

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Acts

DECISION NOTICE

Correspondence Address:

Dr R A C Benson
Caminus Energy Consultancy Ltd
486 Manchester Road
Bury
Lancashire
BL9 9NY

Applicant:

Mr J Cherry

PARTICULARS OF DEVELOPMENT

Application: 08/00047/1

Proposal: Change of use of agricultural land and siting of 3, 120m Wind Turbines (2 MW.) 1, 52.5m wind speed mast, access tracks and detached equipment building (as amended by plan received 01/10/08). This application is submitted with an Environmental Statement - Section 9 of ES amended 21/11/08

Location: **Weston Hills Wind Turbines Off, Hatch Lane, Weston, SG4 7EB**

Refused Plan Nos: Location Plan; WB001; WB002; WB003A; WB004

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 04/09/2008.

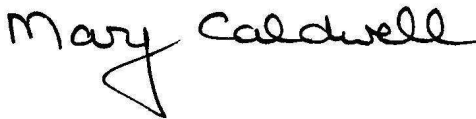
The reasons for the Council's decision to refuse permission are:

- 1 The application site lies within the Metropolitan Green Belt as described by the North Hertfordshire District Local Plan No 2 with Alterations. Inappropriate development such as that proposed will not be supported save in the presence of very special circumstances. No very special circumstances, which clearly outweigh the harm which would be caused to the openness of the Green Belt and the purposes and objectives of the designation, have been advanced in this case. Accordingly, the proposal is found to be contrary to Policy 2 of the District Local Plan No 2 with Alterations and the advice set out in PPG 2 (Green Belts).
- 2 The application is not supported by an adequate acoustic assessment such that would allow the Authority to accurately understand the predicted noise impacts of the turbines on the local acoustic climate across a range of environmental and operational scenarios as required by PPG 24.
- 3 The proposed development would be likely to have a materially harmful impact

on the continued and safe operation of both Graveley and Rush Green airfields as advised by the owner and operator of Graveley Airfield, the Aircraft Owners and Pilots Association, The British Microlight Aircraft Association and the Light Aircraft Association.

- 4 The position of the turbines, within fall-over distance of both Hatch Lane and footpath 3, would be contrary to the advice given in PPS 22 for public safety.
- 5 The presence of the turbines would be such as to have a significant and unacceptable impact upon the setting of the Weston Conservation Area contrary to the advice set out in PPG 15. Moreover, the absence of adequate information within the submitted Environmental Statement, addressing the impacts of the proposal on other historic assets such as listed buildings and the Baldock Conservation Area, gives rise to further concerns that the scheme would have significant and unacceptable impacts contrary to the requirements of PPG 15.
- 6 At the local level, the proposal would have a significant adverse impact on the landscape and visual resource of the area due to the siting and scale of the proposed wind turbines and their associated infrastructure. In particular and by reason of their scale and siting, the wind turbines would appear to impinge upon the distinctive landscape feature formed by the scarp slope between Weston Hill and Baldock; they would also appear to impinge upon the local landscape and visual amenities around the village of Weston and Baldock where there is a greater sense of enclosure, intricacy of landscape pattern and framing of views by landform, trees, woodlands and buildings. The Environmental Statement LVIA, submitted with application, does not contain sufficient information of a satisfactory quality to fully assess or justify the rationale for the siting and design of the proposed development and the scope for mitigation. In summary the proposal is considered contrary to the objectives enshrined in Policy ENV2 of the East of England Plan and PPS 22.
- 7 In the Council's opinion, the application has not been accompanied by drawings and supporting documentation, the quality and accuracy of which would enable the Planning Authority and those external parties with an interest in the proposal, to satisfactorily assess its impact in respect of a range of critical issues, including biodiversity.

Signed:



Planning Control
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Planning Control & Conservation Manager

Date: 28 April 2009

NOTES

1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.