PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**NOTE:**

Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Growth and Localism’s final determination.

Key to letters included within application reference number to identify application type – e.g. 07/96/3000/A – application for consent to display an advert

- **A** Advert
- **AD** Certificate of Alternative Development
- **CA** Conservation Area
- **CU** Change of Use
- **D** Reserved Matters (Detail following outline consent)
- **F** Full (details included)
- **H** Householder – Full application relating to residential property
- **C** Application to be determined by County Council
- **G** Proposal by Government Department
- **HZ** Hazardous Substance
- **LB** Listed Building
- **LE** Certificate of Lawful Existing development
- **LP** Certificate of Lawful Proposed development
- **O** Outline (details reserved for later)
- **SU** Proposal by Statutory Undertaker

**Key to abbreviations used in Recommendations**

- **S.P.** Structure Plan
- **S.N.L.P** South Norfolk Local Plan
- **P.D.** Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified).
- **DPHBE** Director of Planning, Housing and the Built Environment
1 Appl. No : 2013/0725/F
Parish : PULHAM ST MARY

Applicants Name : Upper Vaunces Wind Farm Ltd
Site Address : Land East Of Semere Green Road (forming Part Of Upper Vaunces Farm) Pulham Market And Dickleburgh (with New Access From The A140)
Proposal : Erection of three wind turbines (maximum 126m in height) and associated development for a period of 25 years, including control building, electricity transformers, underground cabling, access tracks, crane hardstandings and vehicular access

Decision : Members voted unanimously for REFUSAL

Approved with conditions

1. Unacceptable impact in the landscape, and that the revised location of the turbines has not overcome the concerns of the Inspector in this regard.
2. The siting of the turbines would continue to have a harmful impact on the setting of St Mary's Church Rushall.
3. Overall it is felt that the revised proposals would still lead to substantial adverse impacts to the living conditions of a number of properties.
4. Insufficient and inadequate information has been received in respect of contaminated land to enable the application to be appropriately considered.
5. Lack of sufficient ecological information

Members resolved that authority be given to officers to discuss with legal counsel exact wording to be used with regard to reasons for refusal ahead of appeal.

Updates

Pulham Market Parish Council - wishes to object to planning application 2013/0725 on the grounds that it believes the applicant has not sufficiently amended the proposals from its previous application in order to rectify the objections raised by the planning inspector and that it believes the proposals continue to contravene South Norfolk Councils own planning policies.

SNC: Ecologist - I have reviewed the correspondence, namely the comments by Dr T Reed and Mrs S King, 11 October 2013 and the tabulated views ‘Data Reliability: Summary of survey deficiencies with supporting evidence’. In my view, there are three fundamental issues to address with this case before determining the application.
Birds
Overall there are many points which refer to the deficiencies in the ornithological surveys. Whilst I agree with some of these other comments which refer to best practice were, in reality, within reasonable range of the recommended specification. For example, advice says breaks in observation periods should occur after 3 hours, and these were extended to 4 hours. It must be stated that this is guidance and standing advice, and this deviation would not, in my view, may not be significant. Similarly, the location and arc of observation being larger than the recommended 180 degree field of view, whilst being far from ideal, again will not alter the results drastically. The location of the vantage point surveys was not ideal as they were inside the site boundary and increase the risk of disturbance to the birds. However SNH 2009 guidance states that if the VP survey positions are not placed outside the boundary, they should be placed ‘as close to the site boundary as possible…’ ‘as’ acuity of observations will decrease with distance’. Therefore if they were placed further away the likelihood of observation error would increase. The VP points were at the very least a balance between the two factors.

There is doubt over whether a phase 1 survey was updated to reflect changes to the habitat since the original surveys were undertaken. Figure 8.3. showing the phase 1 habitat survey notes that the updated information was added by the applicant and not a professional ecologist.

1. If the updated phase 1 survey has been conducted by Atkins then it should be included. Without a full assessment it is not possible to make an assessment to judge whether there been changes sufficient to warrant additional updated surveys?

I do not agree with Dr Reed and Mrs King's comments on the desktop study, as the E.S. was correct to include records from the local record centre, NBIS, as it is standard practice to do so. Absence of records is by no means confirmed absence of species, as the disclaimer states. Local records are used as part of the process to determine the need for further surveys.

Where Dr Reed and Mrs King have highlighted points which cause concern is over the missing original surveys which were omitted from the E.S. There are claims that the data was changed from the original. Dr Reed and Mrs King suggest that species such as Golden Plover were recorded in 1000s and 100s in the raw data and the E.S. quoted 10s. This point must be verified before determination.

2. It is not possible for the LPA to determine the application without access to the missing original ornithological survey data.

Bats
I am not yet satisfied that the developers have proven that the turbines’ blade tips are a minimum of 50m from the tip of vegetation used by foraging bats. Figure 8.1 is not sufficient scale to judge this. Drawing No. GB0008 P112 Rev A shows T1 to be well under the required 50m. Natural England’s TIN 069 shows the diagrams we expect to see from the applicant:

3. There is uncertainty as to whether best practice has been followed for bats. The applicant will have to supply diagrams and drawings to display this minimum distance from turbine tip to the tip of the nearest bat foraging feature so that best practice has been followed. This will fulfil our duty to the Habitats Directive on EPS.
Conclusions

Essentially, although I have some level of concern over positioning three large turbines between two reservoirs, I do not presently find enough evidence to suggest that there will be impacts on wildlife. I will stress that as there is use of the site by a variety of species including at higher at risk species such as raptors, there will need to be considerable long-term monitoring at this site. This should be minimum 15 years post construction monitoring and include surveys of a control site (SNH 2009 circular). This is not annually after 3 years but spread throughout the 15 years. I would have been in agreement with Natural England’s most recent comments, had the original ornithological surveys been submitted.

Recommendation

Without the following information, I will have to recommend refusal on the grounds of lack of adequate ecological information.

- On the subject of ornithological surveys, there is missing key information from the E.S. the question over the phase 1 habitat surveys and more importantly original ornithological surveys.

- On the issue of bats, the application lacks adequate diagrams and plans showing the distance from turbine tip to the tip of the nearest bat foraging feature is at least 50m. These will have to be submitted by the applicant before the applicant can be determined.

If this information is produced then I can make a further assessment of the application.

Officer – par 4.55 of the report – please note that the applicants were not formally re-consulted on this application. This is an error in the report. The comments of the Ecologist are set out above.

Having taken into account comments of the Ecologist, an additional reason for refusal on the grounds on a there being a lack of sufficient ecological information is recommended.

Env. Services - The application site forms part of the larger site which was occupied by the former RNAS / RAF Pulham. The former RNAS / RAF Pulham site is known to have had a number of past military uses which have the potential to give rise to land quality issues e.g. the application site was known to have been used for munitions storage with there being evidence that munitions were found on the former RNAS / RAF Pulham after it was decommissioned.

The proposed use is one that is not considered to be particularly sensitive to land quality issues and the information available would not point to the site being affected by land quality issues to the extent that the proposed development is not practicable. Thus we consider that the matter of land quality could be adequately addressed by conditions to any approval.
Additional update at Committee

Tivetshall Parish Council - reiterate their opposition to TCIR’s application for three wind turbines at Semere Green. The view east from Tivetshall will be dominated by the turbines as photographs of the blimp flight on 9\textsuperscript{th} April 2010 and submitted earlier depict.

Also the ancient ruin of St Mary’s Church Tivetshall which is Grade 2\textsuperscript{*} listed by English Heritage, will be compromised and the turbines to the east will dominate the skyline.