

2022/1226 and 2022/1227

Banks Renewables (Hazelhead Wind Farm) Limited

2022/1226 - Variation of condition 2 to Extend the Life of Hazelhead Wind Farm up to 14th December 2051 and Removal of Pre-Commencement Conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 20 and 23 of planning application ref. 2006/1575 (Erection of three turbine wind farm)

2022/1227 - Variation of Condition 2 to Extend the Life of the electricity substation up to 14th December 2051 of Planning Application ref. 2011/0859 (electricity substation)

Land at Hazelhead/Crow Edge, Flint Lane, Sheffield

Background

In 2007 permission was granted for 3 wind turbines (2006/1575). Condition 2 of the Planning Permission imposed a time limit on the consent, whereby upon the expiry of 25 years from the date that electricity is first exported, the turbines and all associated works shall be removed, and the site restored. This application seeks to amend this condition so that the turbines are not required to be removed until the expiry of 40 years. The permission also imposed pre-commencement conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 20 and 23 which have been discharged under DOC applications ref 2010/ENQ/00137 and 2010/ENQ/00142.

In 2011 an electricity substation was approved to be used in connection with the turbines. Condition 2 of this decision notice (2011/0859) requires the approved building to be removed in its entirety and the land restored to its previous condition by 20th June 2031.

Description

The 3 turbine wind farm is situated on agricultural land at Hazelhead/Crow Edge, Flint Lane, Sheffield. The turbines have an approximate capacity of 2MW (approximately 6MW total), located within Barnsley Metropolitan Borough; approximately 1km south of Kirklees Borough, 1km north of the Peak District National Park, 17km west of Barnsley and 13km south-east of Huddersfield. Hazelhead Windfarm can produce enough clean energy to meet the needs of around 3,000 homes. The wind farm is operated by Banks Renewables.

Proposed Development

Planning permission was granted for the erection of a three turbine wind farm under application reference 2006/1575. Permission was granted on 20th June 2007. The existing wind farm was permitted for 25 years from the date on which electricity is first generated under condition 2 of the decision. This application seeks to vary this condition to allow for an additional 15 years, extending the operation of the windfarm and its associated decommissioning to up to 40 years in total. The first export of electricity was 14th December 2011 in accordance with condition 2 of the approval, and therefore the expiry date of Hazelhead Wind Farm is currently 14th December 2036. This application is seeking permission for an extension until 14th December 2051.

Planning application no. 2011/0859 sought planning permission for a revised location of a substation building approved under application no. 2006/1575. Condition 2 of this decision notice (2011/0859) requires the approved building to be removed in its entirety and the land restored to its previous condition by 20th June 2031. A separate s73 application has also been submitted for Variation of Condition 2 of Planning Permission 2011/0859 to vary the condition to ensure the cessation dates of the windfarm and its associated infrastructure align.

Policy Context

The site lies within the Green Belt on the adopted Barnsley Local Plan.

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022.

The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan Policies of relevance are:

D1 - Design

GB1 –Green Belt

CC1 – Climate Change

RE1 – Low Carbon and Renewable Energy

BOI1 – Biodiversity and Geodiversity

LC1- Landscape Character

Pol1 – Pollution Control and Protection

National Policy

NPPF (September 2023)

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should be refused except in very special circumstances; which will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed is clearly outweighed by other considerations.

Chapters 2, 4, 13, 14, 15, 16 are of relevance to this application. In particular chapter 14 para 158 states that.

When determining planning applications 53a for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

b) approve the application if its impacts are (or can be made) acceptable 54. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas, and

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

53a Wind energy development involving one or more turbines can also be permitted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. In the case of Local Development Orders, it should be demonstrated that the

planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

54 Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

Consultations

Dunford Parish Council – No comments received

Biodiversity – No objections subject to condition

Legal Officer – No comments received

Highways – No objections to the applications

Regulatory Services – No objections

PROW – No objections

Conservation Officer – No objections to the applications

Ward Councillors – Councillor Kitching states:- ‘I’m very happy to support this one. Hazelhead wind farm is running well and the team at Banks engage well with the local community as well as with us as local councillors. I get no complaints and it seems sensible to keep it running and generating power’

Representations

The application was advertised on site. No representations have been received.

Assessment

Principle of development

The principle of the development has previously been established under application 2006/1575 All relevant conditions were discharged and the permission fully implemented. The proposal involved the following works:-

- 3 wind turbine generators with a hub height of approximately 60m, a rotor diameter of around 80m, and a maximum height of not exceeding 100m when measured to the tip of a vertical blade.
- An anemometer measuring 60m in height.
- An electricity substation
- A 5m wide access track linking the turbines with the existing site access onto Flint Lane.
- A temporary construction compound and crane pads adjacent to each turbine.

The permission is subject to a condition requiring the permission to cease no later than 25 years from the date that electricity from the development is first exported to the grid. Within 12 months of the expiration of the permission all elements of the development above ground level, excluding the access tracks, shall be removed and the land restored in accordance with the Decommissioning Method Statement required by Condition 3. It is now proposed to extend that time period to 40 years. In addition, Planning application 2011/0859 sought planning permission for a revised location of a substation building approved under application 2006/1575. Condition 2 of this decision notice (2011/0859) requires the approved building to be removed in its entirety and the land restored to its previous condition by 20th June 2031.

A separate s73 application has also been submitted for Variation of Condition 2 of Planning Permission 2011/0859 - Erection of Electricity Substation at Hazelhead Wind Farm. (Retrospective) at Hazelhead Wind Farm. This application sought planning permission for a revised location of a substation building approved under application no. 2006/1575. Condition 2 of this decision notice (2011/0859) requires the approved building to be removed in its entirety and the land restored to its previous condition by 20th June 2031. Therefore, this condition will require varying to ensure the cessation dates of the windfarm and its associated infrastructure align.

Both applications are closely linked and therefore should be assessed together against the same policies.

Repowering and the NPPF

The main material planning considerations relate to the principle of 'repowering' of an existing wind farm and whether this application is premature in terms of extending the lifetime of the windfarm at this relatively early stage in its lifespan.

The rationale for extending the time period is to provide increased certainty for long term investment and the renewable site owner. This is accepted and afforded weight as a benefit of the proposal. In terms of principle, NPPF para 158 c) states that in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable. These impacts are considered below:-

Impact on residential amenity

The Pollution Control Officer has been consulted and has not raised any objections, subject to the original noise conditions being applied to the extended scheme.

In terms of impacts to existing homes and any new houses or developments since the original permission was granted, the following dwellings have been granted permission within the Crow Edge area since the wind farm was granted permission in 2007:

- Ref. 2015/0912 – Demolition of existing garages and erection of one pair of semi-detached dwellings – Approved 23/10/2015 (built).
- Ref. 2011/1011 – Erection of 2 flats (2008/1709 Extension of Time Limit) – Approved 06/10/2011.
- Ref. 2011/1270 - Erection of 1 no. detached dwelling – Approved 25/11/2011 (built).



Extract showing location of permissions granted since 2007

This shows that new permissions have been granted within the area of the above existing development, which is located close to Hazelhead Wind Farm. However, the original development existed prior to planning permission being granted for Hazelhead Wind Farm in 2007 and was considered within the original Noise Technical Report prepared by White Young Green, dated August 2006 and submitted as part of the original application for the wind farm. None of the permitted dwellings are located closer to the turbines than the existing dwellings which were already assessed. Furthermore, the agent states that there are currently no outstanding noise complaints at Hazelhead Wind Farm. As such, it is considered that no additional work is required to be carried out in terms of noise and shadow flicker for these new houses. The proposal is therefore acceptable subject to the original noise conditions being applied to this extended time period.

Visual Amenity

It is not considered that the extension of time would lead to any new visual amenity impact, nor would it worsen the existing visual appearance which was previously considered on the original applications. It is therefore considered on balance that the benefits of the continuation of the scheme would overall outweigh the ongoing visual intrusion of the scheme. There are not considered to be any reasons for refusal on visual amenity grounds.

Highways

The Highways Officer has been consulted and has no objections to the proposal. In terms of pertinence to highways, the site will retain the approved access and off-street parking. Highways do not raise concern regarding the retention of these facilities or the extension of the life of the wind farm.

Impact on Ecology

The Ecology Officer has no objections to the proposal subject to conditions. As this proposal is for an extension to the wind farm from 2036, it is considered too early to fully assess any additional ecological impacts for an extension 13 years from now, however the applicant has agreed to accept monitoring conditions but for these to be required from the cessation of the current consent (i.e. so that they only apply to the extended time period, as the current permission remains extant and the extension is only triggered at the point that the turbines remain beyond the currently approved time period). This would allow the assessment any impacts on bat and bird populations and measures to be put in place if the monitoring does show negative impacts on birds and bats. This should be secured by way of a condition, in accordance with Policy BIO1 of the Local Plan.

Biodiversity Net Gain

The agent has supplied the following information in relation to BNG. 'The following is from the Government's response part 2: Applying the biodiversity gain objective to different types of development, dated February 2023:

"In the case of variations of planning permissions, respondents suggested that any Section 73 application that would result in a change to the post-development biodiversity value should require an updated biodiversity gain plan. Most of the respondents agreed that original pre-development baseline should apply, and Section 73 variation applications should be bound by the net gain condition. Some noted that this would not work where the original permission was granted before mandatory BNG was commenced. Subject to further engagement, we therefore intend to only apply the requirement to Section 73 applications where the original permission was granted after commencement of the mandatory BNG requirement."

As the NPPF baseline is based on what is currently there on site, the windfarm is an existing windfarm, and no development is being added. The original permission was granted prior to commencement of mandatory BNG requirement, therefore the S73 application predates the requirement for mandatory BNG.

Conclusion

In conclusion, the existing turbines and substation are in situ having been assessed against previously against Green Belt policy as acceptable. This application is to extend the time period which they can be retained until 2051. Whilst visible from a number of distant viewpoints, the turbines are already in situ, the proposal would not cause any significant highways, ecology or residential amenity impacts. The NPPF states that the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable. The proposed impacts of extending the permission until 2051 are considered to be acceptable as

outlined above, subject to conditions and therefore the applications are recommended for approval.

Recommendations

2022/1226 - Variation of condition 2 to Extend the Life of Hazelhead Wind Farm up to 14th December 2051 and Removal of Pre-Commencement Conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 20 and 23 of planning application ref. 2006/1575 (Erection of three turbine wind farm) – Grant subject to the amended timescale for the permission and the removal of the above mentioned conditions

2022/1227 - Variation of Condition 2 to Extend the Life of the electricity substation up to 14th December 2051 of Planning Application ref. 2011/0859 (electricity substation) – Grant subject to the amended timescale for the permission