



Minutes of the SPECIAL meeting of the DEVELOPMENT CONTROL COMMITTEE held on TUESDAY 22 JANUARY 2013 at 7.00 pm.

**Present:** Councillor White (Chair)  
Councillors: Exon, Ferrans, Hawthorn, Hopkins, Kennedy, Legg, McLean and Middleton.

**Officers:** N Fenwick (Assistant Director [Planning, Economy and Development]), A Horner (Head of Development Management), R Sakyi (Senior Planning Officer), D Evans (Countryside Officer [Projects]), M Haynes (Senior Landscape Architect), M Kelly (Principal Solicitor), and D Imbimbo (Committee Manager).

**Number of Public Present:** 75

**Also Present** Councillors Bint, Bramall, Brock, Geary A, Geary P and Miles.

**Apologies** Councillor Eastman

**DCC86 CHAIRMANS WELCOME**

The Chair welcomed Members, Officers and public and explained the procedures to be adopted.

**DCC87 REPRESENTATIONS ON PLANNING APPLICATIONS**

Cllr M Redley (Haversham Parish Council), Mr R Pryor, Mr B Clayton, Ms P Williams, Ms Y Mukherjee, Councillor A Geary and Councillor P Geary spoke in objection to application 11/02028/FULEIS A wind energy development (wind farm) comprising of the erection of five wind turbines up to 127m in height (blade tip), and associated infrastructure including access tracks, on-site control building, cabling, construction compound, crane hard standings and an 80m high anemometry mast at Hill Farm, Little Linford Lane To Haversham High Street, Haversham for RWE Npower Renewables Ltd

The applicants' agent, Mr. R Baston and Mr A Francis (Green Party) exercised the right of reply.

Mr B Skittralle, Councillor D Brock and Cllr P Geary spoke in objection to application 08/02118/FULEIS Construct a wind farm development comprising 3 wind turbines up to 125m height to blade tip and ancillary equipment, access tracks and anemometry mast, in conjunction with planning applications to Bedford borough council for 6 turbines and access tracks and the borough of Wellingborough for 3 turbines, substation, construction compound, access tracks and site access as part of a single wind farm of 12 turbines for an operational period of 25 years at, Nunn Wood Land Between London Road And Harrold Road Bozeat, Wellingborough, Northants for NPOWER RENEWABLES

The applicants' agent, Mr. R Baston (applicants' agent) declined the right of reply.

**DCC88**

### **PLANNING APPLICATIONS**

**11/02028/FULEIS A WIND ENERGY DEVELOPMENT (WIND FARM) COMPRISING OF THE ERECTION OF FIVE WIND TURBINES UP TO 127M IN HEIGHT (BLADE TIP), AND ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS TRACKS, ON-SITE CONTROL BUILDING, CABLING, CONSTRUCTION COMPOUND, CRANE HARD STANDINGS AND AN 80M HIGH ANEMOMETRY MAST AT HILL FARM, LITTLE LINFORD LANE TO HAVERSHAM HIGH STREET, HAVERSHAM FOR RWE NPOWER RENEWABLES LTD.**

The Committee heard that the applicant had lodged an appeal against non-determination of this application and so the Council no longer had the jurisdiction to determine it. A decision on the application would be made by a Planning Inspector following a public Inquiry. The purpose of the Committee considering the application was to ascertain what the Council's decision would have been if it was able to make the decision, and thus to establish the Council's approach in relation to the forthcoming public inquiry

The Officer reported that his recommendation remained to refuse planning permission for the reasons below and that these reasons should be the basis for the Council to contest the appeal at the forthcoming Public Inquiry:

1. The submitted details, including the Environmental Statement and the SEI, failed to demonstrate that the proposed development would not have an adverse effect on the setting and visual amenity of settlements and individual properties as well as on key routes, such as the Swans Way and Hanslope Circular Ride which traversed the site, and failed to demonstrate how they would protect and improve their character or distinctiveness. The proposal therefore conflicted with saved Policies D5(iii), D1(iii) and NE4 of Milton Keynes Local Plan, and policy CS20 of the Core Strategy, Revised Proposed Submission Version October 2010.

2. The submitted details, including the Environmental Statement and SEI, failed to demonstrate that the proposed development would not have adverse visual intrusion into the landscape by virtue of proximity to neighbouring residential properties. In addition, two other 'wind farms' (one existing at Petsoe Manor, Emberton (Milton Keynes Wind Farm) and the pending application for 15 turbines by Ecotricity at Stoke Goldington) to the north and east of the site would be likely to cause cumulative impact that would be likely to result in local residents and other residents in Hanslope, Gayhurst, Filgrave and Stoke Goldington feeling as if they were living in a "windfarm landscape" with turbine developments being seen in relatively close proximity in three directions. The proposal was therefore contrary to the provisions of policy D5 (iii) of the Milton Keynes Local Plan 2012.

3. The submitted details, including the Environmental Statement and SEI, failed to demonstrate that the proposed development with particular regard to Turbine 1 and its proximity to Little Linford Wood, a Wildlife and Nature Reserve Site would not have significant adverse impact on protected bat species and several bird species of conservation status including Red Kite and Buzzards in the locality. The proposal was therefore contrary to policy NE1 (iii) and NE2 of the Milton Keynes Local Plan 2001 – 2011.

4. The proposed development would by reason of the scale, number of turbines and their proximity to residential properties known as Hill Farm, Pineham

Farm, New Buildings Farm, Field House, Amen Cottage, Hillside, The Gate House and Hill Farm Conversions result in an unacceptable and significant harmful impact on the living conditions of those residential properties. The proposal would therefore be contrary to the adopted Milton Keynes Wind Turbines Supplementary Planning Document and Emerging Policy adopted July 2012 and paragraph 97 of the National Planning Policy Framework March 2012 and was therefore contrary to saved policy D5 of the Milton Keynes Local Plan adopted 2005.

The Committee heard representations from residents, Parish Councillors and Ward Councillors objecting to the development for the following reasons;

- The proposed turbines were in too close a proximity to dwellings and other property.
- The proposed turbines were in too close proximity to footpaths, bridleways and other public rights of way.
- The proposed developments would have an adverse impact to the amenity of numerous significant heritage sites.
- The size scale and density of the development would have an adverse impact on the visual amenity of the landscape.
- The potential adverse impact on the health of residents due to noise and visual impact

The Committee also heard representations from the applicants' agent with respect to the potential benefits to the community.

The Committee heard representations that there was a need to consider the requirements to address climate change and that this proposal presented an opportunity to reduce the Carbon Footprint significantly.

The Assistant Director [Planning, Economy and Development] advised Members what could or could not be taken as material planning considerations.

Councillor White proposed that the Officers recommendation be agreed, this was seconded by Councillor McLean.

Councillor Hopkins stated that he had concerns that no account had been taken of the detrimental impact on heritage sites in the reasons given for refusal and proposed that an additional reason be added to read;

That notwithstanding the proposal to site the wind turbines for a period of 25 years, the development, due to the position and scale of the structures, would have a detrimental effect on the setting of buildings of architectural interest. With a full list of relevant buildings to be added. This was seconded by Councillor McLean. On being put to the vote it was lost.

Councillor White indicated that the Committee needed to be mindful of the fact that should the council contest the appeal there would be a significant financial implication and proposed that the Officers recommendation be amended to delete the words 'and that these reasons form the basis for the Council to contest the appeal at the forthcoming Public Inquiry' and thus the recommendation would read;

That the Committee determines that it would have been minded to refuse planning permission for the following reasons;

This was seconded by Councillor Exon. On being put to the vote the amendment was lost.

The Officers recommendation was put to the vote and was carried on the Chairs casting vote and it was;

RESOLVED –

That had the Committee considered the application for determination of planning permission it would have been minded to refuse planning permission for the following reasons stated above and that these reasons would now form the basis for the Council to contest the appeal at the forthcoming Public Inquiry.

**08/02118/FULEIS CONSTRUCT A WIND FARM DEVELOPMENT COMPRISING 3 WIND TURBINES UP TO 125M HEIGHT TO BLADE TIP AND ANCILLARY EQUIPMENT, ACCESS TRACKS AND ANEMOMETRY MAST, IN CONJUNCTION WITH PLANNING APPLICATIONS TO BEDFORD BOROUGH COUNCIL FOR 6 TURBINES AND**

**ACCESS TRACKS AND THE BOROUGH OF WELLINGBOROUGH FOR 3 TURBINES, SUBSTATION, CONSTRUCTION COMPOUND, ACCESS TRACKS AND SITE ACCESS AS PART OF A SINGLE WIND FARM OF 12 TURBINES FOR AN OPERATIONAL PERIOD OF 25 YEARS AT NUNN WOOD LAND BETWEEN LONDON ROAD AND HARROLD ROAD BOZEAT, WELLINGBOROUGH, NORTHANTS FOR NPOWER RENEWABLES**

The committee heard that this application had been considered on 17 February 2011 to established the council's approach in relation to the public Inquiry which was held on 4 – 11 October 2011. The Inspectors decision was issued on 15 November 2011 and granted planning permission with conditions.

On the 23 December 2011 Milton Keynes Council lodged an application under section 288 of the Town and Country Planning Act 1990 at the High Court seeking to overturn the Inspector's appeal decision dated 15 November 2011 to grant planning permission for a wind farm at Nun Wood. The grounds of the application were: -

- The Inspector made an error with respect to his use of the Regional Policy Renewables Targets by assessing whether the target had been met by reference, only in relation to the energy produced by wind farm developments.
- He failed to consider visual impact of the development upon the users of Three Shires Way
- He did not properly address noise impacts of the development on surrounding properties.

The Department for Communities and Local Government reviewed the Inspector's decision and submitted to judgement and the original appeal decision was quashed, and the appeal would be re-determined by a different inspector. The appeal would be able to consider new evidence and would not be limited to the noise condition which was the basis to quash the decision.

The reason that the committee was asked to consider this matter was to establish the council's approach in relation to the new public inquiry.

The Committee heard that the Officers recommendation was;

That in the absence of the appeal against non-determination it would have been minded to refuse planning permission for the reasons set out below and that these reasons should form the basis for the council to contest the appeal at the forthcoming Public Inquiry:

1. The proposed wind turbines by virtue of their size and number would result in an unacceptable impact upon the landscape, contrary to policies NE4, D5(iii) and D1(iii) of Milton Keynes Local Plan 2001-2011 (saved policies) and to policy CS20 of the Core Strategy, Revised Proposed Submission Version, October 2010.

2. The submitted details, including the Environmental Statement, fail to demonstrate that the proposed development would not have an adverse effect on the setting and visual amenity of settlements and individual properties as well as on key routes, such as the Three Shires Way which traverses the site, and fail to demonstrate how they protect and improve their character or distinctiveness. The proposal therefore conflicts with saved Policies D5 (iii), D1 (iii) and NE4 of Milton Keynes Local Plan 2001-2011, and policy CS20 of the Core Strategy, Revised Proposed Submission Version, October 2010.

3. The proposed development by reason of the scale, number of turbines and their proximity to residential properties known as Bozeat Grange and Northey Farm would result in an unacceptable and significant harmful impact on the living conditions of those residential properties. The proposal would therefore be contrary to the adopted Milton Keynes Wind Turbines Supplementary Planning Document and Emerging Policy adopted July 2012 and paragraph 97 of the National Planning Policy Framework March 2012 and therefore contrary to saved policy D5 of the Milton Keynes Local Plan adopted 2005.

The Committee heard representations in objection to the proposals due to their proximity to dwellings and

public rights of way in particular public bridleways, and the impact this could have on businesses reliant on those amenities should the numbers of users of bridleways and footpaths be reduced. Concerns were also expressed in respect of the visual impact on the landscape.

Councillor White proposed that the officers recommendation be agreed, this was seconded by Councillor McLean.

Members heard that the development was proposed to be constructed on a site that fell within three Authority areas and that similar appeals were being taken by those Authorities, therefore the committee was correct to take account of the potential impact on those actions of a decision taken as a material consideration.

The committee heard that the reasons remained the same from those given when the application was considered in February 2011 although a minor amendment to condition 4 had been made to take account of the supplementary planning document in respect of windfarms that had been adopted by Milton Keynes Council.

The Officers recommendation was put to the vote and was carried on the Chairs casting vote and it was;

RESOLVED –

That had the Committee considered the application for determination of planning permission it would have been minded to refuse planning permission for the reasons stated above and that these reasons would now form the basis for the Council to contest the appeal at the forthcoming Public Inquiry.

THE CHAIR CLOSED THE MEETING AT 8:48PM