefore accords with Policies DM08 and ST14 of the adopted Local Plan.

Highway issues

Policy DM05: 'Highways' in the Local Plan requires development to have safe and well designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians, and all development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

Devon County Council Highways and Devon County Council Rights of Way have been consulted and have made no comments on this application.

Taking into account the distance back from the highway network, (approximately 80 metres) it is considered the location is acceptable, in terms of 'topple height,' and the proposal is not considered to cause a distraction to drivers along the road, and/or at the junction.

Other than the visual impact for users of the PROW, which is considered to be a 'minor/moderate effect' (will be experienced only briefly) the proposal will not have an impact on the PROW (i.e it will not need to be diverted). The PROW Team at Devon County Council have made no comments.

The proposal therefore accords with Policy DM05 of the Local Plan and the NPPF.

Conclusion

The proposal for a single small-scale wind turbine on agricultural land is not acceptable in principle, because it is not a Community led-initiative or within an area identified for wind energy development in either the Local Plan or Neighbourhood Plan, and is therefore contrary to Policy ST16 of the Local Plan, and national policy. The Local Plan is clear that the policies in the plan should be used as a framework against which planning applications will be considered, should they come forward as a result of a Neighbourhood Plan allocation.

It is therefore recommended that this planning application be refused.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reason:-

- 1 The Local Planning Authority consider that the proposed wind turbine is not a community led-initiative, and is not sited within an area identified as suitable for wind energy development in either the adopted Joint North Devon & Torridge Local Plan or a Neighbourhood Plan, and is therefore contrary to Policy ST16 of the Local Plan, and national policy, specifically Paragraph 154 (and footnote 49) of the National Planning Policy Framework (NPPF).

Plans Schedule

<u>Reference</u>	<u>Received</u>
A10S-10KW	20.12.2018
NEO00553/006I/B	20.12.2018
NEO00553/007I/B	20.12.2018
NEO00553_010I_B	20.12.2018

