



REPORT TO: District Development Control Committee

DATE: 4th November 2004

REPORTING OFFICER: Director of Technical Services
Mr A Hough

SUBJECT: To seek Committee resolution on application No 6.99.144.A.EIAMAJ by National Wind Power - Wind Farm - Land at GR 423069/455946 Knabs Ridge Between Skipton Road and Penny Pot Lane, Felliscliffe, Harrogate, to be determined on appeal by the Secretary of State:

CASE NUMBER: 04/02100/EIAMAJ

APPLICATION NO. 6.99.144.A.EIAMAJ

GRID REF: EAST 423069 **NORTH** 455946

DATE MADE VALID: 19.05.2004

TARGET DATE: 08.09.2004

WARD: Lower Nidderdale

APPLICANT: National Wind Power
AGENT:

PROPOSAL: Erection of 8 wind turbines, 1 anemometer, formation of new vehicular access and erection of substation and associated equipment.

LOCATION: Land At GR 423069/455946 Knabs Ridge Between Skipton Road And Penny Pot Lane Felliscliffe Harrogate North Yorkshire

REPORT

THE ENVIRONMENTAL IMPACT ASSESSMENT

Environmental Impact Assessment (EIA) is a process by which information about the environmental effects of a project is collected, evaluated and taken into account in its design, the decision as to whether it should be granted consent, and how it is subsequently to be built, operated and dismantled should consent be forthcoming. The developer presents the information on the project and its environmental effects in an Environmental Statement (ES).

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, (EIA Regulations), list developments for which EIA is mandatory (Schedule 1 developments) and those for which the need for EIA is judged by the local planning authority (Schedule 2 developments). The decision for Schedule 2 developments is made on a case-by-case basis depending on the significance of potential environmental effects. In this instance and following guidance contained within the Regulations the applicants recognised that an EIA was required for the development and the scheme was progressed on that basis with the preparation of an ES.

In accordance with the EIA Regulations a formal scoping opinion was sought from the Council in February 2003 in order to ensure that the ES contained all relevant information to evaluate the environmental effects of the proposed development. The Council responded to the scoping request in June 2003.

SITE AND PROPOSAL

The proposed wind farm site is located at Knabs Ridge on land at grid reference 423069/455946. The site which is approximately 5km west of Harrogate and 2.5 km east of Menwith Hill is situated between the A59 Harrogate /Skipton Road and Penny Pot Lane to the south.

The site is situated on an upland plateau and covers an area of approximately 80 hectares. The landform falls gently to the north and east from the more elevated southwestern corner of the site. To the north of the site and the A59, the land falls away into the valley occupied by Kettlesing and similarly to the south of the site, the land falls away as a convex south facing valley side. The site occupies an open countryside location and lies adjacent to the Nidderdale Area of Outstanding Natural Beauty (the boundary of which lies on the northern side of the A59).

The site itself is generally flat and primarily consists of agricultural land that is predominantly used for grazing. The land is classified as predominantly Grade 5 and 4 agricultural land (very poor and poor). An existing anemometer mast is located to the western boundary of the site. This mast was granted temporary planning consent for a period of two years under planning application reference No. 6.99.144.FUL. The mast is 40 metres in height. There is a small pond on the site and a number of relatively minor watercourses, mainly drainage ditches crossing the site. A public right of way (PROW) crosses the site in a north/south direction towards the western boundary of the site.

The proposed wind farm occupies a much smaller area of the total site and is to be accessed via Penny Pot Lane. The proposal is to construct and operate a wind farm comprising 8 turbines and associated infrastructure. It will involve the upgrading of existing and construction of new access tracks, a new sub-station to step up the electrical output for transmission through the local distribution system and a permanent meteorological mast. The eight turbines are sited in a configuration consisting of two lines running parallel to both the A59 and Penny Pot Lane. Turbines 1-4 occupy a central location within the site with turbines 5- 8 located closer to Penny Pot Lane itself. The proposed sub station is to be located adjacent to the access at Penny Pot Lane.

The proposed turbines are to be of the horizontal axis type, with a rotor consisting of three

blades, each up to 34 - 38m in length. The blades will be mounted to the wind turbine hub (or nacelle) at a height of approximately 60m. The turbines would therefore have a maximum height of 98metres to the vertical blade tip. Blades will rotate at approximately 8-22 revolutions per minute, generating power for wind speeds between 9-56 mph.

The sub- station would consist of a single storey building of approx dimensions 7.5m x 20m that would be sited within a compound protected by security fencing. Details submitted indicate that the proposed anemometer could extend to 75metres in height but would be of a slim lattice construction similar to the mast already in situ.

The wind farm will be connected into the national grid distribution system, though such connections are subject to a different consenting process to the wind farms themselves. This aspect has not been considered in detail by the ES and will be subject to a separate assessment by the Statutory Authority. It is however expected that the wind farm will most likely be connected into the local distribution system at Harrogate to the east of the site.

The applicants have confirmed that following discussion with Northern Electric (NEDL) such connection is to be via an underground connection in the service trench following the A59 towards Harrogate. There will therefore be no pylons/wooden poles or overhead cabling.

The wind farm is designed with an operational life span of 20 years. At the end of this period, the applicants may dismantle and remove the turbines, apply for an extension to the operating period using existing equipment, or apply for an extension to the operating period using new turbines. For the purposes of the EIA it is assumed that the turbines and above ground equipment will be removed.

MAIN ISSUES

- (1) LAND USE
- (2) AVIATION SAFETY
- (3) LANDSCAPE AND VISUAL IMPACT
- (4) RESIDENTIAL AMENITY
- (5) HIGHWAY SAFETY
- (6) ARCHAEOLOGY
- (7) GROUNDWATER AND POLLUTION CONTROL
- (8) IMPACT UPON PUBLIC RIGHT OF WAY
- (9) NATURE CONSERVATION
- (10) EXISTING INFRASTRUCTURE, TELECOMMUNICATIONS, TELEVISION,

RELEVANT SITE HISTORY

SCOPING OPINION submitted February 2003 - HBC response June 2003

6.99.144.FUL - Temporary consent for 40m high anemometer pole PERMISSION GRANTED for a period of 2 years 10.06.2003

6.99.144.B.EIAMAJ - Duplicate application for the erection of 8 wind turbines, 1 anemometer, formation of new vehicular access and erection of sub station and associated

equipment. PENDING CONSIDERATION.

CONSULTATIONS/NOTIFICATIONS

English Nature

Concur with the EIA appraisal in respect on Flora and Fauna but would add that it is likely that some breeding birds will be affected. Given this impact we would like to see the construction period start in August rather than July.

Countryside Agency

Identify a sequential approach to site selection and identify that alternative sites to the present proposals should be fully explored to assess whether the impact on the character of the Nidderdale AONB in particular can be reduced.

Environment Agency

No objection subject to the imposition of conditions.

British Gas TransCo

Not affected by the proposal

The British Horse Society

No comments received

Environmental Health

Recommend the imposition of conditions but highlight a potential impact upon nighttime noise in respect of High Moor Caravan Park.

Heritage Unit of NYCC

Require an archaeological appraisal prior to determination. In the absence of such information refusal is recommended.

Civil Aviation Authority

Leeds Bradford International airport object to the development on the grounds of aviation safety

Policy Dev Unit NYCC

Recommend refusal of the application. The scheme is contrary to PPG7, Policy N3 of RPG12 and Structure Plan Policy E1. Significant adverse impact upon the AONB. Lack of county wide selection process has been undertaken.

H.B.C Land Drainage

No objection provided the requirements of the Environment Agency are met in full.

English Heritage

Do not wish to make representations.

Highway Authority

Concern has been expressed regarding driver distraction but the Highway Authority has not been able to find any evidence of similar developments causing problems with driver

distraction and thus accidents. No objection subject to conditions

Health and Safety Executive

No comments to make on this environmental statement

Rural Strategy Officer

No objection subject to the imposition of conditions

Landscape Officer

See Assessment

Local Plans Policy

See Assessment

City of Bradford Metropolitan Council

No comments received

Craven District Council

No comments received

Leeds City Council

No comments received

MOD Safeguarding and Byelaws

Holding response -comments are awaited

Yorkshire Dales National Park

No comments received

Ramblers Association

Object to the development

Ramblers Area Countryside Officer

Object to the development on the grounds of a serious adverse visual intrusion, operational noise, insignificant attention to potential hazard factors such as ice fall and shadow flicker. Windpower is uneconomic

Royal Society for Protection of Birds

The RSPB is supportive of renewable energy projects providing that adverse impacts upon wildlife are avoided. Provided the recommendations in the EIA are adhered to, then the RSPB has no objection.

Felliscliffe Parish Council

Felliscliffe

Killinghall Parish Council

Killinghall

Ilkley Parish Council

Ilkley

Yorkshire Wildlife Trust

No comments received

AONB - Joint Advisory Committee

The Joint Advisory Committee strongly objects to the proposal to construct a wind farm at Knabs Ridge due to the significant and adverse impact on the Nidderdale AONB.

The Coal Authority

Standard Informative

Harrogate Civic Society

The small capacity of the proposal needs to be balanced against the impact upon the AONB.

The Office of Communications

Identifies that a BT link may be affected by the proposal

NY Police Headquarters

No comments received

Yorkshire Water

No observations are required

Northern Utility Services Ltd

No objection provided that our rights are not affected and we continue to enjoy rights of access to the apparatus for maintenance, replacement or renewal works necessary

NEYNL Strategic Health Authority

No comments received

Department of Trade and Industry

No comments received

British Telecom

No comments received

Mercury Communications

No comments received

Racal Vodaphone

No comments received

BBC

Developer should enter into a S106 to secure appropriate television reception. The wind farm is not expected to have a detrimental effect upon national or local radio reception.

NTL

No comments received

ITC

No need for consultation -OFCOM consultation required

Trinity House Engineering Department

No objections are raised against what has been suggested

Home Office

No comments received

02 UK Acquisition Development

No comments received

Marine and Coastguard Agency

No impact on the telecommunications or radio-communication infrastructure used by the Maritime and Coastguard Agency

Economic Development Officer

The proposal does not create significant jobs. Windfarms may have been seen as 'novel' and attracted visitors, but this is now reducing and may have a marginal negative impact on tourism (but not significant). Helps farm diversification.

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 18.06.2004

PRESS NOTICE EXPIRY: 18.06.2004

REPRESENTATIONS

Felliscliffe Parish Council - Objects to the development on the following grounds. Please note the following represent a summary of the objections received. For the full text please see APPENDIX 1.

- Supports the concept of renewable energy but does not support the selection of the proposed site for the wind farm.
- Contrary to policies contained within NYCC structure plan and HDLP
- Visually intrusive
- Visually intrusive towards the AONB
- Dominate the area immediately outside Harrogate and the gateway to the dales
- Development should be in remote areas
- A postal survey of all parishioners 77% responded of which 80% against the development
- Concern that the impact upon the local community is considered irrelevant in the Scoping Report
- Concern at the proliferation of intrusive developments in the immediate vicinity
- The concept of road safety is insufficiently addressed -driver distraction on an already dangerous road.
- Concern that 'flicker' will create a strobing effect
- Adverse impact upon tourism
- The development would not create jobs
- Infrastructure would affect storm water drainage
- Concern regarding the creation of noise

- Concern regarding the effects of infra sound
- Penny Pot Lane is not suitable for construction traffic
- Detrimental effect on wildlife and birds
- Lack of evidence regarding alternative sites
- No reference to an earlier proposal tabled some years ago for a windfarm to the west of the site that was withdrawn on the grounds of insufficient wind

The following Parish councils have also objected to the development. Again the text is summarised and to see the full text this is available at Appendix 2.

Killinghall Parish Council - Objects to the development.

- Visual impact
- Traffic
- Noise

Ilkley Parish Council - Objects to the development

- Visual intrusion /effect on landscape
- Noise
- Architectural and Cultural Heritage
- Power generation

Birstwith Parish Council- Objects to the development

- Highway safety the siting of eight 98metre turbines adjacent to a major road declared recently to be the most dangerous road in Great Britain by the AA is unacceptable.
- Adverse impact upon the Nidderdale AONB

Washburn Parish Council- agree with Felliscliffe Parish Council objections to the scheme.

OTHER REPRESENTATIONS

308 letters have been received making representations of objection.
100 individual letters of support have been received in addition to a petition of 206 signatures.

The following points have been made:

Objections: -

Adverse visual intrusion into the countryside adjacent to the Area of Outstanding Natural Beauty.

Loss of the peaceful beauty of Nidderdale.

A planning inspector has recently refused Harrogate Rugby Club's intended expansion on the same side of town on the grounds of protecting the landscape and preventing visual intrusion.

The height of the turbines would be visually intrusive over long distances from e.g. Ilkley

Moor.

Affecting aircraft safety due to interference to Leeds/Bradford airport radar system.

Height of the turbines could cause a danger to light aircraft in bad weather.

Impaired Television reception.

Road safety/traffic hazard (blade glint and strobe effect distracting driver concentration) on the A59, one of the most dangerous stretches of road in the country.

Pennypot Lane, already suffering from an increase in traffic as a result of the roundabout at its junction with Otley Road, is totally unsuited to the volume of traffic which will be generated.

Disturbance during construction increasing road safety risks with vehicles turning off or joining the A59

Situation is alongside one of the main arterial routes into Harrogate.

Health hazard due to noise pollution.

Noise from the turbines will have an adverse effect on the economy of the adjacent caravan park.

Undesirable effects on the local residents with the loss of residential amenity.

Disruption of the natural habitat and local ecology.

The disturbance to natural sub-soil drainage caused by the huge foundations will be catastrophic.

Devastating effect on the bird life.

Disturbing of farm animals.

Already have the domes at Menwith Hill, the Army Academy and Mantons in the immediate area.

The presence of one or more eyesores does not justify the introduction of others.

The amount of concrete needed for foundations and roads would suggest that this essentially agricultural site would not revert back to agricultural use.

Surveys supporting the application are incomplete.

House values will be seriously depressed.

Damage the Tourist trade.

No benefit to the village of Kettleasing.

The public footpath through the site will be lost

The proposals ignore PPG advice with regard to the minimum separation distances from a single pylon to the nearest dwelling.

Contrary to Local Plan Policies C1, C15, C16 and C17

Contrary to North Yorkshire County Council Structure Plan Policies.

Not against renewable energy but in this instance do not consider the benefits outweigh the sacrifice of the visual destruction of Nidderdale.

Turbines are inefficient and not a viable alternative to thermal power generators.

Conventional power stations have to be kept operational at a minimum of 50% capacity ready to come on stream at a moments notice when the wind turbines are shut down.

The cost of subsidising a 500Kw turbine (£55,000 per annum) would be better spent subsidising home insulation.

The turbines are being subsidised by the Government to meet unattainable targets and provide the owners and operators with decent profits with no benefit to local people.

77% of wind farm applications are refused.

Effect on cutting greenhouse gas emissions will be negligible as the Government target of 10% of the UK's electricity production would still account for only 33% of UK greenhouse gas emissions. The total world emissions would be cut by only 0.06%

Question the means by which the power generated by the turbines is to be routed and

concern that it will result in an increase of overhead power cables.

Government's present policy is resulting in the ruination of the countryside in a piecemeal and haphazard fashion.

If the Government is serious about obtaining clean energy from wind farms they should be in large blocks off-shore and not land-based.

The Danish Government recently cut subsidies for wind power so drastically that plans for 3 more offshore wind farms have been put on hold.

By pinning our hopes on wind power we are creating tomorrows blackouts

This proposal will set a precedent for further turbines.

More rational thought should be given to nuclear power which does not produce greenhouse gasses. For the money that will be spent on subsidies for renewables by 2010 the nuclear industry says it could build 5 nuclear plants outright.

Although fashionable to generate electricity from renewable energy sources, there is not one nuclear power station that has closed down worldwide due to the building of wind farms.

More government grant aid be provided to encourage solar power.

Support for a more environmental use of water e.g water turbines in the Nidderdale and Washburn Valleys.

Support for the use of Biomass technology.

Query the cost of land purchase, construction and annual maintenance balanced against the expected savings over the life of the turbines.

If Council members approve the application and the turbines disturb the way of life of the residents of Knabbs Ash, compensation from the Council will be sought.

We elect councillors to look after our interest and trust that once elected they will do just that. Hope that the councillors concerned with this daft idea will bear that in mind.

Support: -

The community of Harrogate and Nidderdale would be making its contribution to secure our country's future electricity supplies in a way which both reduces the greenhouse effect and at the same time maintains our independence from potentially unstable countries where future fossil fuel supplies will have to be sourced.

It would make a major contribution to North Yorkshire's target of generating 183 MW by renewable means by 2016 and the Governments target of reducing CO2 emissions by 20% by 2010.

Will reduce oxides, sulphur and nitrogen in the atmosphere that cause acid rain.

No more nuclear power stations are to be built in this country. There is no coal worth mining. North Sea Gas will soon be used up and there is no oil to drill for. Soon we will not be self sufficient. With climate change, wind power will be a partial solution and a step in the right direction. The turbines will create thought, discussion and research into either reducing the need for energy consumption or buy time until new energy sources are discovered.

The application is supported for a more secure and environmentally friendly future.

The wind farm will be beneficial to our community and the environment.

Wind power alone cannot provide us with all our energy requirements and even when the wind does not blow, something is better than nothing.

Renewable forms of energy should be encouraged to help reduce greenhouse gasses. Wind power is clean, does not produce dangerous waste or contribute to global warming. It is one of the ways forward for harnessing nature to provide us with electricity. Much of the anxiety raised locally is borne of lack of knowledge and fear of the unknown and an unwillingness of the complainants to furnish themselves with factual knowledge. They can raise the level of feeling by misleading others with half-truths.

The impact on the landscape is not sufficient to warrant stopping this important development.

A well chosen site that will not detract from the natural beauty of the area.

No reason to reject this application in terms of the visual impact due to the close proximity of the Menwith Hill complex and Forest Moor.

The location would appear ideal as it is near the Menwith Hill "Golf Balls" and can only add to the futuristic appearance of the area.

A fascinating/attractive feature in an ordinary landscape.

The sight of the turbines will be kinder to the eye than the "Golf Balls", are preferable to pylons and more pleasing than a nuclear power station.

More attractive than many huge modern barns in the landscape.

Attractive graceful structures that would stand as a proud symbol of Harrogate Council's commitment to a clean and sustainable future.

The turbines will be a good tourist attraction which will be good for the area and put Harrogate on the map.

Windmills have always been a popular landmark in the English countryside.

Having travelled widely and seen both clusters and individual turbines, they are not ugly or obtrusive.

The lobby that comments that each turbine needs a concrete base the size of an Olympic sized pool, whether true or not, is irrelevant as it will be below ground level.

Having lived in close proximity to several turbines I can say how little they impacted on my daily life.

Blade glint and strobe effect is very rare. It can be countered by planting trees or hedges alongside the road so the blades are not visible to car drivers.

Noise from the turbines will probably be drowned out by traffic noise.

Given to understand that all airports object to wind farms.

We are fortunate in Harrogate to be able to access this free supply of potential energy and it is our moral and civic responsibility to use it.

Wonderful to see such a demonstration of Harrogate Council's forward thinking and environmental concern.

This is an opportunity to make a difference for all our futures. Don't let this and future generations down.

RELEVANT PLANNING POLICY

PPG1 General Policy and Principles

PPS22 Planning Policy Statement 22: Renewable Energy

PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas

PPG8 Planning Policy Guidance 8: Telecommunications

PPG9 Planning Policy Guidance 9: Nature Conservation

PPG16 Planning Policy Guidance 16: Archaeology and Planning

PPG21 Planning Policy Guidance 21: Tourism

- PPG23 Planning Policy Guidance 23: Planning and Pollution Control
- PPG24 Planning Policy Guidance 24: Planning and Noise
- SPE1 North Yorkshire County Structure Plan Policy E1
- SPE2 North Yorkshire County Structure Plan Policy E2
- SPE6 North Yorkshire County Structure Plan Policy E6
- SPE7 North Yorkshire County Structure Plan Policy E7
- SPR4 North Yorkshire County Structure Plan Policy R4
- SPR5 North Yorkshire County Structure Plan Policy R5
- LPCF12 Harrogate District Local Plan (2001, as altered 2004) Policy CF12: Renewable Energy
- LPC01 Harrogate District Local Plan (2001, as altered 2004) Policy C1: Conservation of Nidderdale A.O.N.B
- LPC02 Harrogate District Local Plan (2001, as altered 2004) Policy C2: Landscape Character
- LPC15 Harrogate District Local Plan (2001, as altered 2004) Policy C15: Conservation of Rural Areas not in Green Belt
- LPR11 Harrogate District Local Plan (2001, as altered 2004) Policy R11: Rights of Way
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- LPA02 Harrogate District Local Plan (2001, as altered 2004) Policy A2: Development Sensitive to Pollution
- LPA04 Harrogate District Local Plan (2001, as altered 2004) Policy A4: Water Amenity
- LPA07 Harrogate District Local Plan (2001, as altered 2004) Policy A7: Unstable Land
- LPHD04 Harrogate District Local Plan (2001, as altered 2004) Policy HD4: Development affecting Archaeological Sites
- LPHD05 Harrogate District Local Plan (2001, as altered 2004) Policy HD5: Archaeological Investigation
- LPE08 Harrogate District Local Plan (2001, as altered 2004) Policy E8: New Industrial and Business Development in the countryside
- LPNC04 Harrogate District Local Plan (2001, as altered 2004) Policy NC4: Semi-Natural Habitats
- LPNC05 Harrogate District Local Plan (2001, as altered 2004) Policy NC5: Impact mitigation on nature conservation interest

- LPT02 Harrogate District Local Plan (2001, as altered 2004) Policy T2: Vehicle Access
- RPGN03 Regional Planning Guidance Policy N03: Landscape character
- RPGN02 Regional Planning Guidance Policy N02: Historic and cultural resources

RPGR06 Regional Planning Guidance Policy R06: Energy generation, transmission and supply

RPGS05 Regional Planning Guidance Policy S05: Wise use of non-renewable resources

ASSESSMENT OF MAIN ISSUES

(1) LAND USE

Energy White Paper

Although not a statement of national planning policy, the Energy White Paper, published in

February 2003, provides the context within which the Government has developed its planning policy for renewable energy set out in PPS 22. The White Paper identifies three key challenges in providing for the nation's energy needs:

- i. Environmental - In particular, the need to avoid the worst effects of climate change by controlling the level of greenhouse gases in the atmosphere.
- ii. The decline of the UK's indigenous supplies - The Government is concerned that by 2020 the UK could be dependent on imported energy for three quarters of its total primary energy needs. As a net importer, it may become potentially more vulnerable to price fluctuations and interruptions to supply caused by regulatory failures, political instability or conflict in other parts of the world. It believes that the best way of maintaining energy reliability is through energy diversity, developing many energy sources, suppliers and supply routes, with renewable energy playing an important role in this.
- iii. The need to update much of the UK's energy infrastructure - As much of the existing traditional generating capacity becomes outdated, substantial investment will be required in other parts of the nation's energy infrastructure, with renewables becoming a more important source of electricity.

In order to address these challenges, the White Paper identifies four policy goals:

- Cutting carbon dioxide emissions by 60% by 2050 with real progress by 2020
- Maintaining the reliability of energy supplies
- Promoting competitive energy markets
- Ensuring that every home is adequately and affordably heated.

Key measures in meeting these goals are reducing energy consumption and increasing the supply of renewable energy through various means including a more supportive planning approach. Although the Government does not propose targets for the share of total electricity supply to be met from different fuels, it has already adopted the aim for renewables to supply 10% of UK electricity by 2010 and the White Paper proposes that this share should be doubled by the next decade (ie. 20% by 2020).

National Planning Policy

National policy particularly relevant to consideration of the current application is contained in two Planning Policy Statements (PPSs). PPS22: Renewable Energy, published in August 2004, replaces PPG22 and sets out the Government's planning policy on renewable energy. It describes the benefits of renewable energy sources, identifies a number of key principles which local planning authorities should adhere to in planning for renewable energy and sets out the main locational and other considerations to be taken into account in the planning process.

The new PPS provides a much clearer focus on meeting targets for the reduction of greenhouse gases, adopting the targets set out in the February 2003 Energy White Paper. This requires 10% of UK electricity to be generated from renewable energy sources by 2010, and 20% by 2020. Increased development of renewable energy sources is considered vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Positive planning to facilitate renewable energy development is seen as being able to contribute to all four elements of the Government's sustainable development strategy.

The PPS requires Regional Planning Bodies and Local Planning Authorities to adopt policies designed to promote and encourage rather than restrict the development of renewable energy sources. Regional Spatial Strategies have to include renewable energy targets, derived from an assessment of the region's renewable resource potential and taking into account the regional environmental, economic and social impacts that may arise from such development. In determining applications, the wider environmental and economic benefits of the proposal, whatever its scale, are a material consideration that should be given significant weight. The PPS also requires that development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

In national designations such as AONBs, the PPS states that planning permission should only be granted where it can be demonstrated that the objectives of the area will not be compromised by the development and that any significant adverse effects are clearly outweighed by the environmental, social and economic benefits. Local planning authorities are advised against creating buffer zones around nationally designated areas within which policies are applied to prevent renewable energy projects or using local landscaping designations to resist them. However, the potential impact on designated areas of renewable energy projects close to their boundaries is a material consideration to be taken into account in determining planning applications.

The PPS notes that the landscape and visual effects of a particular renewable energy development will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development and that appropriate siting, design and landscape schemes may help to minimise some of these effects. It recognises that of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects and that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved.

The PPS states that it is the responsibility of developers to address any potential impacts on airport operation, radar and aircraft taking account of Civil Aviation Authority, Ministry of Defence and Department for Transport guidance, and the legislative requirements on separation distances, before planning applications are submitted. Local Planning Authorities are asked to satisfy themselves that such issues have been addressed before considering planning applications.

The other key piece of national planning policy is PPS7: Sustainable Development in Rural Areas (August 2004). Throughout this document there is a much greater emphasis on sustainable development than its predecessor PPG7. The Government's objectives for rural areas include the promotion of good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside and the continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources. These objectives feed through into a set of key principles which require that decisions on development proposals should be based on sustainable development principles, new building in the open countryside should be strictly controlled and all development in rural areas should be in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness. The only specific reference to renewable energy is that local planning authorities, when preparing their Local

Development Documents and determining planning applications for development in the open countryside, should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.

On nationally designated areas, the PPS states that the conservation of the natural beauty of the landscape and countryside should be given great weight in planning policies and development control decisions in these areas. Major developments should not take place within these designated areas, except in exceptional circumstances, and all such proposals should be subject to the most rigorous examination including an assessment of the national need for the development, the scope for developing elsewhere or meeting the need in some other way, and the environmental impact of development.

Guidance on specific aspects of the proposal is contained in various other PPGs including PPGs 1, 8, 9,16, 21,23 and 24.

The Development Plan

Planning legislation requires that applications should be determined in accordance with the development plan unless there are overriding considerations. The Planning and Compulsory Purchase Act 2004 has introduced a new system of development plans that ultimately will see the components of the 'old' system, structure plans and local plans, replaced by Regional Spatial Strategies and Local Development Frameworks. Until the new system is fully in place, transitional arrangements are in force (as from 28 September 2004) which provide that the development plan for the time being shall comprise:

- Regional Planning Guidance for Yorkshire and the Humber (RPG12) which is now prescribed as the Regional Spatial Strategy
- The North Yorkshire County Structure Plan
- Harrogate District Local Plan

Regional Planning Policy

The existing RPG 12, published in October 2001, now has the status of RSS. It contains the following policies of relevance to consideration of the proposal:

Policy R6: requiring development plans to include measures to encourage proposals for the use of renewable energy resources, including on and off-shore wind power;

Policy S5: providing that Local Planning Authorities should include policies and proposals in their development plans to assist in achieving national targets for reducing greenhouse gas emissions and cuts in carbon dioxide emissions and for at least 10% of energy generation to be from renewable energy sources;

Policy N2: seeking to ensure that new development respects or enhances local character and distinctiveness and does not detract from the historic environment of the region;

Policy N3: seeking to protect and enhance the quality, diversity and distinctiveness of landscape character throughout the region.

As required by Government policy, the Regional Assembly is currently reviewing Regional Planning Policy for Yorkshire and the Humber (RPG12) to incorporate renewable energy targets. Revised Policy S6 within the Draft Revised RPG12 seek to achieve a regional generation target of at least 9.4% of electricity consumed from renewable sources by 2010, and 22.5% by 2020. In order to achieve this, revised Policy R6 provides that local planning authorities should include measures in their development plans which help to secure at least the sub-regional target of 194MW in North Yorkshire by 2010 and a regional target of 1850MW by 2020 and maximise the use of renewable energy sources and technologies. These policies have yet to be formally approved and so do not form part of the development plan. Nevertheless, they constitute an important material consideration having been the subject of public examination and the Secretary of State's proposed changes and are expected to become part of the RSS by the end of this year. Further work is ongoing to prepare a new Regional Spatial Strategy that will provide a more detailed assessment at a sub-regional and local level, and ultimately may result in targets for each individual local planning authority area. Initial work suggests that such targets will need to be very challenging if the North Yorkshire target of 194MW by 2010 is to be met.

Harrogate District Local Plan

The policies of the Harrogate District Local Plan considered to be of key importance in the consideration of the application are as follows:

Policy CF12: This provides that proposals for the development of renewable energy will be permitted where they would not have an adverse impact on the local environment (in relation to a range of criteria including effect on landscape, ecology, agricultural land, heritage features and residential amenity), or where the wider benefits of the proposal outweigh any such impacts.

Policy C1: This requires that in considering proposals within the AONB priority should be given to conservation of the natural beauty of the landscape. Development will only be permitted where it would not have a significant adverse affect on the landscape or is proven to be in the national interest, incapable of being located outside the AONB and the environmental impact has been fully assessed.

Policy C2: This provides that development should protect landscape character. Harrogate Borough Council has recently approved a revised Landscape Character Assessment as supplementary planning guidance that is designed to help this assessment.

Policy C15: This policy aims to conserve the character of rural areas by restricting development to that which is appropriate in rural areas or for which there is a local need that cannot be met elsewhere.

Policy R11: This policy protects the recreation and amenity value of existing public rights of way.

Policy A1: This aims to maintain and enhance the quality of environment and amenity throughout the District.

Various other policies of the Local Plan are relevant to specific aspects of the proposal,

many of which are covered by application of the criteria set out in Policy CF12.

North Yorkshire County Structure Plan

Relevant Policies of the North Yorkshire County Structure Plan generally reinforce those considerations referred to above. The key policies are Policy E1, which gives priority to the conservation of the landscape and general amenity of the AONB by resisting development unless it is necessary in that location and Policy E2 which seeks to protect the character and appearance of the open countryside outside designated areas.

The key policies of RPG 12 (approved and Draft Revised), the Harrogate District Local Plan and North Yorkshire Structure Plan are reproduced in full in Appendix 3.

POLICY CONSIDERATION

It is clear from consideration of the policy context that very significant weight will need to be given to the wider benefits associated with the proposal, namely the opportunity to secure energy from renewable sources and the contribution this will make to meeting national and regional targets. It is evident from work ongoing at the regional level that opportunities to meet the sub-regional target of 194MW are likely to be very limited, at least in the short term. From a local perspective, this is supported by the applicants who state that the only area where a windfarm could be located within Harrogate District is the small area of land along the A59 corridor between Harrogate and Menwith Hill containing the current proposal.

Clearly, the need for (or wider benefits of) the development having regard to the apparent absence of other locations must be balanced against any harm that would be caused by the proposal, as required by Policy CF12 of the adopted Local Plan. Amongst the criteria set out in the policy, landscape impact (criterion A) will be a significant consideration given the site's location on the edge of the Nidderdale AONB. As indicated above, PPS22 provides that the potential impact on designated areas of renewable energy projects close to their boundaries is a material consideration to be taken into account in determining planning applications. Consequently, it will be necessary to consider whether the objectives of AONB designation are likely to be compromised and whether any adverse effect on the qualities for which the area has been designated are outweighed by the wider benefits of the proposal, having regard to policies C1 and C2 of the adopted Local Plan. The comments of the Landscape Architect and Nidderdale AONB Joint Advisory Committee will obviously be important in making this assessment.

The comments of the landscape officer are incorporated into Section 3 Landscape and Visual Impact, whilst the Nidderdale AONB Joint Advisory Committee have objected to the development due to the significant and adverse impact on the Nidderdale AONB.

(2) AVIATION SAFETY

The applicants identify within the Non Technical Summary to the ES that Leeds Bradford Airport could object to the development on safety grounds if the wind turbines interfered with the radar operations at the airport. A detailed radar assessment has been undertaken.

The applicants identify that the normal method for determining whether turbines will affect radar is to use Line of Sight Analysis, which takes land height, earth curvature and refraction into account. If turbines are below the Line of Sight there is no clutter. The applicants have provided analysis by two companies (Cyrrus Associates and QinetiQ) indicating that the radar will not detect the turbines. The Line of Sight clearance is between 10 and 25 metres for each turbine. The proposed development is further shielded by woodland at Chevin Ridge, making the sight clearances much higher.

It is stated that commercial aircraft do not fly near the development, whilst military aircraft fly midweek. Private aircraft tend to operate at weekends when there is good visibility. Pilots of such aircraft do not receive a radar service and are not under control unless they specifically request a service. Pilots of light air vehicles fly according to Visual Flight Rules rather than radar. They may request an advice and information service known as a Flight Information Service (FIS) from an airport. FIS is a non radar service and offered by a controller for the purpose of supplying information, such as weather, useful for the safe and efficient conduct of flight.

Leeds Bradford International Airport (LBIA) object to the development stating that a Line of Sight Analysis can only act as a guide to the possible detection of a wind farm by radar, it is not a guarantee. Each site must be detected on its own individual characteristics. It does not account for weather variations that may cause the radar signals to perform differently in different weather conditions. This is reinforced by the findings of Cyrrus Associates who accept that effects '...could make the turbines visible to radar under certain circumstances' and QinetiQ could not offer any guarantee that the radar would not detect the turbines.

It is agreed by LBIA that the 'line of sight' clearance is between 10 and 25 metres for each turbine, but this does not take into account the range from the radar of 15 kilometres. At this range the clearance, in the opinion of the LBIA is too small and does not provide adequate safety margins for radar operation.

In relation to the issue that the development will be further shielded by woodland the LBIA consider that this is misleading as woodland can be changed or even removed and it is unsafe to assume that this will never occur. It is also considered misleading regarding the generalisation of use of airspace by different types of aircraft traffic and it is incorrect to assume that private and military aircraft rarely receive a radar service.

The LBIA do not accept the view that even if the windfarm appeared as clutter on the radar this would not affect safety. The LBIA considers that this shows a lack of understanding of the extremely high safety standards that are applied and regulated in the aviation industry. Any additional hazard that may be introduced by this windfarm into the radar by clutter will increase the workload of the Air Traffic Controller, and is totally avoidable. Therefore, the additional level of clutter and the increased workload that this would incur would degrade the overall level of safety applied.

Given the strong objection raised by the LBIA, your officers considers that the scheme would have an adverse impact upon aviation safety contrary to the provisions of HDLP Policy CF12 (g).

(3) LANDSCAPE AND VISUAL IMPACT

Landscape and visual issues are generally one of the principle concerns for the public and consultees with regard to wind farm proposals and this has been reflected in the representations received in respect of this scheme. Clearly the location of the wind farm at Knabs Ridge adjacent to the Nidderdale AONB and within 10km of the Yorkshire Dales National Park has heightened concerns of local residents and those living further away alike.

The Environmental Assessment's Methodology

Guidance and best practice

The methodology used by the applicant is based upon 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA), second edition, by the Landscape Institute and Institute for Environmental Management and Assessment, which is the commonly accepted standard reference for landscape and visual impact assessment. The applicant also cites guidance by the Countryside Council for Wales and Scottish Natural Heritage.

The way in which the assessment is carried out does conform to these guidelines, but it must be stressed that the results of such an assessment, correctly undertaken, will always be the result of subjective professional judgement.

The study area

A 30km radius area was studied to assess potential visual impact, which was determined in consultation with Harrogate Borough Council. This area appears extensive enough to encompass all significant visual impacts that would be caused by the development. Longer-range views would be possible, but these are such that the wind farm would be a minor influence on the view.

The Zone of Visual Influence (ZVI)

The ZVI produced by the applicant predicts all areas within the study area that would have a view of the wind farm. However, it is important that it is interpreted correctly and to avoid misunderstanding the officer would add that the ZVI presents a 'worst case scenario' and that;

- i) Vegetation and man-made structures that screen certain views are not reflected in the results. Only the natural 'lie of the land' is taken into account when calculating areas that would be subject to views.
- ii) The identified areas do not indicate how many of the turbines, or which parts of the turbines, are visible. It may be that all of the turbines are visible, or only a small part of one turbine is visible.
- iii) The results cannot give an impression of how the view would change with distance. The larger and more distant areas may represent a less significant impact than much smaller close-up areas.

It is the officer's view that the ZVI is perhaps best used as a guide to where views would NOT be possible, due to the screening effect of topography.

Computer-aided predictions of views.

The applicant has used computer software to predict views of the wind farm, about which the officer would make the following comments;

Computer software can accurately position the turbines within a photograph. However, the 'colouring' of the turbines in the photomontages is subject to artistic licence. The proposed turbines may, when constructed, appear brighter or darker than those shown in the photomontages supplied by the applicant. Their appearance will also alter depending upon weather conditions such as sunlight and humidity.

The photomontages help to predict the visual impact of the wind farm, but should not be solely relied on without visiting the viewpoint concerned, especially where the view is from a sensitive location, as no printed image can substitute for the experience of standing at the viewpoint.

Public Opinion

The applicant states that public opinion and perceptions are outside of the scope of the environmental statement. Wind farms may be seen as attractive elements within the landscape, or be appreciated for their contribution towards the environment, but these are matters to be weighed separately. For the sake of objectivity, it is right that the applicant does not take them directly into account when assessing any landscape and visual impact of the proposals, and treats all views of the turbines as adverse.

In general terms, the landscape and visual assessment by the applicant conforms to current best practice guidance and was carried out following consultation with Harrogate Borough Council regarding its scope and content. An appropriate methodology was used to assess the significance of impacts upon landscape and visual receptors, based upon the professional opinions of the applicant's consultants.

Comments on the Environmental Statement's Findings

The Influence of Menwith Hill Camp and the A59.

The applicant makes specific reference to the Harrogate District Landscape Character Assessment (HDLCA), which describes the proposed location of the wind farm as within the Menwith and Penny Pot Lane character area, about which the applicant states;

"The HDLCA describes it as a *"simple, plateau landscape" with a low level of woodland and tree cover with a resultant open landscape with long views* (my emphasis). The paucity of tree cover adds visual emphasis to the occasional, mainly coniferous, shelterbelts such as the one which runs along Penny Pot Lane to the south of the proposal site. The character area has a comparatively strong field pattern enclosing rectilinear fields of improved

grassland. The field boundaries are predominantly stone walls with some hawthorn hedgerows especially in the lower eastern portion of the character area. The field patterns are strongly reinforced by the road pattern, particularly the parallel A59 and Penny Pot Lane, however one corollary of the road pattern is a high level of road noise for what would otherwise be a tranquil area. Aside from the background traffic noise and the presence of Menwith Hill Camp, the area has a remote feel compounded by the strong sense of exposure. *The simplicity of the landscape patterns lends increased visual emphasis to vertical elements* (my emphasis) such as the plantations at Lindley Moor, the radomes at Menwith Hill Camp and the telecommunications mast at Norwood Edge."

The applicant implies that the openness of the site and surrounding area allow the high visibility of the Menwith Hill Camp and the A59 to affect the calmness and tranquillity that might otherwise be found in such a relatively isolated site, and that the simplicity of the landscape emphasises vertical elements. The 'openness' of the surrounding landscape would allow adverse visual effects of new types of development such as the wind farm to be felt in the same way.

In assessing of the impact of the turbines, the applicant takes the presence of Menwith Hill Camp and the A59 into account, and comes to the conclusion that there will be significant adverse impacts to local viewpoints. However, the non-technical summary of the environmental statement reads "the area where the wind farm's predicted effects would have the greatest magnitude are frequently already subject to adverse landscape effects from the Menwith Hill communications facility and the noise and movement of traffic along the A59". This comment should not lessen the significance of impacts as identified by the assessment, which had already taken the presence of the Menwith Hill Camp and the A59 into account when determining the degree of visual impacts due to the turbines.

Furthermore, the area identified by the applicant as receiving the greatest magnitude of impact is to the north of the site and within 5km. The officer would add that from this area there are a substantial proportion of viewpoints in which the turbines would be more dominant than the A59 and/or the Menwith Hill Camp. This is due to the nature of the undulating topography, vegetation, the height of the turbines and the fact that Menwith Hill Camp is to the west of these viewpoints and that the turbines are to the south.

The Influence of Weather

The applicant states that atmospheric conditions are crucial in their effect upon views of the proposed wind farm, especially over long distances (i.e. over 15km from the site), and refers to data from weather stations at Bradford and Malham Tarn. These show that it rains (and therefore visibility could be reduced) on between 12 and 15 days per month. Winter air frost and hazy conditions in summer are also stated as likely to reduce the visibility of the wind farm.

However, the officer notes that according to the assessment the locations that would be subject to the most significant impact are mostly within 5km. Atmospheric conditions would do little to reduce their significance.

Predicted Trends

The applicant's environmental statement identifies several trends and assesses their implications for future landscape and visual impacts.

- i) Field pattern and boundaries - The applicant identifies that the long standing decline in field boundaries, the lack of new planting and existing trees on the site approaching the end of their lifespan could lead to the area becoming more open than at present. Therefore views may become more extensive than they would be at present. The officer would add that targeted Environmental Stewardship grants and Local Plan policies to restore landscape features may help to check such decline if implementation of local stone walls and hedgerows are encouraged. In the immediate site area, the applicant should be required to strengthen the existing field boundaries, and encouraged to contribute to restoration of the surrounding area.

- ii) Forestry and woodland management - The applicant states that existing coniferous plantations would help to screen views of the turbines during and immediately after construction. However, the officer notes that these are rotationally cropped and felling of certain areas could open up new views of the wind farm. These views would most likely be in the direction of Otley /Ilkley and, although the likelihood and impact of such views is difficult to assess, any effect would be immediate. It is also possible that areas of woodland planting within the study area could increase. However, the scope for these to screen views of the wind farm is limited in light of the estimated twenty-year lifespan of the wind farm combined with the rate of growth of woodland planting.

- iii) Future development - The environmental statement outlines the likelihood of limited future residential development, due to planning restrictions, but rather the conversion of existing operational and derelict agricultural buildings to form dwellings.

- iv) Access and movement - The range and intensity of recreation, including the use of public rights of way, within areas such as Knabs Ridge is increasing and is likely to continue to do so. Areas of open land, within the visual envelope of the proposed wind farm, are also to be opened up to free access under new 'right to roam' legislation. Whilst the applicant correctly states that more access could affect attributes such as tranquillity, the officer would add that the users of many of these public rights of way and areas of open land would be subject to views of the wind farm. The higher the number of these viewers, the more sensitive the viewpoint and, correspondingly, the higher the significance of visual impact.

Proposed Mitigation

The applicant describes measures to reduce the impact of the development during construction, operation and decommissioning.

- i) Construction and Decommissioning - The applicant states that there are few measures that would mitigate for impacts during the construction and decommissioning phases, the impact of which would be mostly increased traffic movements visible to a restricted number of sensitive viewpoints.

- ii) Operation - Measures outlined by the applicant to mitigate impacts of the wind farm

include appropriate location and style of the substation, colouring the turbines to reflect prevailing weather conditions, minimal use of inappropriate fences and appropriate layout of turbines and access track to reflect field pattern.

These measures could all become subject to planning conditions and agreement with Harrogate Borough Council.

However, no mention is made of the potential to repair landscape character, as is supported for this area by Harrogate District Local Plan Policy C2, for example by restoring the dry stone wall field pattern where it has eroded within and around the site.

Predicted Landscape Effects

The applicant acknowledges that there would be adverse effects on both the physical fabric and the perceived character of the surrounding landscape. The construction phase, lasting 6 months, would cause a temporary but significant adverse impact to the character area within which the site is located (Menwith and Penny Pot Lane). This would be due to the introduction of cranes for the construction of the turbines. There would also be less significant impacts due to increased traffic movements etc.

The environmental statement claims that the layout of the turbines would be ordered and reflects the geometric field system within which it would be set. The officer adds that this may be true from certain viewpoints and from within the site, but that the site's geometric field pattern lies on a plateau whilst many viewpoints that would be most affected are at a lower elevation, e.g. from the Kettlesing area, and would not view the turbines in such a context. Instead the turbines would be seen on the skyline above a more intimate and small-scale landscape.

The environmental statement is confusing in its assessment of impact upon landscape character. The detailed assessment text states that during the 20-year operational stage of the development, *two* character areas ('Menwith and Penny Pot Lane' and 'Lower Nidderdale Valley') are likely to be subject to significant impacts. However, in the landscape assessment conclusion only *one* significant impact is mentioned ('Menwith and Penny Pot Lane'), and the Non Technical Summary states that *five* would be significantly affected.

The officer's own assessment is that *three* Character Areas would be subject to significant adverse landscape character impacts. These being 'Menwith Hill and Penny Pot Lane', 'Lower Nidderdale Valley' and 'Oak Beck and Reservoirs', while a further three will be affected to a more moderate degree, these being 'Forest Moor Undulating Grassland', 'Middle Washburn Valley' and 'Stainburn and Lindley and Sandwith Moors'.

The application's environmental statement also identifies the certainty of a significant adverse impact upon the designation of the Nidderdale AONB. The highest magnitude of which, it is stated, would be confined to the Lower Nidderdale Valley. This impact would be due to the visual effect of the wind farm upon the natural beauty of the area for which the Nidderdale AONB is designated.

Predicted Visual Effects

i) Construction Period - The applicant states that the construction period would last for approximately 6 months, and that the most adverse visual impact during this time would be due to the use of cranes. The cranes would be in use for a 6-8 week period, but no mention is made of how many cranes would be in use at any one time. The crane/cranes would be very prominent in close-range views, and would be likely to be the only element visible during the construction phase in medium to long-range views, except for the turbines being erected.

ii) Operational Period - The application is for a twenty-year operating period. It is then proposed, subject to further applications for an extension of the operating period or alteration to the wind farm, that the turbines are to be dismantled.

The applicant identifies that the most considerable visual impact will occur at close range (within 5km). At medium to long range views will be more dependant upon the screening effects of vegetation, topography and urban/built form. Views would also be affected to some extent by atmospheric conditions, particularly when at long range e.g. greater than 15km.

The applicant has identified that significant adverse visual impacts would occur during the operational period at the following viewpoints;

Residential Communities

- * Brown Bank
- * Menwith Hill Camp
- * Fewston Bents
- * Kettlesing
- * Kettlesing Bottom
- * Staupes
- * Burnt Yates
- * Graystone Plain
- * Saltergate Hill

Private Properties

- * Willow House
- * Trees House
- * High Moor Farm and campsite
- * Springfield Farm
- * Knabs House Farm
- * The Knabs
- * Knabs Grove
- * Crag Lane Farm.
- * The Bungalow
- * Red Barn Farm
- * The Black Bull Public House
- * Millstones Restaurant
- * Ashley House and surrounding properties

Scheduled Ancient Monuments

- * John O'Gaunts Medieval hunting lodge near Haverah Park Top

Designate Long Distance Footpaths

- * The Dales Way Link between the eastern end of Beaver Dyke reservoirs and Central House Farm

Public Rights of Way

- * 15.39/22 footpath through site
- * Network around Haverah Lodge
- * Network between Slack Lane and Kettlesing Bottom
- * Network between Crag Lane and Tang
- * Network between Kettlesing Lane and Crag Lane

Key Roads

- * Motorists travelling both eastwards and westwards along the A59

The applicant also identifies many locations as being subject to moderate adverse visual impacts. These are extensive and include areas such as western parts of the urban Harrogate, open moorland along the fringes of Nidderdale, the Nidderdale Way and properties and settlements within a range of 5 and 15km of the site.

iii) Decommissioning Phase - The applicant estimates that the visual impact due to the decommissioning phase would be similar to that of the construction phase, but possibly for less than 6 months.

Cumulative effects

The applicant has, as part of the environmental statement, carried out a study of the cumulative visual impact of all existing and currently proposed wind farms within 60km of Knabs Ridge.

The findings of this study are that;

- i) There would be no locations within a 180-degree arc from north west to south east of Knabs Ridge that would be subject to views of wind farms other than Knabs Ridge.
- ii) Locations with views of Knabs Ridge and other wind farms tend to be from elevated locations, e.g. the moors that separate the upper reaches of Nidderdale and Wharfedale.
- iii) The only viewpoint from where two wind farms are visible in the same view is an area near Chevin where Knabs Ridge is visible at long range.
- iv) There are several specific locations where three wind farms would be visible, but not in the same direction of view, such as Pock Stones Moor and Rocking Moor.

However, the officer would add that the environmental statement indicates that the great majority of viewpoints, and especially those identified as being subject to significant adverse visual impacts, are not currently subject to views of existing wind farms. Guidance used in the undertaking of the assessment states that the magnitude of change, and hence the likely significance of an impact, is increased if its type of cause (e.g. a wind farm) is a

new introduction to the landscape.

Summary of Landscape and Visual Impacts.

i) Significance of impacts.

Landscape and visual assessments aim to identify the significance of impacts that result from changes in the landscape. They consider the sensitivity of landscape elements, viewpoints and character as well as the likely change to them. Assessing these two factors is a matter of professional judgement, guided by established 'best practice' principles. The likely impacts are identified as being of low, medium or high significance, and can be either beneficial or adverse. It is commonly accepted that a development that would cause impacts of high and adverse significance would be most likely to conflict with planning policies that seek to protect the landscape character of the area affected.

The environmental statement, prepared by the applicant and following an appropriate methodology, indicates that there would be adverse impacts of high significance to landscape character and visual amenity, as well as many moderate adverse impacts, and that there is limited scope for mitigation of visual impact. Set out below a summary list of considerations and likely impacts that would, in the officer's view, arise due to the proposed development ('Significant adverse impacts' are shown in italics).

ii) Landscape Impacts

* The site is not subject to any local or national landscape designations and is outside of the Nidderdale AONB. However, new advice set out in PPS22 (Renewable Energy) calls for the consideration of the effects of development upon adjacent AONBs.

* The officer's assessment is that *there would be significant adverse effects to the character of three Landscape Character Areas as defined within the Harrogate District Landscape Character assessment (HDLCA), these being 'Menwith Hill and Penny Pot Lane', 'Lower Nidderdale Valley' and 'Oak Beck and Reservoirs'*, while a further three would be adversely affected to a more moderate degree, these being 'Forest Moor Undulating Grassland', 'Middle Washburn Valley' and 'Stainburn and Lindley and Sandwith Moors'.

* The applicant has acknowledged that there would be a significant adverse impact to the landscape character of the AONB.

* *The applicant has identified relatively few significantly adverse impacts upon the landscape fabric of the application site.*

* *The applicant has identified that the public right of way through the site will be significantly affected for the duration of the development and will need temporary diversion during the construction and removal phases.*

* There are no proposals for the repair of landscape elements that are currently damaged, such as dry stone walls. This area is identified by Harrogate District Plan Policy C2 as an area where proposals for development should seek to repair landscape elements where they can make a positive contribution.

iii) Visual Impacts

** There would be significant adverse visual impacts upon that proportion of the Nidderdale AONB within 5km of the site and in an arc from the northeast to northwest.*

** The applicant has identified that there would also be numerous other significant adverse visual impacts at the locations previously listed, including villages, individual private properties, rights of way networks, a designated long distance footpath and a scheduled ancient monument.*

* The applicant has attached significance to these adverse impacts, despite the presence of the Menwith Hill Camp and the A59, which were taken into account in the assessment.

* The applicant has also identified that there would be a large number of visual impacts of 'moderate' magnitude. These are either within approximately 8km of the site, along Nidderdale to its upper reaches, and at Simon's Seat and Round Hill on the boundary of the Yorkshire Dales National Park.

* The applicant states that there would be no significant adverse visual impact within the Yorkshire Dales National Park.

* The officer notes that the ZVI provided by the applicant represents a larger area than would in reality be materially affected, and does not represent the 'degree' of visibility of the turbines from any given viewpoint.

* The applicant states that visual impact upon locations further than 15km from the site would often be reduced by meteorological conditions.

* The applicant has identified that only a handful of locations would be subject to views of Knabs Ridge AND another existing or currently proposed wind farm, and that a 'wind farm landscape' would not result from the proposals.

* The officer would add that the turbines at Knabs Ridge would impact upon large areas of the district that are currently unaffected by wind farms.

There is therefore a landscape objection to the proposed wind farm at Knabs Ridge due to the predicted significant and adverse impacts upon the landscape character and visual amenity of the site and surrounding area, which are demonstrated by the applicant's environmental statement and the officer's own assessment of the scheme.

(4) RESIDENTIAL AMENITY

In assessing the impact upon residential amenity, it is not only necessary to examine the potential visual impact of the development upon the living conditions of residents as highlighted above, but also the impact of such issues as noise and shadow flicker.

In relation to noise generated by the proposal, this is considered to fall within three categories, namely construction noise, traffic noise and operational noise. All noise generation issues should of course take into account existing background levels of noise, which in this instance is primarily generated by the adjacent traffic on the A59 and Penny

Pot Lane.

Construction noise was considered as part of the scoping exercise and it was recognised that works would be short term and the distances between the wind farm site and local residents would be sufficient for construction noise not to be a significant issue. The Chief Environmental Health Officer did however advise that construction activities should be limited within certain hours to reduce the likelihood of complaints.

Traffic noise is again likely to be at its greatest during the construction phase (see highway safety). Traffic movements on the highway network are relatively low with a maximum of approximately 160 vehicle movements per day (equating to approx 16 per hour). These movements will however only occur on the days that the turbine foundations will be laid (8 days in total). During the remainder of the construction period it is expected a maximum of 50 vehicle movements will occur. It is again considered that this would not represent a significant impact upon roadside receptors, particularly given existing traffic movements on the road.

In terms of operational noise, wind farms generate two types of noise, firstly aerodynamic noise (the noise generated by the movement of the rotating blades through the air) and secondly mechanical noise (emanating from gearboxes or generators). The applicants advise that mechanical noise in particular is negligible with modern turbine designs. Aerodynamic noise has also been reduced with advances in turbine design due to a general reduction in blade tip speed and is usually perceived at a distance when the windspeeds are low. In higher winds, aerodynamic noise is generally masked by the normal sound of wind blowing through trees and around buildings.

The primary objective of the ES was to establish the relationship between predicted wind turbine noise and the existing background noise at residential properties surrounding the proposed wind farm site.

The applicants have, in consultation with the Environmental Health Officer taken noise readings from three adjacent properties (Knabs Farm Bungalow, High Moor Caravan Park and The Bungalow together with a property at Willow House located approximately 1km to the west of the site).

The Environmental Health Officer has confirmed that in order to ensure that noise levels from the development are controlled that various noise conditions should be imposed should consent be forthcoming. Some degree of concern was expressed regarding the impact of the development upon the caravan site in terms of noise attenuation, however it should be noted that the site does not provide residential accommodation (other than wardens accommodation) with restrictions imposed in terms of occupation to holiday and recreational purposes only.

In terms of shadow flicker i.e when the sun passes through the rotating blades, it has been identified that the resultant flickering effect may have a detrimental impact upon the residential amenity of the occupiers of adjacent property. The applicants have analysed that the potential for shadow flicker would occur at seven properties surrounding the site. Such impact, it is advised, would however only occur in the winter months and only during the morning at the properties to the north of the site and mid afternoon at properties to the west of the site.

The ES identifies as worst case scenarios that Millstones and The bungalow are the most affected properties (in relation to maximum shadow flicker occurrence hours/year), resulting in 74.4 and 69.9 hours per year respectively. The figures for the remaining properties within the study area (Field House Farm, Knabbs Ridge Bungalow, Knabbs Hosue Farm, The Knabs, Knabs Grove) decrease steadily to a low of 7.3 hours (Knabs Grove).

It is however recognised that shadow flicker will be less than the theoretical maximum predicted by the model, as it does not take into account weather conditions (i.e sunny,cloudy), local visual obstructions (such as trees, hedges, curtains or blinds), turbine orientation or shut down periods. In reality the amount of time when shadow flicker occurs will be significantly less. Your officers accept this view.

Whilst the ES states that it is pertinent to note that affected windows may well be in rooms that are generally not in use at the times when the effect may occur, your officer does not consider that much weight can be attached to such a statement as it would be impossible to measure the use of rooms.

The applicant states that whilst shadow flicker is considered to be an insignificant impact should the problem in reality increase in significance, mitigation measures can be incorporated into the operation of the wind farm to reduce the instance of shadow flicker to more acceptable levels.

No such mitigation measures have however been stated by the applicant.

Notwithstanding this issue, it is considered that the impact of the development upon residential amenity will be insignificant and can be controlled by the imposition of planning conditions.

(5) HIGHWAY SAFETY

The main transportation impacts of the development will be associated with the movements of construction traffic during both the construction and decommissioning stage of the development. Traffic movements during the operational stage of the wind farm will be minimal.

The maximum traffic impact will occur during the construction of the turbine foundations. The amount of concrete required for the foundations would equate to approximately 80 cement trucks (capacity of 6cubic metres per truck). This equates to 160 two way trips each day. This would however be restricted to the eight days that each turbine foundation is constructed. For the remainder of the construction period it is expected and identified in the ES that the likely maximum of vehicle movements will be 56 per day.

The impact of other constructional traffic was calculated in the ES, relative to the background traffic levels. The percentage impact exercise showed that a non-significant increase in HGV traffic is predicted in the area (at worst 2.6%).

The applicants also identify that a Traffic Management Plan will be prepared in order to control the routing and timing of vehicle movements during construction phase of the development.

The Highway Authority has been consulted regarding the development and has not raised any objection to the development on highway safety grounds. The Highway Authority do however recommend the imposition of conditions relating to access construction, visibility splays, piping of a ditch at the entrance, wheel washing facilities and the protection of the public right of way that crosses the site. In addition it is also recommended that a condition be imposed to maintain a site for storage of materials and parking of vehicles associated with the construction work. In this respect it is noted that the applicants have indicated that a temporary construction compound will be provided close to the proposed entrance to the site at Penny Pot Lane.

The second issue relating to highway safety concerns the impact of the wind farm upon users of the adjacent highway. This has been recognised in consultation responses from Parish Councils and indeed by local residents opposing the scheme. This issue of 'driver distraction' has been specifically raised with the Highway Authority during the initial consultation stage and following receipt of an article identifying the A59 as one of the most dangerous roads in the country. Clearly having regard to the visual impact of the wind farm as highlighted above and unlike the raydomes at Menwith Hill the turbines do have a moving element and will be seen over a large area of the district, there is genuine concern regarding the possibility of driver distraction leading to conditions prejudicial to highway safety.

The Highway Authority has however noted the concern regarding this potential impact upon drivers using the A59. The Highway Authority has not however been able to find any evidence of similar developments causing problems with driver distraction and thus accidents. The ES further identifies that with regards driver distraction there is no clear link evident between accidents rates and the presence of existing wind farms.

On this basis your officer cannot justify a reason for refusal based on highway safety grounds and as such the scheme is considered to be in accordance with the traffic and transportation policies of the local plan.

(6) ARCHAEOLOGY

This issue is represented by a wide range of features, both visible and buried, that result from past human use of the landscape. The ES states that the site design process has sought to avoid known features of cultural heritage interest wherever possible. It is however recognised that there is a relatively high number of known features at the site and as such there is considered to be a relatively high potential for further archaeological remains within the site that have not previously been identified.

The Heritage Unit of North Yorkshire County Council have been consulted specifically on this issue

Concern has been expressed that the archaeological content of the ES is insufficient and the recommendation of a watching brief during construction is not considered sufficient archaeological mitigation. The Heritage section raised initial concerns regarding the impact upon archaeology during the Scoping Opinion and the applicants have resisted a request for further information in respect of an archaeological evaluation of the site prior to determination of the scheme. Both PPG16 Archaeology and Planning and Policy HD4 of the HDLP advise that 'where development could affect remains of archaeological

importance an archaeological evaluation may be required prior to the determination of the application'.

Whilst the applicants argue that there is sufficient time and/or flexibility that could be built into the construction programme to allow for 'micro siting' of the turbines should any archaeological remains be encountered, this approach could impact upon other issues such as residential amenity should siting be required closer to existing dwellings etc.

In the absence of sufficient information to demonstrate that the proposed development would not impact upon archaeological remains the Heritage Unit of NYCC object to the scheme and the development would be contrary to advice contained within PPG16 and the provision of HDLP Policy HD4.

(7) GROUNDWATER AND POLLUTION CONTROL

When considering proposals for development, it is important that a careful assessment is made of not only the environmental impact of the development but also possible problems of pollution, flooding and ground stability. These issues are covered through NYCC County Structure Plan Policy E7 and HDLP Policies A1,A2,A4 and A7.

Construction activities inevitably involve at least a theoretical pollution risk and this needs to be managed by appropriate pollution prevention measures. The ES highlighted a number of potential impacts on site hydrology; primarily during wind farm construction, but potentially also during site operation and decommissioning. The most serious potential impact is associated with sediment-laden run off from exposed ground entering watercourses. It is however highlighted that the employment of mitigation measures (eg road side drainage with sediment traps etc -see para 12.6 of ES) that should any negative impacts occur they would be of a minor significance and quickly controlled.

Due to the nature of the site's geology significant impacts upon ground water are unlikely. The ES concludes that the wind farm is not likely to have significant effects on the hydrology, geology or hydrogeology of the area.

Both the HBC Drainage Engineer and the Environment Agency have no objection to this aspect of the development subject to the imposition of controlling conditions and as such there is no objection to the development based upon the identified planning policies.

(8) IMPACT UPON PUBLIC RIGHT OF WAYS

HDLP Policy R11 seeks to ensure that when considering developments that affect existing public rights of way, these rights of way and the opportunities they afford for informal recreation should be retained. Furthermore developments which would result in harm to the character or recreational amenity value of existing rights of way and which do not involve the satisfactory diversion of the route will not be permitted. The policy also identifies four priority areas for preserving and increasing recreational access. One of these areas is the Nidderdale Area of Outstanding Natural Beauty.

The proposed site lies between two distinct networks of PROW's. The network to the south consists of a long distance route (Dales Way Link) that extends in an east west direction some 200km. The northern network consist of a more complex network radiating out of the

villages of Kettlesing and Kettlesing Bottom linking them to outlying farms and hamlets. PROW 15.39/22 links the two networks and crosses the application site in a north /south direction.

In considering the effect upon the PROW system it is agreed that the ES provides an acceptable breakdown of the likely effects, namely;

- * The need for temporary or permanent diversion
- * Alteration to views and other sensory stimuli to walkers and riders
- * Safety of users of the PROW network.

PROW 15.39/22 is the only footpath that could potentially be physically affected by the development and it is stated that if required it may be necessary to agree and obtain a temporary diversion of the route during the 6 month construction period (and probably the decommissioning period). Notwithstanding this issue the applicants otherwise propose to re-instate the PROW along its present alignment, which would result in it being within 90m of the closest turbine tower. By retaining the integrity of the route the proposal retains the opportunity it affords for recreational opportunity and as such meets one of the priority aims of Policy R11.

Clearly such proximity will alter the outlook from the route and also that of other footpaths in the vicinity (see section 3:Landscape Character and Visual Impact of the report). Similarly users will also experience operational noise but this is not considered to represent a significant impact (see section 4: Residential Amenity of this report). The Ramblers object to the development on the basis that the scheme will have a negative impact upon the existing network and that the ES downplays much of these negative factors and fails to give appropriate weight to the negative visual impact on the AONB. It is further stated that the impact upon the PROW's should have extended beyond the 2km radius search that the applicants ES was based upon and that more site specific viewpoints should have been utilised. The visual impact of the development and its effect upon the AONB is again discussed in more detail in the Landscape and Visual Impact section of the report. Clearly, and recognised within the ES, the development will have negative direct effects during both construction and operation.

In terms of safety, your officers concur with the ES that the development is unlikely to have a significant impact upon adjacent bridleways as a consequence of location in relation to the site. The PROW crossing the site is also unlikely to represent danger to users of the route. Although the issue of ice throw has been raised by objectors to the scheme, there are mitigating measures to prevent such an occurrence from happening (an ice detector is to be mounted on the anemometer and as soon as ice is detected the turbines are shut down. Similarly the turbines would only restart when ice/snow has thawed. The slow start up of the machines ensures no significant risk to walkers on the PROW if ice is still present at the time of start up.

(9) NATURE CONSERVATION

Planning Policy Guidance Note 9: Nature Conservation sets out the Government's Policy for nature conservation setting out the framework for the protection of designated and undesignated areas under domestic and international law and advises local authorities on how to deal with nature conservation in development plans and development control

decisions.

The Harrogate District Local Plan identifies under Chapter 4, the Councils aims and objectives in relation to nature conservation, seeking to protect sites, habitats and species of nature conservation interest from inappropriate development whilst enhancing nature conservation interest in the district as a whole.

The site is located on poor quality agricultural land with small areas of wetland including ponds. The site is not protected by any special designation within the local plan.

The applicant had undertaken a habitat and National vegetation survey of the site, together with surveys relating to breeding birds and badgers prior to submission of the Scoping request. Following the receipt of the request for the Scoping Opinion it became clear through consultation with the Yorkshire Wildlife Trust and English Nature that this should also extend to include surveys of amphibians/ reptiles and subsequently bats as part of the application.

The surveys revealed that the site contains no protected flora or fauna, although a number of notable birds were recorded.

In terms of the provisions of the ES in relation to birds, the impacts dealing with direct habitat loss and indirect habitat loss (disturbance) and collision risk found the impacts to be not significant and this is reflected in the response of the Royal Society for the Protection of Birds and English Nature who both have no objection to the development subject to securing appropriate timings for construction outside the bird breeding period.

Following the request for a Scoping Opinion English Nature requested that an amphibian and reptile survey should be carried out as part of the EIA and the ES includes such provision. The ES concluded that the site only provides a sub-optimal habitat for amphibians and reptiles and as such the development of the wind farm would have negligible impact upon these species. This issue was confirmed as acceptable in the later response of English Nature in respect of the application.

Although most of the site comprises open fields, the council's Rural Strategy Officer identified that bats are likely to use some parts of the site for foraging, particularly in association with the belt of planted woodland along the southern boundary and other trees and hedgerow. The applicants were informed of this requirement in the early stages of the application and a bat survey has recently been received.

The Rural Strategy Officer has been consulted and has no objection to the development subject to the imposition of controlling conditions. On this basis it can be concluded that the scheme would not cause demonstrable harm to nature conservation interests.

(10) EXISTING INFRASTRUCTURE, TELECOMMUNICATIONS, TELEVISION,

As with any large structure wind turbines have the potential to interfere with electromagnetic signals (particularly television), microwave links and radar. Notwithstanding the impact upon the LBIA and following extensive consultation with interested bodies, Ofcom have identified that a BT link may be affected by the development (the applicants are aware of this and it has been identified that there is a requirement to

provide a 100m separation distance from the microwave link to the base of the turbines). The BBC identify that where a new development causes (television) reception problems, developers are expected to rectify these, whilst planning authorities may wish to enter into a legally binding commitment under S106 of the Town and Country Planning Act 1990, in order to enforce this at the outset. The development would have no impact upon national or local radio stations.

CONCLUSION

It is clear from the above that there are three key issues that require assessment against the provision of the development plan. These issues relate to the impact of the development upon aviation safety, the impact of the proposal upon the landscape character and visual amenity of the area and thirdly the impact of the development upon archaeological remains. It is necessary to balance these issues against the need for this development and the benefit that there may be from additional power generation from renewable sources.

The Need for and Benefits of the Proposal

The need to promote and develop renewable energy resources has been identified within the Governments Energy White Paper and advice contained within PPS22. The requirement to provide 10% of UK electricity from renewable energy resources by 2010 and 20% by 2020 has been identified and noted within the Land Use section of this report. The need to increase renewable energy resources is considered vital to facilitating the delivery of the Governments commitment on both climate change and renewable energy. The need to increase renewable energy is not however the sole contributor to meeting this aim but forms an important part of the overall strategy.

The proposed 8 turbines would give a combined maximum rated output of approximately 10.4 megawatts (MW) of electricity, equivalent to the domestic needs of over 7000 households. It should however be recognised that the overall electricity needs of a community are considerably greater than just the domestic household consumption. Using a recent similar sized wind farm application in Allerdale (Ref no.02/2001/0008 Appeal ref APP/G0908/A/01/1075972) this level of output equates to the total electricity requirements for a community of over 2000 households. Such provision would help meet the sub-regional target of 194 MW referred to within the Land Use Section of the report.

It is stated within the ES that such output would avoid gas emissions to the atmosphere, over the lifespan of the turbines (20 years) of some 155,120 tonnes of carbon dioxide (CO₂), some 1,800 tonnes of sulphur dioxide (SO₂) and some 540 tonnes of nitrogen oxides (NO_x) (annually 7,752 tonnes CO₂, 90 tonnes SO₂ and 27 tonnes NO_x). Clearly it is difficult to substantiate that the relatively small fluctuations in supply generated from individual wind farms, would be sufficient to trigger any change in loading or output from any of the big generators in the fossil fuel sector but it has been accepted at appeal that increased provision of wind generated electricity provision would cumulatively be likely to result in some savings of gas emissions, albeit difficult to quantify (and recognised in the fluctuating figures identified in respect for gas emissions in this scheme and the Allerdale example). Clearly as in the generation of electricity, the contribution of this individual

proposal would be small in relation to Government targets for the overall reduction in gas emissions; this is (in terms of energy creation and emission reduction) nevertheless a clear and tangible benefit that should be taken into account in any balancing exercise. PPS22 specifically states that small-scale projects should not be rejected simply because the level of output is small.

The proposal would in addition generate new jobs, but this would not in the opinion of your officers represent a significant benefit to the area.

Aviation Safety

The applicants have provided evidence that the development would be below the 'line of sight' of the radar situated at Leeds Bradford International Airport. This clearance is not disputed by the LBIA, however as the radar clearance is of only 10 to 25 metres over a range of 15km the LBIA consider that the clearance is too small and would not provide adequate safety margins for radar operation. For the reasons stated in section 2 of the report the LBIA argue that should the turbines appear on the radar, then they would be shown as a 'wall' of radar returns. This would effectively block out the sky for that area and beyond. Such impact would seriously affect continued aviation operations at the airport in that it could seriously harm the effectiveness of the radar system.

The LBIA note the content of both the reports produced by Cyrrus Associates and QinetiQ and note that the Cyrrus report identifies that the turbines 'may be visible...possible detection' whilst QinetiQ could not offer any guarantee that the radar would not detect the turbines. Given that the LBIA object in the strongest possible terms, it can only be concluded that there is an aviation objection to the development. HDLP policy CF 12(g) specifically identifies that development should not have an adverse impact upon airfields.

In the absence of any such guarantees, it can be shown that the scheme represents demonstrable harm to aviation and public safety and as such there is a policy objection to the scheme.

Landscape Character and Visual Impact

It is recognised that the site is located outside the AONB boundary and PPS 22 specifically identifies that local planning authorities should not create 'buffer zones' around nationally designated sites that would prevent the development of renewable energy projects. However the potential impact on designated areas of renewable energy projects close to their boundaries will be a material consideration to be taken into account in determining planning applications. The PPS specifically states that small-scale developments should be capable of being permitted within AONB provided that there is no significant environmental detriment to the area concerned. As the site is located adjacent to the AONB it will be necessary to demonstrate harm to landscape character and visual amenity should members be minded to refuse the scheme.

Paragraph 19 of the PPS identifies that the landscape and visual effects of renewable energy developments will vary on a case-by-case basis according to the type of

development, its location and the landscape setting of the proposed development. Whilst the advice does state that some of these effects may be minimised through appropriate siting, design and landscape schemes, it is considered that in this case there is very little scope to mitigate the impact of the development.

It is considered and recognised by the applicant, within the ES, that the development would have significant adverse impact upon landscape character, including the adjacent AONB. Such impact would not just be restricted to the AONB, with significant adverse effects also to the character of three Landscape Character Areas as defined within the Harrogate District Landscape Character Assessment, whilst three more would be adversely affected to a more moderate degree. There are no proposals for the repair of landscape elements that are currently damaged such as dry stone walls. The area is identified by HDLP Policy C2 as an area where proposals for development should seek to repair landscape elements where they can make a positive contribution.

In terms of visual impact there would be significant adverse impact upon that proportion of the Nidderdale AONB within 5km of the site and in an arc from the north east to north west, together with those areas previously listed within the landscape and visual impact section of the report

These have been acknowledged by the applicant as of significant impact, despite the presence of the Menwith Hill camp and adjacent A59. There would be large areas of 'moderate significance' that are either within 8km of the site, along Nidderdale to its upper reaches, and at Simon's Seat and Round Hill on the boundary of the Yorkshire Dales National Park. There would not however be any significant impact upon the Park itself.

In view of the above there is landscape objection to the proposal due to the predicted significant and adverse impacts upon the landscape character and visual amenity of the site and surrounding area. Such impact would be contrary to HDLP Policies C1,C2,C15 and CF12 and are recognised within section 3 of the above report.

Archaeological Impact

It is recognised that the site has a relatively high number of known archaeological features. Whilst the applicants design process in the ES has sought to avoid known features of cultural heritage the NYCC Heritage Unit have requested further information in the form of an archaeological evaluation of the site prior to determination of the scheme. Without such information, it is argued that it is not possible to reach an informed and reasonable decision regarding the potential archaeological impact of the proposal, or to be able to define a distance for micro siting of turbines and associated works. In the absence of such information the scheme is contrary to the provisions of both PPG16 and HDLP policy HD4.

Balancing Considerations

The balancing consideration to be carried out is that between the three key concerns of the scheme identified above and the benefits from the renewable energy contribution and reduction in greenhouse gas emissions. The guidance within PPS 22 sets out a clear focus on the need to meet renewable energy targets, whilst the development plan identifies and sets out policy to deal with renewable energy projects.

It is concluded that the proposed development contributes towards the Governments targets for both renewable energy production and for the reduction in the emission of greenhouse gases and as such it is a clear and tangible benefit that should be taken into account in any balancing exercise. As for other benefits put forward by the applicant, for example employment, these are clearly of some value, but have limited weight in terms of the overall balance of considerations.

It is accepted by the local planning authority that sites for wind turbines will generally be located in upland or exposed areas where the highest mean wind speeds are found. It is also acknowledged that the site is not within a nationally designated landscape. The development of the site would help meet the sub regional targets for renewable energy projects within North Yorkshire.

It is however clear that the development would have a significant impact upon landscape character and visual amenity, including that upon the adjacent AONB. This is clearly a material consideration in determination of the scheme and one recognised within the PPS. Given the site characteristics and size and siting of the turbines, it is not possible to mitigate their impact and as such there is clear and demonstrable harm to both landscape character and visual amenity contrary to the provisions of the development plan.

The applicant has not been able to achieve guarantees that the development would not affect aviation safety and on this issue alone, it is considered that the application can not be supported despite the presence of any benefit accrued from the development

In terms of archaeological assessment, it is considered that there is insufficient information to determine the potential impact of the proposal. Whilst micro siting may overcome any concerns, there is no information to indicate by how much (if any) resiting would be required. Clearly this could not only be to the detriment of any archaeological remains but also potentially the amenity of the occupiers of nearby property.

In conclusion and despite the benefits of renewable energy schemes, there is clear harm to the interests of acknowledged concern with the submitted scheme. Such impact cannot be overcome by the attachment of conditions. The development would create demonstrable harm to aviation safety, landscape character and visual amenity, whilst it has not been demonstrated that the development would not have any archaeological impact.

In this respect, it is acknowledged that the Governments renewable energy policy is very much a material consideration in determination of the application and to which considerable weight can be given. However such provision needs to be balanced against the main criteria identified within HDLP Policy CF12. In this instance the harm to the three identified concerns outweighs the necessity to develop a renewable energy resource and as such refusal of the application is recommended.

CASE OFFICER:

Mr A Hough

RECOMMENDATION

That the application be determined at appeal and the Secretary of State be notified that the local planning authority were minded to Refuse. Reason(s) for refusal:-

- 1 The proposed development would result in conditions prejudicial to aviation safety and would as a consequence be contrary to the provisions of Harrogate District Local Plan Policy CF12(g).
- 2 The proposed development by reason of its nature and location would result in a detrimental impact upon landscape character and visual amenity contrary to the provisions of Harrogate District Local Plan Policy C2, C15, CF12 and North Yorkshire County Structure Plan Policy E2.
- 3 Insufficient information has been submitted to demonstrate that the proposed development would not impact upon archaeological remains in a manner contrary to Planning Policy Guidance Note 16:Archaeology and the provisions of Harrogate District Local Plan Policy HD4.