HUNTINGDONSHIRE DISTRICT COUNCIL

24/01948/NMA

OFFICER REPORT

Case No: **24/01948/NMA** **Non Material Amendment**

Proposal: **Non material amendment of 24/00311/FUL. The replacement turbine is being changed to a Vestas 52 (from a Vestas 66). The V52 is a smaller capacity turbine 0.85MW (V66 is a 1.75MW) with smaller blades of 26m blades (V66 has 32m blades). There will be no change to the tower height of 65m and the approved general appearance of the turbine as a white monopole with 3 blades.**

Location: **Field South Of Tick Fen Farm Puddock Road Warboys**

Applicant: **Mrs Anna Whittome**

Grid Ref: **533640 284544**

DESCRIPTION OF SITE AND APPLICATION

The application site comprises an existing wind turbine site (pursuant to 1300084FUL and 1400967FUL) surrounded by agricultural land associated with Tick Fen Farm and is currently used for arable farming. The land associated with Tick Fen Farm extends to approximately 70 hectares and is owned by the applicant. The application site extends to less than 0.4ha and includes the foundation footprint of the proposed wind turbine and temporary crane pad area and access road.

The immediate landscape comprised arable farmland and farmsteads however it is visually dominated by Red Tile Wind Farm, which is approximately 430m to the southeast of the application site and is an operational wind farm comprising 12no. wind turbines with a tip height of 100m.

There are 2no. other operational wind turbines associated with Tick Fen Farm and these are approximately 430m and 460m to the north east of the proposed wind turbine site. The turbines comprise 1no. Gaia wind turbine with an overall tip height of 24.8m (planning application ref: 1000119FUL) and 1no. Endurance wind turbine with an overall tip height of 46m (planning application ref: 1101601FUL).

Full planning permission (ref 24/00311/FUL) was granted on 17th May 2024 for 'Replacement of existing Wind Technik Nord 500kW wind turbine (tip height 74m) with 1no Vestas V66 wind turbine (tip height 100m)'

This non-material amendment application seeks to amend the replacement turbine to a Vestas 52 model (from a Vestas 66). The V52 is a smaller capacity turbine 0.85MW (V66 is a 1.75MW) with smaller blades of 26m blades (V66 has 32m blades). There would be no change to the tower height of 65m and the approved general appearance of the turbine as a white monopole with 3 blades.

RELEVANT PLANNING HISTORY

Planning history on application site:
1300084FUL - Installation of 1 WTN 500KW wind turbine with tip height of 74M and associated temporary infrastructure - Approved
1400967FUL - Installation of 2 substations adjacent to WTN 500kW wind turbine (PP 1300084FUL) - Approved
24/00311/FUL - Replacement of existing Wind Technik Nord 500kW wind turbine (tip height 74m) with 1no Vestas V66 wind turbine (tip height 100m) - Approved

Planning history on surrounding land:
1000119FUL - Erection of an 18m high domestic wind turbine, concrete footing and underground cable - Approved
1101601FUL - Installation of wind turbine (46m to tip), concrete footing and underground cable - Approved

CONSULTATIONS
N/A

REPRESENTATIONS
N/A

SUMMARY OF ISSUES
Section 96A of the Town and Country Planning Act 1990 (as amended) allows a Local Planning Authority (LPA) to make a change to any planning permission if it is satisfied that the amendment proposed is non-material. The main issue for consideration is whether the proposed amendment can be treated as 'non-material'.

Government guidance on non-material amendments is set out in the Planning Practice Guidance. This sets out that there is no statutory definition of 'non-material' because it will be dependent on the context of the overall scheme. An amendment that is non-material in one context may be material in another.

The approved replacement wind turbine had an overall height of 100 metres and the wind turbine now proposed as shown on the proposed elevations has an overall height of 91 metres. The design, colour and siting of the wind turbine would remain as previously approved. It is not considered the 9-metre reduction in height would represent a material change to the original permission and would be acceptable in design and landscape terms. Furthermore, it is not considered that there would be any impact on any third party interests. The proposed amendment can therefore be agreed as non-material.

Applications under Section 96A of the Act can be used to amend the description of development where this would be a non-material change which has been expressly considered in the case of Finney v Welsh Ministers & Ors [2019] EWCA Civ 1868. It is therefore recommended that the original description of development be amended to refer to the smaller wind turbine now proposed:
Replacement of existing Wind Technik Nord 500kW wind turbine (tip height 74m) with 1no Vestas 52 wind turbine (tip height 91m).

*Conclusion
The proposed reduction to the height of the approved wind turbine is considered non-material in the context of the overall scheme and accords with the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended).

The decision only relates to the non-material amendment sought and this is not a reissue of the original planning permission which still stands. The two documents should be read together.

CONTACT OFFICER:
Enquiries about this report to **Lucy Pateman**