

BOROUGH OF KETTERING

Committee	Full Planning Committee - 27/03/2012	Item No: 5.5
Report Originator	Tom Shields Development Manager	Application No: KET/2011/0506
Wards Affected	Burton Latimer	
Location	Glendon Farm (land at), Near Burton Latimer	
Proposal	Full Application with EIA: Erection of 5 no. wind turbines (100m high to the tip of a rotor blade in a vertical position). Provision of crane hard standings, control building, substation, underground cabling, temporary construction compound, widening of the existing site access, new site access tracks and permanent 65m high anemometer mast	
Applicant	Mr H Lindlahr Infinergy Ltd,	

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

1. The development hereby permitted shall 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 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 PPG13, 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 PPS1, PPS22, and policy 13 of the North Northamptonshire Core Spatial Strategy

4. The blade tip height of the turbines shall not exceed 100 metres in height above ground level and the hub height shall not exceed 65 metres in height above ground level. The blades of the turbines hereby permitted shall all rotate in the same direction. The anemometer mast shall not exceed 65 metres in height above ground level.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with PPS1, PPS22, 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 PPS1, PPS22, 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 PPS1, PPS22, 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 types and colours of all external facing and roofing materials to be used, together with samples to the substation have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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

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 policy 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 development shall commence unless and until a scheme to mitigate against shadow flicker which shall include a computerised control system designed to shut down turbines at relevant times has been submitted to and approved in writing by the Local Planning Authority. The turbines shall not operate other than in accordance with the approved scheme.

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

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

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

12. Prior to the commencement of the development hereby permitted a Construction and Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction and Traffic Management Plan shall include: -

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

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

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

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

required to accommodate the vehicles identified under part (a) of this condition.

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

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

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

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

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

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

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

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

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

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

17. Within six months prior to the commencement date of development, a further detailed survey for bats and red kites, including any further identified mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Development, including mitigation measures, shall not be carried out other than in accordance with the approved surveys.

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

18. Prior to the commencement of development details of a scheme for the provision of a septic tank for the building shall be submitted to and approved in writing

by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

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

19. The development shall not commence unless and until an Ecological Management Plan (EMP) relating to short and long term monitoring and management of the whole of the development site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the EMP shall be implemented and all work shall be carried out in accordance with the approved details.

REASON: In the interests of maintaining and improving habitats, biodiversity and the nature conservation value of the site and its surroundings in accordance with PPS9 and Policy 13 of the North Northamptonshire Core Spatial Strategy.

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

REASON: In the interests of maintaining and improving habitats, biodiversity and the natural conservation value of the site and its surroundings in accordance with PPS9 and policy 13 of the North Northamptonshire Core Spatial Strategy.

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

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

22. Noise Conditions to follow - see update.

23. No development shall commence on site until details of proposed post-construction monitoring surveys in respect of impact on bats and red kites has been submitted to and approved in writing by the Local Planning Authority. The use of the site shall not operate other than in accordance with the approved surveys.

REASON: In the interests of biodiversity in accordance with PPS9 and Policy 13 of the North Northamptonshire Core Spatial Strategy.

24. No development shall take place unless and until a Construction Environment Management Plan, which shall also include details of proposed hedgerow enhancements and provision of owl boxes, has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of biodiversity in accordance with PPS9 and Policy 13 of the North Northamptonshire Core Spatial Strategy.

25. No development shall commence on site unless and until a scheme for the provision and maintenance of the surface water drainage of the site based on sustainable drainage principles and an assessment of the hydrological and hydro-

geological context of the development, has 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 scheme.

REASON: To prevent flood risk by ensuring satisfactory storage/disposal of surface water from the site in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

26. No development shall be carried out on site other than in accordance with a detailed programme of proposed archaeological investigation and recording, which shall have been first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of the historic environment in accordance with PPS5 and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- No works shall commence within the public highway without the express written consent of the local Highway Authority. Such consent would only be forthcoming subject to the completion of Agreements under Section 59 and section 278 of the Highways Act 1980. Any works within the highway shall comply with NCC Highways specifications.

The Applicant is advised to gain the agreement of the local highway authority to the Construction and Traffic Management Plan and the public site viewing area prior to their submission to the local planning authority for the discharge of the associated conditions.

The Ministry of Defence have been consulted and advised that they must be informed of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of every turbine.

Western Power Distribution (East Midlands) plc has a network within the site and must be notified in detail about any alteration, building or ground works proposed in the vicinity of their network that may or may not directly affect cables.

The applicant is advised to contact the Area 7 Abnormal Loads officer to discuss the route by which the turbines will be transported to the site on 01623 886717 or area7.abnormalload@aone.uk.com

Justification for Granting Planning Permission

The proposal is significantly in accordance with the criteria, aims and objectives of national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 22, 7, 9, 13, 5, 24, and 25, Policies 24, 26, 27, 29, and 40 of The East Midlands Regional Plan, Policies 5, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 7 of the Local Plan for Kettering Borough. The issues relating to the visual impact on the landscape, historical environment, noise, shadow flicker, ecology, and all other matters not specifically mentioned are material planning considerations have been mitigated where appropriate to acceptable levels by planning conditions 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

There is no relevant planning history to the application site but the following details relate to wind turbine development adjacent to this site.

KET/2003/0559	10 wind turbines, generators, anemometry mast, substation and associated infrastructure	APPROVED 23.03.04
KET/2005/1012	Modify existing junction	APPROVED 02.12.05
KET/2007/1033	Extension to existing wind farm 7 wind turbines, 100m tip height, 65m met. mast, substation compound and substation building, associated new and upgraded access tracks and hardstanding areas, underground power and telecoms cabling & temporary construction compound	APPROVED 11.03.08
KET/2010/0755	Anemometry mast	APPROVED 25.01.11

Site Description

The site for development, known as Burton Wold Wind Farm South (BWWFS) is an area of 97.7 hectares (Ha) of arable farmland located within approximately 1300 Ha of land at Glendon Farm, Burton Latimer, and comprises 7 fields separated by low hedgerows, and dry ditches. Informal farm tracks run parallel to the ditches and hedgerows, except for the main entrance track which opens into the site leading from the A6 bypass to the west. It is bounded by the operational wind farm (Burton Wold Wind Farm) to the north, with farmland, woodland and the A6 to the west. To the east of the site is open countryside and beyond that is the A510.

Proposed Development

- 5 wind turbines of maximum 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
- Anemometry mast 65m height

Any Constraints Affecting The Site

A Road

SSSI

Flood Plain

Outside settlement framework

4.0 Consultation and Customer Impact

English Heritage

No objection

Northants Bat Group

Objection on the grounds that the ecological impact assessment is insufficient and adopts a poor methodology which fails to identify the full impacts of the proposal on various bat species which may be present on the site. Request that the development not be approved until further bat surveys have been carried out.

Natural England

No objection

Satisfied the impact on the nearby Upper Nene Valley Gravel Pits will not be significant, and accept that Red Kite collision risks do not currently threaten their local or national conservation status. Bat surveys of the site are minimal, although it is accepted that risks to bats appear to be low based on the current understanding of wind turbines on bats in the UK. Enhancements to existing hedgerows are supported. Recommended planning conditions include: post-construction monitoring of Red Kites and wind-turbine avoidance; provision of owl boxes as set out in para.10.123 of the ES; post-construction monitoring scheme for bats (including height monitoring and corpse survey); and Construction Environment Management Plan to be submitted.

Northants Badger Group

No objection

Wildlife Trust

No objection

Defence Infrastructure Organisation

No objection

Argiva Services Ltd

No objection

Western Power Distribution (East Midlands) plc

No objection

NATS / NERL Safeguarding

No objection

Civil Aviation Authority

No objection

Anglian Water

No objection

Environment Agency

No objection

Recommend condition requiring a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, in order to prevent flooding, and storage/disposal of surface water.

Network Rail

No objection.

Highways Agency

No objection

Environmental Health (KBC)

No objection. Recommend conditions in respect of noise and shadow flicker.

Northamptonshire County Council (Minerals)

The site has an extant planning permission for mineral extraction (historic ironstone permission) and such mineral reserves should not be sterilised. Prior extraction is therefore required, unless the applicant can demonstrate that sterilisation of proven mineral reserves of economic importance will not occur as a result of the development.

Northamptonshire County Council (Archaeology)

No objection

Recommend condition for an archaeological programme of works

Northamptonshire County Council (Highways)

No objection

The A6 will require localised widening for delivery of turbine components. Swept paths of vehicles entering and existing the access on the south western, i.e. northbound, side of the A6 to remain open at all times; temporary traffic management arrangements put in place; and retention of the footway past the access to an adequate width (2.0m with potential to be widened to 3.0m cycle track upgrade) during the construction phase and permanently restored thereafter. A turbine construction viewing area to be located on the southbound lay-by can be used, with a suitable viewing area with a path is also needed adjacent.

Corby Borough Council

No objection

Borough Council of Wellingborough

Objection on the grounds of detrimental cumulative impact on the landscape.

East Northamptonshire Council

Objection on the grounds of visual and cumulative impact on landscape.

Finedon Parish Council

Majority of Councillors oppose the application due to the cumulative impact on the landscape (industrialisation) and negative impact on the town.

Barton Seagrave Parish Council

No objection

Burton Latimer Town Council

No objection subject to conditions which include: noise of turbines not to exceed existing background levels; any resulting television interference to be remedied free of charge; S106 monies to be paid to Burton Latimer Town Council to manage the fund in its entirety with no restrictions.

Northamptonshire Police

No objection

Third party/neighbour representations have been received; 4 objecting to the application and 21 in support. The table below summarises the comments made

• Reasons for Objection	• Reasons for Support
<ul style="list-style-type: none"> • Closer to residential properties in Finedon (detrimental to amenity) • Adverse impact on the character of the landscape (industrialisation) • Noise impact on residential amenity (sleep disturbance) • Site unsuitable due to underground ironstone mines • Create potential health problems (headaches, sleep disturbance, tinnitus, ear pressure, vertigo, nausea, racing heart etc). • Aggravate existing medical condition of neighbouring residents (Parkinson’s disease) • De-value properties 	<ul style="list-style-type: none"> • Enhances bland landscape • Boost renewable energy provision • Boost to local jobs • Create a local tourist attraction • No long term harmful impacts (contamination, noise, birds) • Existing turbines are no problem • Delivers Sustainable Development / Green Agenda • Tackles climate change issue • Reduces carbon footprint • Existing turbines are a part of the social landscape for Burton Latimer • Promotes the area as forward thinking • Suitable location

<ul style="list-style-type: none"> • Discounting local energy bills tantamount to bribery • Inefficient / inconsistent method of energy production • Issue of climate change is propaganda • Proposal will result in excessive no. of turbines 	
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5.0 Planning Policy

National Policy

The Government has signalled its intention to introduce a National Planning Policy Framework (NPPF) to replace existing Planning Policy Statements (PPS) and Planning Policy guidance notes (PPG). However, the substance of the draft NPPF does not alter the aims and objectives of existing national planning policies, detailed below, 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 15% of all energy to be produced from renewable sources by the year 2020. The draft NPPF and existing PPS1: ‘Delivering Sustainable Development’ (2005), and its ‘Planning and Climate Change’ Supplement (2007), and PPS22: ‘Renewable Energy’ (2004), strongly support the type of development proposed.

PPS 1: ‘Delivering Sustainable Development’

PPS1 (paras.13, 20-22) sets out key principles and requires local planning authorities to ensure that development plans contribute to global sustainability by addressing the causes of climate change through policies which promote and encourage, rather than restrict, the use of renewable resources by the development of renewable energy. Paragraphs 30-32 place significant emphasis on the achievement of designated energy targets.

PPS1 Supplement: ‘Planning and Climate Change’

This document further emphasises the importance the Government places on tackling climate change, and with regard to planning applications for renewable energy generation it states (para.20) that planning authorities should:-

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

PPS 22: 'Renewable Energy'

PPS 22 is also a very important material consideration in the determination of any application for renewable energy development. It states in paras.1(ii) and (vi):-

- the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale are material considerations that should be given significant weight in determining whether proposals should be granted planning permission
- small scale projects can provide limited but valuable contribution to overall outputs of renewable energy and planning authorities should not reject planning applications simply because the level of output is small

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

Advises (paragraph 5.4) that LPAs should recognise that the landscape and visual effects will only be one consideration to be taken into account in assessing planning applications and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects.

PPS7: 'Sustainable Development in Rural Areas'

PPS7 emphasises that in determining planning applications LPAs should take account of the need to protect natural resources; conserve specific features and sites of landscape, wildlife and historic or architectural value, and provide for the sensitive exploitation of renewable energy resources in accordance with policies set out in PPS22.

PPS9: 'Biodiversity and Geological Conservation'

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

PPS5: 'Planning and the Historic Environment'

PPS5 reiterates the Government's commitment to the concept of sustainable development and notes its relevance to the preservation of the historic environment.

PPS23: 'Planning and Pollution Control'

This sets out the Government policies for the protection of impacts on health from development in terms of the quality of land, air or water and reiterates the Government's commitment to the concept of sustainable development.

PPG24: 'Planning and Noise'

PPG24 provides guidance for local authorities on the use of their planning powers to reduce the adverse impact of noise.

PPS25: 'Development and Flood Risk'

PPS25 sets out the Government's policies on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding.

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 (EMRP) (March 2009)

Note: The Government has announced its intention to abolish Regional Spatial Strategies which is a material consideration that Members should take into account. However, the EMRP is currently part of the Development Plan for Kettering Borough and therefore continues to fall to be considered in decision making on planning applications until such time as it is abolished. The following EMRP policies are therefore relevant.

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 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.

Policy 24: 'Regional Priorities for Rural Diversification'

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

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

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.

North Northamptonshire Core Spatial Strategy (CSS)

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.

Saved Policies from the Local Plan for Kettering Borough

Policy 7: 'Protection of the Open Countryside'

States that planning permission for development within the open countryside will not be granted except where otherwise provide for in this plan. The purpose of this policy is to protect the open countryside from unjustified development. However, it is considered that in terms of wind farms this policy has been largely superseded by more recent parts of the Development Plan (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 Planning and Compulsory Purchase Act 2004 states that 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.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The main issues for consideration in this application are:-

1. Principle/Development Plan
2. Visual impact
3. Historic Environment
4. Highways
5. Noise
6. Shadow Flicker
7. Ecology
8. Flood Risk and Drainage
9. Rights of Way
10. Tourism
11. Other

1. Principle/Development Plan

As outlined in the policy section of this report there is very strong policy support at national, regional and local levels for wind energy generation schemes.

BWWFS has the potential to meet up to 6.6% of the EMRP 2020 target (175MW) for wind energy generation, which equates to the supply needs for approximately 6,000 households every year (based on Digest of UK Energy Statistics 2005).

PPS1 outlines the need for the planning system to deliver sustainable development and to tackle climate change, and the supplement to PPS1 'Planning and Climate Change' states that positive planning for renewable energy development is important for the delivery of the Government's renewable energy targets. PPS22 states that meeting the national renewable energy targets is a material consideration in the determination of applications for renewable energy development. The proposed development would generate an installed capacity of 11.5MW of electricity and therefore the scheme proposed would be a valuable step towards meeting the Government's

targets.

It is acknowledged that there may be locations where proposals are not acceptable, however PPS22 emphasises that LPAs should recognise that the visual effects of wind turbines in a landscape will depend on their size, number and the type of landscape involved. Furthermore the impacts upon an area are temporary if conditions are attached requiring the future decommissioning of the turbines. PPS7 advises that in rural areas the sensitive exploitation of renewable energy resources in accordance with PPS22 can be acceptable. Therefore, although the application site lies in a rural area it does not fall within any areas that are nationally designated for their importance, or significantly affect such areas, for example the Conservation Areas in Burton Latimer and Finedon.

Summarising; it is considered that the application proposal is strongly supported by the aims and objectives of national, regional and local Development Plan policies and that these are not outweighed by other material considerations discussed in the remainder of this report.

2. Visual Impact

The PPS22 Companion Guide: 'Planning for Renewable Energy' advises (paragraph 5.4) that LPAs should recognise that the landscape and visual effects will be only one consideration to be taken into account in assessing planning applications and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects.

The site for development lies between two local landscape character areas; the Irthlingborough Rolling Ironstone Valley Slopes, and the Burton Wold Clay Plateau, both of which together generally appear as a pattern of undulating fields divided by hedgerow with some woodland and ponds. PPS22 states that local landscape designations should not be used to refuse planning permission for renewable energy developments, and even nationally important designations such as AONBs and National Parks do not preclude such development.

The Environmental Statement submitted with the planning application considered the visual impacts of the proposed 5 turbines using recognised standard Environmental Impact Assessment (EIA) methodologies including the use of photomontages and wireframe diagrams to demonstrate key views of the site at close and long range. Visual effects were also considered on a cumulative basis; i.e. in the context of the existing operational wind farm of 10 turbines adjacent to the north of the site (Burton Wold Wind Farm) and the permitted, but not constructed, extension of 7 turbines to the north of Burton Wold Wind Farm. Distances between the closest dwellings to their nearest turbine include: Black Lodge to turbine 3 (520m), Buccleuch Farm to turbine 1 (520m), White Lodge farm to turbine 1 (810m), and Poplar Lodge to turbine 4 (600m). The nearest turbine to dwellings within the main built up area of Finedon (turbine no.5) is 940m distance, and to Burton Latimer (turbine no.1) is 1100m.

Views of the proposed turbines would be variable from different viewpoints and distances given that some would provide more open and elevated views and others would be more discreet or hidden resulting from screening by buildings, vegetation and land levels. Cumulatively, the proposed 5 turbines would mostly be viewed from dwellings against the backdrop of the existing operational turbines and would read in the landscape as a small extension of turbines to the south (viewed from Burton Latimer and Finedon). If the permitted extension to the north of the existing operational site were also constructed it would have the effect of extending the views of turbines northwards. Cumulatively; taking all existing, permitted and proposed turbines together, and bearing in mind that all turbines would be of the same height and appearance to those already operating, it is considered that it would create the visual appearance of a single larger wind farm than currently exists.

Summarising; from the information submitted together with officer observations and findings it is considered that the visual effects of the development by itself, and cumulatively with other turbines, would be acceptable.

3. Historic Environment

With regard to Conservation Areas and Listed Buildings it is considered that the proposal is far enough away from such buildings and areas so as not to have any significant adverse impact. English Heritage were consulted within the EIA and in respect of the planning application itself and do not object to the application.

With regard to other heritage assets trial trenching and a geophysical survey were carried out as part of the EIA. These investigations identified probable Iron Age and/or Roman archaeological features in the vicinity of turbines 4 and 5. The applicant has identified the need for archaeological excavations and recording to take place within the footprints of turbines 4 and 5 and a watching brief of all other works on site. The NCC archaeological advisor has been consulted and concurs with this approach. A condition to secure such investigation and recording is therefore recommended.

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.

Detailed technical highways drawings of the access and visibility splays have been submitted as part of the application. The A6 will require localised widening for delivery of turbine components and temporary traffic management arrangements will need to be put in place, along with footpath widening. Also a construction viewing area is to be located within the southbound lay-by adjacent to the site. All of the above details can be secured by appropriate planning conditions which are recommended.

5. Noise

The proposed turbines are Enercon E70-E4 models which are the same as the existing operational turbines adjacent to the site. Noise from wind farms is currently assessed against the DTI published criteria in ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms'. As part of the EIA, baseline (existing) noise levels were measured at six locations representative of the nearest neighbouring dwellings. Worst possible case turbine noise levels were then predicted for the proposed turbines and the findings assessed by comparing those predicted noise levels with noise limits set out in ETSU-R-97 in order to demonstrate that noise from the operation of the proposed development at all residential locations would not exceed the day time and night time noise limits. The assessment also included cumulative modelling and comparison testing with the existing wind farm and the additional permitted northern wind farm extension.

Taking into account that the assessments have been based on the sound power levels produced for the 2.3MW Enercon E70 wind turbine, and it is possible that an alternative turbine may be installed (for example because of upgrading of technology) a number of conditions have been recommended to ensure details of the wind turbines chosen for installation are submitted to the LPA prior to development commencing; this will ensure that the noise assessments submitted with the application are still valid, that the noise emitted from the wind farm does not exceed specified levels at any dwelling, that noise monitoring is carried out within 3 months of the wind farm being commissioned and that thereafter monitoring is carried out on the request of the LPA. In addition conditions are recommended to ensure all construction work is carried out in accordance with the noise and vibration assessment and mitigation contained in the Environmental Statement, that the hours for construction and the hours for bringing equipment onto the site are restricted, and to ensure that a noise assessment is carried out prior to the decommissioning of the wind farm.

The application and EIA assessment data for noise has been reviewed by the Council's Environmental Protection Manager, Chris Stopford, who has no objection to the proposed development, subject to conditions as recommended.

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

6. Shadow Flicker

Shadow flicker can occur when at various times of the day, and dependent upon the geographical position of the receptor when the sun passes behind a turbine's rotor blades, a shadow can be cast over neighbouring properties flicking on and off as the blades rotate - hence 'shadow flicker'. Shadow flicker assessment has identified three properties that have the potential to be

affected:-

Buccleuch Farm: during the summer months between 4.30am-6am.

Black Lodge: during the summer months between 4.15am and 5.10am, although Black Lodge is screened with high vegetation so shadow flicker is unlikely to occur.

Poplar Lodge: only on a few days of the year between 5.50pm-6.25pm and 7.50pm-8.10pm, but unlikely to be more than a total of 6 hours per year, although Poplar Lodge is screened by agricultural buildings so shadow flicker is unlikely to occur.

A shadow flicker avoidance system (similar to the existing operational site) can be utilised to shut down the relevant individual turbines for the short periods of time when they have potential to affect properties and this can be secured by the recommended planning condition.

7. Ecology

Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that the main aim is to prevent harm to biodiversity and geological conservation interests and that applications should not be refused if planning conditions will prevent damaging impact on wildlife habitats or important physical features. 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 number of important habitats have been identified within the 5km EIA study area from the site, with the Upper Nene Valley Gravel Pits (SSSI and Special Protection Area [pSPA]) being particularly vulnerable as a result of its designation for its importance as a habitat for rare and vulnerable species of birds. The nearest green infrastructure corridor to the site is the north-south 'Finedon - Little Addington' corridor which is 1km south of the site.

As part of the EIA a number of surveys have been carried out, including two phase 1 habitat surveys (2009 & 2010), Bat Survey, Bird Surveys (including a breeding survey, winter bird walk survey, and vantage point survey [2009 & 2010]), and Badger Survey.

The phase 1 habitat surveys assessed the quality of hedgerow habitats and concluded they were species poor, except for a small section (100m) along the northern boundary. The arable character of the site and surrounding habitat is also considered unsuitable for supporting great crested newts, water voles, or otters; as a result, none of these species were found to be present within the site or in the two nearby ponds. The common dormouse was not present either, and as a result, none of these species are likely to be adversely affected by the proposed development.

Whilst no badger setts were identified within the site, some badger activity was noted. At least 23 bird species were also identified as showing signs of breeding, 14 of which have been identified as species of conservation

importance affording statutory protection, including Red Kite, Peregrine, and Lapwing, with Red Kites being the majority and identified as most at risk from collision with the proposed turbines. Bats (Common and Soprano Pipistrelle, and Noctule bats) were also identified to be active within the site, with the latter present in fewer numbers.

The applicant considers that the impact on nesting birds through habitat displacement is not significant, due to large areas of similar habitat remaining available within the immediate area. Impact of the proposed development has been considered cumulatively at species and habitat levels in a 5km radius study area with the existing operational wind farm, the extant Burton Wold Northern Extension, and the extant New Albion wind farm near Rushton. In summary, the submitted Environmental Statement states that the proposed development will have a slightly adverse impact on habitats, bats and breeding birds as a result of the permanent land take resulting from the development, and operation of the turbines. More specifically, Red Kites will be at risk from turbine collision, although local populations have been assessed to be able to sustain predicted mortality rates. Similar considerations have been applied to affected Skylark [BAP species], whilst the provision of a 50m buffer zone between the turbines and linear landscape features will minimise bat mortality resulting from collision. Impact on existing habitats will be minimised by upgrading existing field tracks and laying cables beneath. The application proposes hedgerow enhancements along a 100m stretch of hedgerow 6, together with the insertion of 2 ponds. It is also proposed to insert owl boxes along hedgerows 2 and 12 which forms the main north/south spine central to the site.

Comment from the Northants Bat Group criticises the bat survey methodology and its findings and have objected to the proposal until further robust bat survey work is undertaken. No objections have been received from the Northamptonshire Badger group or The Wildlife Trust.

Consultation response from Natural England confirms satisfaction with the applicant's assessment of no significant impact affecting the Upper Nene Valley Gravel pits (SSSI/pSPA), in accordance with Policy 5 (CSS). Modelled Red Kite turbine collision risks are also accepted (individually and cumulatively) as unlikely to have a significant impact on local/national conservation status of the species. A request for Red Kite post construction avoidance behaviour monitoring to be secured by condition has been sought, and provision of owl nest boxes is supported. Natural England consider the nature of the site presents a low risk to bats, notwithstanding the minimal level of assessment carried out on site, and recommend post-construction bat monitoring including height monitoring, and corpse search to provide more robust data with regard to impacts on bats. It is recommended that this be secured by planning condition, together with the submission of a Construction Environment Management Plan, proposed hedgerow enhancements, and provision of owl boxes along hedgerow 2 and 12 which forms the central north/south spine through the site.

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 PPS9 and CSS Policy 5.

8. Flood Risk and Drainage

The site is located in a low probability flood risk area (flood zone 1). PPS25 categorises the proposal as 'essential infrastructure' which is considered appropriate in a low flood risk area, together with additional steps to reduce overall flood risk levels in the area. Policy 35 (EMRP) also gives support to the proposed development in this location. No drainage is necessary for the turbines themselves, although a septic tank will be used for the toilet contained within the control building/substation. Surface water drainage will be drained to the ground.

The Environment Agency raises no objection subject to a condition for a sustainable surface water drainage scheme to be submitted prior to commencement. A condition is also recommended to secure the use of the septic tank. Subject to this, the proposal is considered acceptable and in accordance with PPS25 and PPS23, Policies 32 and 35 (EMRP) and CSS Policy 13.

9. Rights of Way

Para 32 of PPG17 acknowledges the importance of public rights of way as a recreational facility which should be protected and enhanced, wherever possible.

There are a number of public rights of way in the area, but none cross the application site, and all are located at least 300m away from it. Consequently it is considered that apart from some short term disturbance during the construction phase there will be no unacceptable adverse impact on these rights of way in the longer term.

During a 2-3 week period within the 6 month construction phase, it is estimated that a maximum of 70 HGV movements will occur per week, which will be limited to the A6 bypass and connecting roads. As a result, there may be some short term impact on the enjoyment of walking the public right of way (UA006) to the north of the site which crosses the A6 bypass.

With regard to horse riding the British Horse Society recommends a 200m minimum distance between turbines and bridleways in order to avoid turbines frightening horses. In this instance there are no bridleways within 200m of any of the turbines.

10. Tourism

There are no tourist attractions within the application site area. Adjacent the site is the existing wind farm which is promoted as a tourist landmark with a dedicated circular walk. Nearby tourist attractions include Wicksteed park (Grade II listed park and garden with rides), and Boughton House (Grade I listed house and park). A number of recreation and leisure clubs/groups and public open spaces are also present within Burton Latimer, which is separated from the application site by the A6 bypass. It is considered that there would be

no adverse impacts on tourism.

11. Other Issues

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. The layout of the proposed wind farm was designed at an early stage through consultation with a range of stakeholders in order to minimise potential impacts on local television reception.

Arqiva Services Ltd who provide the BBC and ITVs transmission network and re-broadcast links and microwave networks do not object to the proposal. Bearing in mind the applicant is committed to ensuring that television reception is not affected by the proposal it is considered that the proposal would not have an adverse impact upon television reception. A condition is recommended to ensure that any necessary mitigation is carried out by the applicant.

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:

Tom Shields, Development Manager on 01536 534316

Previous Reports/Minutes

Ref:

Date:

