



## Appeal Decisions

Inquiry held on October 4-7, 11, 2011

Accompanied site visits made on October 12, 2011

Unaccompanied site visit made on October 22, 2011

**by T Cookson MRTPI DipTP FRGS**

**An Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 November 2011**

---

### **Appeal A:**

**Appeal Reference: APP/Y0435/A/10/2140401**

**Land between London Road and Harrold Road, Bozeat**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by RWE Npower Renewables Limited against Milton Keynes Council.
  - The application (reference: 08/02118/FULEIS) is dated December 28, 2008.
  - The development proposed is *the construction of a wind farm development comprising three wind turbines up to 125m in height to blade tip and ancillary equipment, access tracks and anemometry mast, in conjunction with planning applications to Bedford Borough Council for six turbines and access tracks and the Borough Council of Wellingborough for three turbines, substation, construction compound, access tracks and site access as part of a single wind farm of 12 turbines for an operational period of 25 years.*
- 

### **Appeal B:**

**Appeal Reference: APP/K0235/A/11/2149434**

**Land west of New Road, Harrold**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by RWE Npower Renewables Limited against the decision of Bedford Borough Council.
  - The application (reference: 09/00137/MAF) dated December 28, 2008 was refused by notice dated February 15, 2011.
  - The development proposed is *the construction of a wind farm development comprising six wind turbines up to 125m in height to blade tip and ancillary equipment and access tracks, in conjunction with planning applications to Milton Keynes Council for three turbines, anemometry mast and access tracks and the Borough Council of Wellingborough for three turbines substation, construction compound, access tracks, and site access as part of a single wind farm of 12 turbines for an operational period of 25 years.*
- 

### **Appeal C:**

**Appeal Reference: APP/H2835/A/11/2149437**

**Land between Harrold Road and London Road, Bozeat**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by RWE Npower Renewables Limited against the Borough Council of Wellingborough.
- The application (reference: WP/2008/0603/FEIA) is dated December 28, 2008.
- The development proposed is *the construction of a wind farm development comprising*

*three wind turbines up to 125m in height to blade tip and ancillary equipment, access tracks, construction compound, and site access in conjunction with planning applications to Milton Keynes Council for three turbines, anemometry mast and access tracks and Bedford Borough Council for six turbines and access tracks as part of a single wind farm development of 12 turbines for an operational period of 25 years.*

## **Decisions**

1. In exercise of the powers transferred to me, I allow the appeals and grant planning permissions subject to conditions as detailed in the Formal Decisions below.

## **Procedural Matters**

### *The Applications*

2. The three separate applications relate to a single wind farm development comprising 12 turbines and associated infrastructure. The application site straddles the boundaries of the three local planning authorities. The applications to the authorities were accompanied by the same Environmental Statement (ES).
3. The planning applications as submitted to each of the three authorities comprised the following documents:
  - Planning Application Form;
  - Application Drawing 1: Detailed Site Layout
  - Application Drawing 2: Development Components within each Local Planning Authority Area
  - Application Drawing 3: Indicative Substation Area Layout
  - Application Drawing 4: Illustration of Control Building Design (Indicative)
  - Application Drawing 5: Indicative Anemometry Mast Elevation
  - Application Drawing 6: Indicative Temporary Anemometry Mast
  - Application Drawing 7: Typical Wind Turbine Transformer Enclosure
  - Application Drawing 8: Indicative Site Entrance
  - Application Drawing 9: Indicative Turbine
  - Design and Access Statement dated December 2008
  - Planning Statement dated December 2008
  - Environmental Statement dated December 2008
  - Volume 1: Main Text
  - Volume 2: Figures
  - Volume 3: Appendices
  - Non-Technical Summary
3. Subsequently, 2 drawings were revised. They were:
  - Application Drawing 1: Detailed Site Layout (January 2009)
  - Application Drawing 6: Indicative Temporary Anemometer Mast (REN/NUW/0067/B)
4. I propose to deal with the appeal on the basis of the above plans, as revised.
5. For the purposes of development control, Bedford BC was nominated as the lead authority for the applications.
6. In May 2009, Bedford BC issued a request for further information pursuant to Regulation 19 of the Town and Country Planning (Environmental Impact

Assessment) (England and Wales) Regulations 1999. This request was issued on behalf of the three Councils.

7. In October 2010, supplementary environmental information was submitted to the three Councils in response to the Regulation 19 request. The supplementary environmental information related to landscape and visual matters. This supplementary environmental information was publicly advertised and circulated to statutory bodies and consultees for review and comment by each of the three authorities.
8. In reaching my decision I have taken into account the Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the later supplementary information. I consider that the environmental information as a whole meets the requirements of these regulations and that sufficient information has been provided for me to assess the environmental impact of the applications.

#### *The Decisions and Resolutions of the Councils*

9. Bedford BC refused planning permission for the following reasons:

“1 The proposed wind turbines, by reason of their scale and number, would result in an unacceptable impact on the landscape contrary to saved Policies BE7(i) and BE30(i) of the Adopted Bedford Local Plan 2002 and to Policies CP21(iii) and CP24 of the Adopted Bedford Core Strategy and Rural Issues Plan 2008.

2 The submitted details, including the Environmental Statement, fail to demonstrate that the proposed development would not have an adverse effect on the setting and visual amenity of settlements as well as on key routes, such as the Three Shires Way which traverses the site, and fail to demonstrate how they protect and improve their character and distinctiveness. The proposal therefore conflicts with saved Policies BE7(i) and BE30(i) of the Adopted Bedford Local Plan 2002 and Policies CP21(iii) and CP22 of the Adopted Bedford Core Strategy and Rural Issues Plan 2008.”

9. In June 2011 the Council considered a further report to clarify the extent and details of reasons for refusal previously agreed. It was resolved that:

“Members (i) note and agree the findings of the Council’s Landscape Consultant reports, (ii) agree that the development will result in unacceptable cumulative landscape and visual impacts and (iii) agree that where reference is made to ‘visual amenity’ in reason number 2 it should read ‘visual impact’.”

10. Following the appeal against the failure of Wellingborough BC to give notice of its decision, the following putative reasons for refusal were given by the Council in May 2011:

“1 The proposed wind turbines by virtue of their size and cumulative number would result in an unacceptable impact upon the landscape, contrary to policy 13 (h & o) of the North Northamptonshire Core Spatial Strategy.

2 The submitted details, including the Environmental Statement, fail to demonstrate that the proposed development would enhance important landscape features or protect and improve the character of the public bridleway/footpath known as the Three Shires Way. The proposal therefore conflicts with policy 13 (h & o) of the North Northamptonshire Core Spatial Strategy.”

11. Following the appeal against the failure of Milton Keynes Council to give notice of its decision on the application, the Council resolved that it would have been minded to refuse planning permission for the following reasons:

“1 The proposed wind turbines by virtue of their size and total number would result in an unacceptable cumulative impact upon the landscape, contrary to policies NE4, D5(iii) and D1(iii) of Milton Keynes Local Plan 2001 – 2011 (saved policies) and to policy CS20 of the Core Strategy, Revised Proposed Submission Version, October 2010.

2 The submitted details, including the Environmental Statement, fail to demonstrate that the proposed development would not have an adverse effect on the setting and visual amenity of settlements and individual properties as well as on key routes, such as the Three Shires Way which traverses the site, and fail to demonstrate how they protect and improve their character or distinctiveness. The proposal therefore conflicts with saved policies D5(iii), D1(iii) and NE4 of Milton Keynes Local Plan 2001 – 2011, and policy CS20 of the Core Strategy, Revised Proposed Submission Version, October 2010”.

### **Site and Surroundings**

12. The Nun Wood appeal site is located on agricultural land between the villages of Bozeat, Harrold and Lavendon. The closest settlement to the Bedford part of the appeal site is Harrold, located approximately 2km to the east of the nearest turbine. Bedford lies approximately 13km to the east.
13. The closest settlement in the Wellingborough part of the appeal site is Bozeat. It is located less than 1km to the north-west of the nearest turbine. Wellingborough lies approximately 9km to the north-west.
14. The loosely-knit hamlet of Warrington is the closest settlement in the Milton Keynes section of the appeal site. The village of Lavendon is approximately 1.4km to the south of the nearest turbine. Milton Keynes lies approximately 13km to the south-west.
15. The appeal site occupies a total area of approximately 496ha. It comprises broadly undulating elevated land rising to approximately 108m AOD. The total area of land to be occupied by infrastructure and development associated with the wind farm would be approximately 7.5ha. The land within the appeal site is predominantly in arable use with large-scale, regularly-shaped fields. Whilst there is a general absence of hedgerows, there are some stretches of overgrown or densely planted hedgerows which form linear copses. The site also includes areas of woodland and several ponds. A line of high voltage pylons stretches through the northern portion of the site. There is a second line of pylons close to the south-west margin.
16. A number of public rights of way cross the appeal site. The principal route is the Three Shires Way bridleway and long distance footpath. It extends broadly north-south through the site. A long distance footpath, the Milton Keynes Boundary Walk, crosses in a generally east-west direction.
17. The A428 lies to the south, linking Bedford and Northampton. The A509, between Milton Keynes and Wellingborough, lies to the west of the site.
18. In the area around the site there is a transition from a broad plateau landscape with a mixture of arable and pasture land to the north and west, to a lower-lying landscape with arable agriculture predominating to the south and east, associated with the Great Ouse Valley. Scattered woodland areas and copses are a common landscape element, and high voltage pylons are evident in the landscape to the north, north-west and south of the site.

19. There are no national landscape designations within 30km of the site. There are a number of local landscape designations within the Milton Keynes area, including the Ouse Valley Area of Attractive Landscape which extends to within 1km of the site. The western edge of the local Upper Ouse Valley Area of Great Landscape Value (AGLV) designation used to cover the Bedford part of the site but the AGLV designation has not been saved in the Bedford Local Plan. There are 4 Sites of Special Scientific Interest (SSI) within 4.8km of the site.

### **Proposed Development**

20. The proposed development involves the erection of 12 wind turbines in two distinct groups: one in the southern part of the appeal site comprising 7 turbines, the other in the northern section made up of 5 turbines. In total, the wind farm would have an electricity generation capacity of between 21.6 and 36MW. The maximum height to blade tip of each turbine would not exceed 125m.
21. The proposal also includes the formation of a new access from the A509. This would involve the upgrading of an existing farm track entrance to create a bellmouth access. In total some 1.18km of track would be required to access the turbines.
22. Electrical connection from the wind turbines to the grid would involve the installation of underground cabling within the site to the substation compound. It is proposed that from the substation compound there would be a direct connection into the overhead lines running through the appeal site. The proposed anemometer mast would be approximately 80m high. There would also be a temporary compound for the construction works. The wind farm would have an operational life of 25 years.

### **Policy Considerations**

#### *The Development Plans*

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
24. In the case of that part of the appeal site within Bedford the development plan comprises the East of England Plan (Revision to the Regional Spatial Strategy (RSS) for the East of England) (May 2008); the saved policies of the Bedfordshire and Luton Structure Plan 2011; the saved policies of the Bedford Local Plan (adopted 2002); and the Bedford Borough Council Core Strategy and Rural Issues Plan Development Plan Document (April 2008).
25. For that part of the appeal site in Wellingborough the adopted development plan is made up of the East Midlands Regional Plan (2009) (RSS); the saved policies of the Northamptonshire County Structure Plan (March 2001); the saved policies of the Wellingborough Local Plan (2004 Alteration); and the North Northamptonshire Core Spatial Strategy (adopted June 2008).
26. And for the section of the appeal site in Milton Keynes, the development plan comprises the South-East Plan (RSS for the South East of England) (2009); the Milton Keynes and South Midlands Sub-Regional Strategy (2005); and the saved policies of the Milton Keynes Local Plan (adopted 2005).

27. The Localism Bill, which is currently before Parliament, contains provisions to revoke the RSSs. However, given the stage of the Bill in the parliamentary process, I attach limited weight to the intended revocation.

*National Policy Considerations*

28. Material policy considerations to be taken into account include Planning Policy Statement 1: Delivering Sustainable Development (PPS1); PPS1 Supplement: Planning and Climate Change; Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7); Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) and its Companion Guide; Planning Policy Statement 22: Renewable Energy (PPS 22) and its Companion Guide; and Planning Policy Guidance note 24: Planning and Noise.
29. Other material considerations include Circular 11/95: Use of Conditions in Planning Permissions; the 2007 Government White Paper on Energy: Meeting the Energy Challenge; the Climate Change Act 2008; The Renewable Energy Strategy; The Coalition: Our Programme for Government (May 2010); The Annual Energy Statement (AES), July 2010; National Policy Statements (NPS) on Energy (EN-1) and Renewable Energy Infrastructure (EN-3); and The Renewable Energy Roadmap.
30. The Draft National Planning Policy Framework document was issued for consultation in July 2011. It sets out the Government's economic, environmental and social planning policies for England. Central to these main themes is a presumption in favour of sustainable development. However, as this document is still in draft form and subject to change, its policies carry little weight.
31. The Climate Change Act 2008 requires a reduction in greenhouse gas emissions by at least 80% by 2050 and reductions in CO<sub>2</sub> emissions of some 26% by 2020 against a 1990 base. EU Directive 2009/28/EC set the UK a target to produce 15% of all energy from renewable sources by 2020. These targets, when taken together with the contents of the Renewable Energy Strategy, indicate that by 2020 some 30% of electricity consumed will need to be from renewable sources.
32. The Coalition: Our Programme for Government (May 2010) supports increasing the target for energy from renewable sources and increasing the EU emission reduction target to 30% by 2020. The Annual Energy Statement (AES) of July 2010 indicated that, subject to advice from the Climate Change Committee, the Government will seek to increase the target for energy from renewable sources. The AES identifies current levels of deployment as only serving to highlight the failure to exploit renewable energy resources. The intention is to take positive action to drive forward deployment through a robust delivery plan.
33. The National Policy Statements on Energy (EN-1) and Renewable Energy Infrastructure (EN-3) were approved by Parliament in July 2011. EN-1 highlights that to meet emissions targets, the consumption of electricity will need to be almost exclusively from low carbon sources. In the short term this means that much of the new capacity will need to come from on and off-shore wind-generated electricity. To meet the 2020 target for energy from renewable sources, EN-1 identifies that there is an urgent need to bring forward new renewable electricity generating projects as soon as possible.

Whilst off-shore wind is expected to provide the largest single contribution to the 2020 target, on-shore wind is highlighted as the most well-established and currently the most economically viable source of renewable energy available for future large-scale deployment.

34. EN-3 reiterates the important rôle of on-shore wind. It deals with issues that include such matters as landscape and visual impact, noise, biodiversity, and the historic environment. Notably, it recognises that there will always be significant landscape and visual impacts.
35. The UK Renewable Energy Roadmap shows where we are at present and provides an analysis of how deployment may evolve by 2020. It details the actions required to achieve the levels of deployment anticipated. Whilst the 'Roadmap' concludes that the UK can meet the 2020 target and the pipeline of renewable electricity projects is healthy, it highlights that significant uncertainties remain and that new renewable projects need to come forward.
36. PPS1 establishes the Government's overall objectives for the planning system. It advises that planning policies should seek to achieve a number of objectives for sustainable development. The promotion of renewable energy resources is identified as being able to help address the potential impacts of climate change. PPS7 urges local authorities to provide for the sensitive exploitation of renewable energy resources in accordance with the policies set out in PPS22.
37. PPS22 is the principal Government guidance on renewable energy. It emphasises the importance of the development of such energy, recognising that the increased development of renewable energy resources makes a vital contribution to the Government's sustainable energy strategy. The 2007 White Paper stated that whilst renewable energy projects may not always appear to convey particular local benefits, they provide national benefits.
38. To achieve this PPS22 requires the planning system to promote actively renewable energy development. The PPS provides detailed guidance for the consideration of renewable energy planning applications. It indicates that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable, and environmental, economic and social impacts can be satisfactorily addressed. It stresses that the wider environmental and economic benefits of such proposals, whatever their scale, are material considerations that should be given significant weight in determining proposals. The PPS indicates that proposals should demonstrate any environmental, economic and social benefits, as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.
39. PPS22 acknowledges that wind turbines are likely to have the greatest visual and landscape effects. It recognises that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved. It points out that the impacts may be temporary if conditions are attached to planning permissions which require the future de-commissioning of turbines. The PPS requires the establishment of regional targets in RSSs for renewable energy capacity.

40. Thus it is evident that national policy strongly supports renewable energy development in the form of wind farms, providing the local environmental, economic and social impacts can be satisfactorily addressed.

### *Regional Policies*

41. The RSSs contain targets for the provision of renewal energy across the respective regions and serve to reflect national policy in this regard. I consider that the intended abolition of the RSSs should not be taken as a sign of any lessening of the Government's resolve to increase nationally the amount of energy provided from renewable sources such as onshore wind farms.
42. In the East of England Plan Policy ENG2 provides the targets for renewable energy from onshore sources. For 2010 the figure is 820MW; for 2020 it is 1620MW. As of July 2011 125.6MW of wind energy developments were constructed and 209.7MW had consent.<sup>1</sup> These totals thus fall short of the targets.
43. The East Midlands Regional Plan indicates that in 2006 the installed onshore wind energy provision was 54MW, with the 2010 target being 122MW and the 2020 target being 175MW. As of July 2011 there was 125MW of wind energy developments constructed and 134.36MW with permission<sup>2</sup>. The combined total of all these projects clearly exceeds the 2020 target of 175MW.
44. The South-East Plan, in Policy NRM13, sets the minimum regional targets for electricity generation from renewable sources as 620MW in 2010, 875MW in 2016 and 1,130MW in 2020. The sub-regional target for the Thames Valley and Surrey, of which Milton Keynes is part, is 140MW in 2010 and 209MW in 2016. In July 2011<sup>3</sup>, for the whole of the region, 82.6MW of wind energy development had been constructed, with some 32.3MW granted permission; the target thus not having been met.
45. PPS22 states that regional targets should be expressed as a minimum. They should be revised upwards when they are met, subject to a region's renewable energy resource potential and the capacity of the environment for future renewable energy developments. The PPS stresses that the fact that a target has been reached should not be used in itself as a reason for refusing planning permission for future renewable energy projects.
46. The Secretary of State has held<sup>4</sup> that the greater the shortfall against target, the greater the weight that should be attached to the benefits of a renewable energy scheme. This is the case with regard to wind farm development in the East of England and the South-East regions where provision is below target.
47. In the East Midlands RSS the target has been met. But it must be judged against the following: the target figures are low; the Secretary of State has elsewhere<sup>5</sup> regarded targets as 'a floor rather than a ceiling'; and the seriousness of the Government's intention regarding the deployment of renewable energy generation.

---

<sup>1</sup> Document 7, Schedule to Appendix 2

<sup>2</sup> ditto

<sup>3</sup> ditto

<sup>4</sup> Document 24, Core Document 6.31

<sup>5</sup> Document 24, Core Document 6.22, paragraph 12



48. I conclude, therefore, that the regional targets and the extent to which they have been, or might be, achieved, is an important material consideration in the planning balance in these appeals.

#### *Local Policies*

49. Saved Policy BE7 of the Bedford Borough Local Plan lists the issues to which regard should be paid in dealing with renewable energy schemes. They relate to landscape impact; the protection of heritage and ecological features; the impact on landscape, land use and residential amenity during and after construction; the local and wider benefits of the proposal; and site restoration. It is a pragmatic policy that is concerned with the issues anticipated in renewable energy schemes. In raising the matter of the benefits of a proposal it introduces the balancing exercise required by Government policy and advice.
50. Saved Policy BE30 deals with all applications for new development. It is an omnibus policy that covers matters such as visual impact, scale, density and suchlike. The local planning authority refers only to that criterion relating to visual and landscape impacts.
51. In the Bedford Core Strategy and Rural Issues DPD of 2008 there are three policies quoted by the local planning authority: CP21, CP22 and CP24. The first relates to the quality of design of developments and stipulates certain requirements for new developments in order to make them satisfactory. Policy CP22 deals with green infrastructure; the relevant part of which seeks to protect existing green infrastructure of local and national importance. And Policy CP24 aims to conserve and enhance the landscape and character of the borough. The DPD is silent on how renewable energy development proposals are to be assessed.
52. Saved Policy D1 of the Milton Keynes Local Plan deals with the impact of developments on the locality. It is a general policy aimed at all categories of development. Policy D5 is concerned with renewable energy proposals. For such developments to be allowed three criteria must be satisfied. They deal with harm to residential amenity, wildlife species or habitat, and visual impact. There is also reference in the policy to shadow flicker, electromagnetic interference and a 350m minimum distance from dwellings.
53. In the case of Wellingborough, Policy 13 of the North Northamptonshire Core Strategy is concerned with the general principles of sustainable development. Sub-paragraph (h) is concerned with high standards of design and similar matters, and the character of the surroundings. Sub-paragraph (o) requires development to conserve and enhance the landscape character, historic landscape, designated built environmental assets and their settings, and the biodiversity of the environment.
54. In assessing wind farm developments, it is inevitable that there will be conflict with and between different policies, many of which were not devised to deal with such proposals. In the case of Wellingborough there is no policy dealing with renewable energy development in either the Local Plan or the Core Strategy. In Bedford there is a properly balanced renewable energy policy in the Local Plan. And in Milton Keynes there is what can be described as a partially balanced policy. Overall, I find that in the absence of a set of tests in

any one development plan it is necessary to have regard to the national policies contained in the PPS1 Supplement and PPS22.

### **Main Issues**

55. From my consideration of all the evidence and representations, and my inspection of the site and surroundings, I am of the opinion that there are two main issues in these appeals. They are: first, the effect of the proposed development on the character and appearance of the landscape; and second, the effect of the proposal on visual amenity.
56. Other issues raised by the Rule 6 party and interested persons that are dealt with below concerned the following: residential amenity; noise; heritage assets; and equestrian activity and the economic impact on the livery business at Lower Farm Stables; and aviation interests.

### **Reasoning**

57. PPS22 starts from the premise that renewable energy developments should be capable of being accommodated throughout the country, where, inter alia, environmental impacts have been addressed. The PPS advocates using objective descriptive material and analysis wherever possible in the assessment of proposed developments, though it recognises that the final decision will be to some extent a matter of professional judgement.
58. Landscape and visual assessments are separate, yet linked, procedures. The assessment of the potential effect on the landscape examines changes in physical terms which might give rise to unacceptable changes in its character. Visual effects relate to changes in views caused by changes in the landscape and the overall effects on visual amenity.

#### *The Effect of the Proposed Development on the Character of the Landscape*

59. Landscape value is the importance attached to a landscape, usually as a basis for designation, because of its distinctive landscape pattern and scenic or aesthetic qualities. The condition of the landscape is important in deciding how apparent its distinctive character is.
60. Within 30km of the site there are no national landscape designations. Within the Milton Keynes area the local landscape designated Ouse Valley of Attractive Landscape lies about 1km to the south of the site. The operational Petsoe wind farm lies entirely within this designated area. There are locally designated landscape areas within Northamptonshire, to the west of the appeal site.
61. At the regional level the appeal site is located mainly in Joint Character Area No. 91: Yardley-Whittlewood Ridge, Bedfordshire. The south-eastern edge of the site lies in Joint Character Area 88: Bedfordshire and Cambridgeshire Claylands. These character areas are useful in providing a general context but they are too extensive for them to be altered significantly by any one development. Thus the local character areas provide more detail and are thus of greater benefit in judging the effects of the development.
62. I note that three local landscape character areas would experience direct effects from the development. They are the Bozeat Claylands, the Hinwick Wooded Wolds, and Yardley Ridge.

63. Three of the turbines would be in the Bozeat Claylands. Notwithstanding characteristics of open fields and low woodland cover on high elevated areas of land, the undulating landform contains sheltered areas. This reduces intervisibility, a matter of concern to the Councils. A characteristic of the area is also views of the surrounding wooded horizons.
64. I find that the positioning of the three turbines in this landscape character area would mean that they would be present only in views of the wooded horizon when looking southwards. Clearly the introduction of turbines into this character area would be a new element that would re-define the area's character. The appellant considers effect within a 5km radius would be high, reducing to medium/high to the full extent of the landscape character area. The Councils consider that the magnitude of the impact would be moderate/major, with a direct adverse impact resulting in a moderately significant effect.
65. Six of the turbines would be located in the Hinwick Wooded Wolds landscape character area. It forms part of a limestone plateau of rolling, gently-sloping landform cut by tributaries of the River Ouse. It is a peaceful, medium-scale landscape of arable farmland with some pasture. The turbines would be sited within fields with areas of woodland, hedgerows and hedgerow trees providing local enclosure. The landscape is of high sensitivity although the electricity transmission lines have a negative effect. The turbines would be prominent and would be the defining feature of the character area around the appeal site. The appellant considers the overall effect to be high to medium. I find that the effect on the landscape character area would be significant at close range, lessening reducing to moderately significant at about 4km distance.
66. In the Yardley Ridge landscape character area there would be three turbines. Characteristics of this area are elevated, undulating, large-scale farmland with the remnants of ancient woodland. Close to the appeal site there would be open views of the turbines. They would be highly prominent and be the defining element in the countryside. The appellant argues that a new 'wind farm' landscape character type would be formed within an area some 600-700m around the turbines. This I consider to be a somewhat specious concept, attempting as it does to justify the development by changing or redefining the landscape character area to accommodate such an element.
67. Within 3-4km of the site I find that the turbines would be perceived as large objects in this medium to large-scale landscape. They would be seen as contrasting vertical elements set in a horizontal landscape. The effect would be substantial. In terms of the sensitivity of the landscape the effect would be significant. Beyond 3-4km the turbines would be viewed in the context of the wider landscape. They would relate to the larger-scale elements of this landscape, thus the effect would be of reduced significance.
68. As to the landscape character areas beyond the appeal site, the potential for significant effects in the Salcey Forest and Yardley Chase landscape character area would be limited to the eastern fringe, with some potential views being restricted by the extensive woodland cover. North-west of the site is the Wollaston to Irchester Limestone Valley Slopes character area. The nearest turbine would be about 1km away. Thus I find there is the potential for significant effects on the south-eastern part of this landscape character area. The Harrold-Great Ouse Limestone Valley landscape character area is within 2.1km of the appeal site at its closest point, making the wind farm visible

from within the area. Accordingly, there would be significant effects on the western fringe of the area, albeit limited by trees and the buildings in and around Harrold.

69. The Pavenham Wooded Wolds landscape character area is some 2.8km to the south-east of the site at its nearest point. The area is enclosed in nature whereby only occasional views out to the wider landscape and the proposed development could be obtained. The potential effect on this landscape area by the proposal would be low.
70. The Ouse Valley landscape character area is some 2km south of the appeal site. It is formed of the broad flat flood plain of the River Ouse. I note that the south-east fringe of this area is influenced by the Petsoe wind farm. Owing to the nature of this character area and the distance involved, the proposed development would not have a direct effect on the area.
71. Accordingly it is evident that the presence of the turbines would have direct and significant effects on the Hinwick Wooded Wolds, the Bozeat Claylands and Yardley Ridge landscape character areas. Significant effects would be experienced on the Wollaston to Irchester Limestone Valley Slopes and the near points of the Harrold-Great Ouse Limestone Valley landscape character areas.
72. The Councils consider it relevant to have regard to the 'setting of heritage features in the landscape'. Yet the effect of the development on heritage assets did not feature in any of the Councils' resolutions. A written objection on heritage matters from English Heritage has been made, and I deal with it below.
73. The Councils argue that there is a strong relationship between the siting and intervisibility of churches within the landscape areas, especially as many churches were built on higher ground, notably at Easton Maudit, Bozeat and Clifton Reynes, and the Chellington Centre (a former church). Having considered the relationship of these buildings in particular to the proposed turbines, I accept that the effect when looking east towards Easton Maudit church would be significant.
74. The Councils also consider it relevant to examine the effect on the settings of undesignated settlements in the countryside. However, it transpired that the basis for this approach was from advice applicable only to Northern Ireland. And in this regard I consider the approach adopted by the appellant in assessing settlements in terms of key character and visual receptors to be preferable in that it is a sound and proven method.
75. Overall on this issue, I find that the development would have a significant effect on the character of the landscape of the area that would cause a degree of harm. It is unlikely that turbines of this size would do otherwise. Objectively, it cannot be argued that the character of the landscape would be enhanced by such large man-made structures. The effect on the character could be described as adverse and long-term. The landscape would change from its current state to one that includes wind turbines as a major component.

### *The Effect of the Proposal on Visual Amenity*

76. A considerable amount of photographic evidence showing various viewpoints was submitted by the main parties. I do not intend to provide a narrative on what would be seen from each viewpoint as it is self-evident from the photomontages and the wire frames submitted, and corroborated from my site visits. Suffice it to say that within this landscape the presence of the turbines would not be hidden.
77. Notwithstanding the woodland, the tree cover, hedgerows and buildings, the turbines would be widely visible from many angles within a 6km radius of the site. However, the effect would reduce as distance from the site increased. The visual effect would be at its greatest when viewed from the Three Shires Way and associated bridleways. But I find that significant effects would be mainly experienced in parts of Bozeat, Lavendon, Harrold, Easton Maudit, Cold Brayfield, Olney and Carlton.
78. Yet the scale, the horizontality and the rolling topography and tree cover of the landscape of the area would lend itself as well as any other rural landscape to the introduction of the large-scale, vertical structures of a relatively simple design that are the turbines. This would be in contrast to the visual clutter of the nearby power line. And the turbines would be seen as two distinct groups set in the sweep of the horizon. They would complement the scale of the landscape and the separation would allow visual permeability.
79. Therefore, whilst the turbines would be large and unmissable and produce significant effects, this should not be the deciding factor alone in these appeals.

### *Cumulative Effect*

80. It is agreed by the main parties that the proposed development would lead to some coalescence of landscape sub-types when the scheme is considered in combination with the Petsoe wind farm. However, the location and size of Petsoe, the relationship of the proposed development to it, and the fact that the proposal would comprise two distinct groups of turbines, would create sufficient separation between the existing and the proposed so as not to result in what has been described as a 'wind farm landscape'.
81. There would be a clear and distinct separation between all elements up to some 3km or so. At distances of about 6km there is the potential to see many turbines from some viewpoints to produce significant cumulative visual effects. However, I find that these cumulative effects are unlikely to be sufficiently harmful in themselves to warrant refusal.

### *Other Issues*

#### *Residential Amenity*

82. The local planning authorities raise no objection to the scheme on residential amenity grounds. However, the Rule 6 party (BLOT), considers that there is potential for Northey Farm Flat and White House farm to be 'rendered unattractive places to live'.
83. Northey Farm Flat is some 677m from the nearest proposed turbine. It is a tenanted property owned by a landowner with a financial interest in the development. From the flat views would be obtained of the northern cluster

of turbines, thus there would be significant visual effects. However, owing to the juxtaposition of the turbines with the flat, and the distances involved I find that the turbines would not be so overwhelming that the amenities would be seriously compromised. White House Farm, at 1024m from the nearest turbine, would have views of the wind farm, but at this distance I conclude that there would be no overriding unacceptable effect on the amenities of the residents.

### *Noise*

84. There is no challenge to the proposal on noise grounds from the Councils. The noise assessment has been carried out in accordance with ETSU-R-97 requirements. BLOT has registered concerns over the appropriateness of the noise modelling and the likelihood of Excessive Amplitude Modulation. I note, however, that these concerns could be addressed by the imposition of suitable planning conditions.

### *Heritage Assets*

85. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be paid to the desirability of preserving listed buildings or their settings, or any other features of special architectural or historic interest that they possess.
86. There is no evidence or suggestion that the proposed development would affect the fabric of a listed building or conservation area. The concern here is with the question of the effect on setting only. PPS5 defines the setting of a heritage asset as the surroundings in which the asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. The setting of an asset may be very confined. For example, a listed building may have a restricted setting because it can only be seen from short distances as a result of its proximity to other buildings. In contrast, a setting may also include distant views towards an asset or views from it. In PPS5 Policies HE9 and HE10 are relevant here.
87. The latest correspondence from English Heritage states that the settings of Turvey House, Turvey Church and Turvey Park, and Easton Maudit Church would be the subject of substantial harm.
88. Turvey Church is medieval in origin but was heavily altered in Victorian times. It is large and imposing and is related in spatial terms to Turvey House and the Park. Turvey House is neo-classical, having been built in 1794. Taken individually the two buildings are of considerable heritage significance. Together their setting and surroundings are of high heritage value. Turvey Park is not registered and is therefore outwith the aforementioned policies of PPS5.
89. The buildings are some 4km or so from the nearest proposed turbine. It would be possible to obtain views of the turbines at this distance, but the views would be screened to a considerable degree by intervening woodland and trees so that only some three turbines would be visible. Thus I find that because of the distance involved and the nature of the landscape, the effect of the proposed development on the setting of the buildings would be minimal.

90. With Easton Maudit Church, it is evident from my visit that the development would be outside the relatively confined setting of the building such that there would be only a minimal effect on its setting.

*Equestrian Activity and the Economic Impact on the Livery Business at Lower Farm Stables*

91. Concerns centre on the effect the development would have on the equestrian activity on the Three Shires Way and the 'Lavendon Loop' bridleways in terms of the safety and enjoyment of horse riders. The concerns relate to shadow throw and noise, in that some horses could be startled by being confronted by a turbine. It is stated that in other parts of the country such a situation has caused riders to be thrown and injured, and the horses to bolt. Furthermore, it is argued that the effects on horses and riders using Lower Farm Stables would be so great that customers would leave and cause the business to close. The turbines would also affect the riding activities of New Pastures Farm, Warrington, just under 2km away from the appeal site.
92. BLOT proposes the adoption of the latest British Horse Society guidance which recommends that the distance of turbines from a bridleway should be at least four times their height. In this case it would result in a 500m separation.
93. Lower Farm Stables has facilities for 16 horses and ponies. The stables are located immediately adjacent to a bridle path that leads up to the Three Shires Way, some 600m away. Both the 'Lavendon Loop' and the Three Shires Way are used for hacking. The horses stabled vary from 'happy hackers' to horses with 'some blood in them'. New Pastures Stables transport horses to the Three Shires Way by vehicle once a fortnight, sometimes intensively for a whole week, with absences sometimes of two months.
94. The PPS22 Companion Guide refers to the suggestion put forward by the British Horse Society of a 200m exclusion zone around bridle paths to avoid frightening horses. The Guide stresses that whilst this figure could be deemed desirable, it is not a statutory requirement, a point accepted by BLOT. The Guide encourages negotiations if it is difficult to achieve the 200m figure, indicating that the suggested separation distance has to be applied flexibly. As to the latest separation distance promoted by the British Horse Society, there appears to be no clear rationale for the increase.
95. At Lower Farm Stables, owing to its location more than 1km from the nearest turbine, there would be no impact from the wind farm on activities in the livery yard and the ménage. I note that hacking takes place mostly on the 'Lavendon Loop'. There are no figures for the percentage of horses and ponies using this route and the Three Shires Way. In fact there are no figures available for the number of riders using the bridleways in the area.
96. Furthermore, I have no firm and objective evidence regarding the degree to which wind turbines may deter riders from using bridleways. And given the nature of the horses stabled at Lower Farm Stables and the need for care and maintenance routes, the claim that local riders will not still ride is improbable.
97. In this location the turbines would be visible from some distance away by the horse and rider when on the Three Shires Way and the 'Lavendon Loop', notwithstanding the trees and hedgerows. The turbines would not suddenly spring into view. Turbines also start slowly and pick up speed gradually. Thus they are unlikely to frighten the majority of horses. I also subscribe to

the argument that other than the most nervous, horses can and do acclimatise to the presence of turbines on a route. And there is no firm and credible evidence that shadows would be thrown by the turbines and create a detrimental effect on the Three Shires Way. I found the DVD produced to be misleading and unhelpful in that it showed the shadow cast by the Petsoe wind farm at 7pm in August onto images of the Three Shires Way taken at 2pm. Accordingly, I am not convinced that the turbines would unacceptably affect the operation of the stables.

98. In conclusion, I find that there is insufficient reason to oppose the development on these grounds.

#### *Aviation Interests*

99. The Ministry of Defence and the local planning authorities have no objection to the scheme on aviation-related matters. Nevertheless there are objections from the owner of the Easton Maudit airstrip and from Cranfield Airport. At Easton Maudit the concerns focus on the manoeuvres required by pilots to avoid the turbines and prevent disturbance to neighbours. It would involve taking a wider circuit, a steeper climb, and flying on full power at a lower height.
100. I note that the airstrip has very limited usage by a small group of individuals for personal and business purposes. And making a straight-ahead climb using runway 16 would not require aeroplanes to fly between any of the turbines, but would take them some 500m laterally from the nearest one. The main constraint is the ability of an aeroplane to climb above the existing electricity power line south of the airstrip. Alternatively, a pilot could make a left turn which could also avoid overflying a dwelling, The Lodge. Moreover, runway 34 could be used for take-offs when conditions are considered to be marginal.
101. Cranfield Airport lies about 13km to the south-east of the closest proposed turbine. It is a training airfield where several flying schools are based. The Airport has raised concerns about the potential for the development to affect the operation of a planned future radar installation. The Airport has indicated that it is not in a position to provide details of the planned radar. Thus without further information I have no evidence upon which to reach a conclusion.
102. Overall, therefore, whilst safety is an overriding consideration, I do not find that the aviation issues are such as to preclude the development proposed.

#### **Conclusion**

103. On the main issues I find that the development would have a significant effect on the character of the landscape of the area, and would thus cause harm. And in terms of visual amenity, the turbines would be widely visible from many angles within a 6km radius of the site and have significant effects from many places. However, the degree of harm in landscape and visual amenity terms is limited. In my judgement the harm is outweighed by the urgent need for renewable energy as promoted in national and regional policies and the wider environmental and economic benefits that it would bring over a 25 year period. Subject to the imposition of suitable conditions I do not find that there would be unacceptable harm to the other issues raised above. I have had regard to all other matters raised but none is sufficient to overcome the considerations I deem to be paramount.



104. For the reasons given, I conclude that the three appeals should be allowed and planning permission granted.

### **Conditions**

105. I have considered the suggested conditions having regard to the advice in Circular 11/95: The Use of Conditions in Planning Permissions. They have formed the basis of the conditions listed.

106. In addition to the statutory time limit condition, there should be a condition referring to the submitted plans in order to ensure the proper development of the site. The proposal is for a development that would remain on site for 25 years. It is therefore necessary to impose a condition restricting the development in line with this period.

107. In the interest of the proper use of the site in the event of a turbine not producing electricity for a 6 month period a condition should be attached requiring its removal. In the interest of appearance conditions are necessary to control the turbines with regard to maximum height, appearance, rotation of blades, illumination and company logos, as well as the details of all the buildings and the anemometry mast. And electricity cabling should be installed underground.

108. I accept that some micrositing might be needed, depending on ground conditions. However, the suggestion of 50m is too generous and could compromise the whole layout upon which these decisions are based. I therefore propose to attach a condition restricting micrositing to 25m from the positions shown on the submitted drawings as being reasonable and necessary in the interests of visual amenity. And in the interest of the amenity of the users of the bridleways and public rights of way, I intend to impose a condition that ensures that turbines are not sited closer than 200m from such routes.

109. To ensure the proper development of the site conditions should be imposed dealing with a construction method and environmental management statement. In the interests of amenity there should be conditions governing the hours of working and when deliveries can be made to the site.

110. In the interests of highway safety and the proper development of the site there should be conditions imposed regarding access to the site and the management of traffic.

111. There should be a condition requiring archaeological investigations on the site to ensure any artefacts or matters of historical interest are preserved. In the interests of nature conservation there should be conditions dealing with a protected species survey and ecological mitigation measures.

112. To avoid harming the living conditions of residents there should be conditions to control any shadow flicker effects, the possibility of television interference, and the emission of noise from the turbines.

113. To ensure air safety there should be a condition requiring the developer to inform the Ministry of Defence and the Civil Aviation Authority of the commencement and completion of the works.

## **Formal Decisions**

### **Appeal A:**

#### **Appeal Reference: APP/Y0435/A/10/2140401**

114. In exercise of the powers transferred to me I allow the appeal and grant planning permission for the construction of a wind farm development comprising three wind turbines up to 125m in height to blade tip and ancillary equipment, access tracks and anemometry mast, in conjunction with planning applications to Bedford Borough Council for six turbines and access tracks and the Borough Council of Wellingborough for three turbines, substation, construction compound, access tracks and site access as part of a single wind farm of 12 turbines for an operational period of 25 years on land between London Road and Harrold Road, Bozeat in accordance with the terms of the application, (reference: 08/02118/FULEIS) dated December 28, 2008, subject to the conditions detailed below.

### **Appeal B:**

#### **Appeal Reference: APP/K0235/A/11/2149434**

115. In exercise of the powers transferred to me I allow the appeal and grant planning permission for the construction of a wind farm development comprising six wind turbines up to 125m in height to blade tip and ancillary equipment and access tracks, in conjunction with planning applications to Milton Keynes Council for three turbines, anemometry mast and access tracks and the Borough Council of Wellingborough for three turbines substation, construction compound, access tracks, and site access as part of a single wind farm of 12 turbines for an operational period of 25 years on land west of New Road, Harrold in accordance with the terms of the application, (reference: 09/00137/MAF) dated December 28, 2008, subject to the conditions detailed below.

### **Appeal C:**

#### **Appeal Reference: APP/H2835/A/11/2149437**

116. In exercise of the powers transferred to me I allow the appeal and grant planning permission for the construction of a wind farm development comprising three wind turbines up to 125m in height to blade tip and ancillary equipment, access tracks, construction compound, and site access in conjunction with planning applications to Milton Keynes Council for three turbines, anemometry mast and access tracks and Bedford Borough Council for six turbines and access tracks as part of a single wind farm development of 12 turbines for an operational period of 25 years on land between Harrold Road and London Road, Bozeat in accordance with the terms of the application, (reference: WP/2008/0603/FEIA) dated December 28, 2008, subject to the conditions detailed below.

*T Cookson*

Inspector

## **Annex 1**

### **Conditions and Guidance Notes**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall not be carried out except in complete accordance with the following plans:
  - Application Drawing 1: Detailed Site Layout (January 2009)
  - Application Drawing 2: Development Components within each Local Planning Authority Area
  - Application Drawing 3: Indicative Substation Area Layout
  - Application Drawing 4: Illustration of Control Building Design (Indicative)
  - Application Drawing 5: Indicative Anemometry Mast Elevation
  - Application Drawing 6: Indicative Temporary Anemometer Mast (REN/NUW/0067/B)
  - Application Drawing 7: Typical Wind Turbine Transformer Enclosure
  - Application Drawing 8: Indicative Site Entrance
  - Application Drawing 9: Indicative Turbine
- 3) This permission shall be for a period of 25 years from the date that electricity from any wind turbine is first exported to the electricity grid (the first export date). Written confirmation of the first export date shall be provided to the local planning authority within one month of the first export date.
- 4) No later than 3 months prior to the permanent cessation of electricity generation at the site, a scheme for the removal from the site of the turbines and all associated works shall be submitted in writing to the local planning authority. Restoration shall be completed in accordance with the approved scheme within 12 months of the restoration scheme being approved in writing by the local planning authority.
- 5) In the event that any turbine hereby permitted fails to produce electricity for supply to the electricity grid for a continuous period of 6 months, then:
  - i) The operator of the development shall notify the local planning authority in writing within one month of the end of that 6 month period;
  - ii) The wind turbine and its associated ancillary equipment shall be removed from the site within 9 months from the end of that 6 month period;
  - iii) If any wind turbine is removed in accordance with (ii) above, the land associated with each removed turbine shall be restored in accordance with a scheme to be submitted to the local planning authority within 2 months of the end of the 6 month period. Such scheme shall be approved in writing by the local planning authority and shall include details of the management and timing of the works and a traffic management plan. The restoration shall take place entirely in accordance with the approved scheme.

- 6) The maximum height to the tip of any turbine blade shall be 125 metres above the adjacent ground level, and all blades shall rotate in the same direction.
- 7) The turbines and tracks shall be sited within 25 metres of the positions shown on Application Drawing 1: Detailed Site Layout (January 2009) but in being so sited shall not be within 200m of a bridleway or public right of way. No development shall take place until details of the siting of each turbine and track has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of the design and external appearance, type and specification of the turbines have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) The wind turbines shall not display any sign, symbol or logo on any external surface, and no turbine shall be illuminated, unless required in connection with aviation safety.
- 10) No development shall take place until final details of all buildings on the site, including layout, elevations, materials, surface finishes and boundary treatment, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall take place until final details of the anemometry mast have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) No development shall take place, including any works of demolition, until a construction method and environmental management statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement, inter alia, shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) the access to the site for construction traffic
  - iii) loading and unloading of plant and materials
  - iv) storage of plant and materials used in constructing the development
  - v) the erection and maintenance of security hoarding
  - vi) wheel-washing facilities
  - vii) measures to control the emission of dust and dirt during construction
  - viii) a scheme for recycling/disposing of waste resulting from construction works.
- 13) No construction activities shall be carried out and no deliveries shall be taken at or despatched from the site outside the following times 07:00 and 19:00 hours Monday to Fridays, 07:00 and 13:00 Saturdays, nor at any time on Sundays, Bank or Public Holidays.

- 14) Development shall not begin until details of accesses to the site have been submitted to and approved in writing by the local planning authority. The development shall not become operational until the accesses have been constructed in accordance with the approved details.
- 15) No development shall take place until a traffic management plan has been submitted to and approved in writing by the local planning authority. The traffic management plan shall include details of construction vehicle routing, management of junctions to and crossings of the public highway and other public rights of way, schedule of timing of movements, details of escorts for abnormal loads, temporary warning signing, banksman/escort details, and the restoration of roadside verges. All works shall be carried out in accordance with the approved traffic management plan.
- 16) There shall be no direct vehicular access from or to A428 Northampton Road.
- 17) All electrical cabling within the site shall be installed underground. Development shall not begin until details of the routes of the cables have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 18) No development shall take place until a scheme for mitigation covering (a) protected species on the site, and (b) the flora and fauna on the site, shall be submitted to and approved in writing by the local planning authority. The mitigation measures shall be implemented in accordance with the approved scheme.
- 19) No development shall take place until a scheme for the mitigation of shadow flicker has been submitted to and approved in writing by the local planning authority. The scheme shall provide for measures in the event of any complaint from (a) an owner or occupier of a dwelling existing at the date of this planning permission, and (b) an owner or occupier of a dwelling subsequently erected through a planning permission existing at the date of this permission. The mitigation measures shall be implemented in accordance with the approved scheme.
- 20) No development shall take place until a scheme to secure the investigation and mitigation of any electro-magnetic interference to terrestrial television reception caused by the operation of the turbines has been submitted to and approved in writing by the local planning authority. The mitigation measures shall be implemented in accordance with the approved scheme.
- 21) No development shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented as approved.
- 22) Within 28 days of the commissioning of the final turbine, the developer and/or operator of the wind farm hereby approved shall provide written confirmation to the local planning authority, the Ministry of Defence and

the Civil Aviation Authority of the date of completion of construction, the height above ground level of the highest potential obstacle; and the position in latitude and longitude of every turbine.

- 23) No development shall take place until a scheme of aviation obstruction lighting has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 24) Prior to the first export date a scheme shall be submitted to and approved in writing by the local planning authority that sets out any constraints on turbine operation to reduce noise immission levels below the decibel limits in condition 25, and shall include a protocol for a review of any such constraints after the first year of operation of the wind farm. The scheme shall be implemented as approved.
- 25) The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in the tables attached to these conditions and:
  - a) Prior to the first export date the wind farm operator shall submit to the local planning authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition.
  - b) Within 21 days from receipt of a written request from the local planning authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the local planning authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the local planning authority shall set out at least the dates, times, location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the local planning authority, the noise giving rise to the complaint contains or is likely to contain a tonal component. The wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph g) to the local planning authority in the format set out in Guidance Note 1(e).
  - c) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the local planning authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the local planning authority shall include a written justification of the choice of the representative background noise environment provided by

the independent consultant. The representative background noise environment and proposed noise limits shall be submitted for approval in writing by the local planning authority. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the local planning authority for the complainant's dwelling.

- d) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the local planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the local planning authority pursuant to paragraph c) of this condition shall be undertaken at the measurement location approved in writing by the local planning authority. Prior to the submission of the independent consultant's assessment of the rating level of noise immissions in accordance with paragraph e), the wind farm operator shall submit to the local planning authority for written approval a proposed assessment protocol setting out the following:
- i. the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions; and
  - ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the local planning authority under paragraph b). The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the local planning authority.

- e) The wind farm operator shall provide to the local planning authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the local planning authority made under paragraph b). The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the local planning authority with the independent consultant's assessment of the rating level of noise immissions.

- f) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant’s assessment pursuant to paragraph e) above.
- g) The wind farm operator shall continuously log power production and nacelle orientation and wind speed at each wind turbine and rainfall, wind speed and wind direction at the permanent meteorological mast all in accordance with Guidance Note 1(d). This data shall be retained for a period of not less than 12 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the local planning authority on its request, within 14 days of receipt in writing of such a request.
- h) For the purposes of this condition, a “dwelling” is a building within Use Class C3 and C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

**Table 1: Between 07:00 and 23:00 hours (Noise Level in dB LA90, 10-min)**

Location (easting, northing grid co-ordinates)	Standardised Wind Speed at 10 m height (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
Bozeat Grange 490335, 256548	45.9	45.9	45.9	45.9	46.3	47.4	48.9	50.9	50.9	50.9	50.9	50.9
Dungee Farm 493756,258758	40	40	40	40	40	40	40	42.4	42.4	42.4	42.4	42.4
Harrold Lodge Farm 493089,255309	40	40	40	40	40	40	40	42.7	42.7	42.7	42.7	42.7
Lower Farm 491200,254433	40	40	40	40	40.6	41.9	43.8	46.5	46.5	46.5	46.5	46.5
Manor Farm 493230,256989	40	40	40	40	40	40	40.3	44.8	44.8	44.8	44.8	44.8
Park Farm 491952,254834	40	40	40	40	40.6	41.9	43.8	46.5	46.5	46.5	46.5	46.5
Middle Farm 492676, 256141	40	40	40	40	40	40	40.3	44.8	44.8	44.8	44.8	44.8
Bozeat Grange Houses 490171,256,582	45.9	45.9	45.9	45.9	46.3	47.4	48.9	50.9	50.9	50.9	50.9	50.9
Bozeat nearest properties 490901,258725	40.4	40.4	40.4	40.4	40.6	41.3	42.6	44.3	44.3	44.3	44.3	44.3
Harrold Park Farm 492495,258617	40	40	40	40	40	40	40.8	44.8	44.8	44.8	44.8	44.8
The Willows 489525,255287	46.2	46.2	46.2	46.2	46.5	47.5	49.1	51.2	51.2	51.2	51.2	51.2
Northey Farm 490222,256022	42.1	42.1	42.1	42.1	43.2	45.3	47.9	50.8	50.8	50.8	50.8	50.8



White House Farm 490742,258131	40.4	40.4	40.4	40.4	40.6	41.3	42.6	44.3	44.3	44.3	44.3	44.3
-----------------------------------	------	------	------	------	------	------	------	------	------	------	------	------

**Table 2: Between 23:00 and 07:00 hours (Noise Level in dB L<sub>A90</sub>, 10-min)**

Location (easting, northing grid co-ordinates)	Standardised Wind Speed at 10 m height (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
Bozeat Grange 490335, 256548	45	45	45	45	45	45	45	45	45	45	45	45
Dungee Farm 493756,258758	43	43	43	43	43	43	43	43	43	43	43	43
Harrold Lodge Farm 493089,255309	43	43	43	43	43	43	43	43	43	43	43	43
Lower Farm 491200,254433	43	43	43	43	43	43	43	43	43	43	43	43
Manor Farm 493230,256989	43	43	43	43	43	43	43	43	43	43	43	43
Park Farm 491952,254834	43	43	43	43	43	43	43	43	43	43	43	43
Middle Farm 492676, 256141	43	43	43	43	43	43	43	43	43	43	43	43
Bozeat Grange Houses 490171,256,582	43	43	43	43	43	43	43	43	43	43	43	43
Bozeat nearest properties 490901,258725	43	43	43	43	43	43	43	43	43	43	43	43
Harrold Park Farm 492495,258617	43	43	43	43	43	43	43	43	43	43	43	43
The Willows 489525,255287	43	43	43	43	43	43	43	43	43	43	43	43
Northey Farm 490222,256022	43	43	43	43	43	43	43	43	43	43	43	43
White House Farm 490742,258131	43	43	43	43	43	43	43	43	43	43	43	43

Note: The geographical co-ordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies

### Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind

Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

**Note 1**

- (a) Values of the  $L_{A90,10\text{-minute}}$  noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the local planning authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the local planning authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The  $L_{A90,10\text{-minute}}$  measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and with operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log rainfall data and wind speed at hub height in metres per second in each successive 10-minute periods at the permanent meteorological mast erected in accordance with the planning permission on the site. The mean wind speed data as measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.
- (e) Data provided to the local planning authority in accordance with paragraphs (b), (e), (f), and (g) of the noise condition shall be provided in comma separated values in electronic format.

- (f) A data logging tipping bucket rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10 minute periods synchronised with the period of data recorded in accordance with Note 1(d).

## **Note 2**

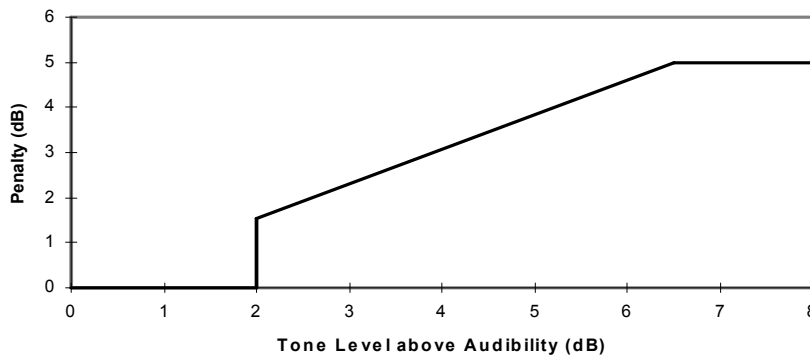
- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- (b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the local planning authority under paragraph d) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f). These specified conditions shall include the range of wind speeds, wind directions, times of day and meteorological conditions and power generation. In specifying such conditions the local planning authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) Values of the  $LA_{90,10\text{-minute}}$  noise measurements and corresponding values of the 10-minute wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

## **Note 3**

- (a) Where, in accordance with the assessment protocol approved by the local planning authority under paragraph d) of the noise conditions, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which  $LA_{90,10\text{-minute}}$  data has been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data is available ("the standard procedure"). Where uncorrupted data is not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility

criterion or no tone was identified, a value of zero audibility shall be substituted.

- (e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within  $\pm 0.5\text{m/s}$  of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



**Note 4**

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved protocol under paragraph (d) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph c) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise ( $L_3$ ) at each integer wind speed within the range requested by the local planning authority in its written request under paragraph (b) of the noise condition.
- ii. The wind farm noise ( $L_1$ ) at this speed shall then be calculated as follows where  $L_2$  is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise  $L_1$  at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the local planning authority for a complainant's dwelling in accordance with paragraph c) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the local planning authority for a complainant's dwelling in accordance with paragraph c) of the noise condition then the development fails to comply with the conditions

## **Annex 2**

### **Appearances**

#### **For the Appellant:**

Mr. David Hardy, of Counsel                      Partner, Eversheds, Leeds LLP

He called:

Mr. K. Halliday                                      Stephenson Halliday

BSc(Hons) MPhil MLI

Dr. J. Edis BA(Hons) MA                      Heritage Collective LLP

PhD MIFA MIHBC

Mr. D. Stewart                                      David Stewart Associates

MA(Cantab) DipTP

MRTPI

#### **For the Local Planning Authorities:**

Mr. Tom Cosgrove, of Counsel                      instructed by:  
Mr. M. Gough, Assistant Chief Executive  
(Governance) Bedford Borough Council,  
Mr P. McCort, Assistant Director of Law  
Governance, Milton Keynes District Council,  
Ms. S Lyons, Head of Legal and Democratic  
Services, Wellingborough and Kettering Borough  
Councils

He called:

Mr. N. Evers DipLA                                      Cooper Partnership  
(Glos)

Mr. A. Harrison                                      Milton Keynes DC  
BA(Hons) DipTP

Miss A. Morgan DipUP                                      Wellingborough BC  
MSc ABEng MRTPI

Mr P Bull DipTP MRTPI                                      Bedford BC

#### **For Harrold Parish Council:**

Mr. R Barrett                                      Parish Councillor

#### **For the Rule 6 Party (BLOT):**

Mr. B. Skittrall, who also gave evidence                      instructed by Mrs. E. Warhurst, Head of Legal  
and Democratic Services, North-West  
Leicestershire District Council

He called:

Mr. P. Scott    CPRE

Miss A. Kennedy                                      British Horse Society

Mr. R. Gregory

Miss K. Gregory

Mr. T. Allebone

**Interested Persons:**

Mrs. A. Foster  
Mr. T. Brooks-Payne  
Mrs. K. Mordue  
Miss S. Mitchell  
Mr. R. Hipkin  
Dr. W. Green  
Mrs. H. Lewis  
Mr. J. Tusting  
Mr. J. Berry

**Annex 3**

**Documents**

- 1 Letters of notification of the Inquiry
- 2 Submissions of Dr Edis
- 3 Submissions of Mr Halliday
- 4 Submissions of Dr Holloway
- 5 Submissions of Dr McKenzie
- 6 Submissions of Mr Spaven
- 7 Submissions of Mr Stewart
- 8 Submissions of Mr Bull
- 9 Submissions of Mr Evers
- 10 Submissions of Mr Harrison
- 11 Submissions of Miss Morgan
- 12 Submissions of BLOT
- 13 Submissions of Dr Green
- 14 Submissions of Mrs Mordue
- 15 Submissions of Miss Foster
- 16 Submissions of Mr Brooks-Payne
- 17 Submissions of Mr Barratt
- 18 Note on national and regional and renewable energy statistics
- 19 Aerial photographs of the appeal site
- 20 Managing the Impact of Wind Turbines on Aviation
- 21 Schedule of accidents relating to wind farms
- 22 Statement of Common Ground
- 23 Suggested conditions
- 24 List of Core Documents