

BOROUGH OF KETTERING

Committee	Full Planning Committee - 10/03/2015	Item No: 5.6
Report Originator	Rebecca Collins Development Team Leader	Application No: KET/2014/0861
Wards Affected	Burton Latimer	
Location	Burton Wold Farm, Wold Road, Burton Latimer	
Proposal	Full Application with EIA: Erection of 3 no. 136.5m wind turbines, 1 no. 85m anemometer mast, control building and associated works to access and tracks	
Applicant	Mr K Clouston Infinergy Ltd,	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall begin not later than three years from the date of this decision.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The Local Planning Authority shall be notified in writing of the date when electricity from the development is first supplied to the grid and the development shall be removed from the site following the expiry of 25 years from that date: the turbines shall be decommissioned and the turbines and all related above-ground structures shall be removed from the site. Following the removal of the turbines and structures, the land shall be re-instated in accordance with a Decommissioning Method Statement that shall first be submitted for the approval of the Local Planning Authority at least 18 months before the date of the decommissioning of the wind farm. That method statement shall include details of the manner, management and timing of the re-instatement works to be undertaken and shall be accompanied by a Traffic Management Plan for the removal of the large turbine components. The removal works and the reinstatement of the site shall not be carried out other than in accordance with the approved scheme.

REASON: In recognition of the expected life of the proposal and to prevent an unacceptable impact on the landscape and the surrounding environment in accordance with Policy 4 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Prior to the erection of any wind turbines, details of their exact siting locations, design, specification, colour and any fencing shall be submitted to and approved in writing by the local planning authority. Only turbine locations as approved shall be installed upon the development site.

REASON: To ensure the proposal does not have a detrimental impact on quality of life or the natural environment in accordance with policy 7 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The blade tip height of the turbines shall not exceed 136.5 metres in height above ground level and the hub height shall not exceed 85 metres in height above ground level. The blades of the turbines hereby permitted shall all rotate in the same direction. The anemometer mast shall not exceed 85 metres in height above ground level.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with policies 7 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Any lighting associated with the construction and operation of the wind farm shall only be installed and used in accordance with a scheme that has first been submitted to and approved in writing with the local planning authority before the commencement of development.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with policies 4 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

6. All cabling shall be laid underground in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to installation.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with policies 4 and 11 of the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall commence on site unless and until full plans and details including the materials, together with samples, to be used in the construction of the substation and compound have been submitted to and approved in writing by the LPA. The development shall not be carried out other than in accordance with the approved plans and details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The local planning authority shall be notified in writing of any wind turbine that fails to continuously produce electricity for supply to the electricity grid for a period of 12 months. This wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period, in accordance with a scheme that has first been submitted to and approved in writing by the local planning authority. That scheme shall include the details of the manner, management and timing of the

works to be undertaken and shall also include a traffic management plan for the removal of the large turbine components. That part of the site shall be restored in accordance with a detailed scheme that has first been submitted to and approved in writing by the local planning authority.

REASON: In recognition of the expected life of the proposal and to prevent an unnecessary impact on the landscape and the surrounding environment in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Prior to the "first export date" a baseline television reception study in the area will be submitted to and approved in writing by the Local Planning Authority. The study shall include a mitigation scheme setting out details of works necessary to mitigate any adverse effects to domestic television signals in the area caused by the development and shall include provision for investigating and dealing with any claim by any person for domestic loss or interference at their household within 12 months of the final commissioning of the wind farm. The development shall not be operated other than in accordance with the approved study and mitigation scheme.

REASON: In the interests of protecting the local amenity and to alleviate any adverse electromagnetic interference in accordance with Policy 13 of the North Northamptonshire Core Strategy.

10. No electricity shall be exported to the local grid until details of a scheme, to limit shadow flicker, have been submitted to and approved in writing by the Local Planning Authority. Those details shall include a protocol for the assessment and remediation of shadow flicker following a complaint from the owner or occupier of any dwelling affected which lawfully existed or had planning permission at the date of this permission. The turbines shall not be operated other than in accordance with the approved details.

REASON: In the interests of protecting residential amenity in the accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. No development shall take place until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- (i) The timetable for works on site;
- (ii) The routing of vehicles to and from the site;
- (iii) Arrangements for escorting abnormal loads;
- (iv) Temporary warning signage;
- (v) Temporary removal and replacement of highway infrastructure and street furniture;
- (vi) Any road closures;
- (vii) Expected levels and timings of development traffic;
- (vii) Measures to control traffic, in and around the site;
- (viii) All loading and unloading areas which will be used for the delivery or despatch of materials related to the development;
- (ix) Measures to ensure that delivery vehicles and construction traffic will not park on the county highway for loading, unloading or waiting for site entry; and

(x) Revised tracking diagrams to depict abnormal load access.

The development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. At least 3 months before the development commences, the developer shall provide the local planning authority with written confirmation of the following details, which are required by the Ministry of Defence and Civil Aviation Authority:

i) the date when development is expected to commence;

ii) the maximum height of any turbine; and

iii) the maximum extension height of any construction equipment.

Within fourteen days of the "first export date", the developer shall provide the local planning authority with written confirmation of the following details, which are required by the Ministry of Defence and Civil Aviation Authority:

iv) the date of completion of construction;

v) the height above ground level of the highest structure that has been erected as part of the development hereby permitted; and

vi) the position of that structure in terms of latitude and longitude.

REASON: In the interests of air safety in accordance with policy 4 of the NPPF.

13. In the interests of protecting, ecology and ornithology the works shall be carried out in accordance with:

a) The recommendations and mitigation measures as outlined chapters 8 and 9 of the submitted Environmental Statement, Volume 1: Written Statement dated November 2014; and

b) A construction environmental / ecological management plan and a long term ecological management plan which shall first be submitted to and approved in writing by the local planning authority prior to the commencement of development;

REASON: In the interests of protecting ecology and biodiversity in accordance with policy 11 of the NPPF and policy 13 of the CSS.

14. No development shall take place until details of investigative archaeological works, to be undertaken on the site, have been submitted to and approved in writing by the Local Planning Authority. Those works shall be carried out as approved and the findings, together with details of any measures designed to protect archaeological remains, shall be reported to the Local Planning Authority within 3 months of completion of the investigative works. No development shall take place until the Local Planning Authority has given its written approval to the report and to any protective measures that it identifies. Protective measures shall be implemented in accordance with the approved details.

REASON: In the interest of the historic environment in accordance with Policy 12 of the NPPF and Policy 13 of the North Northamptonshire Core Spatial

Strategy.

15. Construction of the development hereby permitted shall only take place on the site between the hours of 07:00 - 20:00 on Monday to Friday inclusive and 08:00 - 16:00 hours on Saturday. No such construction work shall take place on any Sunday or public holiday. Outside these hours, works at the site shall be limited to emergency works and dust suppression. Emergency works shall include works to make safe a turbine that is under construction. The Local Planning Authority shall be informed in writing of any emergency works within one working day of their occurrence.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

16. Delivery to the site of construction materials, and of equipment for the construction of the development, shall only take place between the hours of 07:00 - 18:00 on Monday to Friday inclusive and 08:00 - 16:00 hours on Saturday. Notwithstanding the terms of this Condition, the delivery of turbine, nacelle and/or crane components to the site may take place outside the hours as specified.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

17. The noise emitted from the combined effects of all the wind turbines which are the subject of this consent and others forming the wider Burton Wold Wind Farm which have previously been given consent as measured in accordance with the guidelines stated within "ETSU-R-97 The assessment and rating of noise from wind farms", at any dwelling in existence (at the time of this permission) not associated with the scheme, shall not exceed the greater of 35 dB LA90, 10 minutes or 5 dBA above background noise (LA90, 10 minutes) at wind speeds within the site not exceeding 10 metres per second for day time periods and shall not exceed the greater of 43 dBLA90, 10 minutes or 5 dBA above background noise (LA90, 10 minutes) at wind speeds within the site not exceeding 10 metres per second for night time periods. The measurements and or calculations shall be made in accordance with the methodology detailed in "ETSU-R-97 The assessment and rating of noise from wind farms", and in particular the noise emission values for the wind turbines shall include the addition for any tonal penalty. The background noise levels shall be those measured and stated within the Burton Wold Wind Farm South, Environment Statement - Chapter 9 Noise and Vibration Assessment, dated April 2011. Any data provided to the Local Planning Authority, in accordance with the noise conditions, shall be provided in comma separated values in electronic format.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

18. No wind turbine shall be operated on the site until a scheme detailing the monitoring to assess compliance with the noise limits outlined in this consent of noise emitted from the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that noise monitoring is carried out at the nearest noise sensitive premises outside the curtilage of the development, or other agreed location prior to submission to the Local Planning Authority. Any data provided to the Local Planning Authority, in accordance with the noise conditions, shall be provided in comma separated values in electronic format. The details shall: include a list of independent consultants who are qualified to carry out the monitoring and arrangements for amending that list with the agreement of the Local Planning Authority; shall make provision for the monitoring to be completed within 6 months of the "first export date"; and, shall provide for a written report of the results of monitoring to be submitted to the Local Planning Authority within 28 days of completing the monitoring.

REASON: In the interests of protecting the occupier of the nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

19. Within 21 days from receipt of a written request by the Local Planning Authority, which sets out the date and time of noise disturbance alleged in a complaint by the occupier of a dwelling which lawfully exists or has planning permission at the date of this permission, the wind farm operator shall, at its own expense, employ a consultant approved by the Local Planning Authority, to assess the rating level of noise emissions from the wind farm at the dwelling, in accordance with a protocol, that has been agreed in writing by the Local Planning Authority, and in accordance with the procedures described in ETSU-R-97. The assessment shall consider compliance with noise limits, under a range of meteorological and operational conditions which the Local Planning Authority has agreed, in writing, is representative of the conditions which prevailed when the alleged disturbance occurred. The operator will arrange for the turbines not to be operated as may be necessary for the purposes of the investigation. Any data provided to the Local Planning Authority, in accordance with the noise conditions, shall be provided in comma separated values in electronic format. The operator shall carry out this investigation and report to the Local Planning Authority within 28 days of such a request or other such period as the Local Planning Authority approves. If or where the rating level of noise emissions is in excess of those specified in this consent the operator shall immediately take such action as may be necessary, including ceasing to operate any or all of the turbines.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

20. The wind farm operator shall continuously log power production, nacelle wind speed and nacelle orientation at each wind turbine. The data obtained shall be retained for the duration of the planning permission. The wind farm operator shall provide the data to the Local Planning Authority within 14 days of being requested to do so by the Local Planning Authority. Any data provided to the Local Planning Authority shall be provided in comma separated values in electronic format.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

21. Within 28 days of receiving written notification by the Local Planning Authority, that the noise limits in this consent have been breached, the wind farm operator shall provide the Local Planning Authority with written details of a scheme to prevent any further breach, including a timetable for implementation of the scheme. The scheme shall be submitted for the Local Planning Authority's written approval and it shall be carried out in accordance with the terms of that approval. Any data provided to the Local Planning Authority, in accordance with the noise conditions, shall be provided in comma separated values in electronic format.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

22. No works to decommission the development shall commence until a scheme for the protection of nearby residential dwellings, both outside and within the development curtilage, from noise resulting from the decommissioning of the wind turbine farm, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the commencement of the decommissioning of the wind farm.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

23. No development shall take place until details of the following works have been submitted to, and approved in writing by, the Local Planning Authority:

- (i) the onsite track layout;
- (ii) locations where gaps and gateways are to be created or widened in existing hedges;
- (iii) measures that will be taken to minimise the gaps created in existing hedges; and
- (iv) a scheme showing the exact location and species of 20 metres of hedgerow, to be planted as outlined in Section 8 of Volume 1: Written Statement of the Environmental Statement. The planting of the hedgerow shall be carried out in exact accordance with the approved scheme, which shall include timescales for planting and management of the hedgerows.

REASON: In the interests of protecting the natural environment in accordance with policy 11 of the NPPF and policy 13 of the CSS.

24. Prior to the commencement of development, a scheme detailing the security measures/standards to be incorporated within the development and construction site with reference to secure standards shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: To reduce the potential for crime in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

25. In the event that contamination is found when carrying out the approved development, which was not previously identified, it must be reported in writing within 3 days of discovery to the Local Planning Authority. An investigation and risk assessment must be undertaken by the applicant, in a timescale to be first agreed in writing with the Local Planning Authority and where remediation is necessary a remediation scheme must be prepared which shall first be approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which shall be approved in writing by the Local Planning Authority.

REASON: To reduce the risk to all receptors to acceptable levels and ensure that the site is suitable for its proposed use and to safeguard the environment of the area, in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

26. This permission shall only be implemented in substitution for and not in addition to planning permission KET/2012/0506 approved on 2nd April 2012.

REASON: To prevent an overdevelopment of the site in the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

27. No development shall take place until such a time as a Construction Method Statement (CMS) has been submitted to and approved in writing by the LPA. The CMS shall include details of:

- i. pollution prevention measures to be adopted during the construction phase to ensure that that suitable bunding is around fuel tanks and that excavation/construction works do not harm local sewerage, groundwater supplies, surface water quality or the quality of subsoil;
- ii. measures to control dust and mud arising from the development;
- iii. arrangements for the disposal of waste and surplus materials; and
- iv. emergency procedures and pollution response plans.

The development shall be carried out in accordance with the approved CMS.

REASON: In the interests of protecting the amenity of occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire CSS.

28. No transportation of wind turbines or their components to the site via abnormal load movements shall be undertaken until works as shown indicatively on drawing Figure 10.2 (Pinch Point A – A14 to A6 Junction) have been completed or in accordance with an alternative scheme which shall first be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure highway safety in accordance with Policy 13(n) of the North Northamptonshire Core Spatial Strategy.

29. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference January 2015/0211/3/FRA and the mitigation measures as outlined in this approved FRA. The approved mitigation measures shall be fully implemented prior to first commissioning of the turbines hereby permitted and in accordance with the timing and phasing arrangements as outlined in this FRA.

REASON: To prevent flooding in accordance with Policy 11 of the NPPF and Policy 13 (q) of the North Northamptonshire CSS.

Officers Report for KET/2014/0861

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

Application Site

KET/2011/0506, 5 wind turbines (100m height to tip), control building and substation within a secure compound, underground electrical cables connecting the turbines to the substation, alterations to existing site access, access tracks and crane hardstandings, temporary construction compound and anemometry mast 65m height (Approved).
KET/2014/0479, Scoping Opinion Burton Wold Southern Extension (Advice given)

Burton Wold land to the north of the application site

The following details relate to the existing Burton Wold Wind Farm and land to the north:

KET/2003/0559, 10 wind turbines, generators, anemometry mast, substation and associated infrastructure. (Approved)
KET/2005/1012, Modify existing junction. (Approved)
KET/2006/1008, Erection of 50m guyed anemometer mast for 12 month period to measure wind speed and direction. (Approved)
KET/2007/0054, Scoping Opinion - Extension to wind farm.
KET/2007/1033, Wind farm consisting of 7no. wind turbines (100m tip height). (Approved)
KET/2010/0755, Anemometry mast. (Approved)
KET/2012/0075, Scoping Opinion - Revision to Burton Wold wind farm northern extension.
KET/2012/0249, Lawful Development Certificate - Commencement of planning permission reference KET/2007/1033 by the marking out of the access tracks and hedge removal positions. (Deemed a lawful commencement of planning permission).
KET/2012/0556, Erection of 9 no. wind turbines (maximum overall tip height of 132.5m), new on-site access tracks, hard standing areas, control building, cabling and 80m anemometer mast (Approved)
KET/2013/0290, Variation of condition 16 of KET/2012/0556 (hours of construction) (Approved)
KET/2014/0017, Variation of condition 12 of KET/2003/0559, in respect of noise monitoring (Approved)
KET/2014/0037, Screening Opinion Burton Wold Solar Farm (Advice given)
KET/2014/0215, Screening Opinion Burton Wold Solar Farm (Advice given)
KET/2014/0216, Scoping Opinion Burton Wold Solar Farm (Advice given)
KET/2014/0540, Solar photovoltaic farm and ancillary infrastructure (Approved)
KET/2014/0863, Solar photovoltaic farm and ancillary infrastructure

(Pending)

Site Description

Officer's site inspection was carried out on 16/01/2015

The site for development, known as Burton Wold Wind Farm South (BWWFS) is an area of 3.84 hectares (Ha) of arable farmland located within land at Glendon Farm, Burton Latimer. The area comprises of agricultural fields separated by low hedgerows, and dry ditches. Informal farm tracks run parallel to the ditches and hedgerows, except for the main entrance track which opens into the site leading from the A6 bypass to the west. It is bounded by the operational wind farm (Burton Wold Wind Farm) to the north, consisting of 19 turbines (10 turbines 100m to the tip and a further 9 turbines 132.5m to the tip) with farmland, woodland and the A6 to the west. To the east of the site is open countryside and beyond that is the A510.

Proposed Development

The proposal is for a full planning application with Environmental Impact Assessment for the erection of 3 wind turbines, 136.5m to the tip, 1 x 85m anemometer mast, a control building and associated works to access and tracks.

Any Constraints Affecting the Site

Development in the open countryside

4.0 Consultation and Customer Impact

Parish/Town Council

Burton Latimer Town Council

No objection.

Finedon Parish Council

Object to the application on the grounds that it will result in further industrialisation of the countryside and on aesthetic grounds.

Broughton Parish Council

No observations

Borough Council of Wellingborough

Holding response received, awaiting further comments.

East Northamptonshire Council

No objection.

Highways Agency

No objection subject to conditions regarding the proposed highways

works.

Highway Authority

No objection subject to:

- New tracking diagrams are required due to the increased height of the turbines. All highways works must be done under the appropriate licence and traffic management consents.
- The footway that runs along the front of the access must be protected and widened to 2m during the construction period, allowing for the future upgrading to a 3m wide cycle track.
- The existing access crosses over a culvert which may well require widening or replacing depending on its load bearing capacity. These works must be agreed with the Highways Authority prior to works commencing.
- The applicants must notify all necessary Highways Authorities, bridge owners and Police Authorities through whose area the route will run through.
- An area will need to be set aside for public viewing with parking and turning.

English Heritage (EH)

The application potentially impacts scheduled ancient monuments, listed buildings and conservation areas. Notwithstanding the reduction in the number of turbines, the increased height is likely to have some impact on the setting of various heritage assets, in particular the Church of St Mary the Virgin, Finedon and The Church of St Mary, Burton Latimer, both Grade I Listed with tall spires. EH do not believe that there is sufficient information to make an informed assessment on the heritage asset affected. None of the submitted photomontages address these impacts. Also, the application has the potential to impact the Grade II Listed Roundhouse. EH encourage the LPA to review the application in light of the guidance contained in the NPPF and ensure that they are satisfied the application contains sufficient information to properly assess the impact of the proposal on local heritage assets.

Environment Agency

09/01/2015 - Object to the application in the absence of an acceptable Flood Risk Assessment (FRA).

29/01/2015 – Remove their objection subject to conditions with regards to the development being carried out in accordance with the submitted FRA January 2015/0211/3/FRA.

Anglian Water

No concerns.

North Northants Badger Group

No comments.

Environmental Health

No objection subject to condition with regards to contaminated land, noise, the requirement for a construction management and decommissioning strategy and lighting.

Ministry of Defence

There is a civil aviation requirements for all structures of 91.4metres to be charted on aeronautical charts and any structure over 70 feet be noted to the Defence Geographic Centre at least 6 weeks prior to the start of construction.

Cumulative effects of turbines may lead to unacceptable impacts

NATs

No safeguarding objection to the proposal.

Joint Radio Company (JRC)

Does not foresee any potential problems based on known interference scenarios. The JRC should be contacted if the location or height of the turbines is to change.

National Planning Casework unit

No comments.

Neighbours

Six letters of support have been received from properties in Nuneaton, Leicestershire, Nottinghamshire and Oxfordshire stating the following:

- The present wind farm is exemplary for local, sustainable, secure, carbon-free electricity generation, and for social acceptance by the majority living nearby.
- The three turbines would power enough electricity to power 5,700 homes per year and there is an expected annual increase of approximately 20% from the previously consented scheme. The use of natural resource to generate electricity is supported over the burning of fossil fuels and the release of harmful gases to contribute to climate change.
- Visually the turbines are in keeping with the existing northern extension.
- The site already has planning permission for five turbines and the land is not designated landscape.
- The proposal will not negatively impact biodiversity, heritage assets or local residents.
- The UK has a legally binding target of producing 15% of its energy from renewable sources by 2020, we are a long way from achieving this target and therefore proposals such as this are important.
- The proposal is considered in accordance with the NPPF.

5.0 Planning Policy

National Planning Policy Framework

Policy 1. Building a strong, competitive economy

Ensures that the planning system is supportive of sustainable economic growth, and local planning authorities should plan to meet development of business needs and support an economy fit for the 21st Century.

Policy 3. Supporting a prosperous rural economy

States that planning should support rural economic growth to create jobs and prosperity by taking a positive approach to sustainable new development.

Policy 10. Meeting the Challenge of Climate Change, Flooding and Coastal Change

Aims to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is considered central to the economic, social and environmental dimensions of sustainable development. LPA's should not require applicants to demonstrate the overall need for renewable energy.

Policy 11. Conserving and enhancing the natural environment

Planning should contribute to and enhance the natural and local environment in the following ways; protecting and enhancing valued landscapes; recognising the benefits of ecosystems; minimising impacts on biodiversity and providing net gains, where possible; preventing unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating land.

Policy 12. Conserving and enhancing the historic environment

States historic assets should be conserved in a manner appropriate to their significance. Where development will lead to substantial harm or loss to an historic asset, local authorities should refuse consent unless it is necessary to achieve substantial public benefits

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 imposes a legal duty on the LPA to determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise.

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

This policy outlines the settlement hierarchy and outlines the need for development to take place within settlement boundaries.

Policy 5: 'Green Infrastructure'

Seeks a net gain in green infrastructure and biodiversity through the protection and enhancement of assets. Where proposals affect the Upper Nene Valley Gravel Pits proposed Special Protection Area (pSPA), the tests of the Habitats Regulations must be satisfied in order to determine impacts and mitigation measures where appropriate. In addition, sub-regional green infrastructure corridors will be safeguarded and enhanced.

Policy 13: 'General Sustainable Development Principles'

Development should meet today's needs without compromising the ability of future generations to enjoy the same quality of life. Development should respect the character of the area and not have an adverse impact on residential amenity (in the immediate or wider vicinity); the highway network and highway safety. It should also seek to conserve and enhance the natural and historic environment, protect and improve water quality; not degrade soil quality; and finally not increase and where possible reduce flood risk.

Policy 14: 'Energy Efficiency and Sustainable Construction'

Development should meet the highest viable standards of resource and energy efficiency and seek a reduction in carbon emissions. Although this policy does not explicitly relate to wind energy, paragraph 4.14 does state that in what will remain a generally rural area, there are some opportunities for wind energy developments and in line with the latest national guidance and planning advice, it is anticipated that new wind energy development proposals will, in principle, be considered favourably in North Northamptonshire.

Local Plan

Policy 7: 'Protection of the Open Countryside'

States that planning permission for development within the open countryside will not be granted except where otherwise provided for in this plan. The purpose of this policy is to protect the open countryside from unjustified development. However, it is considered that in terms of wind farms this policy has been largely superseded by more recent parts of the Development Plan (i.e. the CSS and EMRP) which finds that in principle wind farm developments are appropriate within the open countryside. Where there is a conflict in the Development Plan between older and newer policies the conflict must be resolved in favour of the most recently adopted policy.

Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 66(1) of the Act states that in consideration of whether to grant planning permission the Local Planning Authority shall have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses
- Section 72(1) of the Act states that in consideration of whether to

grant planning permission the Local Planning Authority shall pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.

Emerging Policies (Local Development Framework)

The National Planning Policy Framework (para 216) refers to decision takers being able to give weight to relevant policies in emerging plans subject to three criteria, namely; the stage of preparation of the emerging plan; the degree of objections; and the degree of consistency with the Framework.

Site Specific Proposals LDD – Options Paper

Sites in the Spatial Portrait, Vision and Outcomes that ‘an opportunity exists at Burton Wold Wind Farm, which currently provides a focus for the Boroughs renewable energy production and is well located to provide an opportunity for an intensification of renewable technologies and the provision of strategic facilities that could provide energy to support the existing and growing needs of the community’.

Pre-Submission Joint Core Strategy

The Pre-Submission Joint Core Strategy is currently out to public consultation.

Emerging Policy 26 states that Proposals for renewable and low carbon energy generation will be supported where it can be demonstrated that the proposal meets all of the following criteria:

- a) The most appropriate technology is selected for the site having regard to site characteristics and the Regional Renewable Energy Study;
- b) The development links to a specific demand through a decentralised energy network or where this is not possible, the necessary infrastructure is provided to supply power to the National Grid;
- c) The siting of development avoids substantial harm to the significance of a heritage asset and its setting;
- d) The landscape impact of the development is minimised and mitigated against;
- e) The siting of development does not create a significant noise or odour intrusion for existing, or proposed, residential dwellings;
- f) The development does not result in an adverse impact on the highways network;
- g) The development includes a managed programme of measures to mitigate against any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any equipment/infrastructure;
- h) The development does not create an overbearing cumulative noise or visual impact when considered in conjunction with other developments and permitted proposals within North Northamptonshire and adjoining local authority areas;
- i) The development provides community benefits, where appropriate, including contributions to energy efficiency measures, which would outweigh any residual harm caused by the development; Provision will

be made for the removal of apparatus and reinstatement of the site to an acceptable condition, should the scheme become redundant and/or at the end of the permitted period for time limited planning permissions.

Land at Burton Wold is identified as an Area of Opportunity for an Energy Park to build on the range of renewable energy technologies already present. The development will link the energy production to high tech employment opportunities, new development at East Kettering and strategic development at Junction 10 of the A14.

Proposals for the Energy Park should meet criteria a) to h) above and should also:

- i. Be subject to a comprehensive masterplan;
- ii. Make provision for on-site research facilities to facilitate development of local knowledge, expertise and research and development;
- iii. Demonstrate how the proposal will contribute towards meeting the energy needs of existing and planned development, including East Kettering SUE, strategic development at Junction 10 of the A14 and employment uses associated with the site;
- iv. Retain and enhance on-site biodiversity, including the creation of ecological corridors and enhancement of existing features and safeguarding of the Cranford St John SSSI;
- v. Create a model for zero carbon energy through the installation of exemplary energy efficiency standards in buildings which use energy produced on-site in their operation;
- vi. Be of a high quality design to mitigate landscape impact.

The Pre-Submission plan also includes emerging policies for historic environment (2), landscape character (3), biodiversity and geodiversity (4), water environment, resources and flood risk management (5), the delivery of Green Infrastructure (19) and rural economic development and diversification (25).

SPGs

Biodiversity SPD

This SPD notes that 'protecting our natural resources and enhancing the environment is one of the Government's four priorities for immediate action to deliver sustainable development. Biodiversity is a fundamental constituent of this and its importance is set out in Northamptonshire's Biodiversity Action Plan'.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle

2. Historic Environment
3. Landscape and visual
4. Geology, Hydrology and Hydrogeology
5. Ecology
6. Traffic and transport
7. Amenity
8. Other Matters
9. Environmental Impact Assessment

1. Principle

As outlined in the policy section of this report there is very strong policy support at national and local level for the delivery of renewable and low carbon energy. The National Planning Policy Framework encourages efforts to harness renewable energy of any type and advises that planning permission should be granted, for this sort of development, subject only to the requirement that its impacts would be acceptable or adequately mitigated.

Radical reductions in greenhouse gas emissions are required and any contribution to cutting those emissions is valuable. The NPPF is clear that there is no onus on a developer to demonstrate the overall need for renewable energy. Indeed, the Framework is based on a presumption in favour of sustainable development and the delivery of renewable energy infrastructure is central to the economic, social and environmental dimensions of this. That does not however mean that all renewable energy development is necessarily sustainable; wider considerations need to be taken into account, including the impact of the development on matters such as the natural and historic environments, the living conditions of local people and highway safety.

The application site lies within an area of open countryside, where development is restricted as outlined in policy 7 of the Local Plan for Kettering Borough and policy 1 of the Core Spatial Strategy (CSS). However, due to the nature of the development and its location adjacent to (to the north of) the existing Burton Wold Wind Farm, it is considered that the principle of renewable energy in this location is supported by the presence of the existing turbines, the earlier permission and the emerging Site Specific Proposals LDD – Options paper, which supports the use of this area for further renewable energy.

Planning permission was granted in 2012 for 5 number turbines, 100 metres to the tip, application reference KET/2011/0506, in this general location. These turbines have not been constructed and this permission would replace the previously granted permission for five turbines. This revised scheme will consist only of 3 turbines, with a slightly amended planning envelope to accommodate a revision to the type of turbines

proposed. The proposed turbines are to be a maximum height of 136.5 metres (85 metre hub and 103 metre rotor diameter). Other ancillary equipment is also required including access tracks, crane pads, underground cabling to each turbine, a control building or substation and a permanent 85 metre high anemometry mast. A temporary construction compound and lay-down areas adjacent to the turbines are also required during construction.

The applicant states that this revised scheme includes turbines which are more efficient for the wind conditions experienced at this site and that they are anticipated to generate an additional 20% of renewable electricity. It is predicted that the proposed scheme will generate 8.55MW of electricity and prevent the release of approximately 9400 tonnes of CO2 annually.

The Pre-Submission Joint Core Strategy emerging policy 26 outlines a number of criteria for renewable energy at this site, including ensuring the most appropriate technology is selected for the site; the development links to a decentralised energy network or where this is not possible, to the National Grid; avoid substantial harm to the significance of a heritage asset and its setting; landscape impacts are minimised and mitigated against; the siting of development does not create a significant noise or odour intrusion; not result in an adverse impact on the highways network; includes a managed programme of measures to mitigate against any adverse impacts; not create an overbearing cumulative noise or visual impact. Furthermore proposals for the Energy Park should be subject to a comprehensive masterplan; make provision for on-site research facilities; demonstrate how the proposal will contribute towards meeting energy needs; retain and enhance on-site biodiversity; create a model for zero carbon energy; be of a high quality design to mitigate landscape impact.

The proposal includes more efficient turbines than previously permitted and it is intended to produce renewable energy to link to the National Grid. Aspects of impacts to historic assets, landscape impacts, highways impacts, noise and visual impacts are further considered below. The proposal will contribute to the development of the Energy Park at Burton Wold, on this basis the proposal is considered to be in general conformity with this emerging policy.

The proposed turbines are considered to be a more efficient type than previously approved. As the proposed turbines would increase the delivery of renewable energy and that the application proposal is strongly supported by the aims and objectives of national and local Development Plan policies. The land surrounding the development can be retained as agricultural land and still be farmed following the construction of the turbines, also given the previous consent for turbines on this land then the principal of development is considered acceptable.

2. Historic Environment

The application site lies within open countryside. It is approximately 1141m from the nearest edge of the Burton Latimer Conservation Area to the edge of the application site and 1101m in the case of the Finedon Conservation Area. Section 72 of the Planning and Listed Buildings Act 1990 places a duty on all local planning authorities to have to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. These Conservation Areas contain a number of Listed and historic buildings and section 66 of the Planning and Listed Buildings Act 1990 places a duty on all Local Planning Authorities to have special regard to the desirability of preserving any Listed Building or its setting or any features of special architectural or historic interest which it possesses in considering whether or not to grant planning permission.

Paragraph 133 of Policy 12 the NPPF states that 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss . . . Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

English Heritage has raised concerns about the lack of justification within the submitted statement with regards to the impact on heritage assets. The submitted Environmental Impact Assessment (EIA) identifies all heritage assets including Scheduled Monuments, Listed Buildings, Conservations Areas, registered parks and gardens, archaeology and non-designated assets within a 5km search area of the development. Further assessment of the impacts is considered in a five stage approach which identifies heritage assets and their settings; assesses how and to what degree these settings make a contribution to the significance of the heritage asset; the beneficial or harmful effects of the development on significance; explore ways of avoiding or minimising harm; and, make and document the decision and monitor outcomes.

With regards to archaeology, as the footprint of the revised layout is smaller than previously proposed, the effect on archaeology is actually reduced. The EIA outlines that there is potential for the development to impact archaeological remains especially in those areas which have not been surveyed including a small part of the proposed crane pad to turbine 2 and the location of turbine 3. There is also the possibility that the construction of the substation may encounter archaeological remains. Features of archaeological significance within the site have been recorded by the applicants through photographs, geophysical survey and trial trenching. However, the site has been intensively

farmed since the 19th century, which will have impacted sub-surface archaeological remains. The EIA states that the proposal has the potential for loss of archaeological remains within the footprint of the development. However, any assets found would be recorded in advance of their loss, this can be secured through condition and the publication of results would help with understanding the value of what remains on site as well as preserving this aspect of heritage significance.

The potential archaeological remains have been judged to have low heritage significance. Subject to a suitably worded condition with regards to archaeological mitigation and recording, the proposal is considered to have less harm than the previously approved scheme given the reduction in ground works. The proposal is therefore considered acceptable in this regard.

There are many Listed Buildings within the Church Street area of the Burton Latimer Conservation Area. Due to the dense built nature of the Conservation Area, the majority of views to the turbines are largely blocked by other buildings. Also, views to the existing turbines are already present in key areas identified within the Burton Latimer Conservation Area Appraisal. However, the proposal may increase opportunities to view turbines from within the Conservation Area. The Burton Latimer Conservation Appraisal views the significance of the Conservation Area from its architectural and historic interest. The revised proposal is not considered to have any great affect on the architectural significance of the Burton Latimer Conservation Area than what was previously proposed. Any historical impacts are considered to be temporary given the 25 year consent.

English Heritage raise concerns about the potential for impacts on Burton Latimer's Grade I Listed St Mary's Church. The EIA states that the proposed turbines will be located at oblique angles to the key views identified in the Burton Latimer Conservation Appraisal and this proposal is for less turbines than previously proposed. Despite this the proposed turbines are higher and could appear more prominent. St Marys Church provides a focal point for Conservation Area and its spire is a striking feature in the area. The historical growth of Burton centres on St. Mary's Church and Church Street. Development around the church is relatively dense and this built form contributes to the setting of the church. The wider landscape has been evolving and changing over a number of years, with modern infill housing development and indeed the construction of existing turbines to the north of the application site. The church spire would remain as a prominent feature within the town. As the setting of the church already includes this type of development; the approved application would involve a similar impact on the setting of St Marys Church as proposed here; and that given the turbines are a temporary structure, which once removed would remove any potential harm to the significance of the Church, then any impacts are considered acceptable in this instance.

There is a Grade II Listed building, The Roundhouse, located 1171 metres to the east of the application site. Previously it has been requested that screening in front of this property blocking views to the existing turbines should be avoided as it was said that the Duke of Wellington visited this property and said the view reminded him of the battle of Waterloo. There are clear views to the existing turbines from this Listed Building and the proposal would result in views to the turbines to the north-west, west and south-west. Obviously the cumulative impacts of this need to be carefully considered. However, planning permission has been granted for 5 number turbines across this site, the impacts of the proposed 3 would be similar to the 5 proposed on the setting of the Roundhouse. Also, the turbines are permitted for a temporary period of 25 years and the open character of the countryside is retained to preserve the historic interest that the Duke of Wellington described. In this instance the impact on the setting of the Roundhouse is considered to be less than substantial harm due to its temporary nature and any impacts could be suitably mitigated through the removal of the turbines after 25 years. The benefits of renewable energy in this instance are considered to outweigh this temporary harm.

The Finedon Conservation Area is under review. Due to existing screening generated by the built form of the area and mature trees within and to the north of the Conservation Area, the effects will be limited to longer range views including from the Church of St Mary. Despite the turbines being visible from the Church, key views are not expected to be affected, as the turbines will be screened by the surrounding built form. The existing Wind Farm turbines are visible in some views towards the church spire from the south-west of the town, although these are filtered by mature trees flanking the road. The previously permitted scheme would have similar effects on the Conservation Area, perhaps slightly more so, owing to their closer proximity. The proposed turbines may be incrementally more visible in these views owing to their increased size, although the reduced number of turbines is such that, especially given existing screening, the increase in effect of the overall scheme will be low, especially as viewed on the backdrop of existing turbines. The EIA states that 'where the turbines are seen, these will normally be glimpsed by the viewer when travelling within Finedon and would be sufficiently far removed from the church (minimum 1.5km) that they would not compete with the spire and represent a low magnitude of change to the High heritage significance of the church'. The church spire would remain as a prominent feature within the town and indeed the wider area where views are possible despite the erection of turbines. The setting of the church is therefore to remain readable within the wider landscape. On this basis the proposal is considered to have an acceptable, temporary impact on the significance of Finedon's existing and proposed extension to the Conservation Area and St Marys Church.

The submitted EIA considers the potential for cumulative impacts of this development with other local wind farm developments. However, given

the distance between them and the intersecting roads, woodland and built development then the cumulative impacts are not considered significant.

The proposal given the limited time consent and position is unlikely to have a significant impact on the setting of listed buildings and would preserve the character of local Conservation Areas in accordance with sections 66 and 72 and policy 13(o) of the CSS.

3. Landscape and visual

A landscape and visual assessment was undertaken over an area of 20km from the proposed turbines. The assessment is a five stage assessment looking at baseline conditions; the design of the revised layout; an assessment of the potential impacts; cumulative assessment; and comparative assessment to the previously approved scheme. The development includes 3 turbines, the exact make and model to be conditioned, of a maximum height of 136.5 metres, the layout however is fixed. The proposal requires a 13m (l) x 9m (w) x 6m (h) substation, materials to be agreed by condition. The grid connection will be underground and any minor hedgerow removals required will be re-instated post-construction. Two small sections of hedgerow, less than 10m, need to be removed to enable access to the site and the northern most turbine, no further tree removal is required. Access to the site is off the A6.

The application site falls largely within the Northamptonshire Vales National Character Area (NCA). It 'consists of a series of low-lying clay vales and river valleys, including the valleys of the rivers Nene and Welland and their tributaries. The area is 10 per cent urban, and settlement is often visually dominant. Major road networks that traverse the area include the M1, A45, A6 and A5. This area adjoins the Leicestershire Vales NCA to the north-west and has many similar characteristics'.

The key points pertinent to the application site area include:

- An open landscape of gently undulating clay ridges and valleys with occasional steep scarp slopes. There is an overall visual uniformity to the landscape and settlement pattern;
- Diverse levels of tranquillity, from busy urban areas to some deeply rural parts;
- Mixed agricultural regime of arable and pasture;
- Relatively little woodland cover;
- A strong field pattern of predominantly 19th-century;
- Frequent large settlements that dominate the open character of the landscape and small towns and large villages often characterised by red brick buildings and attractive stone buildings.

The EIA states that existing turbines, set within the context of Burton Wold, form established landscape features within the clay plateau landscape of Burton Wold. The turbines act as visual markers for the Burton Wold area, but predominantly within the local area only as they

are upon a slightly elevated plateau to the east of Burton Latimer. The scale of the landscape in this area already accommodates turbines, so the additional of 3 further turbines is unlikely to have significant additional impacts from the existing turbines. The land surrounding the turbines is not designated nor are there any recorded rare features. The surrounding site is considered to be typical arable fields, characteristic of this area comprising of hawthorn hedgerows and ditches with the occasional mature tree, which will be largely undisturbed by the development.

The main vantage points to the site are from the surrounding highway network. There are no public footpaths running through the application site but there is a public footpath to the north of the site, approximately 800m from the application site, which currently runs through existing turbines. The addition of 3 turbines to the south is not considered to significantly change the experience of users of this footpath.

The EIA outlines that the existing landscape, given the presence of existing turbines, the use of the land, the fact that it is not a designated landscape and its limited variance in levels, is considered to have limited landscape value. The proposal is considered to have a medium magnitude of effect on the local area, given the limited number of additional turbines, the previous permission for 5 turbines on this site and the increase height of the proposed turbines. The EIA concludes that the landscape effects upon the site and local area would result in a moderate-minor landscape impact.

All relevant landscape designations/designated areas within the 20km study area were considered including: locally designated landscapes; Registered Parks and Gardens; and, Country Parks. Considering the separation distances, existing screening and visibility to the operational turbines it is considered that there is no potential for significant landscape effects upon the setting of these areas.

Overall it is considered that the viewpoints contained within the EIA demonstrate the Revised Layout would be seen as an extension to the existing Wind Farm and not as a separate and contrasting development, despite the increased height of the turbines. Whilst generally the Revised Layout extends the overall scale and distribution of turbines upon the landscape, this is largely limited to the proposed southern turbine only. However, in most instances, when compared to the previously Permitted Scheme, the geographical extent of the array is reduced. The cumulative impacts were also considered, however, from most vantage points the Wind Farm would be viewed as a comprehensive development. Therefore, reducing the cumulative effects.

The applicants have submitted photomontages and wireframes from 16

viewpoints surrounding the application site including from Finedon, Burton Latimer, Cranford, Barton Seagrave, Great Addington and Wellingborough. On the whole the scheme appears to sit comfortably on a backdrop of existing turbines and in general the appearance of the proposed 3, albeit taller turbines, has a visually less cluttered impact on the wider landscape than the proposal. From some locations such as the A6 and Finedon the additional height of the proposed turbines does give them additional prominence in the landscape, however, this could be an interpretation of proximity or difference in ground levels. Whilst the turbines would still be viewed on a backdrop of existing wind turbines then the landscape impacts are not so significant to warrant refusal. Also, on the whole the landscape impact from 3 turbines when compared to 5 turbines are generally improved. Landscape impacts are also reduced from land to the north at places such as Cranford, Barton Seagrave and Great Addington where views are largely dominated by existing turbines.

The Revised Layout of turbines will be co-located within an area already characterised by wind turbines as an established feature in local views and within a site which already benefits from planning permission for wind development. On this basis the proposal is considered acceptable in terms of landscape impacts. The impact would also be limited to a period of 25 years, or less. The NPPF requires a judgement to be made as to whether an adverse impact, such as this, would be outweighed by the scheme's benefits. The proposal is therefore considered to have limited additional visual impact to warrant the refusal of planning permission in accordance with policy 13 of the CSS.

4. Geology, Hydrology and Hydrogeology

A Flood Risk Assessment (FRA) has been submitted in support of the application, initially the Environment Agency raised some concerns about the suitability of the FRA. Since this time the applicants have submitted further information and the Environment Agency are satisfied with the submitted additional information and advise the application is approved subject to the imposition of conditions with regards to the development being carried out in accordance with the submitted FRA. No concerns have been raised by Anglian Water.

The land has been broken down into agricultural land classification of grades of agricultural land. The majority of the site (88.6%) is considered to be Grade 3a agricultural land. However, the positioning of turbines would not prevent the long-term arable farming of the land to a sufficient degree to warrant refusal of this planning application.

The proposal is therefore not considered to have any significant geology, hydrology or hydrogeology impacts to warrant refusal of planning permission on this basis. The proposal is therefore considered in accordance with policy 11 of the NPPF.

5. Ecology

An extended Phase 1 habitat survey and protected species survey was undertaken in 2009 and 2010 in support of the application for 5 turbines. The quantity and locations of the original proposed turbines has been altered in order to increase the stand-off distances from neighbouring habitat features including trees and hedgerows.

The Revised Layout has been designed to avoid, where possible, adverse impacts to habitat features and species of notable ecological value. No significant adverse impacts are predicted on any statutory site or non-statutory Local Wildlife Site.

The EIA predicted adverse pre-mitigation impacts were predicted for the following habitats and species only:

Construction/decommissioning phases:

- Hedgerows (Minor, non-significant);
- Trees (Minor, non-significant);
- Ditches and neighbouring watercourses (Minor to Moderate);
- Bats (Minor, non-significant); and
- Individual badger (Minor, non-significant).

Operational phase:

- Bats (Minor, non-significant).

Other species were surveyed including badgers, water vole, great crested newts and reptiles, the works undertaken concluded that impacts to these species were unlikely given the suitability of the habitat, which is arable farm land. Given these are protected species, a watching brief is to be secured by condition would adequately protect the species whilst work on site during construction and decommissioning was taking place.

The NPPF encourages Local Planning Authorities to consider whether proposed developments can be accommodated without causing harm to biodiversity during construction and decommissioning phases. A Construction Ecological Management Plan condition is proposed to protect local ecology during these times.

A single section of species-poor native hedgerow would be removed in order to allow construction of an access road to the northernmost turbine location. It is proposed to translocate this hedgerow section to elsewhere within the site and/or create new linking hedgerows outside of the turbine areas in order to mitigate for this loss. To prevent accidental damage to retained trees and hedgerows by construction traffic, fenced root protection areas (RPAs) will be maintained for the duration of construction works. These can be secured via condition.

In the absence of mitigation, ditches and neighbouring watercourses

could be impacted upon via pollution incidents and/or sediment or dust release during works. To minimise the risk of on-site spillages or sediment/dust from construction activities polluting neighbouring watercourses and ponds, standard pollution control mechanisms will be implemented including strict adherence to the Environment Agency's *Pollution Prevention Guidelines* throughout the construction phase. To be secured through the requirement for the submission of a construction management ecological plan. Further precautionary mitigation measures include appropriate timing of works and ecological watching briefs in respect of works to habitats.

Transect surveys and automated detector surveys recorded only very low levels of bat activity in areas outside of the recommended 50m habitat buffers. Foraging activity was mostly associated with the hedgerow network, associated field perimeter trees and woodland stands. Risk of collision was considered to be very low.

An assessment on impact on birds has also been undertaken. Mitigation measures during construction and decommissioning to avoid disturbing nesting farmland birds include the installation of dedicated farmland bird foraging areas. Operational mitigation includes avoidance, as far as possible, of important site features through inherent site design for all species to reduce the probability of collision, fitting turbine nacelles with bird repellent spikes, graveling the surface of turbine plinths and the provision of owl nesting boxes.

In light of these comments, it is considered that subject to the imposition of conditions discussed above, the scheme is considered to be in accordance with Policy 11 of the NPPF and CSS Policy 5.

6. Traffic and transport

CSS Policy 13(n) requires that developments will not have an adverse impact on the highway network and will not prejudice highway safety. Northamptonshire County Council Highways Authority and the Highway Agency have been consulted on the application and the EIA and have no objection. The Highways Authority state that the main highway implications of the development will be experienced during the construction of the wind farm and therefore provision should be made to allow people to safely view the construction of the turbines. When operational the impact of the wind farm on local highways will be minimal.

The Highways Authority are satisfied that the access arrangements are appropriate to the development and a note will be added to the permission advising the applicants of the requirement to attain the necessary abnormal load permissions and transportation agreements with the Highways Agency and Authority. The impacts on the local road network in terms of predicted vehicle movements are less than those predicted for the permitted 5 turbines. On this basis the proposal is considered in accordance with policy 13 of the CSS.

The Highways Authority has suggested an additional condition to require the developers to have a viewing platform available during turbine construction for people to view this phase of the development. It is not considered that this is appropriate or necessary. There are various lay-bys along the A6 where members of the public could view the turbines from outside of the application site, also there is a public footpath to the north of the application site but running through the other turbines where information boards are to be erected giving information about renewable energy and the energy park, the site can also be clearly viewed from here. On this basis further built development in the open countryside in terms of a viewing platform is not required. Also, the Highways Authority have suggested that the application secures a wider footpath adjacent to the proposed site access and A6. Given that the development is not expected to create additional users to the footpath then a condition is not required to widen this footpath in this instance.

7. Amenity

Visual Amenity

In the submitted EIA, a residential visual amenity assessment was undertaken on all properties/groups within 1km and all main settlements within 5km of the turbines. The residential visual amenity assessment considered 12 properties/groups within 1km; of these properties, 10 were concluded to experience significant visual effects. Although significant visual effects are concluded, none of the properties are considered to experience overbearing visual amenity effects. These would have been visual effects that result in *“unacceptable overbearing or oppressive effects on nearby dwellings that would adversely affect the living conditions of occupiers”*. The visual impacts were not considered to be of greater significance than the previously permitted scheme, whilst the Revised Layout turbines are taller, the geographical extent of the array is reduced and thus the level of the effect between the two schemes is comparable.

The settlements within 5km of the turbines considered to experience significant visual effects only included properties on the northern edge of Finedon and those within Burton Latimer closest to the application site. However, from both settlements there would be many areas with no visibility, with views only likely from upper storey windows which are aligned with open aspect towards the site. Similar views are also available to existing turbines.

Noise

An assessment of the potential turbine noise levels resulting from the Revised Layout was undertaken. The assessment predicts turbine noise levels associated with the proposed development and compares these with the previously consented planning conditions. Additionally, an assessment has been provided showing the resultant noise impacts resulting from the site operating cumulatively, with the existing turbines.

The submitted assessment concludes that predicted turbine noise levels, for both the Revised Layout operating in isolation and cumulatively, meet the requirements of the planning conditions (based on the guidance contained ETSU-R-97) by a minimum margin of 4 dB. This, subject to conditions, is considered satisfactory to Environmental Health.

Noise associated with the construction and decommissioning is for a limited period of time and not considered significant to warrant refusal of planning permission. The proposal is therefore considered in accordance with policy 13 of the CSS subject to the imposition of noise conditions requiring the monitoring of noise conditions.

Shadow Flicker

Shadow flicker can occur at times when the sun is low in the sky and shines on the windows of a building from behind a turbine. The potential for shadow flicker has been calculated using ReSoft Wind Farm software. The submitted EIA predicts that theoretically shadow flicker can occur to properties within 1030m radius from the proposed turbines. In practice the magnitude of shadow flicker effect will be less than calculated due to cloud cover, times when turbines are not turning and orientation of the hub and rotors. The occurrence of shadow flicker has been minimised by design and the situation will be monitored by the developer during operation. Therefore, no significant effects are anticipated. However, should shadow flicker occur mitigation through shutters or curtains, foreground screening or automatic turbine control to turn off turbines will be required via condition. A condition will be used to ensure the effects of shadow flicker are monitored and mitigated against with the most appropriate solution. Subject to a condition the proposal is therefore considered in accordance with policy 13 of the CSS.

The proposed Burton Wold Wind Farm South Revised Layout will make a positive contribution to the alleviation of the adverse consequences of global warming by providing a source of energy that does not involve the emission of greenhouse gases. The contribution of renewable energy is more than that which would be generated under the previously Permitted Scheme, despite the reduction in number of turbines, and is considered to be a significant benefit, as outlined in policy 10 of the NPPF. It is considered that any potential amenity impacts are not sufficient to warrant the refusal of planning permission and could be mitigated through the imposition of conditions. The proposal is therefore in accordance with Policy 13(l) of the CSS.

8. Other Matters Community Fund

Officers are in discussion with the developer about a Community Fund

associated with the development. Community Benefits of this nature sit outside of the planning system, and do not represent a material planning consideration.

Television Reception

A wind turbine can interfere with electromagnetic transmissions, such as microwave links, TV or radio transmissions by either; scattering the transmissions with the electromagnetic signals from the wind turbine; or by blocking line of sight transmissions. Significant mitigation measures against the interference from turbines to television reception were undertaken following operation of the existing turbines. In the event a reduction in television reception quality does occur as a result of this proposal there are a number of mitigation solutions available.

There have been no objections raised from any telecommunications providers or aviation or utilities companies. The proposal is therefore considered acceptable subject to a condition with regards to TV interference to protect the amenities of neighbouring properties in accordance with policy 13 of the CSS.

Aviation

Wind turbines also have the potential to interfere with civil and military aviation and radar. This interference can cause turbines to appear as returns on radar screens, representing 'clutter' for air traffic control services and degrading the signal when tracking aircraft through an area of a wind farm. In addition, wind farms can cause a physical obstruction to low-flying aircraft.

The nearest aerodrome to the site is Northampton Sywell, located approximately 11km to the south-west of the site. There is also a private airstrip to the north of Burton Wold, which belongs to the landowner of the Burton Wold Wind Farm Northern Extension.

The Ministry of Defence has raised no objection to the application and any effects in relation to aviation can be fully mitigated through the imposition of a planning condition.

Grid Connection

Western Power is the District Network Operator for this area. Currently a renewable energy generating project needs to apply to make a connection to the Grid. If capacity is available an offer is made, if there is no capacity then the project will queue until capacity becomes available and an offer can be made. Capacity can become available if a previous offer expires or technical upgrades are made to the Grid. The capacity of the grid is dynamic and ever changing. The applicants state they have a grid connection available.

9. Environmental Impact Assessment

The Local Planning Authority is satisfied that the submitted EIA meets the requirements as set out in The Town and Country Planning

(Environmental Impact Assessment) Regulations (2011). Providing conditions are imposed to ensure further works as proposed by the applicant are undertaken so that the development does not have a significant impact on the landscape or the amenity of neighbours as outlined above, the Local Planning Authority is satisfied that a positive decision can be issued.

Conclusion

With regard to the Committee's duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan unless material considerations indicate otherwise; there is very strong Development Plan policy support in favour of the proposed development. In addition the weight of material considerations, including national policy advice on renewable energy, adds further strong support in favour of the development. Recommended planning conditions mitigate any negative impacts to minimal and acceptable levels and so there are no material considerations which by themselves or when considered cumulatively outweigh the statutory presumption in favour of approving the application. This application is therefore recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Rebecca Collins, Development Team Leader on 01536 534316

Previous Reports/Minutes

Ref:

Date: