

BOROUGH OF KETTERING

Committee	Full Planning Committee - 15/01/2013	Item No: 5.3
Report Originator	Mark Coleman Assistant Development Officer	Application No: KET/2012/0304
Wards Affected	Slade	
Location	Aspenfield, Main Street, Orton	
Proposal	Full Application: 1 no. 77m high wind turbine with access track, hard standing area, electricity substation and associated works	
Applicant	Mr O Kirkham Ecotricity (Next Generation) 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 be begun before the expiration of 3 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 within one month of completion of the development of the date when electricity from the development is first supplied to the grid and, the development hereby permitted shall be removed from the site following the expiry of 26 years from that date: the turbine shall be decommissioned and the turbine and all related above-ground structures shall be removed from the site. Following the removal of the turbine 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 12 months before the date of the decommissioning of the turbine. 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 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 Policies 11, 12 of the National Planning Policy Framework, Policies 25 and 26 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Notwithstanding the submitted information and before the erection of the wind turbine, details of its exact siting, design, specification and colour shall be submitted to and approved in writing by the Local Planning Authority. Only the turbine location as approved shall be installed upon the development site and the turbine 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 Policies 7, 10, 11 of the National Planning Policy Framework, Policies 2, 26, 29 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. This planning permission extends to the provision of 1 turbine only. The blade tip height of the turbine shall not exceed 77 metres in height above ground level and the hub height shall not exceed 50 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, 10, 11 of the National Planning Policy Framework, Policies 26 and 27 of the East Midlands Regional Plan 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 by 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 7, 10, 11 of the National Planning Policy Framework, Policies 26 and 27 of the East Midlands Regional Plan 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 Policy 4 and 11 of the National Planning Policy Framework, Policies 26 and 27 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall commence on site until details of the design and types and colours of all external facing and roofing materials to be used, together with samples, for 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 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall take place until details of the proposed surface material to be used in construction of the proposed access track 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 highway safety and the visual amenity of the area in accordance with Policy 2 of the East Midlands Regional Plan and Policy 13 of the

North Northamptonshire Core Spatial Strategy.

9. The Local Planning Authority shall be notified in writing if the wind turbine fails to produce electricity for supply to the electricity grid for a continuous period of 12 months. The 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 turbine components. 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 within 2 months of removing the turbine.

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 25 and 26 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

10. No development shall take place 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 turbine. The development shall not be operated other than in accordance with the approved study and mitigation scheme.

REASON: In the interests of protecting local amenity and to alleviate any adverse electromagnetic interference in accordance with Policy 2 of the East Midlands Regional Plan, and Policy 13 of the North Northamptonshire Core Strategy.

11. Notwithstanding the requirements of condition 5, prior to operation of the turbine commencing, the turbine shall be fitted with 25 candela omni-directional infra-red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point, which shall be retained in working order for the operational life of the turbine.

REASON: In the interests of safeguarding aviation safety in accordance with Policy 11 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

12. No development shall be undertaken other than in accordance with the recommendations, mitigation and enhancements measures set out within Chapters 5 and 6 of the submitted Ecotricity Environmental Report (27th April 2012) and the Environmental Enhancement and Management Plan for Aspenfield Wind Turbine (October 2012). Prior to the commencement of development a supplementary detailed tree and hedgerow enhancement scheme shall be submitted above to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved schemes shall be carried out in the first planting and seeding seasons following first operation of the turbine. 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 protecting wildlife and habitat interests in accordance with Policy 11 of the National Planning Policy Framework, Policies 26 and 29 of the East Midlands Regional Plan, and Policies 5 and 13 of the North Northamptonshire Core Spatial Strategy.

13. Prior to the commencement of the development final details of the wind turbine to be installed and its exact position within the site shall be submitted to and approved in writing by the Local Planning Authority. A full update of the noise assessment including updated background noise levels, as contained in Chapter 7 of the Environmental Impact Assessment shall be submitted. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or 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 of that Order, without a separate planning permission from the Local Planning Authority.

REASON: To protect the amenity of the area and nearby residents from unacceptable noise disturbance in accordance with Policies 7 and 11 of the National Planning Policy Framework, Policy 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

14. The noise emitted from the wind turbines as measured in accordance with the guidelines stated in the ETSU-R-97, at any dwelling in existence (as the time of this permission) not associated with the scheme, shall not exceed 35 dBLA90, 10 minutes at wind speeds within the site not exceeding 10 metres per second. 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 turbine shall include the addition for any tonal penalty as recommended in the same document.

REASON: To protect the amenity of the area and nearby residents from unacceptable noise disturbance in accordance with Policies 7 and 11 of the National Planning Policy Framework, Policy 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

15. The noise emitted from 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) associated with the scheme, shall not exceed 45 dBLA90, 10 minutes at wind speeds within the site not exceeding 10 metres per second. 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 turbine shall include the addition for any tonal penalty as recommended in the same document.

REASON: To protect the amenity of the area and nearby residents from unacceptable noise disturbance in accordance with Policies 7 and 11 of the National Planning Policy Framework, Policy 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

16. No development shall take place until a written scheme of archaeological

investigation has been submitted to and approved in writing by the Local Planning Authority. Implementation of a programme of archeological work shall be carried out in full accordance with the approved scheme.

REASON: In the interests of protecting the archeological interests of the area in accordance with Policy 12 of the National Planning Policy Framework, Policy 27 of the East Midlands Regional Plan, and Policy 13 of the North Northamptonshire Core Spatial Strategy.

17. No development shall commence on site until details of measures to be taken to prevent spoil or mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be fully implemented before the development commences and shall be retained for the duration of the construction period.

REASON: In the interests of highway safety in accordance with policy 20 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

18. No development shall take place until a Construction 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 including any temporary works within the highway;
- (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;
- (viii) Measures to control traffic, in and around the site;
- (ix) All loading and unloading areas which will be used for the delivery or despatch of materials related to the development; and
- (x) 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 protecting highway safety and in accordance with Policy 2 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

19. In the interests of protecting ecology and ornithology the works shall be carried out in accordance with the proposals for the retention, protection, mitigation and enhancement of species and habitats as outlined in Chapter 5 and 6 (and associated appendices) of the submitted Environmental Report received by the Local Planning Authority on 27th April 2012, and the Environmental Enhancement and Management Plan for Aspenfield Wind Turbine (October 2012).

REASON: In the interests of protecting ecology and biodiversity in accordance with

Policy 11 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

20. 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 - 17:00 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 Northamptonshire Core Spatial Strategy.

21. Prior to commencement of development, the applicant shall notify the Ministry of Defence of: the date construction starts and ends; the maximum height of construction equipment; the latitude and longitude of the approved turbine.

REASON: In the interests of protecting aviation safety.

Notes (if any) :-

- The applicant is advised that the site falls within flood risk zone 1 (low risk) but may be susceptible to surface water flooding. Drainage from new development must not increase flood risk either on-site or elsewhere. Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives. The CIRIA publication 'Designing for excellence in urban drainage-good practice' can be accessed via the following link <http://www.ciria.org.uk/suds/publications.htm>

The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway and should make contact with the Highway Authority at Northamptonshire County Council, tel. 01604 654358.

Justification for Granting Planning Permission

The proposal is in accordance with national and local policies as set out in Policies 1, 3, 7, 10, 11, 12 of the National Planning Policy Framework, Overarching National Policy Statement for Energy (EN-1), National Policy for Renewable Energy Infrastructure (EN-3), Policies 24, 26, 27, 29, 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 proposal is also in accordance with the adopted Supplementary Planning Document - Biodiversity. The issues relating to visual impact, highway safety, equestrian activity, wildlife, heritage assets, health, traffic, are all 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/2012/0087 – Scoping Opinion: Single 500kW Wind Turbine (Undetermined)

KET/2011/0281 - Screening request for a single wind turbine (advice given 27.05.11 – Environmental Statement Not Required)

ENFO/2009/00032 – Unauthorised paintball site (enforcement notice served, dismissed, case closed)

KET/2007/0889 – New Portal Framed Livestock Building (Approved 10.12.2007)

Site Description

The application site abuts the village of Orton to the east; the proposed location of the wind turbine is located within open countryside in an area characterised as the central Northamptonshire plateaux's and valleys and is approximately half a mile southwest of Orton village, 2km southwest of Rothwell, 1 mile west of Loddington, 3.5km east of Draughton and 2.5km southeast of Harrington. Overhead power lines pass the site from north to south, crossing the north-western corner of the site. The A14 trunk road passes the site to the north approximately 1km away, whilst Foxhall Road adjoins the southern boundary of the site and connects Orton with Draughton, Harrington and other outlying villages. The surrounding landscape has an undulating character which reveals both short distance and far reaching views which are represented in the submitted application for planning permission.

Proposed Development

The proposal involves the erection of a single, 77m high, 500kW rated capacity wind turbine for operation over a 25 year period on agricultural land at Aspenfield Farm, Orton. Associated works include foundations for the turbine, laying of underground cables, installation of crane hard standing, access track, temporary construction compound and switchgear housing. The turbine is expected to generate 1,980,000 kilowatt hours (kWh) per annum, equivalent to providing the electricity needs of 476 average UK homes. The turbine will rotate in a clockwise direction (viewed from the direction of wind) and will have a rotating nacelle. The tower will measure approximately 4m wide at its base.

The exact design of the turbine remains to be confirmed, but will not exceed a maximum height to tip of 77m high, 50m height to the top of the tower or have a rotor diameter greater than 54m. The foundation slab would measure 13m wide and 2.5m deep. The proposed crane hard standing area would measure approximately 35m x 15m (exact size determined by final details of the turbine) and will be required to facilitate the construction and decommissioning of the turbine. A temporary construction compound measuring approximately 40m x 30m is proposed which is required for the storage of materials, plant and

welfare equipment during the construction period of the turbine, and will be removed afterwards. The switchgear house is required to locate the electrical equipment to connect the turbine to the electricity grid and will be of mono-pitched design. The exact dimensions of the building will be determined by the Distribution Network Operator but are unlikely to exceed 10m x 5m and would be finalised prior to development commencing. A new 210m long, semi circular access track (approx 4m wide increasing to 5m on two corners) is proposed to service the site and will terminate at the turbine base. The total area of the proposed development including the turbine swept area is approximately 0.629ha, and will result in a residual loss of land from agricultural use of 0.15ha.

The consent sought is for a 26 year period which covers the expected lifespan of the turbine and sufficient time required for the construction and decommissioning of the development. It has been proposed that the turbine would be connected to the national grid via the existing 11kV network which currently connects to Aspenfield. Decommissioning of the turbine would involve removing all above ground structures and restoring the site to its former condition; this phase would last approximately 4 weeks (as per para 3.20).

It is noted that an anemometer has not been erected on the site, and predicted wind strength and power generation are based on modelled desk top analysis.

Any Constraints Affecting The Site

- Setting of Listed Buildings
- Conservation Areas
- Tree Preservation Orders
- Trunk Roads
- LWT Prime Site
- Schedules Ancient Monuments
- Public Rights of Way

4.0 Consultation and Customer Impact

Parish /Town Council

Desborough Town Council

No objection.

Rothwell Town Council

Comment of support.

Harrington Parish Council

Objection on the grounds that the turbine will be seen for miles and adversely impact on the distinctive rural landscape; HGV noise during construction; works to the highway to facilitate delivery will require diversions; topple distance does not accord with the British Horse Society guidelines and will prevent use of Foxhall Road by horse riders; impact on neighbouring amenity; development will set a precedent for more turbines in the future; adverse impact on the Thor Missile Site (Grade II listed); KBC should focus provision of new wind turbines

in areas of existing turbines; cumulative visual impact of turbines.

Thorpe Malsor Parish Council

Objection. The development will set an undesirable precedent for similar development in the area; have a detrimental impact on horses, and equestrian businesses; The development will have a detrimental impact on birds, particularly red kites; The height of the turbine is a concern; turbines are expensive and inefficient; the turbine will lead to development of unspoilt land.

Broughton Parish Council

No Objection, although general concerns raised with respect of cumulative visual impact, the proposal's impact on the rural character of the area, and potential distraction to users of A14.

Loddington Parish Council

Objection on the grounds that the proposal will set a precedent; has a harmful impact on the character and appearance of the open countryside. Concern also raised over the precise way in which decommissioning will be funded. Reasons for refusal of a similar proposal nearby in a neighbouring authority (Daventry) considered to be applicable to this proposal. An insurance bond is sought to cover costs of decommissioning in the event that planning permission is granted.

Mawsley Parish Council

Objection because the submitted information does not clearly show the location of the proposed turbine.

Orton Parish Meeting

Objection. The development will set an undesirable precedent for similar development in the area; have a detrimental impact on horses, equestrian businesses, and the quiet lane status of Foxhall Road. Local jobs will be lost as a result. The development will have a detrimental impact on birds, particularly red kites. The height of the turbine is a concern, and the turbines are expensive and inefficient. National targets for on-shore turbines has been met. The methodology of the environmental assessment is also flawed, incorporating surveys at the wrong time of year. Separation distance from the highway and nearest habitable dwellings is also too close. Reference to the localism agenda has also been referred to in objection to the proposal, and that the development requires a full Environmental Impact Assessment.

Neighbouring Planning Authorities

Corby Borough Council

No Objection.

Wellingborough Council

No Objection.

Archaeology, Northamptonshire County Council

No Objection. Recommend condition to secure a programme of archaeological works to be approved in writing prior to development commencing.

Highway Regulation, Northamptonshire County Council

No objection. Recommend condition securing details of any proposed highway widening works, and control over construction hours.

Environmental Protection, Kettering Borough Council

No Objection. Conditions recommended to control noise related issues.

Highway Agency

No Objection

Ministry of Defence

No Objection. Condition recommended to require the turbine to be fitted with aviation lighting.

Civil Aviation Authority

No Objection. Advice given.

NERL Safeguarding Office

No Objection

The Joint Radio Company Ltd

No Objection

Spectrum Licensing

No Objection. Advice given.

British Telecom

No Objection.

Anglian Water.

Objection relating to interference with existing communication links withdrawn.

National Grid

No Objection

English Heritage

No Objection. Advice given.

Northamptonshire Badger Group

No Objection

Natural England

No Objection

The Wildlife Trust

No Objection. Recommend proposed mitigation measures affecting biodiversity are secured by condition / legal agreement, together with measures to protect bats. Also recommend a requirement for additional mitigation measures which include enhancement of 'scrub fields' involving an ecological management plan which enhances the provision of green infrastructure links and biodiversity in the area.

Environment Agency

No Objection subject to standing advice.

Northamptonshire Police Authority

No objection

Neighbour / Third Party

In addition to the above comments Third Party / Neighbour representations have been received; 17 objecting to the application and 3 in support. The table below summarises the comments made.

Reasons for Objection	Reasons for Support
Possible loss of local jobs/business (nearby livery)	Acceptable impact on the locality and countryside
Environmental Damage	Contribute towards renewable energy targets
Spook horses (noise and proximity to highway) and harm horse rider safety / increase risk of accident	Electricity pylons already characterise the area which the proposal would not detract from
Flawed environmental assessment	The site is not of special interest
Increase power supply disruption (due to inherent variable power load issues)	
Noise disturbance	
Not in keeping with the countryside / spoil tranquillity of the environment	
Threat to health/wellbeing and safety of people and animals close to it.	
Adverse impact on the 'quiet lane status' of Foxhall Road (too close)	
Impact on wildlife (red kites, owls, buzzards, etc)	
Sets a precedent for further turbines.	
Public benefit limited to applicant and landowner	
No local wind data used to justify development	
Adverse impact on nearby listed buildings / heritage assets	
No provision to secure decommissioning of the turbine	
Political support for wind turbines is 'wobbling'	
Damage to the Foxhall Road during	

construction/decommissioning phase	
Increase traffic	
Inadequate and inaccurate submission (inc ecological and ornithological reports)	
Height of turbine is too great	
Wind turbines are inefficient and expensive	
Blight land value nearby	
Fire risk	
Location of the turbine is unclear	
Disrupted power provision due to fluctuating power supply	

In addition to the above, a 32 signature petition of objection has been received on the grounds that wind turbines scare horses and should not be built near bridleways and roads. The road passing the site (Foxhall Road) is used on a daily basis.

Issues relating to right to a private view are not a material consideration, and can not be considered further.

5.0 **Planning Policy**

National Planning Policy Framework

On 27th March 2012 the UK Government adopted the National Planning Policy Framework (NPPF) to replace existing Planning Policy Statements (PPS) and Planning Policy guidance notes (PPG).

This new policy approach does not alter the already established aims and objectives of previous national planning policies in seeking to achieve greater levels of electricity generated via on-shore wind installations. Tackling the effects of climate change therefore remains a high strategic priority for the planning system. The Government has signed up to the EU Renewable Energy Directive which has set a binding target for the UK of 20% of all energy to be produced from renewable sources by the year 2020. The National Planning Policy Framework adopts a 'presumption in favour of sustainable development' and therefore offers strong support for the type of development proposed, which is summarised below.

Paragraphs 17, 21 and 93-98 all provide support for the delivery of renewable energy and a reduction in greenhouse gases. Other parts of the NPPF also seek to protect open countryside (para 17); deliver good design (Para's 8, 9, 17, 56, and 58); minimise vulnerability to flooding resulting from the development and locating development outside of flood risk areas (para's 99, 101 and 103) conserve the natural environment and valued landscapes (para's 109 and 113); protect the best and most versatile agricultural land (para 112); protect and enhance biodiversity and their habitats (para's 109, 114, 117 and 118); appropriately assess the impact of development on wildlife (para 119);

control unacceptable noise impacts (para 123); and conserve and enhance the historic environment and prevent substantial harm unless outweighed by substantial public benefits (para's 126, 128, 131, 133).

Overarching National Policy Statement for Energy (EN-1)

This policy provides an overarching policy framework which should be to be considered in conjunction with the National Policy Statement for Renewable Energy Infrastructure in assessing wind farm development (and other relevant infrastructure). The document highlights the UK Governments current commitment to increasing reliance on renewable sources of energy, and outlines the role of wind farms in achieving this as part of a portfolio of solutions. The policy highlights a set of assessment principles and generic impact considerations material to determining planning applications with respect of biodiversity, flood risk, historic environment, landscape and visual, aviation, green infrastructure, noise and vibration, traffic and transport, etc.

National Policy Statement for Renewable Energy Infrastructure (EN-3)

This policy provides the primary basis for decisions by the Infrastructure Planning Commission (IPC) on applications it receives for nationally significant renewable energy infrastructure. Whilst the proposed development does not fall within this definition, the newly adopted NPPF refers to this policy as guidance for Local Planning Authorities assessing wind energy development. Para 2.7 – 2.7.83 sets out the methodology for siting and assessing on-shore wind turbines, highlighting the temporary nature of such development (usually 25 years), and drawing attention to considerations such as biodiversity, the historic environment, Landscape and Visual Impact, Noise and Vibration, Shadow Flicker, and Traffic and Transport.

Other Saved National Planning Policy

Planning for Renewable Energy – A Companion Guide to PPS22. The guidance outlines key principles in considering renewable energy proposals including on-shore wind turbines.

Development Plan Policy:

Saved Local Plan Policy:

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 outside of established settlement boundaries. Where there is a conflict in the Development Plan between older and newer policies the Planning and Compulsory Purchase Act 2004 states that the conflict must be resolved in favour of the most recently adopted policy.

Core Strategy policies:

Policy 5: (Green Infrastructure)

Policy 5 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)

Policy 13 supports development which meets today's needs without compromising the ability of future generations to enjoy the same quality of life. As a result, 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)

Policy 14 seeks development which meets 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.

East Midland Regional Plan Policies

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 Companion guide recognises the economic benefits of renewable power generation for rural economies.

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 28: Regional Priorities for Environmental and Green Infrastructure

Policy 28 seeks the delivery, protection and enhancement of Environmental Infrastructure (EI), and requires local planning authorities to assess the capacity of existing EI's to accommodate change and protect sensitive areas.

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

Policy 31 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

Policy 35 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.

Policy 40: Regional Priorities for Low Carbon Energy Regeneration

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 LPAs 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.

SPDs

Sustainable Design
Biodiversity

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. Impact on Heritage Assets
4. Impact on Highway Safety
5. Impact on Neighbouring Amenity
6. Impact on Biodiversity
7. Impact on Telecommunications and TV Interference

8. Impact on Aviation
9. Impact on Hydrology and Flood Risk
10. Impact on Rural Economic Vitality
11. Impact on Human Health/Wellbeing
12. Impact on Archaeology

1. Principle of Development

The key policies as referred to above clearly explain that there is strong policy support for the proposal at the national, regional and local level. This reflects the priorities of the Government to provide renewable sources of energy. Specifically, it is a government target and aspiration to generate 20% of the UK's electricity supply from renewable energy resources by 2020.

Policy 40 of the East Midlands Regional Plan (EMRP) (March 2009) requires the provision of 175MW of on-shore wind installed capacity by 2020; however, paragraph 3.3.85 of EMRP makes it clear that these indicative regional targets are to be treated as a minimum. Any provision in excess of these targets will further assist in reducing reliance upon fossil fuels, reducing carbon emissions and combating climate change.

The proposed development will generate an installed capacity of 500kW which is equivalent to 0.28% of the 2020 target. Although this contribution is relatively small, it is nonetheless an additional contribution towards the Government's minimum renewable energy targets. The NPPF states that small scale projects can provide a valuable contribution to overall outputs of renewable energy and planning authorities should recognise this.

Policy 10 of the NPPF also outlines the need for the planning system to deliver sustainable development and to tackle climate change by reducing greenhouse gas emissions, whilst also taking into account issues such as landform (para 96), and addressing cumulative landscape and visual impacts (para 97).

Although the application site lies in a rural area it does not fall within any areas that are nationally designated for their importance (as discussed in section 2 of this report) and is not in a sensitive area as defined by Regulation 2(1) of the EIA Regulation 1999. The visual impact of the proposal on areas (Conservation Areas) and buildings (Listed Buildings) within the Zone of Theoretical Visibility will be a material consideration when determining this planning application as discussed in section 3 of this report.

Third party consultation responses received allege that connection of the turbine to the grid is dependent on crossing third party land and an in principle objection has been made in respect of this. Third party comment also alleges that the proposal will disrupt power supplies once connected to the grid. The responsibility for connecting the development with the local electricity distribution network falls to the Distribution Network Operator (DNO). As the turbine is principally justified on the basis of its contribution to minimum national renewable energy targets, failure to connect the turbine to the grid is unacceptable. However, any such dispute with respect of land ownership rights is a civil matter, and subject to condition requiring the development to be

permanently removed if it ceases to operate for a period of 12 months, the development is acceptable. Furthermore a condition requiring a scheme for underground cabling scheme to be submitted for approval will ensure that connection to the grid can actually be achieved.

Subject to this and other detailed material considerations being satisfied, the proposed development is acceptable in principle and in accordance with Overarching National Policy Statement for Energy (EN-1), Policy 10 of the National Planning Policy Framework and Policy 40 (EMRP) and Policy 14 (CSS).

2. Landscape and Visual Impact

Policy 10 (NPPF), seeks for cumulative landscape and visual impacts resulting from renewable energy development to be satisfactorily addressed and to approve applications if the impacts are acceptable.

Para 5.10 of the saved companion guide to PPS22, highlights that landscape and visual effects will only be one consideration to be taken into account in assessing planning applications, which must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects.

The main elements of the proposed development visible over the 25 year operational period include the single turbine (including tower, nacelle, hub and three blades), substation, site access point, new track, and crane hard-standing.

Applicants Assessment

Submitted information considers the proposal in terms of 'Zones of theoretical Visibility' (ZVT) over a 10km radial area as agreed by the LPA. Using computer modelling software, this established approach seeks to identify locations within a defined study area from where the turbine tip (fig 3.4) and hub (fig 3.5) would be visible from the ground. They do not therefore take into account views made more than 1.7m above ground level where the turbine could be visible across a wider area, or the screening effects of vegetation, buildings and other surface features which would reduce the visibility of turbines to a smaller area.

The area shown in blue on submitted fig 3.6 provides a ZVT which takes into account buildings (assumed heights of 15m) and trees (assumed height of 8m) and indicates a smaller area of visual impact from where the proposal would be visible from. As anticipated, visual impacts are more significant outside of settlement areas.

The impact of the proposal within a 10km study area on neighbouring settlements, individual residential properties, visitor attractions, the Nene Valley Park, Public Rights of Way (PROW), and public highways has been considered by the applicant in terms of the sensitivity of different receptors. Residents, walkers, equestrians, and cyclists are identified as being most sensitive to the proposed development, with motorists being the least sensitive in part due to their transient character. The magnitude of change of the character of the

landscape has been assessed on a sliding scale at different distances and orientations from the proposed turbine. The wireframe and photomontage viewpoint analysis has been taken across 10 locations within the 10km study area to represent this. Combined with receptor sensitivity analysis, the applicant has sought to demonstrate the predicted impact of the proposal on the surrounding area and concludes that there will be a moderate to major impact on receptors within 3km of the proposed turbine. Specifically, it is predicted that substantial and major impact will occur with respect of Dropshort Cottage, Public Right of Way (GV001) south of Orton and (GR003) north of Loddington. These impacts are demonstrated visually by photomontage viewpoints 1 – 6. Impacts affecting residents are represented by photomontage viewpoints 1, 3, 5, and 6; neighbour amenity impacts are discussed in more detail in section 5 of this report.

Landscape Character

The landscape character of the study area is defined by the Northamptonshire Environmental Character and Green Infrastructure Suite as falling within the Central Northamptonshire Plateaux and Valleys characterised by high plateau farmlands and undulating valleys, with plateau tops being sparsely settled, retaining a remote character with wide views over the surrounding landscape being possible. Guidelines to protecting this landscape type seek to conserve long distance views, and preserve the limited palette of landscape characteristics, particularly those which intrude into the skyline.

As the main impacts will result from the operational presence of the turbine itself, works associated with the 10 week (approx) construction and decommissioning phases will not have a significant impact on the landscape character and visual receptors; principle focus is therefore directed at the 25 year operational phase where the turbine and associated works will be visually most prominent. The applicant states that the principle impact will arise from the turbine itself, as the construction compound, crane pad, access track and sub-station are of limited scale and not highly visible within the landscape. Whilst it is acknowledged that these works will have a visual impact, it is accepted that they will remain static and be largely semi-screened by an existing hedgerow and will only be visible within the immediate vicinity and not from any long distances; subject to condition controlling materials used in the construction of the access and substation building, these aspects of the proposal will have a limited impact on the landscape.

The Northamptonshire Environmental Character and Green Infrastructure Suite seeks to preserve the limited palette of landscape characteristics, particularly those which intrude into the skyline. To the northeast of the site, Rothwell Water tower can be seen amid the built form which comprises Rothwell and punctuates the skyline. Closer to the application site the landscape has a rural agricultural character, with electricity pylons, established hedgerow / tree belts and isolated steel portal agricultural buildings being the predominant features within the landscape. Whilst the proposed turbine introduces a moving feature within the landscape which differs in character to existing static features, it remains an isolated feature of utilitarian design.

Despite this, it is recognised that the proposed turbine will have a significant visual effect on the local landscape, although this can be partially reduced by condition securing materials (including turbine colour) used in the construction of the development. Due to the temporary nature of the turbine within the wider landscape, considered in isolation, it is considered that the long-term landscape and visual character will be preserved.

Designated Landscapes

There are no national landscape designations within the study area. The applicant considers that views of the development taken further than 3km from the proposed turbine are likely to have an impact of no greater than a 'slight' magnitude of change on the amenity of residents. Site visit findings accord with this, with the proposal having the most significant landscape and visual impact on the village of Orton and its immediate surrounds. Due to the topography and natural features present on land between Loddington and Orton, the proposed turbine will be more visually dominant at different angles and distances on the approach to the site, than others; this was particularly notable on the footpath between Loddington and Orton to the south of the village. However, beyond 3km the proposed turbine will have a scale more aligned with the wider landscape, and will appear less dominant.

Daventry District Council have designated a Special Landscape Area (SLA) approximately 4km southwest of the site (identified in green in figure 3.2). Viewpoint 9 provides indication of the scale of the turbine when viewed from the western edge of this designation. Daventry District Council has not offered a consultation response. Due to the distance of the turbine from the SLA, the intervening vegetation and limited period of consent, the impact is considered to be acceptable in this instance.

A similar approach is taken with respect of other areas situated beyond a 3km radial distance from the site, including identified long distance recreational routes and Nene Valley Regional Park which is a strategic green infrastructure network area designated for the Northamptonshire County.

Cumulative Impacts

In terms of cumulative landscape and visual effects, Fig 3.7 Cumulative ZVT provides graphical overlay of the study area showing where New Albion Wind Farm (extant), Kelmarsh Wind Farm (extant), and Aspenfield Wind Turbine (proposed) will be visible from. All turbines will theoretically be visible from large parts of the study area, however, as discussed, the magnitude of these impacts will be significantly reduced beyond 3km away from the respective turbines, as reflected in the submitted photomontage viewpoints. Whilst the selected viewpoints do not represent views showing extant turbines in the foreground, landscape and visual effects of the proposal in the foreground against extant turbines in the background is considered to be sufficient to demonstrate the predicted landscape and visual effects when more than one wind farm is present within a single view.

It is predicted that the cumulative impact of New Albion wind farm and the proposed turbine will result in a significant adverse cumulative effect on the

landscape character, as at least one wind farm will be visible across the landscape area. However, as illustrated in the submitted photomontage viewpoints, clear visibility of both wind farms from a single viewpoint is less likely due to separation distance and intervening features, and landscape changes would not be intensified. Cumulative landscape and visual impacts resulting from the proposal and the Kelmarsh Wind Farm is more limited due to existing landscape screen and similar separation distances.

Consideration is given to Para 5.9.14 of Policy EN-1 which states that where development is located outside of designated landscape areas and does not have an impact on designated landscapes, whilst local landscape character assessments are a material consideration, they should not be used in themselves to refuse consent as this may unduly restrict acceptable development.

Conclusion

In this instance it is considered, that the localised harm resulting from landscape and visual impacts including the cumulative impacts and those on Orton does not outweigh the public benefits gained from the delivery of renewable energy which contributes towards the UK Governments National Targets, particularly given that the wider landscape character will be conserved. The proposal therefore accords with National Policy EN-1, EN-3, Policy 31 (EMRP), Policy 13 (CSS).

3. Impact on Heritage Assets

The siting of the proposed turbine mast would not directly impact on any heritage assets; any potential impact will therefore be limited to their settings. The NPPF defines setting of a heritage asset as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate the significance or may be neutral.

Policy 12 of the NPPF recognises that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. The significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Within the 5km study area a total of 25 listed buildings (4 grade I, 10 Grade II*, and 11 Grade II), 2 Scheduled Ancient Monuments (SAMs), and 5 Designated Conservation Areas have been identified by the applicant. The Thor Missile Complex near Draughton is also identified within the submission, which was first listed on 17th June 2011 as a Grade II heritage asset.

The fact that modern high structures such as a wind turbine might be visible in the same view as a listed building or would be seen from, towards or across a Conservation Area does not necessarily make them unacceptable. In considering whether a proposed development would lead to substantial or less than substantial harm to the significance of a designated heritage asset, paragraphs 133 and 134 of the Framework require the harm to be weighed

against any public benefits – the greater the negative impact the greater the benefit required to justify approval. The degree of severance from heritage assets and visually obstructing landscape features will be a consideration in assessing the impact on the setting of heritage assets. In this instance, listed buildings/installations located within Orton, Loddington and Draughton, and the Loddington Conservation Area are visually obstructed from the proposed turbine by existing landscaping or built features as illustrated in the viewpoint analysis photomontage. At most, there are distant glimpse views of the proposed turbine. Inter-visibility between these heritage assets is therefore limited to an acceptable level. These heritage assets are located within 2km of the application site where the setting of a heritage asset is most at risk from being adversely impacted. Heritage Assets outside of the 2km study area (i.e. Harrington Conservation Area, Rothwell Conservation Area, Great Cransley Conservation Area, Thorpe Malsor Conservation Area, listed buildings, etc) are all obscured to varying degree by intervening screenage, and all are sufficient distance away to ensure that the temporary visual impact of the proposed turbine on their setting is unlikely to give rise to a significant and unacceptable impact. Those located to the north of the application site are also severed from the site by the A14 which sits at closer proximity.

Consultation response from English Heritage identifies three Grade II* buildings within 2 km of the application site, and considers that due to minimal inter-visibility between the proposed turbine and listed buildings, that the proposal will result in less than substantial harm to the significance of the Grade II* listed buildings. There is a clear public benefit resulting from the proposal, in the form of sustainable energy supply and the limited period of consent is considered to outweigh the less than substantial harm caused to the setting of the identified heritage assets. Beyond the 2km radial distance from the application site, whilst the turbine may be visible within the same field of vision as other heritage assets or visible from them, the severance distance as well as the intermittent views created by intervening vegetation and the built up areas is considered sufficient so as not to result in confusion or loss of significance to respective heritage assets. It is acknowledged that the proposal will be limited to an operational period of 25 years and therefore is not a permanent feature within the landscape, and given that the harm to heritage assets is considered to be less than substantial and the significant public benefits will result from its contribution to renewable energy, the proposal accords with the relevant parts of Policy EN-1, Policy 12 (NPPF), Policies 2, 26, 27 (EMRP), and Policy 13 (CSS).

4. Impact on Highway Safety

Impact on the safety of highway users is a material consideration in accordance with Policy 13 (CSS). Broughton Parish Council have raised concerns over the impact on users of the A14, but do not object to the proposal. Third party consultees have objected on these grounds, also arguing that the proposal will increase traffic and cause a distraction to highway users and endanger horse riders. Comments also highlight that the proposal will have an adverse impact on the 'Quiet lane status' of Foxhall Road.

Whilst traffic will increase during the construction and decommissioning phase,

typical with any development, this will be limited to a period of approximately 10 weeks for each phase. Following this, service vehicles will be required to attend the site on a 6 monthly basis. As a result, impact on the highway network is limited over the operational period. The applicant states that the turbine components can be delivered to the site without any highway upgrades being necessary; the largest component will be the turbine blades measuring 27m. The submission (Para 9.23, Fig 9.2a, etc) proposes a delivery route which avoids travelling through any local villages and demonstrates that key junctions of the highway network will not be significantly affected.

The Highways Agency and NCC (Highways) have no objection, although the latter seeks for the highway network to be surveyed prior to and after development commences and for necessary repairs to be carried out resulting from damage associated with the delivery of the infrastructure. Whilst these requirements are noted, it is considered that such requirements by planning condition would not meet the tests of being necessary or reasonable as set out in Government Circular 11/95 a note shall be placed on any subsequent approval. However, details of a scheme for any highway widening works can be secured by condition.

With regards to separation distance from the highway, Planning for Renewable Energy A Companion Guide to PPS22 states that there is no statutory separation distance between a wind turbine and a public right of way, however an acknowledged safe fall over distance is defined as tip height plus 10%; in this instance the safe fall distance is calculated to be 85m. The proposed separation distance between the turbine and the highway is approximately 90m (from the turbine hub) and therefore acceptable.

A number of objections have been received with respect to highway safety issues for horse riders which is stated to have an adverse impact on leisure and business horse uses. The Planning for Renewable Energy A Companion Guide to PPS22 reports that the British Horse Society recommend a minimum exclusion zone of 200m from routes used by horse riders, although the guide highlights that this is desirable, it is not a statutory requirement, and may be negotiated where this is difficult to achieve. The basis for the recommended separation distance is to avoid causing alarm to horses by the shadows of moving blades, or the movement of blades themselves. In this instance, the proposal achieves a separation distance of 90m from the nearest highway. Should the applicant increase the separation distance, this would move the turbine further north and closer to natural habitat and a designated Northamptonshire Wildlife Trust Potential Wildlife Site (also subject of a Tree Preservation Order). As a result, recommended separation distances to protect local bat populations will not be achievable, and the development is likely to give rise to more significant biodiversity impacts (discussed in section 6 of this report). On this basis and as this is a public highway not a bridleway, the separation distance of 90m is considered acceptable.

Only a small section of Foxhall Road will be affected by shadowing for a limited period each year, it is unlikely to be affected by shadow flicker as this can only occur inside buildings. It is considered that the existing hedgerow will

also reduce the visibility of the moving turbine blades and shadowing effects to some degree. Due to the route of the affected highway, the turbine will gradually appear within view which will lessen opportunity to alarm horses. It is considered therefore that the turbine will have a limited adverse impact on highway safety with respect of its effect on horses.

Objections made with regards to the adverse impact on the Quiet Lane Status of Foxhall Road is not a highway safety issue, but one of character which the proposal is considered to preserve as the intensity of use of the highway will not be significantly increased over the operational phase of the development. On balance, the proposal is therefore considered acceptable and in accordance with Policy 4 (NPPF), Policy 2 (EMRP), and Policy 13 (CSS).

5. Impact on Neighbouring Amenity

Neighbour objections have been received with respect of the proposal having an overbearing impact, and noise disturbance impact, and shadow flicker.

The nearest residential property (Dropshort Cottage) to the proposed turbine is located 550m southwest of the turbine, with the next nearest (Gable Cottage) being approximately 790m northeast, and (Hetherington House) approximately 890m north. All properties are considered sufficient distance away so as not to have an overbearing impact and are also outside of the range where shadow flicker should occur.

Dropshort Cottage has no habitable rooms which face directly towards the turbine which will be affected. Whilst Hetherington House and Gable Cottage and Dropshort Lodge (latter approx 1350m away) all have habitable rooms which face the proposed turbine, their separation distance of approximately half a mile or more is sufficient to prevent the development giving rise to shadow flicker or overbearing impacts. It is noted also that some of these properties also benefit from close range intervening vegetation which also partially screens full views of the proposed turbine.

Noise from turbines generally arises from mechanical noise produced by the gearbox, generator and other parts of the drive chain, and aerodynamic noise produced by the passage of blades through the air. ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms) provides an established framework for assessing wind farm noise which is currently endorsed by the UK Government.

The applicant has demonstrated that noise impacts affecting residential properties nearest the turbine will not exceed ETSU-R-97 guidelines during operational periods and will not have an adverse impact on amenity; those further away will be affected to a lesser degree. Consideration is also given to raised background noise levels resulting from the close proximity of the A14 trunk route which passes the site approximately 1km north of the proposed turbine location, which will reduce the perception of noise caused by the proposed turbine.

Whilst the applicant seeks consent for a 77m high turbine with a rotor diameter

of 55m, they seek flexibility in type of turbine to be installed. As a result, the submitted noise assessment is likely to require further revision to reflect the final turbine adopted in order to ensure that neighbouring amenity is protected. Consultation response from Kettering Borough Council's Environmental Health department raises no objection in terms of noise impact, subject to condition securing details of the exact position within the site, updated noise assessment, and securing noise emissions in accordance with ETSU-R-97 industry guidelines.

During the 10 week construction and decommissioning periods, noise emissions are likely to be greater as a result of vehicle movements associated with deliveries to the site, and construction activity within the site. Approximately 90 vehicle movements are estimated with the majority occurring within the limited period when the foundations are laid. A condition limiting hours of operation will reduce any impact on the amenity of neighbours from construction traffic.

Subject to conditions discussed above, the proposal is considered to have an acceptable impact on neighbouring amenity and accords with the relevant parts of Policies 7 and 11 (NPPF), Policy 2 (EMRP) and Policy 13 (CSS).

6. Impact on Biodiversity

Policy 11 of the NPPF states that the planning system should enhance the natural environment by minimising impacts on biodiversity and providing net gains where this is possible. Where significant harm can not be avoided, it should be adequately mitigated or compensated for as a last resort; where this is not possible permission should be refused.

In accordance with Para 99 of Government Circular 06/05 and in order to assess the impact of the proposed development on the application site and surrounding land the applicant has carried out a desk top study and an extended phase 1 habitat survey in order to identify a baseline of main ecological features, and biodiversity present within the site (including the protected species).

During the construction phase the applicant identifies that no negative impact on statutory (Birch Spinney and Mawsley Marsh) or non-statutory (Tailby Meadow Local Nature Reserve) designated sites will occur. Some protected species were identified within the site (i.e. small numbers of bats, brown hares), but none in the actual location of the proposed turbine. The applicant considers that the surrounding habitat may support low numbers of protected reptiles, but is generally unsuitable for species such as dormice, amphibians, water and voles; no protected flora was identified within the site.

The main impacts resulting from the construction phase relate to the installation of a new access road, installation of a crane pad, turbine foundations, cable laying and installation of the substation and temporary compound. A 13.5m stretch of hedgerow on the southern boundary to the site will be lost, together with general disturbance of arable land and loss of associated habitat. These hedgerows are likely to support a range of wildlife and make an important

contribution to the character and appearance of the area, including the adjacent lane which now benefits from quiet lane status.

The applicant states that the impact of removing the 13.5m section of hedgerow from the south-eastern boundary of the site could be mitigated by the planting of additional hedgerow (315m length) and infill of existing hedgerow gaps, planting of a buffer strip and implementation of a management plan within the field boundaries under the applicant's control. An Environmental Enhancement and Management Plan and Biodiversity Enhancement Plan has been submitted to this effect, which details how biodiversity will be enhanced whilst minimising additional risk to foraging and commuting bats and other wildlife and is considered acceptable.

As it is a criminal offence to intentionally kill bats it is appropriate for applicant to minimise collision risk with proposed turbines through appropriate siting in accordance with established guidance. The position of the proposed turbine has been chosen to ensure a 50m buffer zone is achieved from nearby hedgerows which provide suitable habitat for foraging and commuting bats, whilst also avoiding placement too close to Foxhall Road to the south, or the adjacent Northamptonshire Wildlife Trust Potential Wildlife Site to the North. This buffer zone is in accordance with Natural England Guidance Note TIN051, and provides sufficient separation from the adjacent Northamptonshire Wildlife Trust Potential Wildlife Site and the adjacent highway.

The majority of the application site which will be subject to operational development is arable mono-crop, which by virtue of its characteristics has limited biodiversity value. The proposal is therefore unlikely to have significant impacts and is likely to provide net gains through provision of additional hedgerow and planting. Whilst some third party objections have been received with respect of the impact of the proposal on local wildlife, the Wildlife Trust raises no objection, subject to a condition. Comments from Natural England also raises no objection. On balance, subject to condition to secure biodiversity enhancements, the proposal is acceptable and in accordance with Policy 11 (NPPF), Policies 26, 29, and 31 (EMRP), Policies 5 and 13 (CSS), and Biodiversity SPD.

7. Impact on Telecommunications and TV Interference

Wind turbines have the potential to disrupt telecommunication links used by statutory undertakers through its siting and scale. Of the statutory undertakers consulted, only Anglian Water lodged an objection which has subsequently been withdrawn.

With regard to TV interference, the applicant states that the positioning of the wind turbine more than 500m from the nearest resident will safeguard TV interference. The BBC self assessment tool provides a rough estimate of the population that may suffer interference to their television services from a wind farm built at the location specified, and indicates that up to 270 homes may be affected. A planning condition seeking a scheme to mitigate these potential impacts is therefore recommended. Subject to this, the proposal has an acceptable impact on telecommunication links and television services.

8. Impact on Aviation

The development of sites for wind turbines has the potential to cause a variety of negative effects on aviation. These include (but are not limited to): physical obstructions; the generation of unwanted returns on Primary Surveillance Radar (PSR); adverse affects on the overall performance of CNS equipment; and turbulence. As a result, careful assessment of wind turbine proposals is required in order to minimise the impact. Lights are typically only required on structures over 150m tall, however, although the proposed turbine measures 77m in height the Ministry of Defence have registered no objection to the proposal subject to condition securing aviation lighting on the turbine, and notification of details relating to positioning of the turbine and date construction commences. The proposed turbine lies outside of the NATS exclusion zone for turbines up to 80m in height, and consultation response from the Civil Aviation Authority, and NERL Safeguarding Office, raise no objection. The application details demonstrate appropriate consultation and subject to condition to mitigate concerns raised by the MOD, the proposal is acceptable in terms of its impact on aviation.

9. Impact on Hydrology and Flood Risk

The application site comprises of an existing parcel of land currently used for arable farming. The site is situated in an elevated position on the plateau of a valley and is outside of any identified flood risk areas. The footprint of the development is relatively small (0.13ha), and limited to the turbine foundations, crane slab, room, temporary compound area and access track. Whilst the applicant identifies potential adverse impacts on water quality and drainage which will be associated with the temporary construction phase of the development, the risk is considered to be low (i.e. soil erosion from earthworks, pollution from vehicles, etc). To mitigate against any potential risks, the applicant states that procedures will be in place to ensure that pollutants are correctly stored, but does not specify these procedures at this stage. It is considered that this can be addressed by the submission of a Construction Management Plan to be required by condition.

The Environment Agency have been consulted on the proposal and consider the proposal to be of low risk with respect of flooding and raise no objection, subject to condition in accordance with their Standing Advice which deals with Surface Water Management. Subject to this, the proposal will have an acceptable impact on hydrology and flood risk and accords with the relevant parts of Policy 10 (NPPF), Policy 35 (EMRP), Policy 13 (CSS).

10. Impact on Rural Economic Vitality

The quality of soil within the site is grade 2 (very good) as defined by the agricultural land classification system (para. 24). The total area of land lost to the proposed development equates to 0.15ha and is not considered to be significant when weighed up against other sustainable merits of the proposal.

Whilst the turbine and associated access and buildings will have an operational effect on the farming business, it will not prevent the majority of the field parcel from being farmed. In addition, any impact will be temporary for a period of 25

years. The proposal is therefore considered acceptable with respect of its impact on rural economic vitality.

11. Impact on Human Health/Wellbeing

Third party objections have been received on the grounds of health. In particular, one of the objectors who lives in Loddington states that they are affected by William's Syndrome. One of the symptoms of the syndrome is hypercuisis (over sensitivity to certain sound frequency ranges) and phonophobia which resembles noise induced hearing loss.

The objector states that because of their condition, they can not gain active employment and have instead adopted a personal hobby of shepherding in the Orton Area, which significantly contributes towards their personal wellbeing. The objector states that the proposed turbine will prevent them from carrying out this hobby as a result of undue stress from constant noise and the movement of the turbine. Fields in Orton which are currently being shepherded are on the east side of the village furthest from the proposed turbine, although it is informally understood that they also have opportunity to shepherd land to the west aswell. Kettering Borough Council Environmental Health department has no objection to the proposal subject to noise conditions.

Consideration is given to the fact that the objector lives in a neighbouring village and not close to the proposed turbine. As a result, their home life will not be affected by noise emissions below ETSU-R-97 guidelines. The key impact will therefore be limited to life away from home. Given the rural character of the immediate area it is considered that availability of land for grazing sheep will not be significantly restricted and shepherding activity may therefore continue in the locality. Para. 41 of Companion Guide to PPS22 states that noise from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise.

Whilst research information provided by the objector reports that discomfort can be felt by William's Syndrome sufferers at 20dbB noise levels (which is below ETSU-R-97 guidelines), the Companion Guide to PPS22 indicates that rural night time background noise levels are approximately 20-40dB, whilst vehicle noise is generally higher. Para. 45 of Companion Guide to PPS22 states that 'there is no evidence that ground transmitted low frequency noise from wind turbines is a sufficient level to be harmful to human health.

The ETSU-R-97 guidelines are designed to offer an acceptable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to costs and administrative burdens of wind farm developments. Para 65 of the Guide also states that electromagnetic radiation produced by wind turbines is very low and there is no difference between a wind turbine and any other electrical machine. With this in mind, together with increased background noise levels resulting from the adjacent A14, recommended planning conditions which deal with noise emissions (as discussed in section 5 of this report) will be sufficient to mitigate against impacts on human health and wellbeing.

12. Impact on Archaeology

Policy 12 (NPPF) seeks to protect heritage assets including archaeological interests where present, applying a proportionate approach to their preservation dependent on their significance. The proposal will result in a degree of excavation works to facilitate the erection of the turbine, laying of the access track and construction of the substation and crane pad. Whilst these works will inevitably disturb existing soil conditions, a large proportion of the development area is arable land which is subject to annual disturbance. A desktop and site survey commissioned by the applicant has revealed no evidence of any historic archaeological remains; as a result, the likelihood of uncovering archaeological remains is considered low. Consultation response from NCC Archaeology raises no objection subject to condition which seeks to planning condition securing a programme of archaeological works. Subject to this, the proposal is acceptable and accords with the relevant parts of Policy 12 (NPPF), Policy 27 (EMRP), Policy 13 (CSS).

Conclusion

The proposal is considered to be sustainable development as outlined in the NPPF, and is acceptable in principle and in terms of its impact on heritage assets, highway safety, neighbouring amenity, biodiversity, telecommunications and TV interference, aviation, hydrology and flood risk, rural economic vitality, human health and wellbeing, and archaeology. Whilst there will be localised impacts on landscape and visual amenity, these will be limited to a 25 year operational period and do not outweigh the merits of the proposal in terms of contributing towards national renewable energy targets. Subject to conditions already discussed, and in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Mark Coleman, Assistant Development Officer on 01536
534316

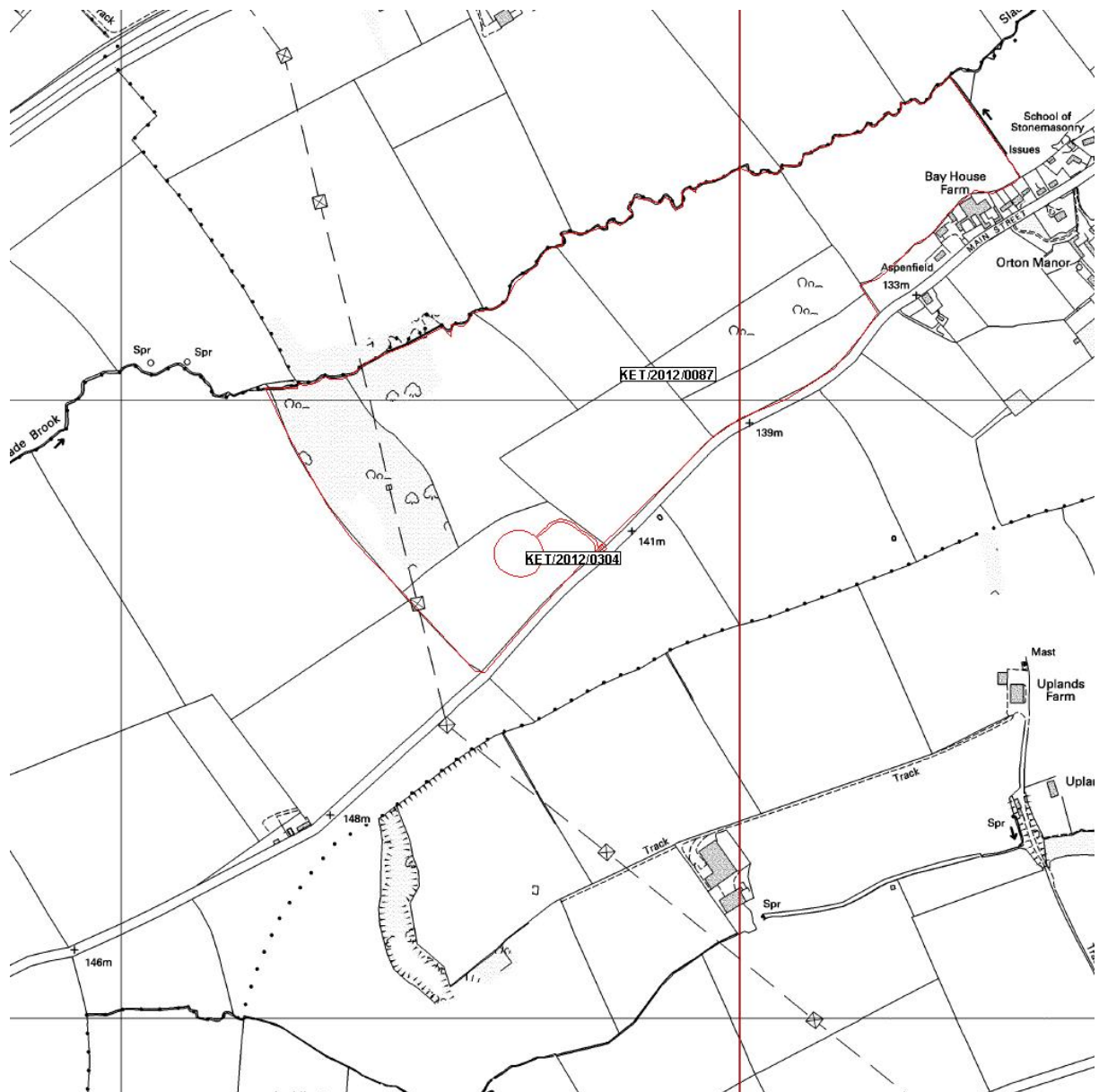
Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Aspenfield, Main Street, Orton
Application No.: KET/2012/0304



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

LA078344

Date: 01/05/2012 Do not scale from this map. For illustrative purposes only.

