

BOROUGH OF KETTERING

Committee	Full Planning Committee - 06/11/2012	Item No: 4.3
Report Originator	Rebecca Collins Senior Development Officer	Application No: KET/2012/0556
Wards Affected	Burton Latimer	
Location	Land to the North of Burton Wold Farm, Wold Road, Burton Latimer	
Proposal	Full Application with EIA: Erection of 9 no. wind turbines (maximum overall tip height of 132.5m), new on-site access tracks, hard standing areas, control building, cabling and 80m anemometer mast	
Applicant	First Renewable Developments Ltd	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

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

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

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

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

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

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

4. The blade tip height of the turbines shall not exceed 132.5 metres in height above ground level and the hub height shall not exceed 80 metres in height above ground level. The blades of the turbines hereby permitted shall all rotate in the same direction. The anemometer mast shall not exceed 80 metres in height above ground level.

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

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

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

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

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with policies 4 and 11 of the NPPF, policies 26 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The substation building, hereby permitted, shall not be erected until details of the design and external materials for the building, and for any associated compound or parking area, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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.

8. 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 unnecessary impact on the landscape and the surrounding environment in accordance with policies 25 and 26 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

9. 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.

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

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

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

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

The development shall be carried out in accordance with the approved plan, or in accordance with any subsequent variation to that plan which has been submitted to and approved in writing by the Local Planning Authority.

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

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

- i) the date when development is expected to commence;
- ii) the maximum height of any turbine; and
- iii) the maximum extension height of any construction equipment.

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

- iv) the date of completion of construction;
- v) the height above ground level of the highest structure that has been erected as part of the development hereby permitted; and
- vi) the position of that structure in terms of latitude and longitude.

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

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

a) The proposals for the retention, protection, mitigation and enhancement of species as outlined in sections 8.8, 8.9 and 9.9 of the submitted EIA volume 1 and shall be fully implemented;

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

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

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

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

15. No development shall take place until a construction method statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of:

(i) pollution prevention measures to be adopted during the construction phase to ensure that that suitable bunding is used around fuel tanks and that excavation/construction works do not harm local sewerage, groundwater supplies, surface water quality or the quality of subsoil;

(ii) measures to control dust and mud arising from the development;

(iii) methods to reduce the effects of construction noise in accordance with BS5228;

(iv) arrangements for the disposal of waste and surplus materials;

(v) emergency procedures and pollution response plans;

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

16. Construction of the development hereby permitted shall only take place on the site between the hours of 07:00 - 18:00 on Monday to Friday inclusive and 08:00 - 16:00 hours on Saturday. No such construction work shall take place on any Sunday or public holiday. Outside these hours, works at the site shall be limited to emergency works and dust suppression. Emergency works shall include works to make safe a turbine that is under construction. The Local Planning Authority shall be informed in writing of any emergency works within one working day of their occurrence.

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

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

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

18. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speeds set out in Tables 1 and 2, as appended to this report (see note 5).

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

19. Any wind turbine which, under particular wind conditions, is operated in a reduced noise mode during daytime hours (0700-2300), for the purposes of complying with the daytime noise limits set out in Table 1, shall be operated in the same mode under those same conditions of wind during night hours (2300-0700).

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

20. No development shall take place until details of a scheme to monitor compliance with the (condition 18) noise limits, at three receptor locations, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

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

21. Within 21 days from receipt of a written request by the Local Planning Authority, which sets out the date and time of noise disturbance alleged in a complaint by the occupier of a dwelling which lawfully exists or has planning permission at the date of this permission, the wind farm operator shall, at its own expense, employ a consultant approved by the Local Planning Authority, to assess the rating level of noise emissions from the wind farm at the dwelling, in accordance with a protocol,

that has been agreed in writing by the Local Planning Authority, and in accordance with the procedures described in the attached Guidance Notes. The assessment shall consider compliance with noise limits, that are set out in (condition 18) Tables 1 and 2, for a location that the Local Planning Authority has agreed, in writing, is representative of the dwelling and under a range of meteorological and operational conditions which the Local Planning Authority has agreed, in writing, is representative of the conditions which prevailed when the alleged disturbance occurred. Within 14 days from receipt of the written request, the wind farm operator shall provide the Local Planning Authority with information, relevant to the complaint that has been logged in accordance with condition 24. Within two months from receipt of the written request, the wind farm operator shall provide the Local Planning Authority with the results of the consultant's assessment. Those results shall include consideration of whether there was a tonal component, to the noise, at the time of the alleged disturbance. The results shall also include all data which were collected for the purposes of the assessment and certificates of the measuring instruments' calibration.

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

22. In accordance with Guidance Note 1(d), the wind farm operator shall continuously log wind speed, wind direction and rainfall on the site and shall continuously log power production, nacelle wind speed and nacelle orientation at each wind turbine. The data obtained shall be retained for the duration of the planning permission. The wind farm operator shall provide the data to the Local Planning Authority, in the format set out in Guidance Note 1(e), within 14 days of being requested to do so by 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.

23. Within 28 days of receiving written notification by the Local Planning Authority, that the noise limits in condition 19 have been breached, the wind farm operator shall provide the Local Planning Authority with written details of a scheme to prevent any further breach, including a timetable for implementation of the scheme. The scheme shall be submitted for the Local Planning Authority's written approval and it shall be carried out in accordance with the terms of that approval.

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

24. No works to decommission the development shall commence until a scheme for the protection of nearby residential dwellings, both outside and within the development curtilage, from noise resulting from the decommissioning of the wind turbine farm, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the commencement of the decommissioning of the wind farm. REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

25. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of open space. The works

approved shall be carried out in the first planting and seeding seasons following the erection of the first turbine hereby permitted. 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: To improve the appearance of the site in the interests of visual amenity in accordance with policy 11 and 12 of the NPPF, policy 41 of RSS8 and policy 30 of the Local Plan for Kettering Borough.

26. No development shall take place on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with policies 11 and 12 of the NPPF, policy 41 of RSS8 and policy 30 of the Local Plan for Kettering Borough.

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

- (i) the onsite track layout;
- (ii) locations where gaps and gateways are to be created or widened in existing hedges; and
- (iii) measures that will be taken to minimise the gaps created in existing hedges.

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

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

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

Notes (if any) :-

1. The highways proposals associated with this consent involve works within the public highway, which is land under the control of the Secretary of State for Transport. Therefore, the Highways Agency requires the applicant to enter into a suitable legal agreement to cover the design check, construction and supervision of the mitigation works. Please contact the Highways Agency and Northamptonshire County Council - Highways Authority to discuss details of the agreement at your earliest opportunity.

2. Any works undertaken to the Highway Agency Network shall be carried out under the Network Occupancy Management Policy, in accordance with Highways Agency procedures, which requires notification/booking 12 months prior to the

proposed start date. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com.

3. In the event the position of any turbine is changed from what is shown on the approved plans, any such turbine shall be no closer than the national grid reference given in Table 2.1 in the Design and Access Statement (x:493098; y:275678). This is to protect separation distances between horseriders on bridleways and wind turbines.

4. The applicant must notify the Defence Geographic Centre prior to construction to allow for appropriate inclusion on aviation charts.

5. The MOD should be contacted as soon as possible with a date when construction starts and ends; a maximum height of construction equipment; and the latitude and longitude of every turbine.

6. As soon as possible the applicants shall contact the Bedford Group of Drainage Boards. via POST: Bedford Group of Internal Drainage Boards, Cambridge House, Cambridge Road, Bedford, MK42 0LH. EMAIL: contact@idbs.org.uk. TELEPHONE: 01234 354396. FAX: 01234 328196. WEBSITE: <http://www.idbs.org.uk/>.

7. The long term management plan as required by condition 13 shall, for the first three years of the permission (from first export, when electricity is first supplied to the grid) a yearly monitoring report including details of bird mortality and changes to bird behaviour shall be submitted to the Local Planning Authority.

8. With regards to condition 17, please notify the Council of such deliveries within 14 days of the date of the delivery.

9. Guidance Note 1

(a) Values of the LA90,10min noise statistic shall be measured at the approved measurement location using a sound level meter of BS EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 standard (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). The sound level meter shall be calibrated in accordance with the procedure specified in BS 4142:1997 (or the replacement thereof). These measurements shall be undertaken in such a manner as to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level and shall be fitted with a two layer windshield or suitable equivalent system. The two layer windshield, or suitable equivalent system, shall be approved in writing by the Local Planning Authority prior to the commencement of measurements. The microphone shall be fitted with the approved windshield and shall be placed outside the complainant's dwelling and be not more than 35 metres from it. The microphone shall be placed at least 3.5 metres away from the building facade and from any reflecting surface except the ground. In the event that the complainant withholds consent for access to his or her property, to undertake compliance measurements, the wind farm operator shall submit for the written approval of the Local Planning Authority details

of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10min measurements shall be synchronised with measurements of the 10-minute arithmetic mean standardised 10m wind speed, wind direction and rainfall and with power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the noise conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (ms-1), arithmetic mean wind direction in degrees from north and rainfall data, in each successive 10-minute period, by direct measurement of 10 metre height wind speeds and direct measurement of hub height wind direction and direct measurement of rainfall, at the meteorological monitoring mast on the wind farm site. The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minute period for each wind turbine on the wind farm. Rainfall shall be measured, at the meteorological mast on the wind farm site or at the measurement location, using a rainfall detection system that has been approved, in writing, by the Local Planning Authority prior to the "first export date". All 10-minute periods shall commence on the hour and in 10 minute increments thereafter synchronised with Greenwich Mean Time.

(e) Data provided to the Local Planning Authority, in accordance with the noise conditions, shall be provided in comma separated values in electronic format.

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2(b).

(b) Valid data points are those measured during the conditions specified by the Local Planning Authority, in its written request, but excluding any data collected during periods of rainfall measured at the meteorological mast on the wind farm site. These specified conditions shall include the range of wind speeds, wind directions, times of day, meteorological conditions and power generation requested by the Local Planning Authority. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid, in accordance with Guidance Note 2(b), values of the LA90,10min noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares "best fit" polynomial curve, of an order deemed appropriate by the independent consultant, shall be fitted to the data points and used to define the wind farm noise level at each integer wind speed.

Guidance Note 3

Where the Local Planning Authority has indicated that wind farm noise immissions are likely to contain a tonal component, at the location or locations where compliance measurements are being undertaken, a tonal penalty shall be calculated and applied using the following rating procedure.

(a) For each 10-minute interval for which LA_{90,10min} data have been determined to be valid, in accordance with Guidance Note 2(b), a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods shall be regularly spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted 2-minute period, of uncorrupted data, out of the affected overall 10-minute period, shall be selected. Any deviations from "the standard procedure" shall be reported.

(b) For each of the 2-minute samples, the tone level above audibility (L_{ta}) shall be calculated in accordance with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-1997.

(c) The tone level above audibility (L_{ta}) shall be plotted against 10 metre height standardised wind speed for each of the 2-minute samples. For samples where the tone level was below the audibility criterion, or no tone was identified, a value of zero audibility shall be substituted.

(d) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within $\pm 0.5\text{m/s}$ of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed that has been considered pursuant to Guidance Note 2.

(e) The tonal penalty shall be derived from the average tone level above audibility of the tone according to the figure 2, as appended.

Guidance Note 4

(a) If a tonal penalty is applied, in accordance with Guidance Note 3, the rating level of the turbine noise at each wind speed shall be the arithmetic sum of the measured noise level, as determined from the best fit curve described in Guidance Note 2, and the penalty for tonal noise as derived in accordance with Guidance Note 3, at each integer wind speed within the range requested by the Local Planning Authority in its written request made pursuant to condition 22.

(b) If no tonal penalty is applied, the rating level of the turbine noise at each wind speed shall be equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level of noise at the dwelling, to which a complaint relates, is higher at any wind speed than the noise limit agreed by the Local Planning Authority pursuant to condition 22, the independent consultant shall undertake a

further assessment of the rating level to correct for background noise so that the rated level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(i) Repeating the steps in Guidance Notes 1 and 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request.

(ii) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Guidance Note 3) to the derived wind farm noise L1 at that integer wind speed.

10. With regards to Condition 20 - Those details shall include a list of independent consultants who are qualified to carry out the monitoring and arrangements for amending that list with the agreement of the Local Planning Authority; shall make provision for the monitoring to be completed within 6 months of the "first export date"; and, shall provide for a written report of the results of monitoring to be submitted to the Local Planning Authority within 28 days of completing the monitoring.

Justification for Granting Planning Permission

The proposal is submitted with an Environmental Statement and is significantly in accordance with the criteria, aims and objectives of national and local policies as set out in Policies 1, 3, 10, 11, 12 of the National Planning Policy Framework, Policies 24, 26, 27, 29, 31, 39 and 40 of The East Midlands Regional Plan, Policies 1, 5, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 7 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Document - Biodiversity. The issues relating to visual impact, preserving and enhancing the character and appearance of conservation areas and the setting of Listed Buildings, noise, amenity and impact on local wildlife 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

Application Site

KET/2012/0075, Scoping Opinion - Revision to Burton Wold wind farm northern extension.

KET/2012/0249, Lawful Development Certificate - Commencement of planning permission reference KET/2007/1033 by the marking out of the access tracks and hedge removal positions. (Deemed a lawful commencement of planning permission).

KET/2007/1033, Wind farm consisting of 7no. wind turbines (100m tip height). (Approved)

KET/2007/0054, Scoping Opinion - Extension to wind farm.

KET/2006/1008, Erection of 50m guyed anemometer mast for 12 month period to measure wind speed and direction. (Approved)

KET/2005/1012, Modify existing junction. (Approved)

Burton Wold and land to the south of Burton Wold

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

KET/2003/0559, 10 wind turbines, generators, anemometry mast, substation and associated infrastructure. (Approved)

KET/2010/0755, Anemometry mast. (Approved)

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

Site Description

Officer's site inspection was carried out on 25/09/2012.

The application site lies to the north east of the existing, Burton Wold Wind Farm that consists of 10 turbines, 100m to the tip and the southern extension which consists of 5 turbines, 100m to the tip. To the west of the application site is the A6 and Burton Latimer. To the north is the A14 and the village of Cranford with significant planting to the south of Cranford in between the village and the A14. Also, the ground levels appear to rise up towards the A14 making the planting on a higher ground level than Cranford High Street. To the east of the site is A509, which leads to Finedon to the South of the application site. This site is approximately 0.75km from Cranford, 1km from Burton Latimer and 5km from Kettering and lies on the boundaries of Kettering Borough with neighbouring Authorities East Northants and Wellingborough.

The site is largely active farmland. There are a small number of properties within the application site namely Wold Lodge and a few other properties close to the application site and not on the opposite side of major highways to the application site including Poplar Lodge, Top Lodge, Windmill Cottages,

Blackbridge Farm. On the opposite side of A509 and adjacent to the application site are The Roundhouse and Fox Covert Farm. The main settlements of residential properties in close proximity to the proposal are Burton Latimer to the west, Cranford to the north and Finedon to the south.

The ground levels in this location do undulate. However, the grounds levels generally decrease to the southwest of the application site with some variance towards the external boundaries of the application site.

There is a designated SSSI and wildlife site running north on the edge of previously quarried land adjacent to the boundary of the application site and a potential wildlife site over Cranford Landfill and a separate site to the north of the application site covering a small pond.

Proposed Development

The proposal is for the erection of 9 no. wind turbines (with an 80m hub height and a maximum overall tip height of 132.5m), new on-site access tracks, hard standing areas, control building, cabling and 80m anemometer mast

Any Constraints Affecting the Site:

- Public Footpath (UA005)
- Public Footpath (UA006)
- Public Bridleway (GF017)
- SSSI Cranford St John
- Setting of the Grade II Listed – The Roundhouse
- Burton Latimer Conservation Area
- Cranford Conservation Area
- Trunk Road
- Potential LWT

4.0 Consultation and Customer Impact

Parish/Town Council

Burton Latimer Town Council

Burton Latimer Town Council have objected to the proposal on the grounds of the increased size and number of turbines, the positioning of turbines 1 and 7 and the impact of these turbines on the amenity of Windmill Cottages. They are concerned that the concrete used for the bases would remain after the permission period of 25 years and that the community fund is available for Burton Latimer at the discretion of the Town Council.

Barton Seagrave Parish Council

No objections.

Finedon Parish Council

Finedon Parish Council objects to the proposal on the grounds that the turbines are an unsightly industrialisation of the countryside which could lead to contamination of the land.

Highways Agency

The principle of development is considered acceptable. However, the delivery route as shown for the components would require temporary mitigation works on the A14 westbound of slip to the A510. Therefore, a condition requiring abnormal load movements to be undertaken as shown on plan reference 136221-110C0.1 and a note reminding the applicant of the requirement to notify the Highways Authority and ensure works are undertaken in accordance with the Network Occupancy Management policy.

Highway Authority

Wish to see a condition requiring micrositing which prevents turbine 9 being sited closer to the bridleway than the proposed location to ensure adequate separation between horseriders and wind turbines. Also, in previous consents, highways has sought the provision of a temporary viewing area for the period covering mast erection and initial commissioning, this would be welcomed. The access arrangements are satisfactory. All necessary abnormal load permissions will clearly be required prior to these loads using the strategic highway network and the A510. Traffic management on this road at its junction with the A14 and the site access point will need agreement with the Highways Agency and NCC.

NCC – Archaeology

State that the applicant has not followed the advice given at Scoping Stage. The Archaeology and Cultural Heritage section highlights that the area has the potential to contain evidence of the Iron Age and Roman periods. It also highlights that the area has been subject to little in the way of ground disturbance and as such the potential for archaeological survival and good preservation is relatively high.

The submission of a desk based assessment alone does not usually provide sufficient information with regard to the archaeological potential or significance of a study area. The Historic Environment Record contains only the presently identified archaeological resources and as such its use, while helpful, does not provide a definitive answer as to the possibility of the presence of archaeological deposits. Although a walk over survey has been undertaken this does not provide sufficient information to say that the potential for impact on the archaeological deposits is moderate.

The applicant suggests that the requested archaeological investigation is undertaken as part of a condition. However it is considered premature to discuss mitigation before the required baseline archaeological information has been provided. The NPPF section 128 makes clear the importance of assessment of impacts on significance of historic assets and their setting in the determination of any planning application.

Natural England

The application site is in the Upper Nene Valley Gravel Pits SSSI, which is part of the Upper Nene Valley Special Protection Area and Ramsar site.

Natura 2000 site – no objection provided the proposal is undertaken in strict

accordance with the details submitted.

SSSI – no objection subject to conditions requiring a monitoring programme for the first three years including details of bird mortality and changes to bird behaviour. The proposed development may result in a small increase in mortality to red kites, these should be included within the monitoring.

Protected species – no objection on the basis of the information submitted, as despite the impact on EPS through increased mortality of great crested newts and bats, the proposed mitigation would maintain the population identified in the survey report. A note is required reminding the developer of the necessity to apply for a license in the event the works would result in badgers, great crested newts and bats being captured, disturbed or habitats damaged or destroyed.

Natural England refer to their standing advice with regards to BAP and protected species available on their website and following receipt of survey information, local planning authorities should undertake further consultation with Natural England.

The LPA should consider the impact of the proposal on:

- Local sites,
- Local Landscape character,
- Local or national biodiversity and priority habitats and species.

Wildlife Trust

The Wildlife Trust are in broad agreement with the scope and content of the Ecology and Ornithology sections of the supporting documentation to the above scheme, and find the work in both of these respects to be acceptable and satisfactory.

The Wildlife Trust recommends that, in order to achieve both the required protection of existing biodiversity assets and the necessary nett planning gain / biodiversity enhancements here too, all of the Applicant's own ecologist's recommendations for retention, protection, mitigation and enhancement of species and of habitats, as largely contained within Sections 8.8, 8.9 and 9.9 of the E.S Volume 1, are actually implemented on-the-ground at this site location. Specifically, we recommend that the Applicant is to produce a Construction Environmental / Ecological Management Plan and an Ecological Management Plan to be applied, and monitored.

The objectives in respect of biodiversity, and Green Infrastructure provision could best be achieved through the appending of suitable and strongly-worded Planning Conditions, and / or clauses in a S106 Agreement.

Northants Badger Group

No comments.

Northants Police

No objection subject to recommendations that in relation to switch gear etc it is

recommended that openings are approved to secure standards and that the construction site should be secure with either security personnel or approved physical methods.

RAF

Inform the Defence Geographic Centre prior to construction to allow for appropriate inclusion on aviation charts.

MOD

In the interests of air safety, the MOD requests that the turbines are fitted with aviation lighting. Also, a note requesting that the MOD are contacted with a date when construction starts and ends, a maximum height of construction equipment and the latitude and longitude of every turbine.

NATS and NERL

No safeguarding objection.

Spectrum

No objection.

MLL Telecom

No objection.

Western Power

No objection, the change would be economically beneficial. In terms of proximity of the turbines to 132kV Tower lines, there should be a clearance of 90m, the distances are well within standard codes of practice and WPD policies on distance to buildings which is 6.6m. The main risk to health and safety will be the construction process and proximity of vehicles to the overhead conductors. We recommend consulting HSE guidance document GS6.

Network Rail

No observations.

Anglian Water

No concerns.

Environment Agency

No objection subject to a note requiring the applicant to contact the Bedford Group of Drainage Boards.

Environmental Health

No objection, subject to conditions regarding a construction method statement, a condition restricting hours of operation at construction stage and deliveries (excluding the deliver of the turbines themselves), a scheme to limit shadow flicker and for mitigation in the event shadow flicker should occur and noise conditions.

Residents

Four local residents from Burton Latimer, Grafton Underwood and Finedon have objected to the proposal on the grounds:

Wold Road, Burton Latimer

- They were not informed of the public meetings held,
- Construction traffic will use Wold Road,
- Concerns with regards to shadow flicker and TV reception.

Grafton Underwood

- This is not a suitable location as they will be built too close to Kettering East and the low frequency noise will negatively impact the amenity of these dwellings,
- The proposal is contrary to planning guidance,
- The major issues with turbines is their inefficiency.

Finedon

- There are enough turbines on the site already,
- The noise from the existing is audible and another 14 would make this unacceptable,
- The land was mined so the movement of the turbines may have an impact on ground stability,
- They are a distraction to drivers,
- They kill a large number of birds as shown on the surrounding roads and paths,
- They will become a blot on the landscape when no longer in use,
- The turbines are not reliable and inefficient.

5.0 Planning Policy

National Planning Policy Framework

Policy 1. Building a strong, competitive economy

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

Policy 3. Supporting a prosperous rural economy

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

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

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

Policy 11. Conserving and enhancing the natural environment

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

Policy 12. Conserving and enhancing the historic environment

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

Development Plan Policies

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

East Midlands Regional Plan

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.

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

Policy 26 (EMRP) seeks to secure sustainable development by ensuring that damage to natural assets is avoided, justified where unavoidable, and mitigated against or compensated for where appropriate. A net increase in the quality of natural assets should also be achieved.

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.

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

This policy seeks 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 in biodiversity is achieved.

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

This policy seeks to protect and enhance the regions natural and heritage landscapes through landscape and biodiversity protection and enhancement objectives through the integration of Landscape Character Assessments with

historic and ecological assessments.

Policy 39: 'Regional Priorities for Energy Reduction and Efficiency'

Local Authorities should promote usage in line with the 'energy hierarchy'.

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

Policy 40 and Appendix 5 of the EMRP sets a minimum onshore wind energy generation target of 175MW by 2020. 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; the contribution of wind generation projects to the regional renewable energy target; and the contribution of wind generation projects to national and international environmental objectives on climate change.

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

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

Policy 5: 'Green Infrastructure'

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

Policy 13: 'General Sustainable Development Principles'

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

Policy 14: 'Energy Efficiency and Sustainable Construction'

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

Local Plan

Policy 7: 'Protection of the Open Countryside'

States that planning permission for development within the open countryside

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

Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

Emerging Policies (Local Development Framework)

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

Site Specific Proposals LDD – Options Paper

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

Draft Joint Core Strategy

Draft Policy 26 – Renewable Energy supports proposals for renewable and low carbon energy generation subject to 7 criteria, including; having regard to the most appropriate technology; avoiding substantial harm to landscape, historic setting, built and natural environment; development does not create an overbearing cumulative noise or visual impact; and where appropriate provides other community benefits.

The draft strategy also includes draft policies for historic environment (1), landscape character (2), biodiversity and geodiversity (3), rural exceptions (13), the delivery of Green Infrastructure (19) and rural economic development and diversification (25).

SPGs

Biodiversity SPD

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

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle
2. Visual Impact
3. Historic Assets and Archaeology
4. Highways
5. Tourism
6. Noise
7. Shadow Flicker
8. Ecology and Ornithology
9. Flood Risk and Drainage
10. Rights of Way
11. Television Reception
12. Safety and Security
13. EIA Regulations

1. Principle

As outlined in the policy section of this report there is very strong policy support at national, regional and local levels for the delivery of renewable and low carbon energy. The National Planning Policy Framework nevertheless provides the most recent (March 2012) formal expression of government planning policy that is available. This encourages efforts to harness renewable energy of any type and advises that planning permission should be granted, for this sort of development, subject only to the requirement that its impact would be acceptable.

Radical reductions in greenhouse gas emissions are required and any contribution to cutting those emissions is valuable. There is no onus on a developer to demonstrate the overall need. Indeed, the Framework is based on a presumption in favour of sustainable development and the delivery of renewable energy infrastructure is central to the economic, social and environmental dimensions of this. That does not however mean that all

renewable energy development is necessarily sustainable; wider considerations need to be taken into account, including the impact of the development on matters such as the natural and historic environments, the living conditions of local people and highway safety.

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

There is an existing consented scheme for 7 turbines, 100m to the tip on the area of land where the proposals lies, and the majority of the turbines sit in similar positions to that of the previously approved scheme. This revised scheme could generate enough electricity to power up to 10,191 homes, this is an additional 4,532 than the previously submitted scheme and represents a reduction in emissions of the greenhouse gas carbon dioxide of up to 20,597 tonnes per annum over the operational lifetime of the wind farm.

The proposed turbines are considered to be a more efficient type than previously approved, these turbines are tailored to local wind speeds and could almost double the electricity output. The turbines have a total renewable energy capacity of 14.4MW or 47.9GWh. The East Midlands Regional Plan (EMRP) policy 40 outlines that local authorities should promote onshore wind energy giving particular regard to, 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; the contribution to the regional renewables target; and the contribution to objectives of climate change. These issues are discussed below, however, the regional renewable target for 2020 is 175MWe or 460GWh, the proposal will therefore contribute to approximately 10% of the regions renewable energy target. The need to reduce greenhouse gas emissions is not determined by a need to meet targets. It flows from the urgent need to slow the rate of climate change and thereby reduce its impact. Renewable energy targets are set as minima; achievement of them does not reduce the need for reductions in CO2 emissions.

As the proposed turbines would increase the delivery of renewable energy and that the application proposal is strongly supported by the aims and objectives of national, regional and local Development Plan policies, the principal of development is considered acceptable.

2. Visual Impact

The EIA outlines the approach taken to the visual assessment of the proposal. It defines the existing landscape and visual baseline environments; assesses their sensitivity to change; describes the key landscape and visually related aspects of the proposed development; the nature of the anticipated change; and finally the magnitude and significance of the changes during construction,

operational and decommissioning stages. A study area of over 20km from the application site was identified, the ZTV (Zone of Theoretical Visibility) identified 13 viewpoints and, wireframes and photomontages were produced to demonstrate the impacts of the turbines on the local area.

The application site lies to the east of Burton Latimer and to the south Cranford. The site is surrounded by main routes with the A14 to the north, the A6 to the west and A509 to the east. There is one property within the application site belonging to the landowner, Wold Lodge. The Grade II Listed, the Roundhouse is opposite the access to the site, over 850m to turbine 9. 1-5 Windmill Cottages are probably the closest residential properties to the site and are approximately 450m from turbine 7.

This scheme would replace the previously permitted development for 7 turbines. The proposed turbines are more efficient due to a larger swept area and thus have larger blades and a taller hub height. The electricity generator is also smaller and has less torque. The combination of these factors allows the turbines to access more of the wind resource. The re-assessment of site and increased height of turbines has resulted in the slight re-positioning of some turbines and the identification of the potential for the site to accommodate a further two turbines. The landscape and visual impact is therefore on the basis of the increase height of turbine (a maximum of 132.5m to the tip) and an additional two turbines. Also a further 5 turbines (100m to the tip) have been permitted to the south of the existing and therefore the overall cumulative impact needs to be considered.

Of the proposed nine turbines one turbine is in exactly the same position as the previously approved scheme, however, 4 other turbines are in broadly the same positions (within 10 meters) of what was previous proposed and two within 20 meters. The previously approved application includes a condition which allows for the exact siting of the turbines to be submitted and approved by the local planning authority prior to the commencement of development (a similar condition is proposed for this application). The two additional turbines are located to the far east and west points of the application site. To the east turbine 9 is over 675 meters from Fox Covert Farm. Turbine 7 to the west of the application site is closer to Burton Latimer and approximately 550 meters from the Cranford Road application site which is residential currently under construction. This turbine is a similar distance to the A6 to the turbine to the far east of the existing wind farm.

From the north of the site the proposed turbines will be viewed on the backdrop of the existing wind farm and from the south and west will appear part of the existing wind farm. Clear views from Burton Latimer to the proposed turbines are likely. For the south of the town, due to the increased distance they are likely to be less imposing and less visually dominant than the existing. To the north of the town views will be obscured by the Cranford Road development. Whilst the visual impacts of the proposal have not obviously been reduced through the additional turbines, the energy benefits of the scheme have been maximised whilst the primary use of the site for turbines is retained. Due to the spacing and the number of turbines proposed it is considered that the impact

on the landscape would not be significantly negative to outweigh the positive contribution of renewal energy as outlined in the Framework.

Cranford is the nearest settlement to the proposed turbines. However, the majority of the Village is clustered around the village centre which is on a lower ground level than the A14 and to the south of the village there is high dense planting in between the village and the A14. As you exit Cranford via Duck End the ground levels begin to rise and the landscaping is intermittent as are the views to the turbines but from a much greater distance. Similar views can be found as you approach Cranford along rectory Hill but they are lost as ground levels decrease before you arrive at residential properties (apart from The Old Granary which is on a high ground level some distance out of the main settlement). Therefore, it is considered that for the majority of residents within the core village and closest to the proposed extension, views will be obscured or completely blocked by differences in grounds levels and planting. It is important to note that foreground screening is often more effective than planting adjacent to the turbines. Although, views will exist when you leave the village to the north these will be interim and often partially obscured.

There are fewer properties to the east of the application site and significant wedges of vegetation. To the south is Finedon, which is over 2.5km from the turbines, with the existing turbines and the proposed permitted turbines to the south in between. Views from Finedon to the turbines are clearly available. However, the proposal will be viewed behind existing turbines therefore the additional visual impact is considered minimal in this instance.

Due to the size and scale of the proposed substation and compound then it will be visible from roads surrounding the application site but not from a significant distance from the site. The exact design of the proposed substation and compound will be conditioned to be submitted and approved to ensure the design is appropriate in this rural setting.

A detailed analysis of the effects on residential amenity is provided in the EIA. In terms of visual impact, the greatest concern is for nearby residents who would have frequent views of the turbines from their homes, as well as from walking and driving though the local area. This potential harm would need to be considered in combination with any other harm and weighed in the final planning balance. There are some properties within the application site, which are in close proximity to the turbines. Of particular note would be Windmill Cottages as they have the closest views of the turbines. There is some intermittent screening and building in between. However, the turbines will be clearly visible and any negative impact may require mitigation from noise or shadow flicker through the most appropriate means. Potentially some foreground screening could improve the situation for these properties. An appropriate landscaping condition would allow for additional planting close to 1-5 Windmill Cottages within the application site.

There would be only limited new areas of visibility due to the increased height of the turbines, these will tend to be at distance from the site where the visual impact is reduced and intermittent due to intervening development and

vegetation.

The turbines will be clearly visible from the footpaths and bridleways within the site, as are the existing turbines. The appropriate separation distances between the bridleway and turbines have been used to ensure that the bridleway they are safe and useable. Users who find such structures unsightly would be unlikely to use this path; whereas others might be drawn to it, out of interest. Also, users are likely to be used to the presence of turbines in this location.

The northern extension proposes turbines which are of an increased height and alternative design to the existing Enercon E70, as previously discussed, these are more efficient turbines and due to the undulating ground levels and landform as well as distance which the turbines will largely be viewed from, the difference in height and design is unlikely to have a significant impact on the character of the area and certainly from distance not be perceived very different from the existing (as shown on the viewpoints). Closer to the site, the different design, especially the turbine design and nacelle shape and blades will be noticeable. However, the previously approved scheme allowed for an alternative turbine design could have been used (as allowed for by condition) and given the hub height and potential energy generation the visual impact of the different design is not consider significant to warrant the refusal of planning permission on this basis. Nevertheless the effects of perspective, and of difference in ground level, would reduce rapidly with distance away from the site and there is nothing which demonstrates that more could have been done, in terms of layout, to mitigate the scheme's visual impact.

The impact would also be limited to a period of 25 years, or less. The Framework requires a judgement to be made as to whether an adverse impact, such as this, would be outweighed by the scheme's benefits. The proposal is therefore considered to have limited additional visual impact to warrant the refusal of planning permission in accordance with policies 31 and 40 of the EMRS and policy 13 of the CSS.

3. Historic Assets and Archaeology

The application site lies within open countryside. There is approximately 800m from the nearest edge of the Burton Latimer Conservation Area to the nearest turbine and 600m in the case of the Cranford Conservation Area. Section 72 of the Planning and Listed Buildings Act 1990 places a duty on all local planning authorities to have to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. These Conservation Areas contain a number of Listed and historic buildings and section 66 of the Planning and Listed Buildings Act 1990 places a duty on all Local Planning Authorities to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses in considering whether or not to grant planning permission.

Cranford is split into two distinct elements with the Conservation Area spanning both. The majority of Cranford sits within a dip on the opposite side of the A14,

the A14 being on a higher ground level than Cranford and the application site with significant screening and planting on the Cranford side. Foreground screening is known to provide the best coverage for long distance views and therefore views from the Cranford Conservation Area are limited and only really as you exit the village to the east or to the north as the ground rises. Here the impact is considered minimal consisting only of long-distance views.

There are views to the application site from within Burton Latimer. The Burton Latimer Conservation Area is split into three distinct elements, the historic core or Church Street is closest to the proposal, although it is also largely in a dip with properties reasonably densely located to limited views to the wind farm, coupled with the curvature of the street pattern. Also, the recently approved Cranford Road development will block some of the views to the proposal from existing housing. Glimpse views to the turbines are likely from the Industrial Core. However, the two types of development signify the economy of their time and given the limited time period consent of the turbines it is considered that any impact on the character and appearance of the Conservation Area is for a limited period so as not to warrant the refusal of planning permission.

The majority of locally listed buildings lie within the Conservation Areas of the surrounding Conservation Areas, due to the difference in ground levels, much of the Listed Buildings in Cranford are concentrated within a small area, this concentration of buildings serves to obscure views towards the site as well as the existing landscaping and the differences in ground levels. There are many Listed Buildings within the Church Street area of the Burton Latimer Conservation Area, however, views are also largely blocked by other buildings. There is a Grade II Listed building, The Roundhouse adjacent to the east of the site, previously it has been requested that screening in front of this property blocking views to the existing turbines should be avoided as it was said that the Duke of Wellington visited this property and said the view reminded him of the battle of Waterloo. There are clear views to the existing turbines and it is not considered that cumulatively impacts would have a significant impact the setting, especially given the limited time consent of the proposal.

Concern has been raised by NCC Archaeology that insufficient survey work has been completed to approve planning permission on the basis of the impact of the proposal on archaeological remains. A desk based and walkover survey has been completed. The Scoping Opinion did advise that the applicant undertook geophysical surveys. However, given that the desk based analysis, which takes into account the results of the trial trenching for the south of the site, suggests the site is likely to have moderate/low archaeological potential and that the previous permission contains a condition requiring extensive archaeological mitigation prior to commencement meaning works on the previously approved scheme could commence at any time. It is considered that a condition requiring intrusive and non intrusive evaluation including a geophysical survey and trial trenching within areas of the proposed turbines and ancillary buildings combined with a condition allowing the precise locations of the turbines to be submitted and agreed and a programme of mitigation in the event archaeological remains are found would be a reasonable method of dealing with archaeology in this instance.

The proposal given the limited time consent and position is unlikely to have a significant impact on the setting of listed buildings and would preserve the character of local conservation areas in accordance with sections 66 and 72 and policies 27 and 40 of the EMRP and 13 of the CSS.

4. Highways

CSS Policy 13(n) requires that developments will not have an adverse impact on the highway network and will not prejudice highway safety. NCC Highways have been consulted on the application and the EIA and have no objection. The main highway implications of the development will be experienced during the construction of the wind farm. When operational the impact of the wind farm on local highways will be minimal. The access arrangements are satisfactory and a note will be added to the permission advising the applicants of the requirement to attain the necessary abnormal load permissions and transportation agreements with the Highways Agency and NCC. The proposal is therefore considered in accordance with policy 13 of the CSS.

5. Tourism

The highways authority seeks the provision of a temporary viewing area for the period covering mast erection and initial commissioning. There is a public footpath and bridleway cutting through the site, which the visiting public could use at any time (with the exception of construction) and would have clear views of the turbines. The turbines will be clearly visible from surrounding highway networks and although, it is recognised that a significant number of people initially visited the existing turbines during construction, the number and frequency of visits quickly declined once the turbines were erected. It is not considered that the number of people wishing to visit the proposed turbines would not be significant and the potential period of visitation is

likely to be limited so as not to warrant the designation of a specific area for viewing tourist.

6. Noise

The guidance contained with ETSU-R-97 has been used to assess the potential noise impact. When considering only the proposal, predicted levels and measured background noise the wind turbine noise will meet the Amenity Hours Noise Criterion and Night-time House Noise Criterion proposed. Predicted cumulative wind farm noise levels are also considered appropriate in accordance with ETSU-R-97. Construction hours of operation will be restricted to protect neighbouring properties from the noise of construction. There has been no objection raised by environment health subject to the application of a series of noise conditions requiring the monitoring of noise and winds speeds to protect the amenity of neighbouring residential properties. The surrounding highway network serves to block noise from properties on the opposite side of roads to the application so any noise impacts are likely to be limited to a small number of properties within or just outside the application site. The proposal is therefore considered in accordance with policy 13 of the CSS subject to the imposition of noise conditions requiring the monitoring of noise conditions.

7. Shadow Flicker

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

8. Ecology and Ornithology

The Framework encourages Local Planning Authorities to consider whether proposed developments can be accommodated without causing harm to biodiversity. Policy 26 (EMRP) seeks to secure sustainable development by ensuring that damage to natural assets is avoided, justified where unavoidable, and mitigated against or compensated for where appropriate. A net increase in the quality of natural assets should also be achieved. Policy 29 (EMRP) also seeks a step increase in biodiversity and no net loss of BAP habitats or species.

A phase 1 habitat survey was undertaken, two active badger setts were present within the site, one outlier sett is to be closed but this is not considered to impact badgers given the abundant opportunities for sett creation. A pond to the north of site and two ponds off-site support a moderate population of great crested newts. No destruction, modification or disturbance of any pond is proposed or any works resulting in the fragmentation of habitat corridors. Strict adherence to the Environment Agency's Pollution Prevention Guidelines will minimise any negative impacts from this development.

As the site largely consists of arable land, limited foraging and commuting habitat for Bats exist. No bat roosts were identified. However, low levels of bat activity were recorded onsite. Mitigation measures are proposed to reduce any potential impacts on bats.

One bird species protected by legislation was found onsite, the Red Kite and other birds were found of conservation concern. Mitigation measures have been identified and proposed including mitigation during construction to prevent nesting. The EIA concludes that the construction and operational development stages are likely to result in minor negative impacts upon avian receptors.

The potential impacts on ecology within the SSSI and wildlife site, local wildlife site, pond and hedgerows were also considered. Due to the spacing of the turbines from these sites and the measures outlined above for the protection of species the proposal is not considered to have a significant impact. A condition has been applied to limit hedgerow removal and the vast majority of the hedgerow network will be retained.

Natural England, the Wildlife Trust and Northants Badger group have no objection to the proposal subject to conditions requiring a monitoring programme for birds and the applicant's own ecologist's recommendations for retention, protection, mitigation and enhancement of species and of habitats, to be implemented on-the-ground at this site location, a Construction Environmental / Ecological Management Plan and an Ecological Management Plan to be applied, and monitored and the objectives in respect of biodiversity, and Green Infrastructure provision. Also, notes will be provided referring the applicants to standing advice and the requirements to attain a licence for works impacting protected species.

In light of these comments, it is considered that subject to the imposition of conditions discussed above, the scheme is considered to be in accordance with Policy 11 of the Framework, policy 40 of the EMRP and CSS Policy 5.

9. Flood Risk and Drainage

A flood risk assessment has been carried out. As the site is located in a low probability flood risk area (flood zone 1) where there is limited risk of reservoir or groundwater flooding and some risk of pluvial flooding. The Environment Agency and Anglian Water raise no objection to the proposal subject to a note reminding the applicant to contact the Bedford Group of Drainage Boards. The proposal is therefore considered in accordance with Policy 10 of the Framework, Policies 32, 35 and 40 of the EMRP and CSS Policy 13.

10. Rights of Way

As previously stated a condition requiring the precise locations of the turbines is to be submitted and agreed in writing prior to commencement of development. Provided turbine 9 is sited no closer to the bridleway than the proposal is unlikely to have a significant impact on horse riders. Other than during construction the rights of way should not be affected by the development and may provide opportunities for local people to appreciate the proposal.

11. Television Reception

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

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

12. Safety and Security

Northamptonshire police recommend that openings to switch gear etc are approved to secure standards and that the construction site should be secure with either security personnel or approved physical methods in accordance with policy 13 of the CSS.

13. EIA Regulations

The Local Planning Authority is satisfied that the submitted EIA meets the requirements set out in the regulations and providing conditions are imposed to ensure further works as proposed by the applicant and consultees are undertaken so that the development does not have a significant impact on the character of the area or the amenity of neighbours as outlined above.

Conclusion

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

Background Papers

Title of Document:

Date:

Contact Officer:

Rebecca Collins, Senior Development Officer on 01536 534316

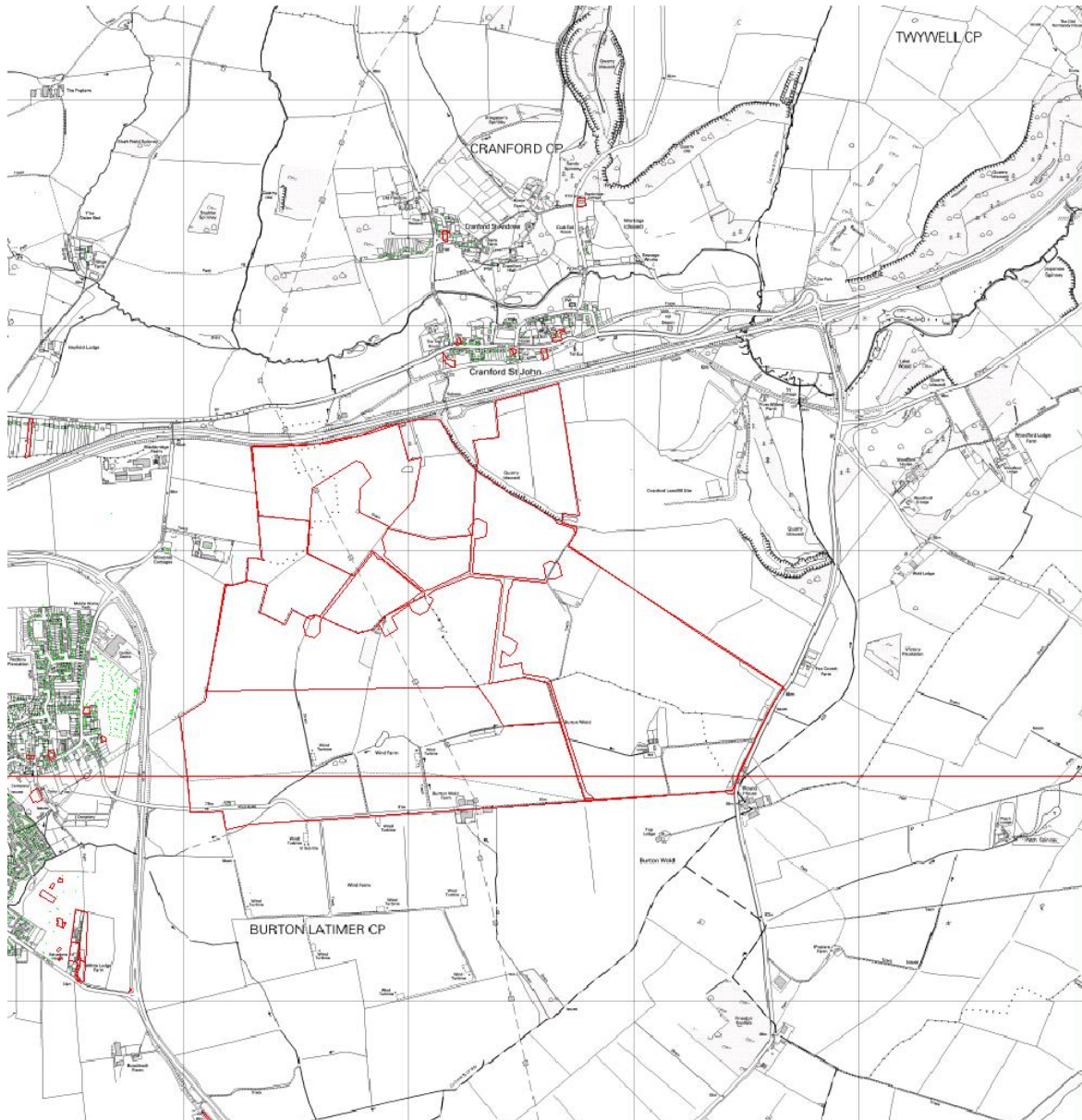
Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Land to the North of Burton Wold Farm, Wold Road, Burton Latimer
Application No.: KET/2012/0556



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