

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 19/01/2010</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Anne Dew Senior Development Officer</b>	<b>Application No: KET/2009/0549</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>New Albion Wind Farm Towns Close Farm (land at), Rushton</b>	
<b>Proposal</b>	<b>Full Application with EIA: Erection of 7 no. wind turbines (100m high to the tip of a rotor blade in a vertical position). Provision of crane hard standings, control building, substation, underground cabling, temporary construction compound, widening of the existing site access, new site access tracks and permanent 65m high anemometer mast</b>	
<b>Applicant</b>	<b>Infinergy Limited</b>	

### **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 be begun before the expiration of 5 years from the date of this planning permission.

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, other than any temporary construction compound(s), the development hereby permitted 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 PPG15, PPG13, policy 25 and 26 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Before the erection of the wind turbines, details of their siting, design, specification and colour shall be submitted to and approved in writing by the local planning authority. Only the approved wind turbines shall be installed upon the development site and the turbines shall not bear any logos or other forms of advertisement.

REASON: To ensure the proposal does not have a detrimental impact on quality of life or the natural environment in accordance with PPS1, PPS22, PPG24 and policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The number of turbines shall not exceed 7. The blade tip height of the turbines shall not exceed 100 metres in height above ground level and the hub height shall not exceed 65 metres in height above ground level. The anemometer mast shall not exceed 65 metres in height above ground level.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with PPS1, PPS22, policies 26 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The blades of the turbines hereby permitted shall all rotate in the same direction.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with PPS1, PPS22, policies 26 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

6. 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 PPS1, PPS22, policies 26 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

7. 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 PPS1, PPS22, policies 26 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples to the substation have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

9. The local planning authority shall be notified in writing of any wind turbine that fails to produce electricity for supply to the electricity grid for a continuous 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 unacceptable impact on the landscape and the surrounding environment in accordance with PPG15, PPG13, policy 25 and 26 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

10. No development shall begin until a baseline television reception study in the area has been 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.

11. No development shall commence until a scheme to mitigate against shadow flicker which shall include a computerised control system designed to shut down turbines at relevant times has been submitted to and approved in writing by the Local Planning Authority. The turbines shall not operate other than in accordance with the approved scheme.

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

12. No development shall commence unless and until details of the wind turbines to be installed and their exact positions within the site have been submitted to and approved in writing by the Local Planning Authority. Where the turbines are not 2.3 MW Enercon E70-E4 wind turbines a full update of the noise assessment, as contained in Chapter 9 of the Environmental Statement shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no further wind turbines other than those specified shall be installed on the site, under or in accordance with Part 8 of the Schedule to that Order, without a separate planning permission from the Local Planning Authority.

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

13. The noise emitted from the combined effects of all the wind turbines as measured in accordance with the guidelines stated within ETSU-R-97, at any dwelling in existence (at the time of this permission) shall not exceed the greater of 35dBLA90, 10minutes or 5dBA 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 dBA90, 10 minutes or 5dBA 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", in particular the noise emission values for the wind turbines shall include the addition for any tonal penalty as recommended in the same document. The background noise levels shall be those measured and stated within the New Albion Wind Farm Environmental Statement, September 2009.

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

14. No wind turbine shall be operated on the site until a scheme detailing the monitoring 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 location prior to submission to the Local Planning Authority, to ensure compliance with condition 13. The monitoring shall be carried out within 3 months of the commissioning of the turbines. Within 1 month of the monitoring a detailed report of results shall be submitted to the Local Planning Authority.

REASON: In the interests of protecting the occupier of the nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy. Please refer to informative 1.

15. If requested by the Local Planning Authority, the operator of the wind farm shall, at its expense, employ an independent consultant approved by the Local Planning Authority, to measure and assess the level of noise emissions from the wind turbine generators at locations to be specified by the Local Planning Authority and otherwise following procedures set out in pages 102 to 108 of the "ETSU-R-97: The assessment and rating of noise from wind farms". The operator will arrange for the turbines not to be operated as may be necessary for the purposes of the investigation. The operator shall carry out this investigation and report to the Local Planning Authority within 8 weeks 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 condition 13 the operator shall immediately take such action as may be necessary, including ceasing to operate any or all of the turbines, so as to comply with condition 13 at all times.

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

16. No construction shall be undertaken as part of this development except in accordance with the noise and vibration assessment and mitigation contained within Chapter 9 of the New Albion Wind Farm Environmental Statement, September 2009.

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

17. All construction works and ancillary operations which are audible from the boundary of any noise sensitive receptor shall be carried out only between the hours of 07:30 and 19:00 Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays and at no times on Sundays and Bank Holidays, without the prior approval of the Local Planning Authority and the completion of any additional measures required by the Local Planning Authority in permitting construction outside the hours specified in this condition. The receipt of any materials or equipment for the construction of the site is not permitted outside of these hours, unless otherwise approved in writing by the Local Planning Authority. Fixed mobile plant used within the site during the construction period shall not incorporate any warning devices that are audible at the boundary of any noise sensitive property.

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

18. No works to decommission the development shall commence until a scheme for the protection of nearby residential dwellings 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 turbine farm.

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

19. Prior to commencement of development details of warning signs shall be submitted and approved in writing by the Local Planning Authority. The details to be approved shall include the size, location and the wording/symbols to be displayed on them. The approved signs warning highways users of their approach to the site access shall be erected at the approved locations prior to the development commencing and remain in place for the duration of the construction of the wind farm.

REASON: In the interests of highway safety in accordance with PPG13 and policy 13 of the North Northamptonshire.

20. Prior to the commencement of the development hereby permitted a Construction and Traffic Management Plan shall be submitted to and gain the approval of the local planning authority. The Construction and Traffic Management Plan shall include: -

a) The number, nature and route of all construction related vehicles which would be used to transport the constituent parts of the turbines

b) Details and measures of how the route identified under part a) of this condition would be enforced including measures and actions for non compliance.

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c) Details of how any damage to the highway along the route identified under part a) of this condition shall be determined and repaired

d) Swept path details of all vehicles identified under part a) of this condition at all affected junctions along the route identified under part a) of this condition. Details required shall include topographical surveys of affected junctions including works required to accommodate the vehicles identified under part a) of this condition.

e) Detailed highway condition survey of the route identified under part a) of this condition.

REASON: In the interests of highway safety in accordance with PPG13 and policy 13 of the North Northamptonshire Core Spatial Strategy.

21. Prior to the commencement of any other development hereby permitted all highway works identified by the Construction and Traffic Management Plan shall be completed and shall, thereafter be maintained for the duration of the construction and commissioning of all of the turbines. Any such works shall thereafter be removed and the highway reinstated in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority unless otherwise approved in writing by the local planning authority.

REASON: In the interests of highway safety in accordance with PPG13 and policy 13 of the North Northamptonshire Core Spatial Strategy.

22. Prior to the commencement of the development hereby permitted details of the location, layout, access, signing and security of the public viewing area shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall thereafter be constructed and made available for the public and maintained in good order for the duration of the construction of all of the turbines and for a minimum period of six months after commissioning of the last turbine.

REASON: In the interests of highway safety in accordance with PPG13 and policy 13 of the North Northamptonshire Core Spatial Strategy.

23. Prior to the commencement of development, a scheme for aviation lighting of the turbines shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out or operated other than in accordance with the approved scheme.

REASON: In the interests of air safety in accordance with PPG13. The MOD have advised that all turbines shall be fitted with 25 candela omni-directional red lighting at the highest practicable point.

24. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The wind farm shall not be operational until the approved scheme has been fully implemented in accordance with the approved details, and shall be retained thereafter..

REASON: In the interests of the interests of security and the amenity of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

25. Within 6 months prior to commencement of development an update survey to determine the presence of any of the protected species under the Wildlife & Countryside Act (as amended), and species of Principal Importance (as referred to in s40 of the Natural Environment and Rural Communities Act 2006), in the areas to be affected by construction activities shall be submitted to and approved in writing by the Local Planning Authority. If any of these species are found, the Construction Environment Management Plan required to be approved and implemented under Condition 30 shall include mitigation measures to avoid any damaging effects in respect of those species during the construction, the operation and the ultimate decommissioning of the wind farm.

REASON: In the interestes of protected species on the site in accordance with PPS9.

26. Within 6 months prior to the commencement of development, a further bat survey over areas to be approved in writing by the Local Planning Authority including any further identified mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Development, including mitigation measures, shall not be carried out other than in accordance with the approved survey.

REASON: In the interests of bats on or near the site in accordance with PPS9.

27. In conjunction with condition 31 the construction of the wind farm hereby approved shall not commence until additional tree planting has taken place to link New Wood to Alder Wood in accordance with a detailed planting plan that shall first be submitted to and approved in writing by the Local Planning Authority. The plan shall show the species of trees to be planted, their size and location and density of planting. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of wildlife and habitat in accordance with PPS9 and policy 5 of the North Northamptonshire Core Spatial Strategy. Please refer to informative 9.

28. In conjunction with condition 31 no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of for hedgerow enhancement and the creation of 2 new ponds as detailed in chapter 10 of the Environmental Statement. Plans shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following first operation of the windfarm. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of wildlife and habitat in accordance with PPS9.

29. Prior to the commencement of development details of a scheme for the provision of a septic tank and soakaway system (to BS 6297: 1983 standard) for surface and waste water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To prevent pollution of the water environment in accordance with PPS25, policy 35 of the East Midlands Regional Plan and policy 13(q) of the North Northamptonshire Core Spatial Strategy.

30. Prior to the commencement of development a Construction Environment Management Plan is to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details.

REASON: To secure the safe development of the site.

31. The development shall not commence until an Ecological Management Plan (EMP) relating to short and long term monitoring and management of the whole of the development site, and to additionally include provision of a woodland strip between New Wood and Alder Wood, and to include other mitigation and enhancement proposals as outlined in the RPS letter (reference kj/NE) dated 13.11.09, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the EMP shall be implemented and all work shall be carried out in accordance with the approved details.

REASON: In the interests of maintaining and improving habitats, biodiversity and the nature conservation value of the site and its surroundings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

32. Prior to the commencement of development, a groundwater survey shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved survey.

REASON: In the interests of maintaining and improving habitats, biodiversity and the natural conservation value of the site and its surroundings in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

33. Prior to the commencement of development, details of the bunded structures for the storage of chemicals, oils and fuels shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of maintaining and improving habitats, biodiversity and the natural environment value of the site and its surroundings in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- In pursuance of condition 14 the measurement or noise emissions from the wind turbine (inclusive of existing background noise) shall use an LA90 index over a minimum of 20 periods each of 10 minutes duration, at varying wind speeds across the operational range of the wind turbines at the location hereby approved. Measurement of noise emissions shall be made in consecutive 10 minute periods provided that they fall within the wind speed defined in this clause. The measurements and or calculations shall be made in accordance with the methodology detailed in ETSU-R-97 'The assessment and rating of noise farms'.
- No works may commence within the existing highway without the express written permission of the Highway Authority. Planning permission does not give or infer such consent. However consent may be forthcoming subject to the completion of a suitable license or agreement under the Highways Act 1980. Any works within the highway must comply with NCC Specifications.
- No works shall commence within the public highway without the express written consent of the local Highway Authority. Such consent would only be forthcoming subject to the completion of Agreements under Section 59 and section 278 of the Highways Act 1980. Any works within the highway shall comply with NCC specifications.



- The Applicant is advised to gain the agreement of the local highway authority to the Construction and Traffic Management Plan and the public site viewing area prior to their submission to the local planning authority for the discharge of the associated conditions.
- Network Rail have been consulted on the application and have requested that contact is made with Network Rails Outside Parties Engineer to confirm that proposed routes for abnormal routes is viable and also agree a strategy to protect National Rails assets from any potential damage caused.
- Northamptonshire Police have been consulted on the scheme and advised that to protect the communication cables from theft, additional security measures will need to be incorporated to protect the cables. The sub station building should have an intruder alarm system installed in compliance with Association of Chief Police Officers Security Alarm Policy. External doors should comply with the Loss Prevention Certification Board security standard LPS1175 SR 2.
- The applicant is advised that between 15 February to 15 September inclusive not more than 24 hours prior to the removal of any length of hedgerow in connection with the proposed development, arrangements to be notified by the Local Planning Authority, shall be put in place for a person considered suitably competent by the Local Planning Authority, to verify that no nesting birds will be disturbed either within the hedgerow to be removed or within an agreed distance of hedgerow either side of the length(s) being removed.
- In pursuance of condition 9, the Wildlife Trust have been consulted on the scheme and recommended that the scheme provides for the following:-
  - the corridor of woodland habitat linking the two sites should be an average of at least 150 metres wide along its entire length
  - it should be protected by deer-proof fencing on both sides
  - it should include a ride feature along its length, and at least one glade
- With respect to construction works to be carried out in close proximity to Public Right of Way, please note the following standard requirements: - the routes must be clear, unobstructed, safe for users, and not structures of material placed on the right of way at all times - there must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by Northamptonshire County Council, under s131 HA1980.
- If as a result of the development the Right of Way needs to be closed a Traffic Regulation Order will be required for surfacing works. An application form for such an order is available from Northampton County Council website, a fee is payable for this service and a period of six weeks notice is required.

Any new path furniture needs to be approved in advance with the Access Development Officer at Northamptonshire County Council.

- Central Networks have been consulted on the scheme and advised that any alteration, building or ground works proposed in the vicinity of their cables that may or may not

directly affect their cables, must be notified in detail to Central Networks. Central Networks can be contacted on 02476 185 145.

- No connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse, or within 50 metres of a well, borehole or spring. If the ground conditions are unsuitable for soakaway, the EA to be consulted regarding other methods of foul sewage disposal. Where the area is heavy clay or is a steeply sloping site, it is advised a sewage treatment plant is installed and the treated effluent discharged to a watercourse with appropriate consent from the EA.
- As the proposed works involve excavation within the channel of an ordinary watercourse and culverting, the applicant is advised that under the terms of the Land Drainage Act 1991, any works that may affect the flow of water on any ordinary watercourse will require the prior written permission of the EA by way of Flood Defence Consent.
- The applicant is advised that under the terms of the Water Resources Act 1991 (as amended by the Environment Act 1995), the EA requires a Discharge Consent for discharges to controlled waters including direct discharges to surface waters and indirect discharges via soakaways or drainage fields. Any septic tanks are to be sized according to the requirements of the site, installed professionally and a maintenance contract set up. (Send letter to applicant)
- In pursuance of condition 30, the Construction Environment Management Plan shall include sections of construction, operational use and decommissioning and shall include the following:-
  - gas monitoring measures for lateral migration of landfill gas into turbine excavations, particularly for turbines 1, 2 and 4.
  - mitigation against accidental spillage of contaminants.
  - storage and use of hazardous substance protocols
  - no material storage in vicinity of foundation excavation voids
  - mitigation against siltation of drainage ditches during construction, operational use and decommissioning
  - appropriate management of and disposal of sewage and waste water
  - environmental spill kit to be kept on site
  - noise and dust prevention/ mitigation
- The Ministry of Defence have been consulted and advised that they must be informed of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of every turbine.

## **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 22, 7, 9, 13, 15, 16, 24, and 25 Policies 24, 26, 27, 27, 40, 29, 30, 31, 35 and 40 of The East Midlands Regional Plan, Policies 5, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 7 of the Local Plan for Kettering Borough. The issues relating to the impact on the landscape, historical environment, noise and ecology are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

KET/2009/0238 Variation of Condition 1 of KET/2008/0666 in respect of start date.  
APPROVED 29/05/09

KET/2008/0666 Erection of an Anemometer Mast for a period up to 24 months, APPROVED, 24/09/2008

KET/2008/0589 Environmental Statement Scoping Opinion, New Albion Wind Farm.  
Response sent 23.07.2008

KET/2007/0379 Propose to remove a 15 metre section from 60 hedgerows to allow pipe laying in the construction of a new water pipeline from Empingham to Hannington, APPROVED, 12/06/2007

KET/2006/0280 Construction of approx. 13.9km of underground potable water pipeline and the construction of temporary access routes hardstandings and means of enclosure for the duration of the construction works, APPROVED 17.05.06

KET/1993/0644 Outline for pay as you play 27 hole golf centre and driving range.  
APPROVED 9/11/93

#### **Site Description**

A full suite of colour drawings, plans and photographs will be available to the Planning Committee.

Officer's site inspections were carried out on various dates in October and November 2009.

The application site lies between the villages of Rushton and Pipewell, within the Borough of Kettering. The site which is approximately 1km due west of the A6003, lies within the designated rural area between the towns of Kettering, approximately 3.5km south east of the site, and Corby approximately 1.5km north east of the site.

The application site is arable land divided into 9 fields by hedgerows, although some of the hedgerows have gaps to provide access between the fields. The land surrounding the site is predominantly agricultural and rural in character, although there is an area of woodland adjoining the site on its western side, and part of the eastern site boundary abuts Oakley Road, an unclassified road that runs between Rushton and Corby.

The application site can be seen directly from Oakley Road to the east, and from a public bridleway and public footpath, which both run between Rushton and Pipewell, to the west of the application site. In addition there are glimpses from Pipewell Road to the west, however these views are from a distance and the site is partially screened by areas of woodland. The application site can not be directly seen from most of Rushton or Pipewell due to topography and screening provided by buildings and vegetation.

The application site does not lie within any areas covered by national designations, however, there are designated Conservation Areas in Pipewell and Rushton. In addition there are a number of Listed Buildings in both villages and the wider surrounding area, one of the most significant at Rushton being Rushton Hall which is surrounded by a Listed park and garden and a number of other buildings that are listed in their own right, for example the Triangular Lodge.

In addition New Wood that adjoins the western edge of the application site is a Wildlife Site and Alder Wood which lies further to the west is a Wildlife Site and a Site of Special Scientific Interest. Any other relevant planning constraints that have been considered are provided in the Constraints section below.

The application site is positioned almost centrally between the villages of Rushton and Pipewell. There is a separation distance of approximately 640 metres between Pipewell Lodge and turbine 7 and a separation distance of approximately 810 metres between Midland Cottages and turbine 2.

### **Proposed Development**

The proposal comprises of:

- 7 wind turbines measuring 65m to hub with blades 35m in length resulting in a 100m tip height. Each turbine is capable of generating 2.3MW of electricity
- Control building with mono-pitch roof (13m (W) x 7.5m (D) x 6.1m (maximum H)
- Substation
- Underground cabling
- Site access tracks totalling 2.3km in distance
- Weather monitoring mast (anemometry/met mast) 65m in height which would be retained for the life of the wind farm
- Visitor viewing area to be provided by planning condition

This application seeks permission for a period of 25 years. After this time has expired the applicant may i) apply for consent to extend the operation of the wind farm, ii) decommission the wind farm and apply for consent to install new turbines on the site, or iii) decommission the wind farm and re-instate the land.

At this stage the design of the wind turbines to be used has not been finalised, however the turbines would accord with the technical specification and dimensions stated in this application. The applicants state that the turbines would be a mid-grey colour to blend in with the sky. The final design, colour and specification would be controlled by condition to ensure that the design and appearance of the turbines is acceptable, and also to ensure that the technical surveys, for example the noise assessment, considered as part of this application are relevant to the final scheme.

The turbines proposed would be fitted with a yaw system to allow the nacelle to rotate and blades pitch, to ensure the blades face into the wind and the optimum amount of power is extracted. In addition, sensors would be provided to sense any imbalance caused by the accumulation of snow or ice on the blades. This means that blades with ice on would stop, re-starting automatically on thawing.

The connection of the wind farm to the national grid would be the responsibility of the Distribution Network Operator (DNO), the details for which would be considered under a separate planning application. The grid connection does not therefore form part of this application.

**Any Constraints Affecting the Site**

None.

**4.0 Consultation and Customer Impact**

**Consultations – No objection**

<b>Stoke Albany Parish Council</b>	No objection
<b>NATS Safeguarding</b>	No safeguarding objections.
<b>National Grid</b>	The risk is negligible given proximity to and sensitivity of network
<b>CNUK Central Support Team (Central Networks)</b>	No objections. Informative required.
<b>North Northants Badger Group</b>	No objections. Endorse recommendations in Badger report.
<b>Northamptonshire Police</b>	Palisade fencing not recommended - 2.2m high weld mesh fence recommended. Boundary treatment condition required. Lighting condition required. Communication cables are a target for thieves. Additional measures are required to protect all cables. Building should have intruder alarm. External doors should meet security standards.
<b>Civil Aviation Authority</b>	The development has the potential to impact on aviation operations and activities. No site specific observations however there are more generic issues for consideration:- 1. may be a need to install aviation obstruction lighting (if concerns expressed by other elements of the aviation industry) 2. rotor blades and upper mast need to be painted white. Developers will need to provide details of development to the Defence Geographic Centre for mapping. No reference to this is made in ES.

<b>Network Rail (London North Eastern</b>	No objections in principle. Unclear if any abnormal loads will use routes that include any network rail assets (eg bridges). Have reservations that abnormal loads will use routes that include NR assets. Applicant needs to contact NR Outside Parties Engineer to agree routes and strategies
<b>RSPB</b>	No objection. Analysis of likely effects is acceptable. Condition required 1. hedgerow clearance outside breeding season, if during this time, prior to site clearance an inspection by a qualified ecologist is required to check for nesting birds and if found, works must avoid the area. Threshold used for assessing significance is wrong, however, this does not affect the comments made on this application.
<b>Highways Agency</b>	No objection
<b>English Heritage</b>	No comment regarding support or objection to the proposal. Pipewell Abbey and Triangular Lodge both scheduled ancient monuments. Triangular Lodge also Grade 1 Listed in the guardianship of EH and within Grade II* Listed parkland of Rushton Hall. Concerned about the affect of the setting of both scheduled monuments. Developer has attempted to reduce the affect on both sites by lowering the height of the turbines and removing one. Whilst effect on setting of Triangular Lodge has been reduced, closeness to Pipewell means that though effect lessened, it will still be apparent from some parts of the site. The earthwork site of Pipewell Abbey and the medieval settlement that preceded it is particularly well defined, and its valley location away from contemporary settlement typical of the Cistercian Order to which it belonged. Developer claims affect on scheduled monument is slight, EH view is that the effect will be moderate to high. Suggestion in the ES that the site is of lesser significance because it is not well known or researched, and has limited public access is not sustainable in statute of Govt planning advice. All SAM are by definition of national or greater significance. Further mitigation is probably not possible. Recommendation: KBC needs to be able to assure itself that the setting of these SAM is not damaged significantly by the proposal as advised in PPG15, para2.16, 2.17, 2.24 and PPG16 Para 8, 18 and 27.

<p><b>East Midlands Development Agency</b></p>	<p>Comments consider the Regional Economic Strategy (RES) Strategic Priority 'Energy and Resources', The RES Priority Act 'Utilising Renewable Energy Technologies' and the Climate Change Act 2008. EMDA is supportive of the application. The potential impacts identified in the ES should be fully considered by the LPA with a view to securing appropriate mitigation measures where possible, and taking into account the strategic context and objectives to which this application relates. EMDA supports the application and recommends approval.</p>
<p><b>Anglian Water</b></p>	<p>No objection and no comment to make.</p>
<p><b>Northamptonshire County Archaeological Adviser</b></p>	<p>Been in pre-app discussions with the applicant's archaeological consultant - Charles Lequesne of RPS. As a result, a full study of the archaeological potential of the area was undertaken consisting of a desk based assessment, followed by geophysical survey and targeted trial trenching. Results are in ES chapter 8. The surveys have demonstrated that while the application area sits within an archaeologically sensitive landscape, the areas of impact do not contain significant archaeological remains. I therefore agree with the comments in section 8.122 summary that no significant archaeological deposits were identified and in light of this no further archaeological investigations will be required as part of the development.</p>
<p><b>Ministry of Defence</b></p>	<p>No objections. Aviation lighting required. MOD need to be informed of the decision.</p>
<p><b>Borough Council of Wellingborough</b></p>	<p>No objection subject to cumulative impact being assessed.</p>
<p><b>Environmental Services Manager, KBC</b></p>	<p>Operational Noise - no objections subject to conditions. Shadow Flicker - no objection subject to condition. Construction Noise - Details submitted are sufficient and need to be controlled by conditions.</p>
<p><b>East Northants District Council</b></p>	<p>No objection subject to conditions: 1) 25 year life. 2) traffic management plan. 3) hours restrictions during construction. 4) external finishes</p>



<p><b>Northamptonshire County Rights of Way Officer</b></p>	<p>No objections in principle. In the interests of planning out crime, recommend a post and rail fence along the boundary of new developments which border the highway. There is sufficient separation distance to meet the 200 metre separation between the wind farm and bridleway. With increased use of the bridleway, would seek some contribution towards improving the access. Informatives required.</p>
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### Consultations - Objections

<p><b>Northants Bat Group</b></p>	<p>The bat report is unlikely to accurately assess the number, species or purpose of the bats that use the site given failings in methodology, operation and assessment of the survey. Recommend refusal. Report did not cover the whole active periods of bats spring to Autumn, did not cover the whole night, did not survey at turbine point locations, did not survey away from hedge lines, did not try to locate tree roosts at suitable trees in spring or summer, did not survey at night, did not survey for long-eared bats, did not operate in favourable weather conditions, did not identify the Myotis species using the site, did not identify the noctule roosting places, or their flight lines across the site, only crudely surveyed much of the northern site</p>
<p><b>Harborough District Council</b></p>	<p>Not all schemes included within 60km cumulative Impact Assessment. Planning applications have been submitted for Low Spinney (between Gilmorton and Ashby Magna adjacent to M11), Gartree, Portly Ford (North of Husbands Bosworth and North Kilworth). Brook Wind Farm (Shangton) is at scoping stage only. Assessment of impact on Rockingham Castle is lacking.</p>
<p><b>Desborough Town Council,</b></p>	<p>Majority vote to support Rushton Parish Council and Rushton and Pipewell Wind Farm Action Group in their objection. Noted that Philip Hollobone MP made point in House of Commons that KBC has already given planning permission for turbines at Burton Wold and KBC should concentrate on Burton Wold and should restrict development elsewhere.</p>
<p><b>Natural England</b></p>	<p>Objection in relation to protected species using the site for the NAWF as inadequate information has been provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law. Concerns relate to bats and birds. Protection afforded to these species in part IV, Annex A of Circular 06/2005 to PPS9. Recommend refusal unless information submitted to show species not affected or that potential effects would be avoided or satisfactorily mitigated. Concerns relate to survey methods used to risk assess bats, the quality and proximity of alternative sites to accommodate displaced bird species, and also to the assessment of significance of risk of bird collision as part of</p>

	<p>the determination of cumulative impacts of both this and the Burton Wold extension. Recommend conditions for surveys for whole bat season, alternative sites for displaced birds, collision risk, mitigation, badgers (NE satisfied proposals not detrimental to badger population). Mitigation required for biodiversity gain.</p>
<p><b>The Wildlife Trust</b></p>	<p>Current proposal presents a long-term 'slight adverse' impact on local wildlife site New Wood without attempting to provide any mitigation measures to ameliorate this situation. A wind farm in this location will reduce opportunities to re-connect woodland between Kettering and Corby which is a priority for this location due to the high concentration of ancient and semi-natural woodlands of the former Rockingham Forest that still exist. Site lies 500m north of a sub-regional green infrastructure corridor and will provide valuable addition to the corridor in terms of biodiversity along with nearby SSSIs. To accept 'slight adverse' impact without putting in place mitigation measures contrary to policy - PPS9, EMRP 1, 28 and 29. Recommended mitigation measures - remove non-native species, buffer zone of appropriate native species around New Wood, link New Wood to other blocks of woodland, management plan. Bat and bird species put at considerable risk by wind turbines.</p>
<p><b>Rushton Parish Council</b></p>	<p>Detrimental effect on unspoilt character of countryside, unacceptable visual impact, negative on cultural and historic tourism, noise, disturbance, possible impact on health of neighbouring residents, already have Burton Wold - this can be seen from Rushton, impact on bridleway - dangers for equestrian use. Note our considerations reflect the majority view of residents. Readers of 'The Triangle' were asked to express their views - 79 responses, 10 in favour, 1 undecided, 68 against. Magazine sent to every house in parish.</p>
<p><b>Wilbarston Parish Council</b></p>	<p>Adverse impact on the setting and amenity of community of Pipewell. Risk of noise pollution and shadow flicker on properties in the village particularly from turbine 7. Visual impact overbearing in case of nearest properties. Impact on setting of historic environment of Pipewell. Proximity to bridle way. Refer to KBC objection to DA/2009/0168 in which KBC shares some impact concerns</p>

<b>CPRE</b>	Concerns over noise section. 1. Unrepresentative locations 2. Incorrect hardness factor used 3. No assessment during decommissioning 4. Concerns over construction noise criteria. Tourists and patrons of nearby businesses have been ignored. The ZTV diagrams have not been prepared to best practice. Viewpoints have been poorly chosen and some contain unnecessary foreground clutter. Viewpoint from Triangular Lodge is missing. The photomontages do not meet best practice. The lighting conditions and contrast on the photomontages are poor and not fit for purpose. Developer has invented own methodology for assessing landscape impact which under represents the impact of the development. 11 sites have been missed in the cumulative impact section. The presentation of the Cumulative Impact ZTV maps is non standard and does not adequately illustrate cumulative impact. The application fails to adequately illustrate the significant visual effects of the development.
<b>Transport and Highways, NCC</b>	Insufficient information to respond. Further information required on:- 1. site visibility 2.warning signs 3. width of road 4. supply traffic counts for roundabout 5. need to enter into S59 Agreement 6. More details on material quantities and the transport required 7. Turbine 1 too close to highway 8. details of viewing area
<b>Environment Agency</b>	FRA does not comply with PPS25. Flood Defence consent required. Foul drainage conditions required. Discharge consent required from EA. Need to consider the effects of turbines on dispersion of odours from the landfill.

111 third party letters of objection have been received and the grounds of objection are summarised below. In addition two petitions objecting to the scheme have been received, one with 99 signatures and the other with 59 signatures. The reasons for objection on the petition were adverse impact on historic sites/buildings and impact on the bridleway.

- Turbines will overlook and dominate Rushton and Pipewell
- Open countryside location
- Land is one of the highest points in area
- Adverse impact on local landscape
- Cumulative Impact as Burton Wold would be visible
- Rushton will be turned into an industrial area
- Too many turbines in Northamptonshire
- Viewpoints submitted are incorrect and misleading
- No photomontages from Rushton and Pipewell
- Other appeals dismissed in Northamptonshire on landscape grounds
- Impact on view from small country roads
- Natural hedgerows will be affected
- Control building will interrupt views
- Out of character with Rockingham Forest
- Adverse impact on Rushton and Pipewell Conservation Areas

- Adverse impact on historic and listed buildings (Triangular Lodge, Rushton Hall, Pipewell Abbey, churches, Rockingham Castle and Oakley Hall)
- Pipewell Conservation Area is shown incorrectly
- Adverse impact on public footpaths and bridleways which are well used
- Scheme breaches British Horse Society Guidelines
- Turbines will spook horses
- Bridleway will no longer be peaceful
- Adverse impact on bridleway during construction
- Wind turbine syndrome is clinically recognised up to 2km away
- Noise disturbance is linked to health problems
- Existing noise problems associated with landfill
- Low frequency noise will cause health problems
- Turbines are too close to houses resulting in adverse noise levels
- Noise assessment and survey work is inaccurate and not representative of the whole village
- Low frequency noise is not fully considered
- Turbine 4 should be removed as it is too close to dwellings (less than 600 m away)
- Noise limits may be breached
- Too close to homes and school
- Harm to children
- Shadow flicker
- Adverse effects on wildlife, bats, birds, red kites, dormice, jacks, pheasants, sparrow hawks
- One wind turbine kills 25 birds per year
- Site is on the flight path of buzzards and red kites
- Turbines 1 and 4 are too close to Oakley Road
- Disruption on local roads during construction
- There will be too much traffic on local roads, particularly with a visitors centre
- Oakley Road is dangerous with landfill traffic and speeding traffic
- Turbines will be a distraction
- There will be an increase in accidents
- Construction traffic will cause damage
- Wind farms are not a green alternative
- Will not benefit the community
- Location for turbines is wrong
- Burton Wold will exceed regional targets
- Question that enough energy will be generated
- Other European countries have stopped using inefficient turbines
- Not an efficient producer of energy
- Contrary to policy 5 of the Core Spatial Strategy
- Methodology of survey work is suspect and conclusions are invalid
- Met mast, control building and substation should be removed after decommissioning
- Crane hard standings are too large
- Impact on military and civil aircraft
- Drainage implications
- Wind farm may reduce custom at Rushton Hall and other local businesses
- No details of exact route of connection and means of transmission to the national

grid

- Development will set a precedent and future expansion of the site will be difficult to resist.
- Insufficient data available to assess as met mast has been up for less than 2 years
- Interference with television and phone masts
- Area too small for proposal
- No consultation with community
- Statistics incorrect
- Scheme will affect the expansion of Corby

64 third party letters of support have been received on the grounds of:-

- Wind power is cost effective
- Demonstrates commitment to national targets
- Turbines are visually more pleasing than nuclear power stations, coal fired power stations and pylons
- Turbines are safer than nuclear power
- Noise pollution will not be an issue
- Glendon Business Park has a greater impact on the landscape
- No adverse impact on red kites
- Horses more likely to be spooked by rubbish
- Community benefit fund
- Generation of jobs
- Farm diversification
- Wind farms provide an attractive landmark
- Will reduce dependency on fossil fuels
- Visual impact on Rushton and Pipewell is minimal
- Few villagers will see the turbines from their houses
- Scheme will contribute to reducing the rate of global warming
- Scheme will contribute to securing the country's energy supply and associated price increases
- Historic environment will not be affected
- No experience of noise problems at Burton Wold
- Will not be overbearing
- Internal access tracks have minimal impact
- Scheme is in accordance with PPS1 and PPS22
- Site is accessible
- Visual intrusion will be minimal once the turbines have been in place for a few weeks
- Will enhance the landscape
- No adverse impact on farmland
- No risk to health
- Siting is appropriate
- Burton Wold is a success

Three letters of objection have been received from Rushton and Pipewell Wind farm Action Group. Objections are on the grounds of:-

Letter received from Rushton and Pipewell Wind Farm Action Group received 23.10.2009

- There are more appropriate locations in the UK where wind farms will have less impact
- The area is not suitable for wind farms
- Majority of residents in Rushton and Pipewell are against the wind farm plans
- Infinergy consultation survey has suspect methodology and statistics produced are a misrepresentation
- Adverse impact on landscape as turbines will be out of proportion with the small human scale of the local rural landscape. A similar scheme in East Northants was dismissed on these grounds.
- Will dominate a tranquil rural area
- Rushton and Pipewell lie within Rockingham Forest, which is characterised by woodland on steep scarp slopes and divided by large fields. The wind farm will be out of character with Rockingham Forest.
- Wind farm will be seen and have significant effect on the landscape from a much wider area than 1km
- Landscape does not have the capacity to absorb an industrial development of this scale
- Landscape and visual assessment is not backed up by evidence
- The site is located on the edge of the Ise Valley Corridor and the scheme would compromise its integrity, contrary to policy 5 of the CSS
- Scheme is contrary to the requirements of policy 6 and policy ENG12 of the East Midlands Regional Energy Strategy
- Too close to houses (closest house is 600m away)
- Existing met mast towers over Rushton
- Turbines will be visible from many points in Rushton and Pipewell as well as Rothwell, Desborough, Kettering, Corby, Wilbarston, Stoke Albany, East Carlton, Little Oakley and Glendon.
- Planning applications have previously been refused in Rushton because they were higher than the church tower and would affect the Rushton Conservation Area
- Cumulative impact needs to be considered. Burton Wold is visible and so will other schemes such as Harrington if approved.
- There should be a 2km buffer zone between dwellings and the wind farm
- Adverse impact on historic environment
- Adverse effect on Conservation Areas of Rushton and Pipewell, Triangular Lodge, Cistercian Abbey and Medieval Settlement in Pipewell, All Saints Church in Rushton, Rushton Hall, Pipewell Church, Pipewell Hall and Rockingham Castle
- PPG15 refers to the desirability of preserving the setting of Listed Buildings and Conservation Areas and a high building some distance away may affect the setting. The scheme is contrary to PPG15 as the setting of conservation areas, ancient monuments and listed buildings would be ruined.
- The ES is incorrect as English Heritage have not withdrawn their objection
- The met mast is not in a constrained setting and the met mast is visible from Triangular Lodge and its setting will be adversely affected.
- Adverse impact on nearby rights of way, resulting in loss of tranquillity and be an unacceptable hazard to horse riders
- Bridleway and local roads are well used by horse riders
- A wind turbine application was dismissed at appeal in Thurning because of its effect on horses. The Inspector stated that the sight of the moving blades alarms horses.

- The British Horse Society recommends a separation distance of 4 times the overall height of turbines on National Trails and Ride UK Routes. Turbine 1 would only be located 100m from Oakley Road and turbine 4 only 200m away.
- Noise and health issues – Noise will be heard outside houses in Rushton and Pipewell. There is growing evidence that turbines cause health issues. A 2 km buffer zone with residences should be provided
- Reservations over choice of locations for noise measurement as locations which are noisy.
- Governments method of measuring wind noise does not detect low frequency noise
- Growing research into the health problems caused by wind turbines, including sleep disturbance, headaches, tinnitus, dizziness, vertigo, visual blurring, problems with concentration, nausea, tachycardia and heart disease. Such studies recommend a 2 km buffer zone. A decision on this application needs to be postponed until wind farms are shown to be safe.
- Wind farm will seriously affect quality of life in Rushton and Pipewell
- There are examples across the country, including Deeping St Nicholas where noise problems have been experienced. The wind farms proposed are closer to residences than those at Deeping St Nicholas.
- Effect on wildlife. Adverse impact on red kites and buzzards in area
- Shadow flicker
- Low wind speed area. The county has the lowest average wind speeds in the country
- Adverse impact on local businesses

Letter received from Rushton and Pipewell Wind Farm Action Group received 30.10.2009

- Application includes much misinformation
- No community consultation, the community has been told
- Community view statistics provided are misleading
- An independent survey by the village magazine 'The Triangle' identified that 86% of villagers are opposed to the scheme
- No photomontages from Rushton or Pipewell
- Design and access statement includes inaccuracies
- The site falls within the designated Rockingham Forest area
- Concerns over drainage
- Concerned that lighting is required at hub height level
- After decommissioning the concrete foundations need to be removed
- Site has only been chosen because there is a willing farm owner
- Infinergy have no portfolios of wind farms as they only have one small wind farm running
- Concerned that Infinergy or its parent company will not guarantee obligations, particularly at decommissioning stage. Will a decommissioning bond be asked for?
- Normal planning considerations apply and there is no special treatment for wind farms
- Policy 40 of the East Midlands Regional Plan sets out policy and the scheme is contrary to this on the grounds of landscape impact, impact on Conservation Areas and historic buildings, noise intrusion, too close to houses and cumulative impact
- Policy 24 of the East Midlands Regional Plan only encourages farm diversification where it is consistent with the environmentally sound management of the

countryside

- Contrary to policies 27 (Conservation of historic environment, 28 and 29 (protection of environmental; infrastructure) 30 (enhancement of woodland) and 31 (Rockingham Forest should be protected and enhanced of East Midlands Regional Plan
- Contrary to policy 13(o) of the North Northamptonshire Core Spatial Strategy as will not conserve and enhance landscape character and historic landscape and will result in unacceptable impact on residential amenity
- Scheme will compromise the integrity of the Ise Valley sub regional green infrastructure corridor
- Contrary to saved policy 7 of the local plan for Kettering as it is unjustified development on a greenfield site and there are other suitable sites available.
- Impact for future expansion of Corby
- National energy benefits should not outweigh all other considerations
- Local energy targets have already been met. Burton Wold will produce almost three times the regional target.
- Contrary to PPS1 has will reduce the quality of the life of the people, will not protect or enhance the natural and historic environment or the protection of the wider countryside.
- No mitigation or enhancement measures proposed to counteract the significant adverse impact.
- Environmental statement ignores and misquotes national, regional and local policy
- Scheme will degrade soil quality
- Shadow flicker – impact on houses, roads and bridleways
- Turbine 1 too close to Oakley road and will be a distraction, does not provide fall over distance and will spook horses
- Noise survey needs to be re-conducted properly
- Wind turbines will overlook the village, the met mast is clearly visible
- 2m buffer zone required to prevent health problems associated with low frequency noise.
- Adverse impact on wildlife including bats
- English heritage are misrepresented in the environmental statement. The landscape and setting of Triangular Lodge, Pipewell Abbey remains and Rushton and Pipewell Conservation Areas will be ruined.

Letter from Rushton and Pipewell Wind Farm Action Group received 10.11.09

- Private member's bill currently going through Parliament to specify minimum distances between turbines and homes (a minimum of 1 mile is specified)
- None of the photomontages are from Rushton or Pipewell which would show how dominant the impact would be
- Contrary to local, national and regional policy as detailed in previous letter
- Question accuracy of photomontages as they make the turbines look smaller than they really are
- Pipewell Conservation Area is closer than shown
- Turbines are too close to Oakley Road
- Site forms part of Rockingham Forrest
- Wind speeds are low in the county and availability will be no better than 25%
- Incorrect information about the railway line and Rockingham Castle - the site is



tranquil as well as the villages of Rushton and Pipewell

- The limitations of photomontages needs to be recognised as research has demonstrated that they consistently underestimate the appearance.
- Photomontages have a grey background which masks their effect
- Houses in Midland Cottages, Beresford Close and Oakley Road would suffer a major effect
- Other future wind farms will also be visible from site including Great Cransley
- The site is a well preserved historic landscape and has not been transformed into an industrial area, the creation of a wholly new landscape is not acceptable.
- Sites for noise measurements are not acceptable. Noise will be constant

**Additional Comments received in respect of further information re-consulted on 19/11/2009**

Address/ Organisation	Summary Points
<b>Northants Bat Group</b>	<p>Disagree with applicant. - all previous objections still stand. Factual errors in response. Eurobats guidelines are not superseded - this needs to be used as well as Natural England's Interim Guidance. Surveys do not cover April - October nor cover the whole night, did not include turbine locations, no attempt made to locate roosts in nearby buildings and woodland. Surveys required to locate tree roosts on site then emergence or dawn - swarming surveys should be carried out., surveys undertaken in poor weather, Need to identify bat species so the correct mitigation can be defined - this was not done in respect of the Myotis bat - different species require different mitigation - catching bats is an acceptable method..</p>
<b>Natural England</b>	<p>Additional information submitted addresses concerns and objection has been removed. Concerns relating to breeding birds have been overcome. Whilst skylarks will be displaced, the significance of displacement is limited by extensive similar habitat in the surrounding area. The further detail submitted about bat surveys addresses concerns and is in line with the Bat Conservation Trust guidelines. Previous query over the methodology for cumulative effects assessment as been addressed and the levels of risk identified are not significant. The additional mitigation and enhancement proposed is welcomed and need to be secured via condition. An Ecological Management Plan is also required.</p>
<b>The Wildlife Trust</b>	<p>Subject to conditions and further consultation, The Wildlife Trust is removing its original objection. Pleased to see the creation of a habitat linkage between New Wood Local Wildlife Site and Alder Wood SSI. This link need to be 150m wide, protected by deer proof fencing and should include a ride feature and at least one glade. This needs to be secured by condition. The provision of</p>

<p><b>The Environment Agency</b></p>	<p>an Ecological Management Plan is required by condition and this should include the management of the new linkage in perpetuity. The future options to deliver woodland linkages on land between the Ise Valley and Stoke Albany to Little Oakley Green Infrastructure Networks should not be permanently locked out by this scheme.</p> <p>Prepared to withdraw its previous objection, subject to conditions covering submission of a detailed surface water drainage scheme, and a Construction Management Plan. An informative is required regarding Flood Defence Consent.</p>
<p><b>County Council Transport and Highways</b></p>	<p>Warning signs, traffic management plan, traffic movements and details of public viewing area can be dealt with by condition. No objections to the siting provided they are all a minimum of 100m from the public highway. Informatives are also required regarding the S59 Agreement, works to the highway and the traffic management plan.</p>
<p><b>English Heritage</b></p>	<p>The additional information confirms our view that there will be some impact on the setting of the scheduled monument at Pipewell. English Heritage made a mistake in our original comments as the ES submitted does state that the impact on the scheduled monument will be moderate and not slight as we originally quoted. The impact on the scheduled monument will be moderate to high depending where the view across the monument is taken. That does not necessarily imply that the proposed development would significantly affect the setting of the scheduled monument, though the scheme as originally designed would have done. KBC should follow the advice provided in our original consultation letter dated 21.10.2009. The case should be determined in accordance with government guidance, development plan policies and local conservation advice.</p>
<p><b>Desborough Town Council</b></p>	<p>No change to original comments made.</p>
<p><b>Corby Borough Council</b></p>	<p>No further comments to make.</p>
<p><b>Dingley Parish Council</b></p>	<p>No specific comments about this application. Concern has been expressed over the proliferation of applications for wind farms between Northamptonshire and Leicestershire, there are at least seven applications between the two counties and these should not be considered in isolation.</p>
<p><b>Wilbarston Parish Council</b></p>	<p>Photomontage 2 from Pipewell Village does not give a fair representation of the likely impact on residents of Pipewell, particularly those parts of Oakley Road.</p>

<b>Rushton Parish Council</b>	No change to original comments made.
<b>UK Fuel and Power Industry</b>	No objections.
<b>Joint Radio Company</b>	No objections.
<b>Campaign to Protect Rural England Northamptonshire</b>	Repeat their concerns raised in their initial consultation response received 2 <sup>nd</sup> November 2009. Noise assessments have been set at wholly unrepresentative locations, particularly those undertaken at 23 Midland Cottages. Consideration needs to be given to the Planning Inspectorates appeal decision at Dover which addresses the issue of unrepresentative background noise assessments.

15 further third party letters of objection have been received in respect of the additional information. The reasons for objection are as summarised above and the following additional comments have also been made:-

- photomontages from Pipewell are incorrect and do not show turbines at full height
- photomontages have been carefully picked so as to show the minimal amount of turbines
- photomontages are misrepresentative
- Yelvertoft wind farm has been refused by Daventry on the grounds of its impact on local historic sites. The same consideration needs to be given to the Rushton wind farm
- Wind farms are needed in wind locations (i.e. off shore)
- Photograph 2 does not give a fair representation of the likely visual impact to Pipewell residents, particularly those on Oakley Road

55 further third party letters of support have been received in respect of the additional information. The reasons for objection are as summarised above.

1 neighbour letter has been received neither objecting or supporting, however the comment is made that the consultation event held by Infinigy was as well prepared as any they had been to.

Letter received from Rushton and Pipewell Wind Farm Action Group received 02/12/2009

- Object to application being fast tracked. Insufficient time has been given for the Action Group to respond.
- Committee report was written prior to the deadline for consultations
- Issues raised by the action group have been ignored
- Lack of communication with the group. There is a bias towards Infinigy.
- 8<sup>th</sup> December committee report does not evaluate concerns raised by the Action Group and ignores various elements of the development plan.
- The 8<sup>th</sup> December committee report contains factual errors and misrepresentations
- Reference is made on the 8<sup>th</sup> December Committee Report to photomontages from

Midland Cottages that have not been consulted on.

- Comments from CPRE raise issues over noise monitoring and the choice of unrepresentative sites being chosen has been ignored and not mentioned in the report.
- The 8<sup>th</sup> December Committee Report suggests that the interests of Rushton and Pipewell should be overridden by a wider social interest. There is nothing in Planning Law or Planning Policy that states we have to suffer to save the world.
- The Parliamentary Under-Secretary of State said “the Government have made it clear that wind farms should be located in appropriate places and that local concerns should be given appropriate consideration”. You have not given us that consideration.
- The 8<sup>th</sup> December committee report overestimated the distances between turbines and Midland Cottages and Pipewell Lodge.
- No consideration has been given to why other countries have set minimum separation distances between houses and wind farms. Under this heading English Heritage have been misrepresented.

E-Mail received from Rushton and Pipewell Wind Farm Action Group received 08/12/2009

- Concerns over proximity of wind farm to houses on Oakley Road, Pipewell, Midland Cottages, Rushton and Storefield Lodge all of which would find their dwellings uninhabitable. A statement has also been attached from the occupiers of a dwelling close to a wind farm at Deeping St Nicholas who have experienced problems of noise and hum from the wind farm.

**Additional Comments received in respect of further information re-consulted on 15/12/2009**

**Borough Council of Wellingborough** No further comments to make. Comments in letter dated 5 November 2009 still apply.

**Stoke Albany** No comments to make.

**Campaign to Protect Rural England (North Northants District)** December’s committee report was written before all the information and photomontages from the Action Group were submitted and the planning officer recommendation needs to be re-examined. The impact of the wind farm will be far greater than that envisaged in December’s committee report.

**Campaign to Protect Rural England (Northamptonshire)** The assessment of the noise section of the ES commissioned by the Action Group confirms the issues raised previously by CPRE. A reliable independent noise assessment needs to be carried out before a decision is made and the application deferred from committee.

28 further third party letters of objection have been received. The reasons for objection are as summarised above and the additional points have also been raised:-

- Photomontages are inaccurate. Photomontages prepared on behalf of the Action Group are accurate and show the full impact of the wind farm on the countryside
- Noise surveys are misleading and noise is under estimated

- Noise should be limited to 33 decibels
- Application should not be determined until after the general election
- Ice fall can be an issue up to 300 metres
- Wind turbines are useless
- Burton Wold is noisy
- No S106
- 90% of villages in Rushton and Pipewell are against the wind farm.
- Met mast is visible from Pipewell Conservation Area and Pipewell Hall contrary to officers report.
- Pipewell Hall and Pipewell Priory are not referred to in the report
- The concerns of North Northants Bat Group should not have been dismissed
- Lack of consultation on the plans
- Decemblers committee report states that Pipewell Abbey is a site of lesser significance because it is not known or researched, this is not the case as it is well known by locals.

Letter from Rushton and Pipewell Wind farm Action Group received 06.01.2010

A letter, a professional analysis of the noise survey and 5 photomontages have been submitted as part of this submission.

- Given our professional analysis of the Noise Report this application should either be refused or the application be deferred whilst the LPA commission a noise survey by an independent expert.
- The committee report for December 09 was published before the expiration of the consultation period.
- Application has been rushed through with inadequate consultation time given.
- The re-consultation of information on 15<sup>th</sup> December 09 gave insufficient time for people to comment given the Christmas period.
- The re-consultation on 15<sup>th</sup> December 09, which included photomontages should have happened sooner
- 5 photomontages have been prepared by the Action Group which show the turbines much more realistically
- Misinformation given about the length of time given to speak at Planning Committee.
- Prior to the committee meeting on 8<sup>th</sup> December 09 a further speaker was accepted after the published deadline which disadvantaged the Action Group as it reduced our time.
- Only a handful of letters from villagers have been received in support of the application. Insufficient help and communication has been given to the Action Group
- The report for committee dated 8<sup>th</sup> December cites general clauses that support wind farms but ignores clauses that are designed to protect people and spaces. The report provides no rigorous analysis of objections made.
- Planning Authorities are being encouraged to approve applications for wind farms but they are not obliged to approve them at all costs which appears to be the starting point for KBC.
- Concerned that the noise report has been blindly accepted despite evidence being accepted that it is flawed.

- Photomontages underestimate the size of the turbines
- Comments and objections raised by consultees have not been addressed and merely listed
- Policy 13 of the North Northamptonshire Core Spatial Strategy is continuously quoted in the committee report for December 8<sup>th</sup>. Policy 13 is in place to prevent developments such as this. The development will not conserve and enhance the landscape character, historic landscape, designated built environmental assets and their settings (Point o of policy 13) nor provide for an acceptable impact on the amenities of neighbouring properties and the wider area by reason of noise, vibration (point l)
- Paragraph 13 of December's committee report suggests that a higher level of background noise would be acceptable at night time.
- Measures to protect residents from noise are based on the standard ETSU-R-97. This measure was introduced when turbines were smaller and this is inadequate and flawed as government recommendations were suppressed. This is why other countries have a 1.5 to 2 km buffer zone.
- The site description included in Decembers committee report is incorrect in respect of separation distances from dwellings. Separation distances from turbine 7 have been misrepresented. The members booklet states 640 metres from Pipewell Lodge, our measurement suggests 608 metres. The members booklet states a 970m separation distance between turbine 1 and Midland Cottages and this is inaccurate as it does not choose the nearest dwellings in Midland Cottages or Beresford Close which are nearer. The site description Decembers committee report failed to mention that turbine 2 would be nearer to Midland Cottages and the cumulative affect that would result to Midland Cottages.
- English Heritage have been misrepresented in December's committee report under Consultation and Customer Impact. The advisor to English heritage referred KBC to PPG15 and 16 to ensure that the setting of scheduled ancient monuments is not damaged. There is no indication that KBC have done this as can be seen from the photomontage prepared by the action group from Triangular Lodge. No consideration has been given in the report to the settings of Triangular Lodge, Rushton Hall Pipewell Hall or the Cistercian abbey
- Impacts identified in the ES have not been fully considered
- Comments made by the Environment Agency regarding effects from the landfill should be investigated further.
- Of the 64 letters of support only 8 came from Rushton and Pipewell
- Of the letters received in objection, 84 out of 111 letters came from Rushton and Pipewell as well as a petition with 158 names. Most of the villagers of Rushton and Pipewell object.
- The Planning Policy section of Decembers Committee Report omits those policies and clauses that offer protection including paragraphs 12, 12 and 40 of the Planning System: General Principles and Paragraphs, polices 24, 26, 27, 28, 29, 30, 31 and 40 of the EMRP, policies 5 and 13 of the CSS, saved policy 7 from the Local Plan, paragraph 3 of PPS1 and paragraphs 17, 20 and 26 of Protection and Enhancement of the Environment. KBC have ignored these measures and need to give regard to these policies.
- Section 7 (Summary of Effects: Landscape) of Decembers committee report dismisses the landscape effect and assessments are based upon subjective opinions. The development will change the Ise Valley Sub Regional Character and

the Landscape Character Area of Rockingham Forrest. The last paragraph of this section is nonsense as the development can't be viewed in the context of existing commercial and industrial operations as there is only the garage at Midland Cottages.

- Section 7 (Summary of Effects: Visual) of December's committee report is subjective. The effects on Midland Cottages stated are inaccurate as one or two turbines in their entirety. Unfinished houses in Midland Cottages , Beresford Close and Station House are not mentioned in the report.
- A photomontage has been prepared by the Action Group which shows a more representative view from Midland Cottages.
- The Historic Environment chapter of December's committee report included illogical arguments about the impact on Triangular Lodge. English Heritage have been misrepresented in this section. Comments made regarding the impact on the Monastic Site in Pipewell are incorrect. The paragraph about conservation areas is inaccurate and subjective and does not comply with PPG15.
- The impact of the development on the public right of way is not in accordance with PPS22 as it would ruin the amenity value of the right of way.
- The photomontages submitted by the applicant are misleading and compress the height of the met mast and turbines and the Action Group have prepared 5 photomontages (2 from Glendon Road, one from Midland Cottages, one from Triangular Lodge and one from Pipewell) that provide a more accurate impression. Some guess work has been involved in the location and height of the turbines and software has not been used to represent accurately the turbines that would be furthest away in the photomontages.
- It would have been useful if a 'blimp' was flown so the turbines precise height could be seen
- The photomontages included in the pack to councillors are misrepresentative. View 1 Rushton Footpath: the met mast is smaller than in reality. View 2: Pipewell. the one turbine shown is too small and other turbines will also be visible. View 3 Midland Cottages: on other parts of Midland Road more turbines would be visible. View 4 Junction of Rushton Road: if taken further up Glendon Road the turbines would be seen in their entirety. View 5 St Mary's Pipewell: the turbines will look more dominating than shown. Other photomontages included have similar criticisms.
- An analysis prepared by MAS Environmental on the noise report in the Environmental Statement has found various flaws and concludes that the application should be refused subject to a more detailed and exacting study of background noise levels that are representative of amenity areas.
- KBC had concerns over the Harrington Wind farm in respect of proximity to bridleways, visual impacts on the landscape and historic environment and noise. Why have KBC taken a different stance on this application , particularly as turbines will be closer to residences.

7 further third party letters of support have been received. The reasons for support are as summarised above and the additional comments have also been raised:-

- The construction of wind farms should not preclude active evaluation of water power sites in the borough
- Off shore wind energy is not enough

A letter has been received from Infinigy addressing the main concerns raised by this objection.

## **5.0 Planning Policy**

### **National Planning Policy**

Tackling climate change is a key Government priority for the planning system and has set the target to generate 10% of the UK's electricity from renewable energy resources by 2010, and aspirationally 20% by 2020. PPS1: 'Delivering Sustainable Development' (2005), and its 'Planning and Climate Change' Supplement (2007), and PPS22: 'Renewable Energy' (2004), all strongly promote this proposed development.

#### PPS 1: 'Delivering Sustainable Development'

The objective of this national guidance is to ensure that the planning system delivers the concept of sustainable development and places considerable emphasis on tackling climate change and promoting renewable energy in this respect. Sustainable development is defined as 'the idea of ensuring a better quality of life for everyone, now and for future generations. Paragraph 13, 20-22 set out the key principles to plan making and decisions on planning applications, and requires local planning authorities to ensure that development plans contribute to global sustainability by addressing the causes of climate change through policies which promote and encourage, rather than restrict, the use of renewable resources by the development of renewable energy. Paragraph 20 states that development plans should take account of environmental issues such as 'the protection of the wider countryside and the impact of development on landscape quality; the conservation and enhancement of wildlife species and habitats and the promotion of biodiversity; the need to improve the built and natural environment in and around urban areas and rural settlements, including the provision of good quality open space; the conservation of soil quality; and the preservation and enhancement of built and archaeological heritage'. Furthermore, paragraphs 30- 32 place significant emphasis on the achievement of designated energy targets.

#### PPS1 Supplement: 'Planning and Climate Change'

The document further emphasises the importance that the government places on tackling climate change, and makes reference to the national legislative requirement to reduce carbon emissions by 60 per cent from their levels in 2003 by 2050. With regards to renewable energy generation paragraph 20 states that planning authorities should:-

- not require applicants to demonstrate either the overall need for renewable energy or its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.
- Ensure any local approach to protecting landscape and townscape is consistent with PPS22 and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances.



### PPS 22: 'Renewable Energy'

PPS 22 states that positive planning which facilitates renewable energy developments can contribute to the Government's sustainable development strategy, and is the principle source of Government Planning policy on renewable energy and is one of the main drivers in ensuring that the Government's renewable energy targets are delivered through the planning system. It is also a very important material consideration in the determination of any application for renewable energy development. In particular Paragraph 1(ii) states that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale are material considerations that should be given significant weight in determining whether proposals should be granted planning permission. Section (vi) of the same paragraph goes on to state that small scale projects can provide limited but valuable contribution to overall outputs of renewable energy and planning authorities should not reject planning applications simply because the level of output is small.

However, it does recognise and offer specific guidance relating to locational considerations:-

- Paragraph 11 acknowledges that planning permission should not be granted for renewable energy projects which fall within nationally recognised designations (such as SSSIs, Conservation Areas, or Listed Buildings) unless it can be shown that the objectives of the designation will not be compromised and the benefits of the project do not outweigh these effects.
- Paragraph 14 states that 'buffer zones which prevent the development of renewable energy projects' should not be employed, however the potential impacts of the proposal upon such designations are material considerations.
- Paragraph 15 goes on to identify that local landscape and nature conservation designations should not be used to refuse planning permission for renewable energy developments.
- With regards to the visual effects of wind turbines, PPS22 advises that local planning authorities should 'recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts are temporary if conditions are attached to planning permissions which require the future decommissioning of turbines'.

### PPS22 Companion Guide: 'Planning for Renewable Energy'(2004)

This companion guide advises that 'if the government's targets are to be met, policy support for renewable energy schemes will need to be backed up by development control decisions. It states that LPAs should recognise that the landscape and visual effects will only be one consideration to be taken into account in assessing planning application and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects (Paragraph 5.4).

Paragraph 5.10 advises that in determining planning application, local planning authorities must come to an objective view on:

- the extent to which the project is in conformity with the development plan;
- the extent to which the reasons for any area based designations may be compromised;
- the extent of any positive or negative impacts, and the means by which they may be mitigated if negative; and
- the contribution towards meeting the regional target, but recognising that a small contribution cannot be in itself a reason for refusal.

PPS7: 'Sustainable Development in Rural Areas'

This sets out the Government's planning policies for rural areas and emphasises that in determining planning applications LPAs should take account of the need to protect natural resources; conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations (paragraph 16) and provide for the sensitive exploitation of renewable energy resources in accordance with policies set out in PPS22.

PPS9: 'Biodiversity and Geological Conservation'

This document sets out the Government's planning policies on the protection of biodiversity and geological conservation through the planning system. In relation to planning applications, paragraph 27 advises that planning authorities '*should not refuse permission if development can be subject to conditions that will prevent damaging impact on wildlife habitats or important physical features, or if other material factors are sufficient to override nature conservation considerations*'.

PPG15: 'Planning and the Historic Environment'

This sets out the Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It also reiterates the Government's commitment to the concept of sustainable development and notes its relevance to the preservation of the historic environment, however, it also states that '*the historic environment of England is all-pervasive, and it cannot in practice be preserved unchanged*'. It is therefore important to identify what is special in the historic environment and define through the development systems its capacity for change.

PPG16: 'Archaeology and Planning'

PPG16 sets out government policy on archaeological remains, and how they should be preserved or recorded both in an urban setting and in the countryside. It gives advice on the handling of archaeological remains and discoveries under the development plan and control systems, including the weight to be given to them in planning decisions and the use of planning conditions.

PPS23: 'Planning and Pollution Control'

This sets out the Government policies for the protection of impacts on health from development in terms of the quality of land, air or water. It reiterates the Government's commitment to the concept of sustainable development and states that '*the planning system plays a key role in determining the location of development which may give rise to pollution either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing and potential sources of pollution*'.

PPG24: 'Planning and Noise'

PPG24 provides guidance for local authorities on the use of their planning powers to reduce the adverse impact of noise. Although it makes no specific reference to noise from wind turbines, it does in general terms seek to minimise the adverse effect of noise and advises on the consideration to be taken into account for both noise sensitive development and for activities which will generate noise.

### PPS25: 'Development and Flood Risk'

This sets out the Governments policies on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

### Development Plan Policies

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise.

### Regional Planning Policy

#### East Midlands Regional Plan (EMRP) (March 2009)

#### Policy 40: 'Regional Priorities for Low Carbon Energy Generation'

Policy 40 sets out the regional priorities for low carbon energy generation and states that local planning authorities should develop policies and proposals to achieve the targets for renewable energy provision for our region as set out in Appendix 5 of the EMRP. The targets for on shore wind energy provision are shown in the table below.

	<b>Current Capacity (2006) GWh/y</b>	<b>Current Capacity (2006) MWe</b>	<b>Target for 2010 GWh/y</b>	<b>Target for 2010 MWe</b>	<b>Target for 2020 GWh/y</b>	<b>Target for 2020 MWe</b>
<b>On shore wind</b>	142	54	319	122	460	175

This policy also sets out the criteria for onshore wind energy for which LPA's should give particular consideration to which are landscape and visual impact; the effect on the natural and cultural environment; the effect on the built environment; the number and size of turbines proposed; the cumulative impact of wind generation projects, including 'intervisibility'; the contribution of wind generation projects to the regional renewables target; and the contribution of wind generation projects to national and international environmental objectives on climate change.

#### Policy 24: 'Regional Priorities for Rural Diversification'

This policy encourages rural diversification, where the development is consistent with a sustainable pattern of development and environmentally sound management of the countryside. PPS22 recognises that *'renewable energy projects have the potential to play an increasingly important role in the diversification of rural economies'*.

Policy 26: 'Protecting and Enhancing the Region's Natural and Cultural Heritage'

This policy states that the regions natural and cultural heritage should be protected, enhanced and managed appropriately setting out various principles, including that damage to natural and historic assets should be avoided, unavoidable damage should be compensated for, minimised and clearly justified by the need for the development in that location which outweighs the damage, and the best and most versatile agricultural land should not be lost.

Policy 27: 'Regional Priorities for the Historic Environment'

This policy states that Local Authorities should understand, conserve and enhance the historic environment and that in the growth areas development should promote sensitive change of the historic environment. To achieve this Local Authorities should identify and assess the significance of historic assets and their settings, use characterisation to understand the past's contribution to the landscape in areas of change.

Policy 28: 'Regional Priorities for Environmental and Green Infrastructure'

This policy seeks the delivery, protection and enhancement of Environmental Infrastructure (EI), and requires LPAs to assess the capacity of existing EI to accommodate change and to protect sensitive areas.

Policy 29: 'Regional Priorities for Enhancing the Region's Biodiversity'

This policy seeks the *'development and implementation of mechanisms to ensure that development results in no net loss of BAP habitats and species, particularly for restricted habitats with specific environmental requirements, and that net gain is achieved'* as well as 'creating, protecting and enhancing features of the landscape which act as corridors and 'stepping stones' essential for the migration and dispersal of wildlife.

Policy 30: 'Regional Priorities for Managing and Increasing Woodland Cover'

This policy seeks to replace, manage and increase woodland cover as part of new development focussing on identified priority areas, one of which is the Rockingham Forest.

Policy 31: 'Priorities for the Management and Enhancement of the Region's Landscape'

This policy states that natural and heritage landscapes should be protected and enhanced. Local Development Frameworks should identify landscape and biodiversity protection and enhancement objectives through the integration of landscape character assessments with historical and ecological assessment.

Policy 35: 'A Regional Approach to Managing Flood Risk'

This policy requires sustainable drainage in all new developments where practical. Development which will alone, or cumulatively have an adverse risk of flooding, or creating flooding, capacity of the flood plain, impede the flow of flood water or impede the infiltration of rain water to ground water storage should not be permitted unless the risk can be mitigated in an acceptable manner.

## **Milton Keynes and South Midlands Sub Regional Development Strategy (March 2005)**

### **MKSM Strategic Policy 3: 'Sustainable Communities'**

This policy states that Sustainable Communities will be achieved within the Sub-Region by the implementation of development in accordance with a number of principles including protecting, enhancing and increasing the Sub-regions stock of strategic environmental and cultural assets and taking advantage of opportunities to develop renewable energy.

## **Local Planning Policy**

### **North Northamptonshire Core Spatial Strategy (June 2008)**

#### **Policy 5: 'Green Infrastructure'**

Sub regional green infrastructure corridors will connect locations of natural and historic heritage and be safeguarded by not permitting development that compromises their integrity, use developer contributions to facilitate improvements and invest in enhancement and restoration where opportunities exist. Ise Valley is identified as a sub regional corridor.

#### **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.

## **Saved Policies from the Local Plan for Kettering Borough**

### **Policy 7: 'Protection of the Open Countryside'**

States that planning permission for development within the open countryside will not be granted except where otherwise provide 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 which finds that in principle wind farm developments are appropriate within the open countryside. Where there is a conflict in the development plan the provisions contained within the Planning and Compulsory Purchase Act 2004 states that, the conflict must be resolved in favour of the most recently adopted policy.

An appraisal of this applications compliance with the above planning policies will be made in the following sections.

## **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.

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Landscape and Visual Impact
3. Historic Environment
4. Highway Implications
5. Public Rights of Way
6. Noise
7. Shadow Flicker
8. Wildlife and Ecology
9. Flood Risk, Hydrology and Water Quality
10. Hydrogeology, Geology and Ground Conditions
11. Agriculture and Soils
12. TV Reception
13. Tourism

### **1. Principle of development**

The policy section of this report clearly explains that there is strong policy support for the proposal at the national, regional and local level where development is appropriate. This reflects the priorities of the Government to provide renewable sources of energy. Specifically, it is a government target to generate 10% of the UK's electricity supply from renewable energy resources by 2010, and aspirationally 20% by 2020.

Policy 40 of the East Midlands Regional Plan (EMRP) (March 2009) requires the provision of 122MW installed capacity by 2010 and 175MW by 2020; however, paragraph 3.3.85 of EMRP and paragraph 3 of PPS22 make it clear that these regional targets are to be treated as a minimum. The East Midlands Annual Monitoring Report 2007-2008 indicates that the current installed capacity for onshore wind energy generation within the East Midlands is 70.1MW which equates to 57.5% of the 2010 target and 40% of 2020 target and as such there is large deficit in capacity which needs to be met both in the short and long term. This application will generate an installed capacity of 16.1MW which is equivalent to 13% of the 2010 target.

PPS1 (2004) outlines that need for the planning system to deliver sustainable development and to tackle climate change, and the PPS1 supplement 'Planning and Climate Change' (2007) states that positive planning for renewable energy development is important for the delivery of the Government's renewable energy targets. Furthermore PPS22 states that meeting the national renewable energy targets is a material consideration in the determination of applications for renewable energy development. The proposed development would generate an installed capacity of 16.1MW of electricity and therefore the scheme proposed would be a valuable step towards meeting the Governments targets.

PPS22 acknowledges that there may be situations where proposals are not acceptable, however it also states that LPAs should recognise that the landscape and visual effects of wind turbines in a landscape will depend on their size, number and type of landscape involved. Furthermore the impacts upon an area are temporary if conditions are attached requiring the future decommissioning of the turbines. PPS7 advises that in rural areas the sensitive exploitation of renewable energy resources in accordance with PPS22 may be acceptable. Therefore, although the application site lies in an rural area it does not fall within any areas that are nationally designated for their importance, nor does the proposal have a significant impact on such areas close to the site as later discussed, for example the Conservation Areas at Pipewell and Rushton.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. It is clear that the proposed development is in accordance with national policy and that it is acceptable in principle. The remainder of the report addresses the other material considerations that have been taken into account by the Local Planning Authority.

## **2. Landscape and Visual Impact**

The need for renewable energy is clearly enshrined within all levels of planning policy; however, if the governments' targets are to be met, the policy support for renewable energy schemes needs to be backed up by development control decisions. A clear indication of this is that although PPS22 (2004) acknowledges that 'of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effect', paragraph 5.4 of the PPS22 Companion Guide (2004) states that local planning authorities should recognise that the landscape and visual effects will only be one consideration to be taken into account in assessing planning application and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects. It further contends that an assessment must be made on a case by case basis and for it to be appreciated that the effects will vary according to the size and number of turbines, the host landscape, and that these impacts maybe temporary depending on the consented life span of the project.

There appears to be a hierarchical approach within the governments approach to landscape protection and locational considerations, with the highest being afforded to national designations such as AONB and National Parks, however, even in this instance planning permission may still be granted if the overriding public interest outweighs any loss of landscape or visual integrity. In terms of local landscape and nature conservation designations paragraph 15 of PPS22 clearly states that local designations should *not* be used to refuse planning permission for renewable energy developments. As such landscape and visual impacts must not be considered in isolation but instead assessed

within the context of impact significance and the wider implications and public benefit of the project.

The study area is defined by a 30km radius from the development site, which is in line with guidance for wind turbines up to 100m in height, as stated in 'Visual Representation of Wind farms' Good Practice Guidance, Scottish Natural Heritage (2007). In establishing the landscape baseline conditions of the site the Environmental Statement (ES) set out and found the following;

1) ***The landscape planning designations:*** The site does not lie within any national, regional or local area designated for its landscape value.

2) ***The existing landscape character:*** Within the 30km study area there were 10 national landscape character assessment areas identified in which the site is located towards the southern boundary of the Rockingham Forest Character Area 92. This is typified by an undulating landform, with foreground views occupied by arable fields and low hedges. The 10 national character areas within the study area are subdivided into 20 further county landscape character types again with subsections with the site lying within the Boulder Clay: Geddington Chase (7a) Landscape Type. Which is a largely flat plateau area with a predominance of an arable field structure with pockets of woodland cover located on the upper slope and tops of undulations, which provide vegetative elements upon the horizon and small areas which are intimate and enclosed in character.

The Northamptonshire County Council's Historic Landscape Character Assessment identified the area as being set within the Area 1e Rushton Clay Plateau. It finds that 'there has been slightly more modern development than other comparable areas, which is attributed to its close proximity to Corby and the Iron Ore extraction and cable rigging facilities which were once located upon the site. In addition there are 36 registered parks and gardens within the 30km study area, with the closest being Rushton Hall and Triangular Lodge (1.1km), Boughton House (4.1km) and Rockingham Castle (4.8km). In terms of designated conservation areas the closest are Rushton (0.8km), Pipewell (0.7km) and Great Oakley (2.5km from the site).

3) ***A description of the site and surrounding area:*** The site is currently arable farmland with gappy to well defined hedgerows intersecting the site and surrounding area with notable pockets of mature woodland which are remnants of the site's location within the former Rockingham Forest. The site is set at a height of 110-120m AOD which forms part of a series of undulating ridges and systems within the landscape, and the ridge offers medium to long distance of a rural landscape which includes local settlement and industrial/commercial facilities and operations. The most notable examples of these is the large commercial land fill to the east, Burton Wold Wind Farm located 12km to the south and North Kettering Business Park set upon the horizon to the south east of the site. The closest settlements are Pipewell 0.7km to the north, Rushton 0.8km to the south and Corby 1.6km to the north east. There are 13 further residential areas including parts of Rothwell, Desborough and Kettering within a 5km radius of the site. In addition there is a footpath and bridleway located to the west of the site and several infrastructure routes including the railway line to the south, and Oakley Road (A6003) which runs to the east and north of the site.



**4) Visual Resource:** In order to establish the visual baseline for the site the applicants have produced a Zone of Theoretical Visibility (ZTV) for the tips of the proposed turbines, which helps to establish the potential visibility of the scheme, this presents the 'worse case scenario' as it is a bare ground analysis which excludes the potential screening effects of vegetation and built structures. In order to ascertain a more accurate picture at a local scale Digital Terrain Modelling was employed to better understand the topography, vegetation, settlements and other existing elements within the landscape which may act to screen or filter potential views of the turbines. The visual baseline also included the identification of sensitive receptors including settlements, roads and railways, public rights of way, visitor attractions and representative viewpoints for photomontages. 97 settlements were identified within a 20mm radius of the identified settlements, it was considered that only those within a 3km radius have the potential to be significantly affected in EIA terms by the proposal.

To further assess the visual effect 15 viewpoints were initially considered within the assessment area. Viewpoints are represented through computer generated wire lines which can then be used to generate photomontages. The selected points ranged from views 0.4km-13.7km from the site and as such included close, medium, long distance and dynamic representative views towards the proposal. They included a number of visual receptors including residential, rights of way, roads, wildlife and recreational sites within the area. Although the ES does recognise that some people will be more sensitive to change a number of closer viewpoints from within the villages of Rushton and Pipewell were considered appropriate and requested during the consultation stage to respond to concerns over the number of viewpoints and their accuracy in order to identify the more localised visual effects of the development.

**Summary of Effects: Landscape:** The site is not subject to any national or local landscape designations and as such there will be no effect upon any areas designated for their landscape value. During the construction phase there will be a direct impact upon the physical landscape due to the installation of ground works and indirect impacts through the visual evidence and interpretation of turbine installation and the movement of high cranes within the Rockingham Forest character area in which the site is located. It is considered that further indirect impacts will be experienced within the adjoining national landscape areas however due to the locational circumstances the effects will be reduced through the interpretation of the development within the wider rural and urban landscape and towards the outer boundaries of the study area the effect will be negligible to no effect.

During the anticipated 25 year operational lifespan of the project the potential effect upon the landscape character of the area is considered to be as follows. Owing to the nature of the development the wind turbines would have a direct impact upon the physical landscape within Rockingham Forest Character Area due to the relatively small loss of arable farmland and the loss of approx 33m of hedgerow to accommodate the new access tracks. However, the site will continue to be farmed and there are plans for the replacement and restoration of local hedgerows and a net increase in habitat corridors and as such the effect upon the physical landscape will be mitigated to an appropriate degree, furthermore it is recommended that a condition be placed upon the consent to ensure the land is returned to its previous state following decommissioning. It is considered that there will be no significant residual direct effects of the project upon the characteristic physical features of the landscape.

Due to the nature of the development it is considered that the landscape character of the site and immediate locality (principally within 2km) would be changed for the life time of the project, with full height views of the turbines evident in some locations. Despite this it is considered that the proposal would not undermine the wider rural landscape character and should be viewed in the context of existing commercial and industrial operations as being a diversification within a rural land use as recognised by PPS7. As such it is not considered that the proposal would undermine the integrity of any key landscape characteristics and would be a progression within a historically dynamic and changeable landscape.

**Summary of Effects: Visual:** All wind farms will result in some significant effect on views and visual amenity as a result of their size and prominence and it is considered that the most sensitive visual receptors will be residential properties located in and around Rushton and Pipewell and the users of public rights of way within close proximity to the site (0-2.4km). As a result of the nature of development the ground level construction and high level works would be prominent in some views. However, as demonstrated by the submitted Zone of Theoretical Visibility (ZTV) it is considered that views of the ground level works will be very localised in nature and high level activity will also be reduced/ filtered through the existing foreground vegetation, the orientation of some residential properties and topographical variations. In addition the constructional work will not visually obscure notable vegetative characteristics such as the remnants of the Rockingham Forest and although the significance of the effect is considered to be high it will not undermine the setting and experiential views from rights of ways. Furthermore it must be noted that these effects will be temporary in nature and confined to the anticipated 6 month construction period.

Medium to long range receptors (6km-12km) would experience intermittent views largely confined to high level construction works but from many areas the views would be on the horizon and read in conjunction with existing vertical structures such as pylons. Beyond this point the visual appearance of the construction activity will become minor and largely indistinguishable elements within the wider landscape even at elevated ground levels. With regards to dynamic and sequential views the users of the nearby highway network although may gain some views the general direction of the eye will be on the road and are generally considered to be receptors of low sensitivity. In addition with roads further away from the site being restricted to glimpses and filtered views through existing vegetation undulating topography which will be most notable during full leaf in the summer months.

During the operational lifetime of the scheme the main visual effects will be on a number of residential properties located in and around Rushton and Pipewell and the isolated dwellings located near the site. The closest residential property of Station Road is 650m away from the site with the closest two settlements of Pipewell and Rushton located 700m and 800m away. The turbines would in some cases be viewed in their entirety and as such would be visually prominent, however, in many cases due to the existing mature vegetation and land levels all 7 turbines will not be readily viewed at once as demonstrated by the photomontages from Midland Cottages and various viewpoints in Pipewell. In addition other elements within the landscape enhance the perception of separation from the turbines, such as the intervening infrastructure network, tree cover and orientation of the properties, in particular those of Midland Cottages in which views will be restricted to first floor level and away from the private amenity space and habitable rooms.

During the consultation period concern has been raised with regards to the dominance of the wind turbines on the approach to Rushton along Glendon Road and in response the Council has requested a photomontage from this location. Although the turbines will be a prominent vertical structure when viewed from this elevated position this view will dramatically fall away and reduce once in the village due to the drop in land level and once inside the village boundary the turbines will not be readily viewed in their entirety.

It is considered that the selected viewpoints 5, 6 and 7 are representative of the anticipated views within close to medium proximity of the site (2.4-6km) in which the ground level infrastructure would be screened by intervening landform and vegetation. The predominant view type what be largely restricted to the mid-top of the turbine shaft and blades will be visible above or filtered through intervening vegetation. Medium to long range views will be gained from receptors between 6km-12km from the proposal and typified by the tops of the turbines and often viewed behind existing vertical structures within the landscape such as power lines, as shown in viewpoint 11. Beyond this point the eye although may see the turbines the form and number will become less discernable within the wider landscape and will be severely restricted to the blade tips.

The accuracy of the photomontages submitted by the applicant has been questioned by third party objectors and the Rushton and Pipewell Wind farm Action Group have prepared their own photomontages from five different locations (2 views from Glendon Road, Midland Cottages, Triangular Lodge and Pipewell) which they consider to be a more accurate reflection. Members need to be aware that the photomontages prepared by the applicant use the methodology recommended in the Guidelines for Landscape and Visual Impact, The Landscape Institute and Institute of Environmental Assessment (2002) as set out at Appendix 7.3. In summary, a fixed 50mm lens was used in a 35mm format and the horizontal field of view of 75 degrees and photomontages were generated using Adobe Photoshop Imaging Software. In comparison, the photomontages prepared the Action Group have not been prepared to the professional standard recommended and involve some guesswork with regard to locations and height. In addition, they do not use the software to represent accurately the turbines that would be furthest away in the photomontages.

### **Cumulative Impact**

Attached to this Report is a table (updated 8/12/09) of existing and potential wind energy schemes within 65km of this application site. Of those, only 1 is approved and operational within 0-30 km of this site (Burton Wold), with 4 others (columns 6, 18, 22, and 23) which have planning permission but are not yet constructed. It is considered that due to the intervening vegetation, other vertical man made elements within the landscape and the distances involved that there is negligible to no cumulative visual or landscape impact resulting from this development in this context.

### **Conclusion**

Overall it is considered that although there would be some significant landscape and visual impacts from the scheme the site is not located within an area designated for its landscape value and the impacts are not so unacceptable in policy terms to warrant refusal of the application. The methodology used to assess impacts is considered to be sound. It is accepted that the turbines will appear prominent in several views and from residential properties. However given the clear sense of separation between receptors and turbines, it is not considered that these will be overbearing or dominant.

### **3. Historic Environment**

The application site located between Pipewell and Rushton contains no designated historic assets, but there are a number of these assets within the villages and in their immediate surroundings. All of the historic assets are constrained by Oakley Road to the north and the London to Sheffield railway line to the south. Historically the site is characterised within the Historic Landscape Character Assessment as lying across a clay plateau and part of the former Rockingham Forest, with the fields of both Pipewell and Rushton enclosed sometime in the 16<sup>th</sup> century by clearing forest for agricultural land, a practice which continued until the 19<sup>th</sup> and 20<sup>th</sup> centuries.

Pipewell and Rushton both have Conservation Areas covering the majority of each village. In addition to the Conservation Areas, the statutory historic assets near to the site are Grade I listed Rushton Hall to the west of Rushton village, set within the boundary walls of Grade II\* listed Rushton Hall Park. Within the grounds of Rushton Hall there are eleven other listed buildings and structures including the Grade I listed Triangular Lodge which is also a Scheduled Ancient Monument. Rushton village also has Grade II\* listed All Saints Church and 5 other Grade II listed buildings and Pipewell has 8 other Grade II listed buildings. Pipewell village is also the site of Pipewell Monastic site a Scheduled Ancient Monument that is the earthwork remains of a 12<sup>th</sup> century Cistercian monastery.

Other nationally designated historic sites further away from the site are Grade I listed Rockingham Castle and its Grade II\* listed parks and gardens which is approximately 5 kilometres northeast of the site and Grade I listed Boughton House and its Grade I listed parks and gardens approximately 5 kilometres southeast from the site.

The proposed wind farm will be visible within the historic environment in the surrounding area; however, any impact needs to be assessed in terms of whether there will be any physical damage to these assets (i.e. damage to archaeological remains) or harm to the setting of the assets which would affect their significance.

In terms of any physical harm to historic assets, the site contains no designated features; however, an archaeological survey was carried out to see if there were any buried historic remains on the site. The County Archaeological advisor concluded that although the site area is within an archaeologically sensitive landscape, the surveys demonstrate that the areas of impact do not contain significant archaeological remains. As such, the impact on archaeology at the site does not warrant an objection to the proposal and therefore is in compliance with the aims and objectives of PPG16.

The principal impact to be considered therefore is any visual impacts caused by the turbines.

In assessing visual impact it is necessary to refer to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require Local Planning Authorities to have special regard to the desirability of preserving a building or its setting or any feature of special architectural or historic interest which it possesses when considering whether to grant planning permission for development which affects a listed building or its setting. Section 72(1) of the Act states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

Setting is defined as both visual and perceptible and therefore requires a visual as well as an historical assessment of the assets surroundings. Setting should be assessed in terms of the context of its immediate and wider setting.

English Heritage has had extensive pre-application discussions with the applicants in relation to the impact on historic impacts particularly in relation to the Triangular Lodge and the Pipewell Monastic site. The Triangular Lodge sits on the edge of Rushton Hall estate and is contained within the boundary walls. The land inside and outside of the boundary walls differs significantly in that the parks and gardens contained within the boundaries have a relationship and a setting with the Hall whereas, outside the boundaries, the landscape is arable farmland bisected by roads and a railway line. It can therefore be said that the setting of the Triangular Lodge is limited to the confines of the Rushton Hall boundary walls and that the proposed turbines will have no impact on its setting. Although, there are views of the turbines from the grounds surrounding the Triangular Lodge, its orientation on the site and triangular shape, means that any views from the windows of the lodge are constrained by the physical thickness of the walls, small size of the window openings and the acute angle at which they are located. The distance from the Triangular Lodge to the nearest turbine (turbine 2) is 1.5 kilometres and all seven turbines will be visible in glimpses from the Lodge and surrounding site. In addition, a spiral staircase is located in the position of the best viewing window, further restricting the views of the application site. Further, the turbines and the Ancient Monument are not within the same field of view other than on entry to the grounds surrounding the site. As such, although there is an impact, the effect is not considered to significantly affect the setting of this Ancient Monument and did not warrant an objection from English Heritage.

With respect to the Monastic site at Pipewell, English Heritage have commented that there will be a visual impact, however, it would be difficult to argue that the setting expands outside the boundary of the monument and that there is no significantly higher ground for the monument to be viewed in its entirety. The fact that the turbines will appear in views of the monument when looking south will not affect the historic setting significantly enough to undermine the current understanding or any future research of the site.

With respect to Rockingham Castle and Boughton House, the views of the proposed turbines from these sites are obscured by mature tree cover and are over open agricultural land and roads rather than across designed landscapes. As such, the impact on these historic assets is negligible.

The remaining listed buildings are contained within smaller curtilages with their settings not relying on the wider landscape for their significance and the proposed turbines, although able to be viewed from these historic assets, will not adversely affect their character.

The two Conservation Areas will have views of the proposed turbines, however, the predominantly rural setting of these Conservation Areas will be retained and will not be diminished by the introduction of the turbines, with the significant views and characteristics being centred on the Listed Buildings and historic features within the Conservation Area boundaries rather than out towards the surrounding countryside. As such, the proposal can be said to at least preserve the character and appearance of the conservation areas and is in compliance with the aims and objectives of PPG15.

In conclusion, the impact on the historic environment is not considered significant enough to outweigh the aims and objectives of PPS22 in that the designated assets will not be compromised and the adverse effects are not significant enough to outweigh the environmental, social and economic benefits of the proposed scheme.

#### **4. Highway Safety Implications**

Policy 13(n) of the North Northamptonshire Core Spatial Strategy requires that developments will not have an adverse impact on the highway network and will not prejudice highway safety. The main highway implications of the development will be experienced during the construction of the wind farm and later on in the decommissioning of the site. The highway impact of the wind farm, once operational will be minimal, resulting on a 0.001% increase in daily traffic flows along Oakley Road.

Vehicular access to the site is proposed off Oakley Road to the east of the site. Technical highways drawings of the access, including turning within the site have been submitted as part of the planning application. The applicant has also agreed to provide, on the request of Northamptonshire County Council Highways Department a visitor viewing area in the south eastern corner of the site which will provide 12 car parking spaces, details of which can be secured by condition. Northamptonshire County Highways Department have been consulted on the scheme and are satisfied, subject to the conditions, that the access to the site and site layout are acceptable and give rise to no adverse highway safety implications and thus is in accordance with policy 13 of the Core Spatial Strategy.

The wind turbine components will be delivered from Great Yarmouth and the proposed route is A47 west bound, A11 west bound, A14 west bound, A43 east bound, A6003 north bound, Oakley Road. A turbine will be delivered in parts, resulting in 8 abnormal loads (vehicle length 44 metres) per turbine. PPG13 states that where possible, developments that generate substantial freight movements, should be located away from congested central areas and residential areas as well as securing adequate trunk road access. The Highways Agency has been consulted on the scheme and has raised no objections to the proposal. Northamptonshire County Council Highways Department have assessed the local route to the site and are satisfied that there the highway is sufficiently wide to accommodate the size of an abnormal load vehicle. On the request of the Highways Department, the applicant has agreed to enter into an Agreement under Section 59 of the Highways Act that will require the developer to pay for any damage to the highway or highway verges that may be caused by construction related vehicles accessing the site.

The scheme will also result in substantial construction traffic during construction, including HGVs. It has been estimated in the application that in total over the six month construction period there will be approximately 10,234 two way vehicular movements to/from the site. On a daily basis the number of HGV and light vehicle movements will vary depending upon the phase of construction. To put this in context, this increase will account over this six month period of an estimated increase of light vehicle traffic along Oakley Road of 4.65% and an increase in HGV vehicle traffic of 100%. This figure is so high because few HGVs use this route at present. Whilst it is accepted that this increase in traffic has the potential to cause noise and vibration, severance, delay, an increased risk of accidents and dust and dirt, subject to appropriate mitigation measures that can be secured via condition through the submission of a transport management plan, neither the Highways Agency and Northamptonshire County Highways Department have raised any objections to the scheme.

Concern has been expressed by some objectors about the proximity of turbine 1 to Oakley Road to the east of the site. The Companion Guide to PPS22 states that it is advisable to achieve a set-back from roads of at least fall over distance which is calculated using the height of the turbine to the tip plus 10% to provide for a safe separation distance. Turbine 1 has a tip height of 100 metres, thus in accordance PPS22 a safe separation distance from the road equates to 110 metres. The agent has confirmed in writing that turbine will be a minimum of 110 metres from the carriageway and Northamptonshire County Highways Department have raised no objection.

In summary, subject to conditions controlling the development and providing mitigation measures, it is not considered that the scheme will give rise to any significant adverse highway safety implications and as such the requirements of PPS22, PPG13 and policy 13 of the North Northamptonshire Core Spatial Strategy can be achieved.

## **5. Impact on Public Footpath**

There is a public footpath and bridleway to the west of the site proposed for the 7 turbines which connects Rushton and Pipewell. The public footpath and bridle way run parallel to each other with the bridle way being located closest to the application site. It appeared from the site inspection that bridle way is used regularly by horse riders and walkers; however, the public footpath is less well used, with walkers tending to use the bridleway instead.

The main issues that have been raised by objectors regarding this bridleway and footpath are proximity, loss of tranquillity, visual amenity impact and horses being frightened from the turbines. Concern has also been expressed by objectors about the proximity of local roads that are used by horse riders to the wind farm site. Oakley Road to the north and east of the site is busy with vehicular traffic and does not appear from site visits to be used regularly by walkers or horse riders. Oakley Road to the west is less busy and with grasses verges is used more frequently by horse riders.

Planning for Renewable Energy A Companion Guide to PPS22 states there is no statutory separation distance between a wind turbine and a public right of way, however, fall over distance is considered acceptable. Fall over distance is defined as tip height plus 10%. All seven of the turbines are 100 metres in height, thus a 110 metre separation distance is required. The public right of way to the west of the site is in excess of 400 metres away, thus, this requirement can be met and the turbines present no danger to users of the footpath.

The British Horse Society in their advisory statement on wind farms state that wind farms can frighten horses by blade shadow, the blades starting to turn and noise. To prevent these problems The Companion Guide to PPS22 states that a 200 metre exclusion zone around a bridle way is suggested by The British Horse Society, however, the Companion Guide stresses that this separation distances is not a statutory requirement and is subject to negotiation. Notwithstanding this, the closest two turbines to the bridleway (numbers 2 and 7) are 440 metres and 400 metres away respectively, with the remaining other turbines being well in excess of 400 metres. It is also considered that the local roads that are suitable for use by horse riders (specifically Oakley Road to the north and west of the site) provide for a separation distance well in excess of 200 metres. For the above reasons it is considered unlikely that any adverse implications will result for horse riders

using this bridleway. The Rights of Way Officer at Northamptonshire County has been consulted on the scheme and is satisfied there is sufficient separation distance between the turbines and bridleway.

All seven of the wind turbines will be visible from the bridleway and public right of way immediately to the west of the site. Photomontages of View Point 1 Pipewell Right of Way and View Point 2 Rushton Right of Way have been submitted as part of the Environmental Statement and the Environmental Statement refers to the visual impact on the right of way as moderate significance. The visual impact of the turbines on the landscape in the local area, including the bridleway has been assessed under the landscape section of this report and for the reasons as referred to in this section, it is not considered that the visual impact on the right of way is significantly harmful to warrant refusal of the application.

With respect to noise, the Environmental Statement recognises that operational noise will be perceptible at a level between 36 – 38 dBA, however, will not be significant or cause any adverse impact on the amenity of users of the rights of way. The Environmental Health Department have been consulted on the scheme and have raised no objections to the turbines impact on users of the right of way.

Whilst there are many other public rights of way and bridleways within the vicinity of the site, the resultant impacts will be greatest on the bridleway and public right of way to the west, with the impact reducing the further the right of way is to the wind farm site. In summary, it is not considered that the scheme will significantly adversely affect the amenity value of nearby rights of way and as such the scheme is in accordance with PPS22 and its Companion Guide.

## **6. Noise**

Noise issues are considered in Chapter 9 of the Environmental Statement submitted with the application. Based on the noise assessment carried out, the applicant has reported in the Environmental Statement that the noise generated by the proposed wind farm development would not have a significant effect on nearby dwellings.

PPS22 explains that the most appropriate way to control the noise impacts of a wind farm development is to set noise limits, usually based on the existing background noise level, at the nearest noise-sensitive properties. PPS22 endorses the use of 'The Assessment and Rating of Noise from Wind Farms' report by ETSU for the DTI, commonly referred to as ETSU-R-97, when assessing the potential noise impacts of a wind farm development. The applicant has carried out noise assessments measuring background noise level and calculating the levels of noise that would be produced by the wind farm at 5 noise-sensitive receptors surrounding the application site. The noise-sensitive receptors being dwellings at Windy Ridge, Lower Lodge Farm, Storefield Lodge, The Bungalow, Midland Cottages and Rectory Farm. It is considered that the noise assessments submitted with the application have been carried out in accordance with guidance contained in ETSU-R-97.

The Council's Environmental Health Officer (EHO) has been consulted on the comments raised by CPRE and the Rushton and Pipewell Wind Farm Action Group and has confirmed that the noise assessment submitted in the Environmental Statement is acceptable in terms of its methodology and findings. The EHO is satisfied that the noise generated by the proposed wind farm would be acceptable during night-time and amenity hours as recommended in ETSU-R-97. As such, no objection to the proposal has been



raised. Taking into account that the assessments have been based on the sound power levels produced for the 2.3MW Enercon E70-E4 wind turbine, and it is possible that an alternative turbine may be installed a number of conditions have been recommended.

Planning conditions are recommended to ensure details of the wind turbines chosen for installation are submitted to the LPA prior to development commencing to ensure that the noise assessments submitted with the application are still valid, that the noise emitted from the wind farm does not exceed specified levels at any dwelling, that noise monitoring is carried out within 3 months of the wind farm being commissioned and that thereafter monitoring is carried out on the request of the LPA. In addition conditions are recommended to ensure all construction work is carried out in accordance with the noise and vibration assessment and mitigation contained in the Environmental Statement, that the hours for construction and the hours for bringing equipment onto the site are restricted, and to ensure that a noise assessment is carried out prior to the decommissioning of the wind farm.

It is considered that the information submitted with the application clearly demonstrates that the proposed wind farm development would not exceed the levels of noise recommended by ETSU-R-97, and as such, subject to the conditions recommended, the proposal would not have a significant impact upon the residential amenity of the occupiers of nearby dwellings. The proposal therefore accords with policy 13 of the North Northamptonshire Core Spatial Strategy.

A number of third party representations have expressed concerns about the effect vibration and low frequency noise produced by the turbines would have upon their health. A companion guide to PPS 22 addresses this issue. It states that there is no evidence to prove that low frequency noise generated by wind turbines is harmful to health, and it refers to a detailed study by ETSU for the DTI (ETSU W/13/00392/REP), which found that vibration levels and low frequency noise generated by wind turbines would not have an adverse impact upon human health.

Rushton and Pipewell Wind Farm Action Group have commissioned an analysis of the Noise Section by MAS Environmental and a report has been submitted. This report raises concerns over the noise assessment submitted by the applicant as part of the ES. The assessment report prepared by MAS has been fully reviewed by Kettering Borough Council's EHO who is satisfied that the ES robustly and properly takes account of noise.

## **7. Shadow Flicker**

Shadow flicker is the casting of a shadow over neighbouring properties caused by the rotating blades of the turbine. The movement causes the shadow to flick on and off, and the effect of this occurs inside buildings where the flicker appears through a narrow window opening. The applicant has carried out a survey in order to assess whether shadow flicker will have a significant impact upon the occupiers of nearby dwellings. Shadow flicker only occurs within 10 rotor diameters of a turbine and therefore the survey assessed the dwellings that would fall within 700m of each turbine location. The effects of shadow flicker lessen with distance and the effect varies with weather conditions; the effect being greater during bright and sunny conditions.

The results of the survey, as explained in full in the Environmental Statement submitted with the application, show that only 1 dwelling (Storefield Lodge) would potentially effected

by shadow flicker from turbine 1. The shadow flicker would potentially occur for a period of approximately 25 minutes between 5pm and 6pm in the months of March and September. It is possible to mitigate the effect of shadow flicker in order to ensure it does not have an adverse impact upon the occupiers of dwellings affected. The applicant proposes to install a system that would shut down the turbine that would potentially cause shadow flicker automatically at the times it has been predicted to occur.

Although the proposed development could potentially result in shadow flicker due to the use of an automatic shut down system to mitigate the effect, the proposal would not have an adverse impact upon the occupiers of the nearby dwellings. The proposal therefore accords with policy 13 of the North Northamptonshire Core Spatial Strategy. It is recommended that a planning condition be imposed to ensure that an automatic shut down system is installed.

## **8. Wildlife and Ecology**

The site is characterised as arable farmland, separated by dry hedgerows, dry ditches and streams. Alder Woods and Meadow Site of Special Scientific Interest is located approximately 250 metres to the west of the site and New Wood County Wildlife Site is located immediately to the west of the application site and is approximately 85 metres away from turbine 3. The application site is also located 500m from the Ise Valley Sub Regional Green Infrastructure Corridor for which policy 5 of The North Northamptonshire Core Spatial Strategy requires that development does not compromise this corridor.

To provide the necessary vehicular access both within and to the site, there is a requirement for the loss of a 28 metre stretch of hedgerow adjacent to Oakley Road on the eastern boundary to be removed as well as a 5 metre section at the western end of the site to allow internal access. To compensate for the loss of these hedgerows, the Environmental Statement states that two new hedgerows will be planted as well as 2 new ponds to provide an enhanced green corridor. Further mitigation measures have also been negotiated since the application was submitted and these are detailed below.

As part of the Environmental Statement a Phase I Habitat Survey was undertaken as well as specific surveys mainly within a study area of 2km from the site boundary to identify the presence/ activity of badgers, water voles, otters, dormice, reptiles, amphibians, bats, birds, winter birds and breeding birds. These surveys concluded that there are no signs of water voles, otters, dormice or reptiles; however, there was evidence of badgers, bats, winter birds, breeding birds and great crested newts either within the site or within the study area. The Environmental Statement recognises that some adverse impact will result to habitats during construction, operation and decommissioning of the wind farm, however, subject to mitigation measures, the impact is only slight adverse impact or less.

Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that the main aim is to prevent harm to biodiversity and geological conservation interests and that applications should not be refused if conditions will prevent damaging impact on wildlife habitats or important physical features.

Following objections from Natural England, the Wildlife Trust and North Northants Bat Group about the impact on bats and birds and an objection from The Wildlife Trust that a lack of mitigation is proposed, the applicant has submitted further information regarding the survey work and agreed to further planting comprising a woodland strip to connect New

Wood and Alder Wood.

Natural England and the Wildlife Trust have been re-consulted on this additional information, and are satisfied that the survey work submitted is acceptable and the level of mitigation now proposed, in the form of additional planting, is commensurate to the development proposed and subject to conditions securing this have withdrawn their objections.

North Northants Bat Group has also been re-consulted on the scheme and still raise concerns regarding the accuracy and quality of the bat surveys undertaken. However, given that Natural England now raises no objection to the survey work undertaken, this is not considered to be a valid reason to refuse this application. To reflect the concerns raised by North Northants Bat Group, it is recommended that a condition is attached requiring further bat surveys be undertaken along with any necessary mitigation measures.

For the above reasons, and subject to the imposition of conditions which will mitigate any adverse impact on wildlife habitats, the scheme is considered to be in accordance with PPS9 and meet the requirements of policy 5 of the North Northamptonshire Core Spatial Strategy.

## **9. Flood Risk, Hydrology and Water Quality**

The application site has historically used as agricultural land for growing crops and contains two tributaries, both of Harpers Brook which flows to the north of the site.

One tributary flows along northern site boundary from west to east with a small pond outside the site boundary to the east of the top northwest corner of the site. The second tributary flows west to east starting in Alder Wood, and runs through the southern end of New Wood across the site following the field boundaries between proposed turbines 1 and 2 to the south and 3 and 4 to the north. There is a small pond along the field boundary between turbines 1 and 4 and another on the site boundary edge adjacent to New Wood. Drainage ditches, land slopes eastwards. Other than these drainage ditches, there is no formal drainage on site.

The proposal would require in excess of 3 kilometres of new track to be constructed together with crane pads, a control building and a sub-station and would result in an increase in the impermeable area of the site and to surface water run-off. There would also be waste water produced from the welfare facilities on site which would discharge into septic tank and then have to be removed from the site.

The site is in flood Zone1 which is considered to have a less than 1 in 1000 (0.1%) annual probability of flooding in any year. A flood risk assessment carried out by the applicants was deemed by the Environment Agency to comply with the requirements of PPS25, subject to the imposition of conditions relating to a foul and surface water drainage scheme and a Construction Environment Management Plan.

## **10. Hydrogeology, Geology and Ground Conditions**

Surveys carried out by the applicants' show that the proposed turbine locations are underlain by layers of clay-rich sandy glacial till, which overlies a sequence of limestone, sandstones, sands and siltstone deposits. The Northampton Sand Formation (sandy ironstone) has been extensively quarried in the local area but not the vicinity of the site.

The clay-rich till deposits covering the site inhibit the recharge of water to underlying aquifer units; while the limestone and sandstone sequence underlying these constitute a major aquifer unit. Any groundwater at the site is expected to be at depth within strata underlying the site. The drainage ditch which bisects site between proposed turbines 1 and 2 to the south and 3 and 4 to the north is not considered to be groundwater fed.

Land to the east of the site, across Oakley Road previously housed an old limestone quarry which has been identified as potentially contaminated; however, no pollutant linkages to the application site exist. The quarry is now infilled and overgrown.

The application site has no designated geological sites and has been used for agriculture since the early 1800s. Environmental Health has confirmed there are no issues with contaminated land at the site. Mitigation measures incorporated into the scheme by way of a Construction Environment Management Plan are to be conditioned to ensure the site is protected from the impacts of any contamination through the construction, operation and decommissioning phases. As such, the proposal is in compliance with the aims and objectives of PPG23

#### **11. Agriculture and Soils**

The land affected by the proposal is a single farm holding in excess of 100 hectares in size, mainly used for arable farming. The standard rotation at the farm is winter wheat, oilseed rape and oats.

The soil type at the site is defined on the National Soil Map as slowly permeable seasonally waterlogged clayey and fine loamy over clayey soil. This is further graded in land classification maps as grade 3 land, where grade 1 is best and grade 5 is worst. A further subdivision shows the site as mainly grade 3b soil with smaller areas of grade 3a and the main limitation on the agricultural land quality of the site being its susceptibility to soil wetness.

The location of the proposed turbines and alignment of the proposed access tracks is such that potential loss of productive land is minimised, not just through direct loss but also through indirect severance of land. The permanent loss of approximately 2 hectares of grade 3a land, in terms of its loss of agricultural land quality and loss from an arable farm holding, is assessed overall to be of minor adverse significance and not contrary to the aims and objectives of PPS7.

#### **12. Telecommunications & TV Reception Interference**

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.

The layout of the proposed wind farm was amended in the early design stages following consultations with telecommunication links operators. It was necessary to move 4 of the wind turbines to ensure that development would not interfere with any telecommunication link paths across the site. No objections have been received in relation to interference with telecommunication links, and therefore it is considered that the proposed development would not have an adverse impact upon telecommunications.

Ofcom has not provided any comments regarding interference with electromagnetic transmissions. However, the applicant has confirmed that in order to ensure domestic television transmissions are not adversely affected by the proposal pre-construction and post-construction surveys would be carried out. These surveys would determine the impact of the proposed development and identify any necessary mitigation measures required, for example, the installation of satellite or cable connections to television services at a dwelling. Bearing in mind the applicant is committed to ensuring that television reception is not affected by the proposal it is considered that the proposal would not have an adverse impact upon television reception. A condition has been suggested to ensure that any necessary mitigation is provided by the applicant.

### **13. Implications for Tourism**

Concern has been expressed by some objectors' that the proposed wind farm would have an adverse impact on tourism in the area and threaten the livelihood of existing businesses such as local guest houses. There are a number of local tourist attractions within the local area of the site and these include the Triangular Lodge at Ruston, the Scheduled Monument at Pipewell and Broughton Hall. The Environmental Assessment submitted assesses the impact of the wind farms on these historic sites between slight and moderate. A full assessment of the impact of the wind farm on these historic sites has been discussed at section 3 and for these reasons, it is considered unlikely that visitor numbers to these attractions will be materially affected and nor those of other tourist related businesses.

As part of the consultation process East Midlands Development Agency and the Economic Development Section at KBC were informed and no objections were received. East Midlands Tourist Board were also consulted, however, no observations have been received

### **Conclusion**

The scheme, subject to conditions is in accordance with local and national policy and will not have any significantly detrimental impact on landscape, historic environment, biodiversity, surrounding highway or the amenity of nearby properties and is therefore recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

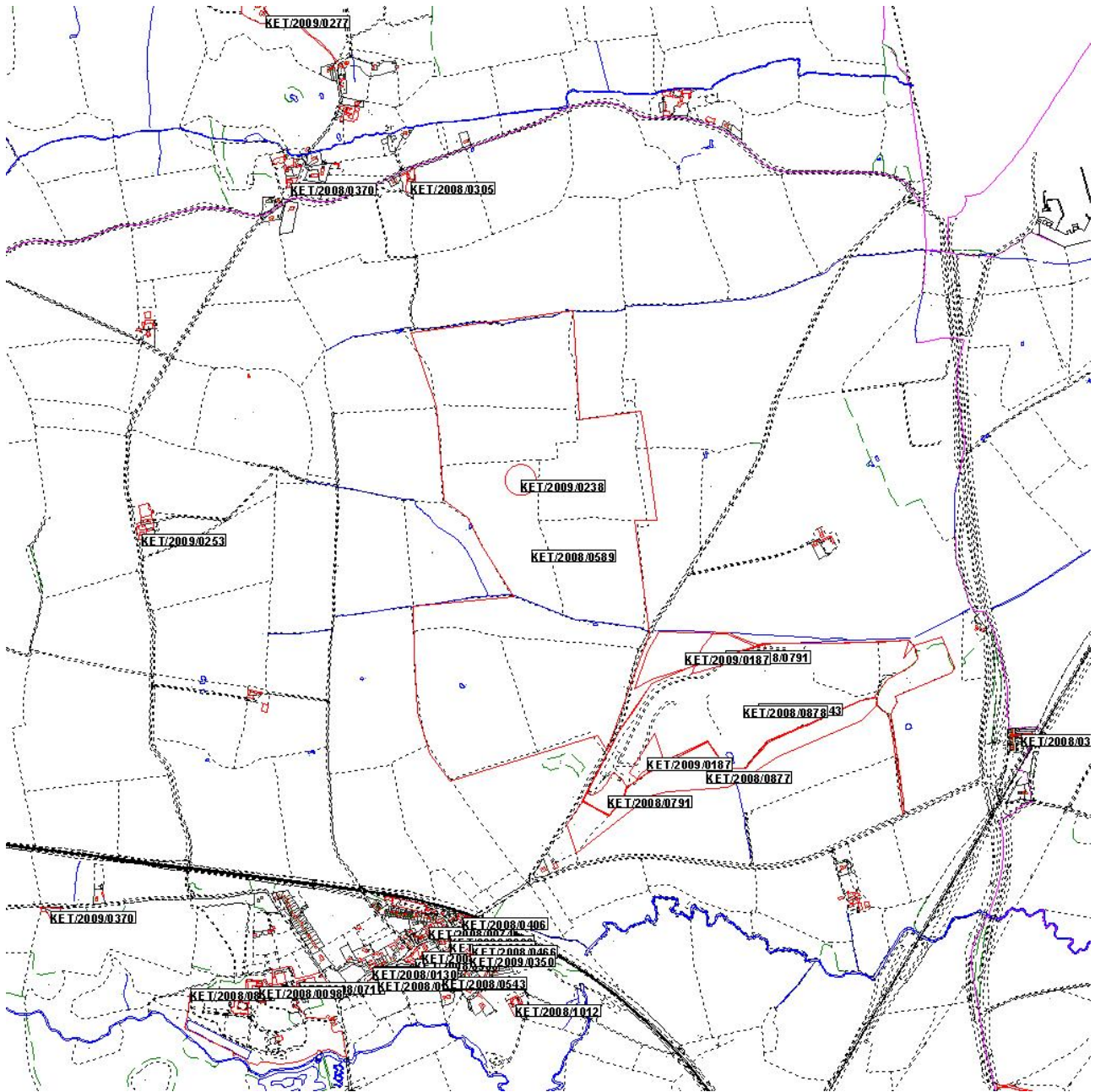
#### **Previous Reports/Minutes**

Ref:

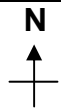
Date:

# SITE LOCATION PLAN

New Albion Wind Farm Towns Close Farm (land at), Rushton  
Application No.: KET/2009/0549



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