

Development Control Committee

Meeting to be held on 20th January 2016

Electoral Division affected: West Lancashire South

West Lancashire Borough: application number. LCC/2015/0061
Erection of two windturbines and ancillary works.
Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar

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Executive Summary

Erection of two wind turbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar.

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to conditions controlling time limits, working programme, duration of development, decommissioning, construction activities, highway matters, noise and ecology.

Background

A report on a planning application for the construction of two 61 metre high wind turbines on land adjacent to Hillhouse Waste Water Treatment Works, Great Altcar was considered at the meeting of the Development Control Committee on 9th December 2015. The report to the 9th December Committee is attached at appendix A.

After consideration of the report, it was resolved that a decision be deferred to allow a site visit to take place.

Advice

At the 9th December 2015 Committee, three presentations were made under the County Council's Development Control Committee public speaking provisions.

- County Councillor Westley – was a substitute on the Committee but did not know this application was on the agenda when he agreed to substitute. He was aware that the Borough Council had raised an objection and that their Planning Committee had voted 18 / 2 in favour of objecting to the application.

He noted that the Borough Council had raised the June 2015 Ministerial Statement as a basis for objection and he did not consider that the concerns of local residents had been satisfied. CC Westley considered that the area was of value for wildlife – pink footed geese regularly fly over the site and there are many other wildlife interests. He also drew attention to the proposed Lower Alt windfarm on a nearby site which is for 12 x 136 metre high turbines. He considered that a site visit should be undertaken before the application is determined.

- County Councillor Dereli – supported the application and considered that although the weight to be attached to the ministerial statement was considerable, the policy had been addressed by the consultation exercise that had been undertaken. She drew attention to the Paris climate change talks and that the proposals should be supported as a means to tackle global warming. She also noted that the CPRE support renewables and that the application site was a good location for wind turbines
- The agent for the applicant spoke in support of the proposals. He explained that the applicant was United Utilities who wished to generate their own power to cut carbon emissions and to limit price increases on bills. He explained that UU have obtained planning permission at other sites for wind turbines. The proposed turbines would generate around one third of the energy requirements for the works and therefore it was not a commercial wind farm. He also commented that the hub height of the turbines would be the same as the height of the nearby electricity pylons and that from some directions, the woodland surrounding the treatment works would screen views. He considered that the ecology concerns had been addressed and that the proposal had the support of the closest local residents.

A site visit to the application site has been arranged which will allow Members to appreciate the potential visual impacts of the development. The other issues raised in these presentations do not raise any new matters beyond those covered in the report to the 9th December 2015 Committee.

Recommendation

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. Written notification of the date of the following events shall be sent to the County Planning Authority within 7 days of each event:-

a) the commencement of development

b) commencement of electricity generation by either of the two turbines (the first generation date)

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policies EN2 and EN4 of the West Lancashire Borough Local Plan.

3. The wind turbines and other associated development shall be removed from the site by not later than 25 years from the first generation date as notified to the County Planning Authority under the provisions of condition 2 above. The site shall then be restored within a further period of one year in accordance with the scheme and programme of decommissioning approved under the provisions of condition 20 below.

Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy EN2 and EN4 of the West Lancashire Local Plan.

4. In the event that either of the wind turbines ceases to generate electricity for a continuous period of six months, a scheme and programme of repair or turbine removal shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall be submitted within three months of the end of the 6 month period referred to above and shall contain details of either a programme of repairs or details for the removal of the turbine and restoration of the turbine site.

The scheme and programme shall be implemented within 12 months of the date of its approval in writing.

Reason: In the interests of the visual amenities of the area and to conform with policy GN3 and EN2 of the West Lancashire Borough Local Plan.

Working Programme

5. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
- a) The Planning Application and supporting statement received by the County Planning Authority on 29th June 2015.
 - b) Submitted Plans and documents:
 - Figure 4.1 - Site Location Plan
 - Figure 4.2 - Site Plan
 - Figure 4.3 - Turbine Elevation
 - Figure 4.4 - Typical Transformer Building
 - c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policies GN3, EN1, EN2 and EN4 of the West Lancashire Local Plan.

6. No erection of any turbine shall commence until a scheme and programme for the detailed design of the turbines has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include the following details:

- a) the size of the turbines
- b) colours to be used for the tower, nacelle and blades of the turbine
- c) details of the colour of the transformer buildings.

The proposed turbines including blades in a vertical position shall not exceed an overall height of 61 metres.

Thereafter the development shall be constructed in accordance with the approved scheme and programme.

Reason: In the interests of visual amenity and to conform with policies EN1 and EN2 of the West Lancashire Local Plan.

7. All electrical cabling between the turbines and grid connection point shall be installed underground.

Reason: In the interests of the visual amenities of the area and to conform with Policies GN3 and EN 2 of the West Lancashire Local Plan.

8. During their operation, the turbines shall not be fitted with any form of external illumination beyond that required for the safety of aircraft in accordance with the requirements of the Ministry of Defence or Civil Aviation Authority.

Reason: In the interests of the visual amenities of the area and to prevent light pollution and to conform with Policies GN3 and EN1 of the West Lancashire Local Plan.

9. No development shall commence until details of the measures to be employed to prevent interference with radar and other aviation navigation equipment utilised by the Civil Aviation Authority, National Air Traffic Control and the Ministry of Defence has been submitted to and approved in writing by the County Planning Authority.

The approved measures shall be implemented at all times during the duration of the development.

Reason: In the interests of aviation safety and to conform with Policy EN1 of the West Lancashire Borough Local Plan.

10. Prior to the first generation date, a scheme and programme of investigation of any interference to any television signals by the operation of the turbines and for the remediation of such interference caused by the operation of the development shall be submitted to the County Planning Authority for approval in writing.

The scheme shall provide for any complaints regarding interference to television reception to be referred to the County Planning Authority and shall describe the remedial measures to be undertaken by the turbine operator to investigate and resolve such complaints should they be received.

The turbines shall be operated in accordance with the scheme and programme at all times.

Reason: To ensure that the turbines do not interfere with television reception and to conform with Policy EN1 of the West Lancashire Local Plan.

11. The wind turbines hereby permitted shall be erected at the locations shown on figure no. 4.2. Notwithstanding the terms of this condition, the wind turbine and crane pad may be micro sited within the area hatched blue on figure 4.2 together with any consequential realignment of the access tracks between the turbine locations and site access provided that neither of the turbines are sited within 50 metres of the landscaping planting forming the western boundary of the Hillhouse Waste Water Treatment Works

Reason: In the interests of visual amenity and to conform with Policy GN3 and EN2 of the West Lancashire Local Plan.

12. The rating level of noise from the wind turbines when measured at Milbourn's Cottages or no. 1 Wood Lane in accordance with the guidance set out in ETSU - R - 97 shall not exceed the noise limits set out for day and night time noise in tables 8.3 and 8.4 of the Environmental Statement.

Reason: In the interests of the amenities of local residents and to conform with policy EN1 of the West Lancashire Local Plan.

Construction Operations

13. No development shall commence until a construction method statement has first been submitted to the County Planning Authority and approved in writing.

The method statement shall contain details of the following:-

a) a traffic management plan to include operational arrangements for the management of HGV's and abnormal loads to and from the site together with details of any temporary works required to existing highway infrastructure to accommodate such traffic movements.

b) details of mitigation measures for ecological interests on adjacent farm land if construction works are to be undertaken during the over wintering period

between 31st October and 31st March. Such measures shall including erection of screening fencing or other works to reduce disturbance to birds using the adjacent farm land.

The proposals contained in the approved traffic management plan and ecological mitigation measures shall be implemented throughout the duration of construction and decommissioning works.

Reason: In the interests of highway safety and ecology and to conform with Policy GN3 and EN2 of the West Lancashire Local Plan.

14. a) No construction development, delivery or removal of materials shall take place outside the hours of:

08.00 to 17.30 hours Monday to Friday (except Public Holidays),
08.00 to 13.00 hours on Saturday.

No construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the use of pumping equipment and the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy GN3 of the West Lancashire Local Plan.

15. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EN1 of the West Lancashire Local Plan.

16. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site during construction or decommissioning operations to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with and policy EN1 of the West Lancashire Local Plan.

17. All plant, equipment and machinery used in connection with the construction and decommissioning of the turbines shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy GN3 of the West Lancashire Local Plan.

18. Measures shall be taken at all times during the construction and decommissioning of the turbines to minimise the generation of dust. Such measures shall include the fitting of dust suppression measures to construction equipment and the watering of all access tracks.

Reason: In the interests of local amenity and to conform with Policy GN3 of the West Lancashire Local Plan.

Archaeology

19. No development shall take place until a scheme and programme for archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the County Planning Authority.

The archaeological work contained in the approved scheme shall be undertaken during all soil stripping exercises and construction of turbine foundations.

Reason: In the interests of archaeological investigation and to conform with policy EN4 of the West Lancashire Local Plan.

Ecology

20. Prior to the first generation date, a scheme and programme of bat monitoring for the post construction period shall be submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
- a) details of the surveys to be undertaken in the first year following the first generation date including locations of survey positions and methods of surveying.
 - b) the reporting of results to the County Planning Authority covering the periods between April to June, July and August and September and October.
 - c) the report for September and October shall contain an evaluation of the survey results, details of any mitigation measures that are needed to reduce impacts on bats and an evaluation of the need to undertake further survey works.

The bat monitoring shall be undertaken in accordance with the approved scheme and programme.

Reason: In the interests of ecology and to conform with Policy EN2 of the West Lancashire Local Plan.

21. Prior to the first generation date as defined in this permission, a scheme and programme of barn owl mitigation measures shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall provide for the following:-
- a) details for the erection of predator proof fencing around the base of each turbine including location and design of fencing.
 - b) the management of habitats within the fenced area.
 - c) details of monitoring for barn owl casualties within the fenced area including reporting of monitoring results to the County Planning Authority and duration of monitoring period.
 - d) details of the works to be undertaken to the existing hanger building within the waste water treatment works including measures to exclude barn owls and details of surveying to be undertaken prior to any works commencing to the building in order to confirm the absence or presence of the species. No exclusion works shall be undertaken between 1st March and 31st August if the surveys confirm the presence of barn owls within the building.
 - e) details of a replacement barn owl roosting / nesting box to be erected including design of box and details of installation including location. The box shall be installed at least 30 days before any exclusion works are undertaken to the existing building under the provisions of d) above.

The replacement barn owl roosting / nesting box shall required by e) above shall be erected in accordance with the approved details prior to the first generation date.

Reason: In the interests of ecology and to conform with Policy EN2 of the West Lancashire Local Plan.

Decommissioning and Restoration

22. Within 24 years of the commencement of development as notified to the County Planning Authority under the provisions of condition 2 above, a scheme and programme of decommissioning works for the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:-
- a) removal of the turbine structures, and all cables, transformer buildings and perimeter fencing.

- b) breaking out of turbine foundations and crane pads to a depth of not less than 1 metre below ground level.
- c) spreading of soils, cultivation and seeding.
- d) removal of all access roads and restoration of the land occupied by such roads.

Upon completion of the restoration works, the site shall then be managed for a period of five years including reseeding works, control of invasive weeds and measures to ensure proper drainage.

Reason: In order to ensure the proper restoration of the site and to conform with Policy GN3 and EN2 of the West Lancashire Local Plan.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2015/0061		

29th June 2015

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Reason for Inclusion in Part II, if appropriate

N/A