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**REPORT TO:** District Development Control Committee

**DATE:** 4<sup>th</sup> November 2004

**REPORTING OFFICER:** Director of Technical Services  
*Mr A Hough*

**SUBJECT:**  
**Determination of Planning Application  
6.99.144.B.EIAMAJ by National Wind Power -  
Wind Farm - Land at GR 423069/455946 Knabs  
Ridge Between Skipton Road and Penny Pot  
Lane, Felliscliffe, Harrogate**

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**CASE NUMBER:** 04/02109/EIAMAJ

**GRID REF: EAST** 423069 **NORTH** 455946

**APPLICATION NO.** 6.99.144.B.EIAMAJ

**DATE MADE VALID:** 19.05.2004

**TARGET DATE:** 08.09.2004

**WARD:** Lower Nidderdale

**APPLICANT:** National Wind Power

**AGENT:**

**PROPOSAL:** Duplicate application for the 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**

This application represents a duplicate application to that considered under 6.99.144.A.EIAMJ. Members will be aware that the applicants have lodged an appeal against that application due to the failure of Harrogate Borough Council to determine the scheme within the prescribed timescale. No such appeal has been lodged against this application and as such this scheme is considered for determination.

## ***SITE AND PROPOSAL***

Please see the report under 6.99.144.A.EIAMJ

## **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,

## **SITE HISTORY**

Scoping Opinion for a windfarm consisting of 8 turbines 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.A.EIAMAJ - Erection of 8 wind turbines, 1 anemometer, formation of new vehicular access and erection of substation and associated equipment. APPEAL LODGED -failure to determine scheme.

## **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**

Please see report under 6.99.144.A.EIAMAJ

## 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
- SPE5 North Yorkshire County Structure Plan Policy E5
- 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
- LPE08 Harrogate District Local Plan (2001, as altered 2004) Policy E8: New Industrial and Business Development in the countryside
- LPA03 Harrogate District Local Plan (2001, as altered 2004) Policy A3: Noise Generating and Sensitive Development
- LPHD05 Harrogate District Local Plan (2001, as altered 2004) Policy HD5: Archaeological Investigation
- 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**

Please see report under 6.99.144.A.EIAMAJ

### **CONCLUSION**

Please see report under 6.99.144.A.EIAMAJ

**CASE OFFICER:** Mr A Hough

### **RECOMMENDATION**

That the application be REFUSED. 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 and 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