

# **MILTON ABBOT GROUPED PARISH COUNCIL**

**(Parishes of Milton Abbot, Chillaton, Dunterton and Bradstone)**

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## **To all Members of the Council**

You are hereby summoned to attend a Special Meeting of the Milton Abbot Grouped Parish Council to be held at **7.30pm on Tuesday 30th September 2014 at Milton Abbot Village Hall** for the purpose of transacting the business set out below.

**H.J. Asbridge, Acting Clerk to the Council**

Tuesday 23<sup>rd</sup> September 2014

## **A G E N D A**

### **Part 1**

#### **1. Apologies for Absence**

#### **2. Declarations of Interest**

#### **3. Application 01013/2014 - Proposed wind turbine, Ramsdown, Milton Abbot**

This application is for the erection of a 500KW wind turbine, having a hub height of 50m and a blade tip height of 77m, together with the formation of a vehicular access track and associated infrastructure.

The Parish Council is requested to determine whether it wishes to support or to object to this proposal, or to hold a neutral view, having regard to:

- (i) the details of the proposal and the various technical assessments of its impact submitted with the application, details of which can be found on WDBC's website.
- (ii) the proposed community benefits package.
- (iii) the views expressed at a public meeting held on 24<sup>th</sup> September and at previous meetings held to consider similar proposals in the vicinity of this application.
- (iv) the views submitted to aardvark, the consultants for the applicant, during the pre-application consultation process.

The Parish Council's views on this application must be submitted to WDBC by Thursday 2<sup>nd</sup> October. It is therefore essential that the views of the Parish Council expressed at this meeting are comprehensive and clearly stated, so that an accurate minute can be produced by the Parish Clerk, with the concurrence of the Chair and Vice-Chair in accordance with the Council's urgency procedure, and then submitted to WDBC in time.

To assist Councillors, given the amount of information associated with this application, the Parish Clerk has prepared the following summary, using extracts from relevant documents wherever possible.

## **Previous proposals**

Since 2011 several proposals have been put forward by the applicant, for wind turbines on Ramsdown.

They are:

06399/2011 A screening and scoping application for a 330KW 92m high turbine on Ramsdown.

00162/2014 A screening and scoping application for a 900KW 77m high turbine on Ramsdown.

01013/2014 The current application for planning permission for a 500KW 77m high turbine and access way on Ramsdown.

Proposal 06399/2011 was considered, together with that for another turbine at Borough, in September 2011. The Parish Council decided that should it be required to comment on an actual application for planning permission, then it would be minded to recommend refusal for the reasons set out in the minutes of its meeting on 29<sup>th</sup> September 2011.

Since that time, the establishment of the NPPF and its impact on local planning policies as well as the difference in the height of the previous and current proposals, make it appropriate for the Parish Council to set aside its earlier consideration of the provision of a turbine on Ramsdown.

Following the 2011 consultation, no application for planning permission was submitted in respect of that proposal. A pre-application consultation process was initiated earlier this year, in respect of proposal 0162/2014. That led to the current application for planning permission [01013/2014].

## **The current application**

At maximum blade tip height, the turbine would be 77 metres high, painted light grey and have an infrared aviation warning light which is not visible to the naked eye. Construction and maintenance of the turbine would be facilitated by an access track made of crushed rock or stone chippings. Clarification is being sought as to the likely power output, based on the actual performance of similar turbines in the southwest and any further information will be reported at the meeting.

Visual impact: The turbine would be sited on Ramsdown, above Milton Abbot village. There are three properties within a 500m radius of the site, about 100 within 1km, a further 18 within 1.5km and another 9 within 2km. All these properties have a potential view of the turbine, as do others further away.

According to the applicant, all those properties within a radius of up to 1.5km would have a localised visual effect of medium to high magnitude and moderate/major significance. Those between 1.5m to 2km would have visual effects of medium to high magnitude and moderate to moderate/major significance. The impact of the visual effect would decrease with increasing distance.

Photo montages showing the likely visual impact of the turbine, from various viewpoints agreed by the applicant with WDBC, are on the planning website and some of them will also be displayed at the meeting.

The visual impact of the turbine has been one of the key issues of concern to the majority of those residents who expressed a view during the 2014 pre-application consultation exercise and at public meetings to consider earlier proposals. It has also been a major element of the objections raised by the Tamar Valley AONB

Cumulative effects: The applicant's Environmental Statement refers to the cumulative effect of existing and proposed wind turbines in the area, when seen from various viewpoints and by motorists and walkers using various roads and footpaths.

The applicant's assessment is that the combined local effects, if the turbines at Tredown and Beckwell farms were installed, would be of low to medium magnitude and of moderate significance. The applicant's assessment of the cumulative effect of the turbines viewed from Brent Tor and against 'consented' turbines to the west, is that they would be of low magnitude and slight significance.

The sequential effect on motorists using the 'A30 to A388 to B3362' and from Lifton to Router, Borough and Ramsdown Cross would be frequent and of medium magnitude. The Tamar Discovery Trail would have a relatively frequent effect of low to medium magnitude.

The applicant states that within about 0.5km of the proposal and the [relevant turbines covered by] Cumulative Assessment Schemes, the landscape character effects would be of a high magnitude and of moderate/major to major significance. Up to 1km, the effects would be of a medium to high magnitude and moderate to moderate/major significance. These decrease to medium magnitude and lower beyond 1km.

The cumulative effects on the Tamar Valley AONB would be significant for a small area of the AONB, according to the applicants. Combined visual effects would be of up to a medium to high magnitude and of moderate/major significance for high sensitivity road users within the AONB.

According to the applicant, the cumulative effects on Dartmoor National Park would not be significant. In effect, the applicant contends that because the view from Brent Tor already encompasses a potential ten turbines, the impact of another would be minimal.

These assessments of magnitude and significance are subjective and there is no statutory definition of significance. In coming to a conclusion about these findings, Councillors should also have regard to the maps showing various aspects of the likely cumulative effect, which will be displayed at the meeting.

The various analyses presented do not take into account the 55 metre high turbine proposed at Cardwell Farm, Long Cross. This was recently the subject of screening and scoping applications and a pre-application consultation exercise.

The Ramsdown application [01013] was received by WDBC on the 9<sup>th</sup> July, validated on 29<sup>th</sup> August and registered on 2<sup>nd</sup> September. The screening application for the Long Cross turbine was validated on the 25<sup>th</sup> July and registered on the 5<sup>th</sup> August. If the current status of the Long Cross turbine is such that it would ordinarily have been included in a cumulative assessment, there would seem to be no reason why a revised assessment could not have been required by WDBC, before application 01013 was validated and registered.

Ecology and biodiversity: The fields that would contain the turbine, associated works and access track are agricultural grassland, with boundary hedges. There are no special features, or indications that vulnerable species would be placed at greater risk by this development. The only issue to draw attention to is that bats follow linear features such as hedgerows and Natural England recommends a distance between such features and turbine blades of 50m. The blades in question would be 52m away from the nearest hedgerow. No mention is made of recent studies in the US and Canada, which indicate that bats are killed by encountering a severe pressure differential as they fly near, but not into, turbine blades.

Noise: On-site and desktop noise evaluations have taken place and have taken account of the cumulative noise that would be generated by the Tredown and Beckwell turbines in addition to this proposal. The applicant states that the cumulative noise levels at Torr Barn [the nearest 'non-connected' residential dwelling] are 3db below the maximum allowed under the ETSU guidelines and concludes that noise is not a material consideration.

Shadow flicker analysis: Torr Barn and Torr Cottages are likely to be affected by shadow flicker, caused when the sun passes behind the rotors and creates a shadow that is then seen through a narrow window opening. The effect is likely to last for a maximum of 29.8 hours at Torr Barn over 66 days and for 24.4 hours over 60 days at Torr Cottages. This would be prevented by automatically shutting down the turbine if sunlight levels during the critical periods were such that flicker would otherwise be created.

Impact on historic buildings and other heritage assets: There are no significant archaeological features on the site of the turbine. There are five Scheduled Monuments, thirty-four Grade II, six Grade II\* and eight Grade I listed buildings within a 5km radius of the site. Eleven more Grade II\* and five Grade 1 buildings and nineteen Scheduled Monuments are within 5-10km. Several of the Scheduled Monuments are Bronze Age barrows and hill forts, located in elevated positions in the landscape.

According to the applicants:

- (i) the landscape is relatively open and exposed and any tall element would be highly visible, but the remnants of the Ramsdown plantation to the north and north-east provide substantial local blocking.
- (ii) Most heritage assets in the wider area are located at such a distance as to minimise the impact of the turbine and would be shielded by local blocking.
- (iii) However, the presence of a new, modern and visually intrusive vertical element in the landscape would impinge on a large number of heritage assets, even though only a small number would be seriously affected. These are primarily parish churches in Milton Abbot, Kelly, Bradstone, Sydenham Damerel and Marystowe.
- (iv) The overall impact of the turbine is assessed as negative/moderate to negative/minor on the basis that most of the heritage assets concerned derive their significance at least partly from their settings.

Community Benefits: The applicant proposes three elements of community benefit that would be secured for twenty years and linked to any changes in Feed in Tariff levels. The details are set out in **Appendix A**.

The Parish Council has previously considered a proposal from this applicant for a more modest community benefits proposal and decided as follows:

*Community benefit payments did not appear to the Parish Council to constitute an adequate means of offsetting the adverse effects of an inappropriately sited wind turbine.*

This is a matter that will have been considered by local residents at the meeting on the 24<sup>th</sup> September and the Parish Clerk will report on the outcome.

Other Benefits: The output from the proposed turbine, estimated to be 2269MWh per year, would contribute to national and local targets for renewable energy and provide an additional income stream for the farming business concerned and thereby benefit other suppliers to that business. The power produced would comply with the Government's policy of disbursed electricity generation near the point of use.

### **Representations received to date**

The applicants have submitted an analysis of 39 representations they received during the pre-application consultation process on 0162/2014, of which 2 were in favour and 37 were against. There are also a considerable number of documents labelled 'Representations' on the WDBC website and

many of those contain individual objections from several residents. The Parish Clerk has not reviewed every application received and there may be some in favour of the proposed development, but the overwhelming majority are opposed to it. Of course, some of those objecting to WDBC will have been included amongst the 37 objecting to the applicants during the consultation process.

The grounds for objecting are varied and have been expressed in different ways, but they centre on the visual impact of the turbine and the increasing degree of cumulative effect, due to the number of proposals put forward recently. Some objectors also refer to the adverse effect on local tourist-based rural businesses.

The outcome of the public meeting to be held on 24<sup>th</sup> September will be reported by the Parish Clerk.

## **Conclusions**

In considering what views it wishes to send to WDBC, the Parish Council should have regard to the relevant policies in the NPPF and those of WDBC. It must also take into account the community benefits proposed in Appendix A.

Despite the simplification inherent in the NPPF, there is, rightly, a tension between proactive support for sustainable development and for renewable energy projects and the need to protect the countryside, support rural economies and protect historic buildings.

These examples illustrate that tension quite well. They are taken from the core planning principles of the NPPF, which should:

take account of the different roles and character of different areas ..... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

support the transition to a low carbon future in a changing climate..... encourage the use of renewable resources (for example, by the development of renewable energy).

conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

That range of national policies is reflected in the West Devon Core Strategy. It has Strategic Policy 1 which provides the framework for sustainable development in the Borough that includes renewable and low carbon energy sources and the protection of historic features and natural and man-made landscapes. SP3 specifically encourages renewable energy developments. SP17, 18 and 19 deal with various aspects of the protection of the natural and historic environment and with biodiversity.

The question therefore for the Parish Council is whether or not any disbenefits of this proposal outweigh the contribution it would make to renewable energy targets and combating climate change to such a degree that the general presumption in favour of developments of this nature should be overruled in this case. In making that assessment it should also take into account the proposed community benefits, having regard to the views expressed thereon at the public meeting.

Having considered the above report and the views of those at the meeting on the 24<sup>th</sup> September, the Parish Council's views are requested.

## **4. Application 01013/2014 – Pre-application consultation process**

The Parish Clerk has become concerned over aspects of the pre-application consultation process carried out in respect of this application. It is, however, accepted that the applicants had sought the advice of WDBC and made clear statements as to what activities had taken place that, in their view, were qualifying actions in accordance with the consultation process.

In this case, a public meeting held about three years ago to discuss a different turbine of a different height on a different site has been held to be a public consultation in accordance with the new duty to consult before making an application. That may be perfectly acceptable; the current proposal is still on land owned by the original applicant, the turbine would be lower and probably quieter. The current application could therefore be seen as a positive response to the original concerns of residents.

On the other hand, it is unsatisfactory that WDBC's guidance lacks a timescale for an application to follow a consultation before a fresh consultation is required and has no constraints on changes in location, output and design of the turbine. In this case, after three years, new residents will have moved near the location. Also, other turbines have been erected or are planned that might have caused some residents to alter whatever view they held three years ago.

The applicant has stated that the turbine would have a visual impact of medium to high magnitude on properties within a 2km radius of the turbine, obviously decreasing as the distance from it increases. The pre-application consultation letter was sent to properties within a 1km radius of the proposed site. Whether or not residents living between 1km and 2km of the site should have received a consultation letter is something that WDBC should surely have assessed when either giving the applicant initial advice or considering whether or not to validate the application as complying with the pre-application process.

Although the Parish Clerk has attempted to obtain guidance and clarification from WDBC on this issue so that he might advise the Parish Council, at the time of preparing this agenda, none had been received.

If the Parish Council shares the concern of the Parish Clerk, then it should presumably seek greater clarity from WDBC as to how it determines appropriate consultation processes when advising applicants and how it evaluates the statements it receives from applicants regarding pre-application consultations.

Unless suitable assurances have been received by the date of the meeting, it is recommended that the Parish Clerk be instructed to seek clarification from WDBC on these issues and on the future involvement of parish councils in determining the scope of any pre-application consultation process, given their detailed knowledge of the local circumstances relating to such applications.

**Ramsdown – Community Benefit and Community Ownership**

If the proposed turbine installation at Ramsdown manages to secure planning permission it will provide a range of community benefits in addition to an element of community ownership. These benefits will be secured for 20 years in line with the FiT income attached to the proposal. All current figures are based on FiT levels September 2014 and may be adjusted in line with changes to FiT rates and degressions.

**1. Community benefit fund** A capital fund will be made available to the community to the value of £10,000/yr (RPI linked). If the project can successfully secure planning permission members of the local community as well as representative groups including the Parish Council will be invited to join a local allocation committee. It will be this committee that determines how the fund is structured, sets priorities for its use and spend and determines how often the fund may open to applications. It may be logical to match these priorities with Parish plans or other relevant local development documents but we also want to ensure everyone who lives in the local area has an opportunity to put their ideas for needs of the community forward.

**2. Community services package** A revenue package will be made available to the community to the value of £10,000/yr (RPI linked) A community development professional(s) will be employed to support the delivery of objectives identified through development of the community fund as well as looking at wider opportunities to grow the fund and secure other grants/finance to expand the fund and increase its capacity to deliver local community needs.

This particular service is being made available to ensure projects can be developed and delivered without relying completely on the time and energy of volunteers that may populate the local allocation committee.

Example: If the Parish wished to install a new public footpath the capital fund could be available to cover some of the capital costs but there will be a requirement to look at the path design, land access issues, legal obligations, securing match funding, tendering works, managing contractors, ensuring health and safety requirements are met, submitting a planning application and a number of other requirements. Without the services package all this responsibility would rest with the allocation committee or local volunteers which is very often a direct barrier to getting local projects successfully delivered.

The development worker will be steered by the local allocation committee, ensuring any projects developed meets local needs and requests.

**3. Community Ownership & local community share offer** Community Power Cornwall was created in 2008 with support from Cornwall Council to facilitate the emergence of a successful community owned energy sector in the County. Community Power Cornwall is a registered Industrial and Provident society (no. 30512 R), has released two public share offers to date and provides a legitimate opportunity to combine commercial and landowner led initiatives with local community ownership. Following this success and expansion beyond Cornwall our sister Co-operative; the Community Power Co-operative was created in 2014.

Again, if the project successfully secures planning permission the Community Power Co-operative will open a local share offer, allowing local people to invest directly into the Ramsdown proposal and gain a direct financial return expected at 5-7%. The Community Power Co-operative will initially limit the share offer to the local area, providing residents around Ramsdown with the exclusive first opportunity to invest and benefit from the proposed development. These shares will be withdrawable, at risk shares in line with common community share offers.