

OBJECTION STATEMENT

Haversham Wind Farm

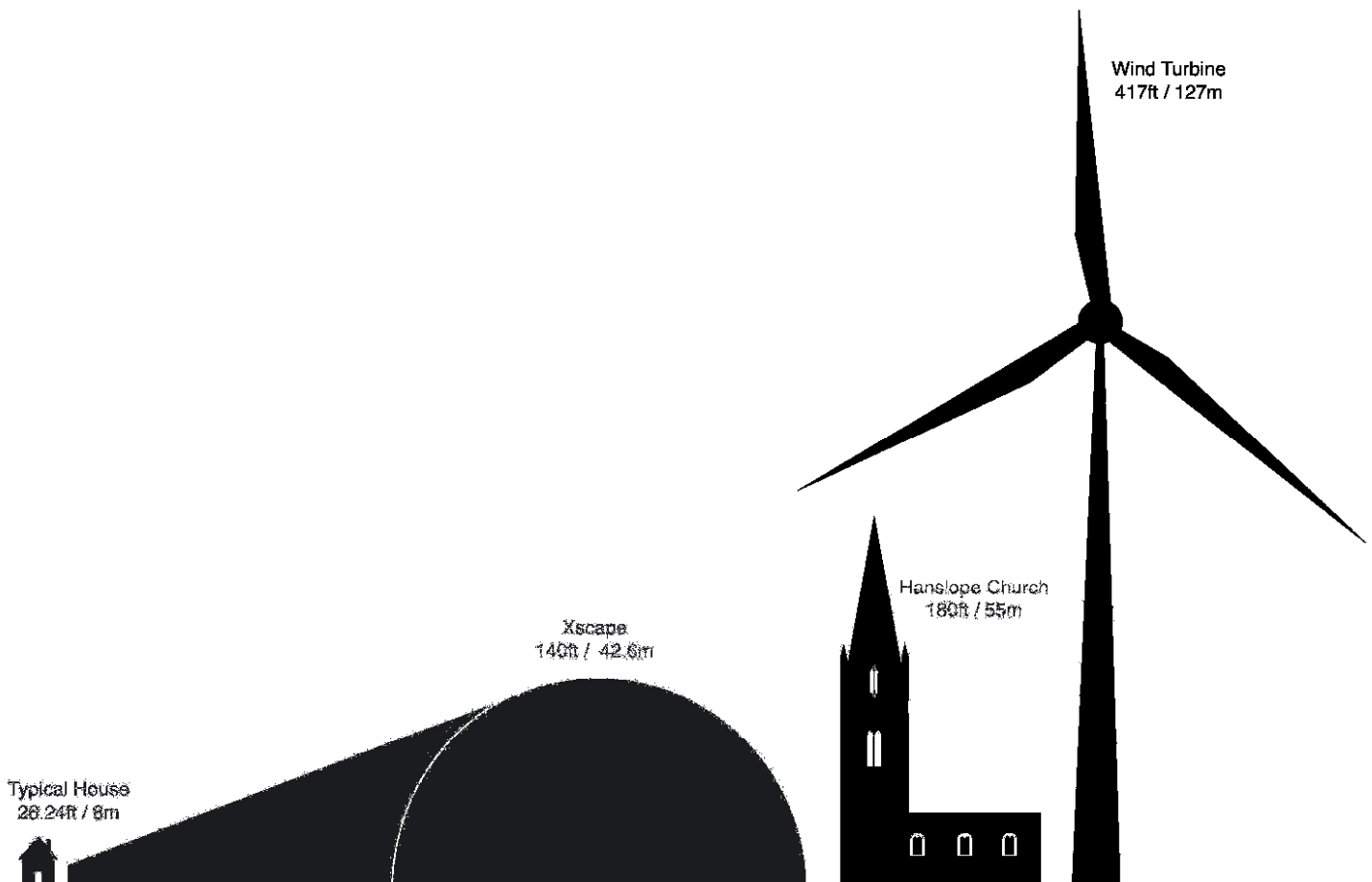
Planning Reference 11/02028/FULEIS

Submission to Milton Keynes Planning Dept

prepared by

Stop Haversham Wind Farm Action Group

September 2012



Graphic may not be to exact scale

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1. Introduction and Background

This Objection Statement details **Stop Haversham Wind Farm Action Group's** (SHWFAG) objections to the proposal from RWE Npower Renewables to site five turbines, each 127m high, at Hill Farm, Haversham. The statement has been prepared by SHWFAG committee members and their professional advisors.

This Objection Statement follows on from a letter to Milton Keynes Planning Department dated 28 June 2012 from James Croucher of DLP Planning Limited (*herein after referred to as the "letter dated 28 June"*) which sets-out the topic areas that have formed the basis of SHWFAG's objections to the scheme and this Statement provides fuller substantiation to the group's objections.

As noted in the letter dated 28 June, the aim of the Group is to campaign to secure the cancellation of the proposed Haversham (Orchard Way) Wind Farm development. SHWFAG is a properly constituted local community group which fulfils the requirements to be granted Rule 6 status under the various Inquiries Procedures Rules and would intend to seek such status in the event of this matter being considered at public inquiry.

SHWFAG does not object to the principles or concept of sustainable energy generation and it is not the Group's intent to seek, through the consideration of this proposal, to question the Government's policies (or indeed its international obligations). However, having given careful consideration to a range of site-specific constraints, we are of the strong opinion that this technology is fundamentally unacceptable in this location.

Whilst this SHWFAG objection is based on evidence and assessment of planning law and policy, Milton Keynes Council should not underestimate the passion felt by the local community over this matter. The proposed development has caused a great deal of concern and distress to many local residents who have, and will continue, to campaign tirelessly against this application.

Mindful of the prevailing planning policy advice, we accept that renewable energy generation of some type might be appropriate in this location (for instance, biomass cropping or solar generation). However, in light of the following primary concerns, we do not and cannot accept that a wind farm development is appropriate in this location.

A great deal of research has been undertaken to ensure that, to the best of SHWFAG's ability, the technical content of this Objection Statement is accurate and is supported by verifiable data. Inaccuracy in any one item within this Statement is unintentional and shall not therefore render the entire Statement invalid.

SHWFAG reserves the right to submit further information including, but not limited to, additional objection points or evidence.

2. Executive Summary

This Objection Statement presents in detail the objections from the **Stop Haversham Wind Farm Action Group** (SHWFAG) in regard to the proposal from RWE Npower Renewables to site five 127m high turbines at Hill Farm, Haversham.

SHWFAG and our independent consultants have reviewed the application and the supporting Environmental Statement (ES), the Supplementary Environmental Information (SEI) and the ES Audit (carried out by Ecosulis on behalf of Milton Keynes Council) in the development of this Objection Statement.

Specifically within this Objection Statement, we have included reports from each of our consultants:

- Landscape and Visual Impact – Aspect Landscape
- Visualisations – Architech
- Heritage Environment – archaeological
- Ecology and Ornithology – Aspect Ecology
- Planning Balance – DLP Planning

We have also provided in Appendix 1, realistic visualisations commissioned by SHWFAG from wind farm visualisation experts Architech to demonstrate the limitations of the visualisations submitted by the applicant.

Additionally, we have provided our own researched analysis and conclusions on several other aspects of the application to highlight deficiencies in the application or to detail further reasons why the significant impact of the proposal outweighs any public benefit that may arise from the generation of renewable energy using wind turbines at this location.

Despite a Regulation 22 Request from Milton Keynes Council, we assert that the application is still deficient in a number of key areas and for that reason alone, the application should be rejected. However in assessing the information that has been provided, there are a significant number of further reasons why this application should be refused.

Key Objection Points

Landscape and visual impact including visualisations – the information provided by the applicant is inadequate and misleading in respect of the landscape and visual impact, both of the standalone scheme and also the cumulative impacts with existing or proposed wind farms. The visualisations provided in Appendix 1 demonstrate that **the true impact will be substantial and unacceptable.**

Historic environment – a number of significant heritage assets are close to the proposed site and **would be adversely impacted** by the development. The setting of these assets has not been taken properly into account. Furthermore the substantial volume of archaeological finds recorded in and around the development site

indicates the likelihood that it is the site of a significant Roman settlement. The site has not previously been fully assessed professionally and the limited surveys and research undertaken by the applicant **would not ensure irrevocable damage would be avoided.**

Ecology and ornithology – the site has a substantial and varied ecology which will be adversely impacted by the proposed development. **The applicant has failed to properly and adequately survey the site** according to Natural England Guidelines. These inadequacies mean **the LPA cannot meet its statutory duties** under the Habitats Regulations in respect of Great Crested Newts and Dormice. Furthermore, given the presence of raptors such as Red Kite, the applicant should have conducted 100% more vantage point survey hours. Finally, Turbine 1 should be relocated further away from Little Linford Wood to protect the rare Noctule bats that roost in the wood and fly at height.

Impact on living conditions – the **residential “surveys” included in the application are inaccurate** – unsurprising given that no actual physical property surveys were undertaken, and despite the unique nature of the properties affected. Thus the conclusion in the ES that, *“effects on their residential amenity are not such that the turbines could be considered overbearing and/or oppressive”* are not substantiated and indeed SHWFAG assert that they are incorrect.

Noise and vibration – in terms of the noise impact on residential dwellings, we believe the overall **noise and vibration assessment to be inadequate** and incomplete, and it should be noted that simple compliance with ETSU-R-97 noise limits does **not** imply that there will be no adverse effects on residents from turbine noise. Indeed the operational **Milton Keynes Wind Farm at Petsoe is already the subject of noise complaints** that the Council is aware of.

Supplementary Planning Document (SPD) – the SPD adopted by Milton Keynes Council in July 2012, and designed to protect residents from negative impacts of proximity to Wind Turbines, **does not permit any turbine of the proposed height closer than 1,234m to any dwelling.** The nearest non-involved dwelling in this proposed development is just 650m away. Indeed, whether or not the Council were to apply the criteria contained in the SPD, the separation distances proposed by the application are wholly inadequate and the application ought to be rejected.

Shadow flicker and associated impacts – the ES and SEI are again **inadequate in this respect.** Additional information was sought under Regulation 22, but not provided. **No assessment of reflective flicker or shadowing and glinting** (the phenomenon that impacts features other than buildings, including road users, bridleway users and ecology) has been undertaken.

Social and economic impacts (leisure amenity) – the proximity of turbines to several PRoWs is **significantly less than the minimum separation of 508m required by the SPD** adopted by MKC in July 2012 and recommended by the British Horse Society for a national route (several of which criss-cross the site). Indeed one turbine is stated

as being just 130m from the nearest bridleway – less than the “fall-over distance” of height plus 10%.

Social and economic impacts (local businesses) – the development would bring no sustainable business to the area, but is **likely to negatively impact the many local businesses** dependent on the rural and heritage character of the area.

Social and economic impacts (property value and Council tax receipts) – the Valuation Office Agency has accepted that **having wind turbines near to homes can sharply decrease their value** having moved properties affected into lower Council Tax bands. This is relevant in two ways.

- Firstly, the adverse effect upon property values engages and violates Article 1 of the First Protocol of the European Convention on Human Rights (namely the right to property) which was, in effect, incorporated into United Kingdom law by the Human Rights Act 1998.
- Secondly, the prospect of lower Council tax receipts is a statutory material consideration by reason of section 70(2)(b) of the Town and Country Planning Act 1990 (as amended by section 143 of the Localism Act 2011).

These **three** factors combine to deliver a **social and economic dis-benefit** to local businesses, the residents of affected properties and those who use the area for leisure, the Council (corporately) and the local economy of Milton Keynes as a whole.

Traffic and transport – the impacts on local traffic and transport have not been fully assessed in the ES and SEI and significantly underestimate the **negative impacts and danger** to pedestrians, horse-riders and drivers both during and after construction.

Hydrology and Hydrogeology – the impacts on the local hydrology have not been properly assessed and the ES and SEI **underestimate the increased risks of flooding and other negative impacts**, including those on private water sources.

Telecommunications – the applicant **has not addressed the objection from the JRC** in respect of Turbine 3, and should they agree to re-site the turbine to mitigate that objection, then substantial elements of the ES/SEI would become inaccurate.

Television reception – the applicant has assessed the impact on television reception using only the BBC online assessment tool. Both the BBC and OFCOM state that a developer should undertake detailed analysis and on-site surveys if the BBC tool identifies the possibility of reception problems. The ES states **859 homes could lose television reception**. As well as representing a further indication of the lack of concern on the part of the developer for adverse impacts of its proposed development on local residents, this is also at variance with the BBC/OFCOM guidance.

Grid connection assessment – there is a lack of clarity on the method of connection from site to the Grid, although it is recognised this is the subject of a separate consent. In some circumstances this may potentially not be material. However,

SHWFAG believe that in this case assessment of the two possible options (under or over ground) should be included in the ES. Among other things, **the impact of the 0.6km of underground connections** within the site has not been fully assessed given that the proposed development site is a known Roman site which has not even been subjected to a full geophysical survey by the applicant.

Financial sustainability – the quoted benefits of the proposed scheme are questionable given that the applicant has chosen not to submit any raw meteorological or wind speed data in support of the application, meaning the **electricity generation and the CO2 reduction claims cannot be independently verified.**

Long term ownership – we are concerned about the **long term ownership risks** associated with the development, given that the MK Wind Farm is now owned by Mistral Windfarms Management – a company with a limited net worth. Specifically there are no adequate proposals to properly secure any process for decommissioning plans after 25 years – further compounded by the fact that **Npower is currently up for sale.**

Maintenance impacts – the ES has **underestimated the maintenance impacts** – especially related to gear box changes, which will have an unacceptable impact of local residents and road users when they occur

Planning Balance – when assessing a development such as this, the LPA must consider whether the substantial harm is “necessary” in order to deliver “substantial” public benefits that outweigh the harm. **A number of specific impacts have been identified;** on the landscape, the historic environment, ecology and habitats, the living conditions of nearby residents and a range of other concerns.

There is demonstrable and rational evidence that the impact of the proposed development would be substantial and incapable of adequate mitigation. There is no “necessity” to site wind turbines on **this particular site**, nor is this the only renewable energy option for this location. On this basis, **SHWFAG do not accept that the substantial harm is “necessary”,** and strongly argue that the **balance weighs AGAINST the proposed scheme.**

Conclusion

Having given careful consideration to a wide range of site-specific constraints, we are of the strong opinion that the proposed development would introduce technology that is **fundamentally unacceptable in this location.**

Whilst we do accept that renewable energy generation of some type might be appropriate (for instance, biomass cropping or solar generation), we do not and cannot accept that a wind farm is appropriate in this location in light of the concerns we outline in more detail below.

Whilst our Objection Statement is based on expert opinion, evidence and careful research of planning policy and law, **Milton Keynes Council should not**

underestimate the passion felt by the local community over this matter. This is perhaps most clearly demonstrated by the Haversham-cum-Little Linford Parish Poll which resulted in **75.9% voting against the proposed development.**

The **inadequacy of local consultation** undertaken by the applicant, as highlighted in the letter of 28 June 2012, is highly inappropriate given the scale of the proposed development. RWE's plans have caused a great deal of concern and distress to many local residents who have and will continue to campaign tirelessly against this application.

Based on the substantial and long lasting harm that this development would bring, which, as has been demonstrated in this Objection Statement, does not outweigh the public benefit, coupled with the deficiencies in the ES and SEI (meaning that the Council does not have all the necessary environmental assessment information and is therefore prohibited from granting permission according to Regulation 3 of the Environmental Impact Assessment Regulations 1999) we urge the Local Planning Authority to REJECT this application.

3. Primary Objection Points

Completeness of Environmental Statement

The planning system must play a role in supporting the delivery of renewable energy schemes. Milton Keynes Council (MKC) approved the Milton Keynes Wind Farm at Petsoe in 2008 which makes a valuable contribution to the government's objectives as set out in the relevant energy statements. It is also recognised that some communities will bear more of the responsibility than others in contributing to renewable energy generation. The Local Planning Authority must ensure the impacts of development are assessed appropriately, and that the local community's concerns have been considered.

Despite the pressure put on councils to approve developments such as wind farms, the Local Planning Authority must be confident that it has all the information necessary to make an informed, balanced judgement. Only then can a decision be made. SHWFAG considers that there are deficiencies within the planning submission, in particular the Environment Impact Assessment.

The applicant has failed to properly comply with the LPA's request under Regulation 22 of the 2011 Regulations. SHWFAG contends that the applicant's justification for not providing this information is unsatisfactory. These defects and the issues identified below, whether or not fatal individually, prove that the Environmental Statement cannot be regarded as adequate or reliable, and accordingly fails to meet the relevant regulatory requirements.

We also note the methodological review of the ES undertaken by Ecosulis and presented within Section 3 of their ES Audit. The conclusions drawn and presented in paragraphs 3.44 through 3.49, highlight the inadequacies and are summarised in paragraph 3.50 by the statement *"It is borderline whether the ES meets the minimum requirements of the Directives and 2011 Regulations but exclusion of aspects regarded as material considerations tips the balance in favour of the ES not being sufficient"*.

Clearly this conclusion remains valid given the limited additional information provided in the Supplementary Environmental Information.

We have also noted inconsistencies in turbine numbering and grid references between information given to consultees and the information in the ES and SEI. These inconsistencies make it impossible to independently verify the accuracy of much of the survey information provided and the conclusions made in the ES and SEI. Given the scale of the development, its likely impacts and the burden placed on the local community in order to robustly review the application, SHWFAG regard these inconsistencies as completely unacceptable.

SHWFAG has commissioned independent consultants to review the applicant's Environmental Statement (ES), the Supplementary Environmental Information (SEI) and the ES Audit (carried out by Ecosulis on behalf of Milton Keynes Council).

Reports from each of our consultants have been summarised in the relevant sections of this Statement, the full report has been included along with a practice and experience summary, and cover the following aspects:

- Landscape and Visual Impact – Aspect Landscape
- Visualisations – Architech
- Heritage Environment – archaeologica
- Ecology and Ornithology – Aspect Ecology
- Planning Balance – DLP Planning

In addition to our Consultant's assessment of the ES, SEI and ES Audit, members of SHWFAG, utilising their own local knowledge and further research, have assessed the information provided by the applicant, and their findings are included within this Objection Statement

For the reasons clearly set out in our Objection Statement, it is SHWFAG's considered view that the Environmental Statement does not fulfil the requirements set out in the relevant Regulations.

In summary, there are a number of points that remain deficient from the applicant's submission which are fundamental to the proper assessment of the environmental impacts of the proposal. These are detailed below.

Accordingly, it is SHWFAG's considered view that the Local Planning Authority is not in a position, even if so minded, to favourably consider the application as it does not fulfil the requirements set out in the relevant Regulations.

Landscape and visual impact

SHWFAG have engaged **Aspect Landscape** to consider the Landscape and Visual impact of the proposed development by review of the ES, the SEI and the ES audit as carried out by Ecosulis. As highlighted in the letter of 28 June, a number of points remain deficient from the applicant's submission, which are fundamental to the case against planning permission. In summary, these are as follows:

- Insufficient detail to determine positive and negative landscape effects;
- Inadequate assessment of effects on landscape character;
- Larger wind farms considered in the cumulative assessment will result in significant landscape effects;
- Insufficient detail on positive and negative visual effects, and direct impacts;
- ES conclusions on residential visual amenity impacts should be challenged; and
- Additional viewpoints need to be considered.

The detailed landscape and visual impact objections are further set-out in the report from Aspect Landscape below.

Given the concerns highlighted in this report and summarised above, we invite the Local Planning Authority to refuse planning permission on grounds of the scheme's substantial adverse landscape impacts.

The report, **prepared by Kevin Charsley (Aspect Landscape)** is included below, along with a summary practice profile and experience

Practice Profile and Experience

Mr Kevin Charsley, holds a BA Honours Degree and Post Graduate Diploma in Landscape Architecture, and is a Chartered Member of the Landscape Institute (CMLI). He is Associate Director of Aspect Landscape Planning Ltd, a practice that provides landscape planning and design services to the private and public sectors.

Over the past 11 years, Mr Charsley has advised on landscape issues relating to commercial, employment, residential, industrial, minerals, landfill, food and non food retail and leisure schemes. Many of the sites he has advised clients on are in, or adjacent to, sensitive areas including Green Belt, Areas of Outstanding Natural Beauty, Historic Parks and Gardens, National Parks, Conservation Areas and Listed Buildings.

His experience through assessing the potential effects of a wide range of developments can be applied to the development of windfarms, of which Aspect Landscape Planning Ltd have been involved with a number which include Carsington in Derbyshire, Harrington in Northants, Cherwell Valley in Oxfordshire, Clare in Suffolk, Langford in Bedfordshire, and Watford Lodge in Northants. Four wind farm proposals were heard at Appeal, and the scope of development ranged from a single turbine at Cherwell Valley, to ten 110m turbines in Bedfordshire.

Aspect's past experience in relation to wind turbine proposals has been extensive, working for both developer and council. This experience gives Aspect an unbiased view on the matter of renewable energy which is important to be able to give impartial advice.

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18th JUNE 2012

5102: STOP HAVERSHAM WINDFARM

BRIEFING NOTE – CONSIDERATION OF LANDSCAPE & VISUAL IMPACT

LANDSCAPE & VISUAL IMPACT

Having reviewed the ES, the SEI and the ES Audit as carried out by Ecosulis, there are a number of points that remain deficient from the applicants submission which are fundamental to the case against planning permission for the wind farm at Haversham. In summary, these are as follows:

- Insufficient detail to determine positive and negative landscape effects.
- Inadequate assessment of effects on landscape character.
- Larger wind farms considered in the cumulative assessment will result in significant landscape effects.
- Insufficient detail on positive and negative visual effects, and direct impacts. ES conclusions on residential visual amenity impacts should be challenged.
- Additional viewpoints need to be considered.

I outline these more fully below:

1. Methodology for Assessing Landscape & Visual Effects

ES guidelines and those for Landscape & Visual Impact Assessment are clear in the assessment of the nature of effects, that judgements are made as to whether the proposals will have positive (beneficial) or negative (adverse) impacts. Despite the comments made in the applicants Regulation 22 response that this has been dealt with, there is a distinct lack of detailed description and judgement in the main text, and how the impact may change/remain following mitigation and by years 10/15. Clearly, a wind farm is likely to have the greatest visual and landscape effects of all renewable energy (PPS22), and therefore the assessment as to whether the

development is unacceptably prominent is one that a practitioner should make (as seen through the eyes of a property occupier without strong views against or in favour of wind turbines¹). This should put to one side public opinion (valency) as current best practice suggests through Inspectors decisions and by the Secretary of State. The applicant focuses too heavily on this, whilst avoiding their objective role. We would challenge the effectiveness of the ES to provide this test, which was also highlighted in the Ecosulis report at 4.12-4.14.

2. Significant Landscape Effects

The level of effect within the ES for the individual Landscape Character Areas (LCAs) that are directly affected by the wind farm has been challenged by the Ecosulis report, as to whether the presence of wind turbines are a significant landscape effect on the LCA as a whole. Clearly there is a more significant effect in those particular parts of the LCA's closest to the development. Therefore, the landscape character effects should be taken a step further to a site-specific level of character analysis, and a relative significance attached to it. This would provide a more realistic impact assessment, and one that could more fully inform the impact on the local visual environment. This is briefly covered at 4.9.20 – 4.9.22 of the main ES, but does not conclude strongly enough that the impact would be a considerable change to the character, one in ES terms that is significant and direct. The Ecosulis report covers this at 4.20-4.22.

3. Cumulative Landscape Effects

Whilst the effect of one wind farm may not have potential significant landscape effects, the cumulative effect of a number of wind farms seen within or adjacent to an LCA is likely to create significant effects. The Regulation 22 response now covers this in some detail, but we would challenge the conclusion that there would be no significant cumulative effects on landscape character with both Stoke Heights (15 proposed turbines) and Petsoe End (7 existing turbines) within 10km of the proposal. The increased cumulative impact is likely to be a result of both proposals being much larger in nature than the application site. The ES does not provide a sufficiently robust case as to the significance of the cumulative landscape effects.

4. Significant Visual Effects

The ES findings summarise the impact on visual receptors who view the proposed wind farm as having indirect impacts; defined in the applicant's methodology as those impacts that are often produced away from it or as a result of a complex pathway, despite the statement at 4.10.11 in the ES which clearly suggests that visual effects are generated almost exclusively by the presence of the turbines. This has to be a direct impact, one that is a result of a directly attributable impact (one where a development will primarily affect a

¹ Appeal Decision APP/P0240/A/11/2150950 Land North of Edworth Road, Langford

view or the character of an area, either beneficially or adversely). This is therefore incorrectly interpreted in the assessment.

Residential Visual Amenity

Visual amenity of residential properties should be assessed in the same way that all landscape and visual receptors are, through the sensitivity of the receptors, magnitude of effect, and the overall assessment of significance. The decision notices cited in the applicant's Regulation 22 response do require the objective test to be carried out as to the degree of harm over and above the assessment of visual effects. This has been summarised in Table 4.8 within the ES, but excludes numbers for the effect on views as a direct comparison, which have higher levels of effect. It is our opinion that the conclusion in the ES that the development would not have 'feelings of being surrounded or dominated' by the turbines, or not be made an 'unattractive place in which to reside' should be challenged, and that the wind turbines from the nearby residential properties (which have significant effects on views) would be dominant and overbearing, and would fail the test as to whether the properties would become less attractive places in which to live.

Viewpoints

Appendix 4H provides impacts on footpaths, cycle routes, elevated viewpoints, towns and settlements in the detailed study area and beyond, with reference to photographs and photomontages at Figure 4.12 onwards. The Ecosulis report picks up on the fact that parts of the visual assessment do not have a representative photograph in which to fully understand the conclusions made within the assessment. This applies to northern Milton Keynes residential areas mainly. Other viewpoints from key locations have been highlighted in the Ecosulis report, such as those from Weavers Lane and the bridge across Grand Union Canal which may need further assessment. We would also suggest that Redhouse Park to the east (towards Newport Pagnell and the M1) has views across the valley, and along the River Ouse in north New Bradwell. These views are not covered in the assessment, except for the effect on large sections of footpaths/trails which are extremely varied and have substantial levels of effect from certain viewpoints. We suggest that a detailed assessment should be provided specifically on the sensitivity of each viewpoint, the magnitude of effect, and the overall significance, rather than the full extent of PROWs, national trails, or Sustran routes which is somewhat ambiguous. A number of views should consider the context of new residential proposals which would affect a number of residents that may be considered to give rise to an effect on the community (see para 7.30 in GLVIA). Therefore, there are likely to be significant effects that have not been considered in the ES.

Kevin Charsley
Associate Director

Visualisations

Wind farm visualisation experts Architech were commissioned by SHWFAG to review all the visualisation material submitted by RWE in their ES and SEI documents and to prepare more representative and accurate visualisations from five key viewpoints.

Due to serious concerns about the inaccuracy of wind farm visualisations using the Scottish Natural Heritage (SNH) Guidance (2006), the Highlands Council introduced its own standards in 2010 in order to accommodate the need for more reliable visualisations for use by planners and the public.

The *Scottish Natural Heritage Visual Representation of Windfarms Good Practice Guidance (2006)* cited by the applicant is **an inadequate methodology which significantly under-represents the visual impact of wind farms**, even if correctly executed, which they have **not** been in this application.

An ES should provide both the LPA and the public with a clear understanding of the effects of any proposal before a decision is made. **The photomontages submitted by RWE fail in this respect.**

The photomontages prepared by Architech for SHWFAG and included in Appendix 1 of this Statement conform fully to *The Highland Council Visualisation Standards for Wind Energy Developments (2010)* which are specifically designed for visual impact assessment by the public, local planning authorities and their decision makers.

The visualisations in Appendix 1 are intended to further inform the local planning authority and to provide a basis for comparison of the two visualisation methodologies, including the Highlands Council recommendation that a focal length of 70-75mm **best represents the scale and distance** of what will be seen in reality from the viewpoints, as recently confirmed in a University of Stirling study (2012).

Detailed analysis by Architech demonstrates that the visualisations presented by the applicant do **not** meet the professional requirements of the cited SNH Guidance as claimed. Given the serious limitations of the SNH Guidance, this is of great concern. **The applicant's visualisations are deficient in a number of ways that are fundamental to the case against planning permission.** We summarise these points below, which are further elaborated in the report from Architech:

- They significantly underestimate the scale and proximity of the proposals due to the wide fields of view, inherent image distortion and camera framing;
- The viewing distances are incorrectly stated; and
- There is a complete lack of any clear viewing instructions.

A detailed assessment on the technical and photographic quality of all the relevant visual representations submitted in respect of the Orchard Way site and highlighting the deficiencies in the applicant's submission, is set-out below by **Alan Macdonald RIBA of Architech.**

Given the concerns highlighted in this report and summarised above, SHWFAG invite the LPA to refuse planning permission on grounds of substantial visual impact.

Practice Profile and Experience

Alan Macdonald is a chartered architect, principal and managing director of ARCHITECH, a company that specialises in computer generated visualisation for all forms of planning application. The company was established in Hong Kong nearly 20 years ago.

ARCHITECH were the first practice in the Far East to develop accurate photomontage specifically for planning applications which revolutionised the Hong Kong planning process. Since then, the company have produced photomontages for over 900 planning applications worldwide ranging from two of the tallest buildings in Hong Kong to small developments in sensitive rural locations. The company have particular expertise in the visualisation of tall structures.

Following relocation to Inverness in 2002, they have continued to work on a wide variety of visualisation projects including building developments, conceptual engineering designs and wind energy project visualisations for local authorities, developers and third party objector groups. Over the last fourteen years ARCHITECH have worked on over 40 wind energy projects across the UK and contributed visualisation representations to 14 Public Local Inquiries.

The company have been increasingly involved in detailed research into the visualisation of wind energy projects. In particular, their work has included post-construction photographic studies and the analysis and assessment of visual submissions. The verification and validity of photomontage visualisations submitted to the planning process as part of any public consultation process is an important focus of their research and underpins all aspects of their output. ARCHITECH carry out all their own photography to a high professional standard and work from first principles with a wide variety of professional software.

ARCHITECH have worked closely with The Highland and Perth & Kinross Councils over the last four years to test and research current visualisation practice in the wind energy sector. This shared research culminated in The Highland Council's *Visualisation Standards for Wind Energy Developments* which was published in January, 2010. They are also currently involved in the review process of the SNH *Visual Representation of Windfarms Good Practice Guidance*.

In April, 2011, the company was appointed as digital visualisation consultants to The Highland Council to advise on the future development of their Standards, undertake further research and to provide analysis, assessments and photomontage visualisations to meet the council's requirements.

STATEMENT ON THE VISUAL REPRESENTATION OF THE ORCHARD WAY WINDFARM PROPOSAL.

Prepared by Alan Macdonald RIBA of ARCHITECH.

Executive Summary

The visualisations submitted by RWE for the Orchard Way Windfarm proposal **under-represent the likely visual impact by a considerable degree** because of the panoramic format adopted, the lack of clear or correct viewing instructions and poor photographic weather conditions.

The visualisation of cumulative impacts with other proposed and constructed windfarms is incomplete and confusing.

In the SEI photomontages provided at the request of English Heritage for Gayhurst Court and Tyringham Hall, visual impact is considerably underplayed and turbines which will be visible through the defoliated trees have been omitted.

The visualisations produced by Architech for SHWFAG and presented in Appendix 1 adhere fully to The Highland Council Visualisation Standards, which were introduced in 2010 in order to ensure more reliable visualisations were prepared for planners and the public when considering wind farm applications.

The Scottish National Heritage Guidance cited by the applicant has attracted widespread complaints of misrepresentation and noticeable under-representation of the impact of wind turbines.

Irrespective of these serious limitations, the photomontages submitted by the applicant do not even conform to the cited SNH guidance in a number of important respects, nor do they allow for an informed or accurate assessment of the visual impact by decision makers, statutory consultees or the public, in clear violation of the EIA purpose.

Background

ARCHITECH were approached in October, 2011 by SHWFAG to undertake a review of the visual representations in the Npower Renewables (RWE) Environmental Statement for the Orchard Way Wind Farm proposal and the later Supplementary Environmental Information (SEI).

The applicant has visualised a total of 25 viewpoints within a range of 1.1 to 27.4km from the proposed site. 19 viewpoints are shown as photomontages and a further 6 viewpoints as photographs and wireframes only. All the images are presented as panoramic views with a 90° field of view in two formats; a triple format in A3 page format and an enlarged photomontage panorama on an extended fold-out A3 page.

Following a Regulation 22 request, two additional 360° cumulative photomontages were provided, and at the request of English Heritage, two additional views from each of the culturally sensitive sites at Gayhurst and Tyringham were included. These visualisations are contained in the SEI and are in the same presentation format as in the main ES.

Any ES and the included photomontages should allow planners, decision makers and the whole community to properly understand the impacts of the proposal before a decision is made which is implicit in the EIA Directive and the resulting UK legislative framework. The Landscape Institute Advice Note 01/11 states that photomontage should “be based on a replicable, transparent and structured process, so that the accuracy of representation can be verified, and trust established” and that they should “be easily understood and usable by members of the public and those with a non-technical background”.

The visualisations have therefore been assessed on the above criteria, their technical detail, how accurately they represent the proposals and their conformance to the Guidance cited.

It should be noted that ARCHITECH acknowledge that photography can never provide a perfect representation of the three-dimensional environment but we also recognise that it is the only readily accessible means of visual assessment for the public audience within the planning system. Within these obvious limitations and a recognised tendency to underestimate, photography can be used wisely to provide a realistic representation of the scale of any proposed development.

HIGHLAND COUNCIL VISUALISATION STANDARDS

The presentation of windfarm visualisation has become a contentious issue in recent years with the SNH *Visual Representation of Windfarms Good Practice Guidance* cited by the applicant attracting widespread complaints of misrepresentation and noticeable under-representation.

As a response to the inherent limitations of the SNH Guidance, the Highland Council published their *Visualisation Standards for Wind Energy Developments (2010)*. The Highland Council standards require applicants to submit A3 single frame images for visual impact assessment at 50mm and 70 or 75mm focal lengths (depending on distance).

The Highland Council Visualisation Standards have now been in successful operation for over two years and their requirements have recently been supported by a study carried out by the University of Stirling which found that a focal length of 75mm provides a fair representation of what the human visual system sees in terms of perceived vertical scale, and distance to a landscape focal point, regardless of distance.

The Highland Council Standards have been fully researched and take an enlightened and practical approach to providing suitable images for visual impact assessment by the wider audience, and have been therefore been adopted in the preparation of the visualisations in Appendix 1.

ANALYSIS OF VISUALISATIONS SUBMITTED BY RWE

Irrespective of the limitations of the SNH Guidelines to accurately represent the visual impact of wind turbines, the applicant has failed to meet the Guidelines in several respects, as detailed below.

Technical Aspects

The triple format images (photograph, wireframe and photomontage) shown on single A3 pages do not meet the minimum requirements of the cited SNH Guidance (2006) in terms of image height. The images have been formed by cylindrical projection which means that the 90° field of view is compressed into a field of view of 76° if viewed flat which seriously distorts the landscape. The viewing distance is stated as 25cm (250mm) which is below the 300mm minimum requirement of the SNH guidance. Given an image height of 86mm and a focal length 52.5mm (Appendix 4A page 10), the stated viewing distance of 250mm should be 188mm.

Printed image height (86mm) ÷ original image height (24mm) x focal length (52.5mm) = Viewing distance.

$$86 \div 24 \times 52.5 = 188\text{mm (to nearest round number)}$$

The larger format images on extended A3 pages have an image height of 172mm which meets the minimum but not the preferred standard. These 90° images are also formed by cylindrical projection with a similar level of compression to 76° if viewed flat. The size of the visualisations makes them inaccessible to the general public for use on site and they are not practical for use in the field which is the recommended viewing practice.

Either the stated viewing distances on the images or the focal length of 52.5mm given in Methodology (Appendix 4A page 10) are wrong. For the larger images, given an image height of 172mm and a focal length of 52.5mm, the correct viewing distance should be 376mm not 500mm as stated.

Printed image height (172mm) ÷ original image height (24mm) x focal length (52.5mm) = Viewing distance.

$$172 \div 24 \times 52.5 = 376\text{mm (to nearest round number)}$$

If the viewing distance of 500mm is correct, then the focal length is incorrectly stated. The accuracy of the images is therefore not capable of verification as required by the Landscape Institute Advice Note 01/11.

No focal length or date of photography is specified on the image pages, nor are any clear or correct viewing instructions provided with the images. The viewing distance methodology which is based on correct perspective is not explained which means that the majority of people will view the images from a greater distance. In practice, the viewing methodology recommended in the SNH Guidance requires that the images should only be viewed at a precise distance from the eye, held in a curve whose radius is the correct viewing distance (See Technical Appendix B, figure B14) and viewed with one eye applying the Principle of Leonardo's Window (See Technical Appendix A paragraph A3). The failure to make these important conditions clear means that the images cannot be correctly viewed which will inevitably result in considerable under-representation of what is proposed.

A 90° panorama can under-represent perceived distance and scale of the turbines by up to a factor of four if viewed incorrectly.

The use of a wide panoramic methodology to provide landscape context compresses the vertical scale and makes all the landscape features and the development look much more distant than they are in reality. All the visualisations therefore considerably under-represent what is proposed for three reasons;

- the wide 90° panoramic format adopted,
- the inherent distortion within the images particularly at the outer edges when viewed flat
- and the fact that the viewing distance methodology is not clearly explained and cannot be properly applied.

The visualisations submitted by RWE therefore do not conform to recommendations of the *Visual Assessment for Wind Farms: Best Practice (2002)*, the requirements of the SNH Guidance (2006) or The Landscape Institute Advice Note 01/11 which are all cited by the applicant.

Cumulative Representation

Cumulative impacts in conjunction with the Milton Keynes Windfarm and the Stoke Heights proposal have not been comprehensively addressed, particularly with respect to the key views from the northern edge of Milton Keynes.

The ES provides a number of panoramic wireframes. This form of representation does not provide a realistic impression of the effects, they are particularly inscrutable for the public, planners and committee members and do not properly inform the local authority on perceived scale of visual impacts. Two views have been photomontaged in the SEI (**PRoW South of Hanslope and Chicheley Hill** – Figures 4 to 7) which provide an improved representation, however, the viewpoints selected and the panoramic presentation format still considerably under-represent the scale of the effects shown.

Photography

Overall the standard of photography is low and for the majority of the views, it has been taken in hazy weather conditions with overcast or milky skies; photographic conditions not recommended in the SNH Guidance (paras.160-164). The result is that there is insufficient contrast and the turbines are underplayed.

The standard of photography and the weather conditions are also far from ideal in the printed images provided in the SEI for Gayhurst Court where the images look as if they were shot at dusk and the imagery is dull, unrepresentative and unprofessional. For imagery which was specifically requested by English Heritage and intended to show the impacts in conjunction with a major Grade 1 heritage asset, this standard is unacceptable.

A number of Viewpoints namely 5, 10, 11, 13, 14, 17 and 18 contain distracting foreground objects such as fences, buildings and roadways which diminish the scale of the more distant turbines. Foregrounds will always appear larger than distant objects because photographs contain linear perspective.

Access

Visual Impact Assessment of any development is as much a matter for the public as it is for professionals. Unlike other forms of development where plans can also be used as a means of assessment, in the case of a windfarm, the visualisations are the only means available to the public to enable informed judgement of the proposal. All visualisations are intended to be used and physically compared in the field from the

actual viewpoint as recommended in all guidance (ES/Appendix 4A page 11). This is only possible if the public have access to hard copies of the visualisations which are not readily available and very expensive to acquire. The image pages can be downloaded from CD-ROM or from the local authority planning portal to be viewed on screen, but the required viewing methodology cannot then be applied making accurate viewing impossible. The images cannot readily be printed at the required paper sizes (A3 or extended A3). Such difficulties in accessing the visualisations in the correct format in order to make physical on-site comparisons greatly inhibit the public consultation process.

Visualisations for Tyringham Hall and Gayhurst Court

Two viewpoints were requested by English Heritage from Tyringham Hall and gardens; SEI Viewpoint 1 from the first floor window of the SW Elevation and SEI Viewpoint 2 from the NW Garden Terrace which is presented as a 180° view to contain both the Orchard Way and Stoke Heights proposals. **The overall impression of visibility is significantly under-represented because of the distancing wide-angle methodology.**

Access to the metadata and single frame images which were requested by the owner of Tyringham Hall and a thorough exploration of the property allowed us to undertake a graphic analysis of the likely visibility of the Orchard Way Windfarm. This confirmed that although the imagery was photographed with a 50mm lens, the images have subsequently been cropped which invalidates the focal length. It is particularly noteworthy that turbines have been omitted in both photomontages, but the omission is particularly marked in SEI Viewpoint 2. We conclude that the visual impact from both viewpoints has been considerably underplayed and little account taken of the fact that the rotation of the blades will attract the eye and increase visibility even when partially obscured by trees. The same omissions apply to the portion of SEI Viewpoint 2 which includes the Stoke Heights application. As a consequence, the cumulative impact of the two developments on Tyringham Hall and gardens cannot be properly assessed.

With respect to Gayhurst Court, its park and gardens, two viewpoints were also requested. SEI Viewpoint 3, the driveway approach, fails to inform because the quality of photography in the printed images is unacceptable and is so dark that any possible visibility remains unknown. SEI Viewpoint 4 from the PRow to the NE of the Court is again very dark but does show the full extent of a blade of T5 between the Church and the main building. This indicates there may be other turbines visible from different points along the PRow or driveway approach which should be further investigated. It is also noted that no attempt appears to have been made to assess the cumulative impact on Gayhurst of Orchard Way in combination with Stoke Heights from the driveway or PRow in SEI Viewpoints 3 and 4. (Reference should be made to the Stoke Heights ES. Viewpoint 12.) An exploration of the Gayhurst Park and gardens also indicates that no consideration has been given to views from the western boundary or west facing views from the top floor of the main building where partial visibility may occur through open sections in the tree cover particularly in the winter months.

SHWFAG'S VISUALISATION SUBMISSION

In view of the apparent limitations of the visualisations submitted by RWE, SHWFAG has commissioned ARCHITECH to provide realistic visualisations specifically for visual impact assessment of the proposed Orchard Way Windfarm proposal from a limited selection of viewpoints.

The visualisations contained in Appendix 1 fully conform to The Highland Council Standards and are presented at focal lengths of 50mm and 70 or 75mm as A3 format single frame images. In Viewpoint 5 where the development cannot be contained with the horizontal field of view of a 50mm, a wider view with a field of view of a 35mm lens has been provided for reference only. Cumulative photomontages are also provided to include the Stoke Heights proposal from Viewpoint 4 (Oakridge Park) which is contained within a field of view of a 50mm lens and Viewpoint 3 (Old Wolverton), which is contained within the vertical field of view of a 50mm lens and a horizontal field of view of a 24mm and a 35mm lens. The cumulative views for Viewpoint 3 (Old Wolverton) are presented in a graphical monochrome form with the turbines in red to show the relationship between the three windfarm schemes.

All the images are intended for use on site as recommended by the Landscape Institute Advice Note 01/11 and should be directly compared within the context of the wider landscape. The camera positions have been selected to avoid foreground objects which diminish the perceived scale of more distant objects.

Five viewpoints have been selected at a variety of distances from the development site. The viewpoints have been carefully selected and endeavour to provide greater realism for visual impact assessment to aid informed decision making and as a basis for comparison with the applicant's submission.

The following viewpoints are included in **Appendix 1** which also includes maps, explanatory notes, viewing instructions and a methodology statement.

Viewpoint 1 – Barn Conversions / Hill Farm, Haversham

Viewpoint 2 – St Mary's Church, Haversham – Churchyard (ES/Viewpoint 3)

Viewpoint 3 – Old Wolverton / Ouse Valley Park

Viewpoint 4 – Weavers Lane, Oakridge Park, Milton Keynes

Viewpoint 5 – Little Linford, from the top of the Serpentine Bend.

Conclusion

The Highland Council Visualisation Guidelines provide a much more appropriate methodology to inform planners, public representatives and the public themselves of the visual impact of proposed wind farms. Architech fully adhere to the Highland Council Guidelines in the visualisations they present in Appendix 1 of this document.

The Scottish Natural Heritage Guidelines cited by the applicant have attracted widespread complaints of misrepresentation and noticeable under-representation of visual impacts.

Notwithstanding these limitations, the applicant has failed to meet the SNH Guidelines they cited in several respects.

We conclude that the visualisations submitted by RWE **under-represent the likely visual impact by a considerable degree.**

Furthermore, the visualisation of **cumulative impacts** with other proposed and constructed wind farms provided is **incomplete and confusing.**

Detailed analysis of SEI photomontages provided at the request of English Heritage for Gayhurst Court and Tyringham Hall indicates **visual impact is considerably underplayed** and turbines which will be visible through the defoliated trees have been omitted.

The visualisations prepared for SHWFAG which are presented in Appendix 1 are intended to provide reliable and realistic representations of the scale and proximity of the proposed development to aid well-informed assessment and decision-making by the LPA.

Historic environment

SHWFAG have engaged **archaeologica ltd** to review the Heritage and Archaeology impact of the proposed development by review of the ES and the SEI. A number of points remain deficient from the applicant's submission, which are fundamental to the case against planning permission. In summary, these are as follows:

- A large number of Heritage Assets would be affected by the proposed wind farm, including assets of the highest significance namely Grade I and II* listed buildings, and Scheduled Monuments.
- Some of the assets of highest significance are within 1km; the Scheduled Monument of the moated sites of Hanslope Moat and Haversham Manor and the Grade I church of St Mary's at Haversham with St Leonard's and St Andrew's church, Little Linford (Grade II*) just 1.25km distance. Further away there are the Scheduled Monuments at Wolverton, Castlethorpe, Tyringham (bridge and ring ditches) Ravenstone and Hanslope as well the Grade I listed church at Hanslope.
- The height of the proposed turbines and their position on a ridge dominating the landscape would have a particularly detrimental impact on upon the deliberately constructed views of the Registered Parks and Gardens of Gayhurst and Tyringham and the landmark building of the St James Church in Hanslope, the moated site at Hanslope and the SAM and Listed Building at Ravenstone.
- Additionally the location of some Heritage Assets on river banks, within overlooked valleys on extensive tracts of flat land renders them particularly prominent and increases the impact of tall structures on a ridge-top on their setting, (e.g. Wolverton DMV, Tyringham, Ravenstone and Gayhurst Parks).
- The proposed development will have a negative impact on the setting of many monuments of high significance and very high significance.
- Though the impact of the proposed turbines on the setting of the Designated Assets is greater for some assets than others, the proposed development affects the setting of numerous Designated Assets.
- For some, particularly the designed Designated Assets (e.g. Gayhurst, Tyringham, Hanslope Church Spire) the impact is particularly severe because these assets were built with the landscape character of the surrounds in mind, and the landscape (skyline and rural character) has not changed substantially since their construction. The people who built and used those monuments would recognise the places if they visited them today. An additional factor is also at play: the turbines will have a negative effect on the setting of many Designated Assets (designed and otherwise). There is therefore a cumulative effect which the English Heritage paper on Setting advises against.
- Furthermore within the Development Site there are non-designated Heritage Assets which, though not necessarily impacted by the footprint of the turbines, are not fully documented by the evaluative work undertaken by the Applicant.

The detailed Heritage Asset and Non-designated Asset (Archaeology) concerns are further set-out in the report from archaeologica below.

Given the concerns highlighted in this report and summarised above, we invite the Local Planning Authority to refuse planning permission on grounds of the scheme's heritage and archaeological impacts.

The report, **prepared by Isabel M G Lisboa BA, PhD of archaeologica Ltd** is included below, along with a summary practice profile and experience.

Practice Profile and Experience

Isabel M G Lisboa holds a BA and a PhD in Archaeology. She was a Post-Doctoral Fellow in Archaeology at the University of London. Dr Lisboa worked full-time for four years as Consultant and Project Manager with Tempvs Reparatvm prior to forming Archaeologica twelve years ago. She has carried out numerous archaeological, excavation and research projects in the UK, Portugal and Spain.

Dr Lisboa has worked as a consultant on large scale projects of over 100 hectares involving nationally sensitive landscapes including nationally important prehistoric landscapes in the river Ouse for extraction and housing developments. She has written many archaeological desktops and EIA for sites which included SAM and grade II* listed buildings. She worked as interim Consultant Archaeological Officer dealing with Planning Applications and archaeology for Bedford Borough for 18 months.

1. Introduction

The key to the assessment is to have a good baseline data, namely the descriptions and pictorial samples of the views as these contribute greatly to the understanding of the effects. The *ES Chapter 5 Historic Environment* draws only briefly on the descriptions of the heritage assets. Though it gives them a value, the exposition of how the value is arrived at is absent.

The ES chapter does not present descriptions of either what the key components to the value of the Heritage Asset are or how the settings contribute to their significance of those values. Without these considerations, the assessment of whether for example a changed visual setting contributes positively or negatively, to a smaller or larger extent to the heritage value is a *non sequitur*.

This document describes the key elements of the assets' settings and combines them with the views and draws an assessment of the effect of the proposed turbines on the setting of the different Heritage Assets

Photomontages and wireframes are key tools in articulating the likely effect of the proposals on heritage assets and their settings. The ES chapter and the supplementary chapter include some of these. A separate assessment was undertaken by Architech Animation Studios (UK) on behalf of SHWFAG. These will be used in combination with the elements which give the Heritage Assets their value to assess the impact of the proposed wind turbines on the heritage in the surrounds of the proposed development.

2. Policy background

National Planning Policy Framework (Department for Communities and Local Government March 2012), NPPF for short, has the concept of sustainable development at its core for both plan-making and decision-taking.

Section 12 deals with the conservation and enhancement of the historic environment. Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting with footnote 29 stating that the principles and policies set out in this section apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Area) Act 1990 such as Designated Heritage Assets, as well as to plan-making and decision-taking. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance

Paragraph 65 states that Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

Paragraph 113 states that Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international,

national and locally designated sites that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

Paragraph 134 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 135 deals with non designated heritage assets: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 139 states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

While currently under revision in part due to the publication of NPPF, the general principles of *“The setting of Heritage Assets: English Heritage Guidance* should be seen as key guidance in the assessment of the effects of the proposals on heritage assets. It is important to present the descriptions of the heritage asset’s settings and specifically how these settings contribute to the significance or value of the assets.

3. The effect of the development on some of the Designated Heritage Assets

The location of the proposed wind turbines on a hill-top overlooking two valleys, one to the north one to the south, means that they will overlook and be viewable from extensive tracts of surrounding flat land. The proposed wind farm therefore influences the setting of many Heritage Assets of varying heritage significance.

The location of some Heritage Assets on river banks, within overlooked valleys (Wolverton DMV, Tyingham, Ravenstone and Gayhurst Parks) or extensive tracts of flat land, renders them particularly prominent and increases the impact of developments affecting their setting, especially when the development consists of tall structures on a ridge-top.

A large number of Heritage Assets are affected in terms of view by the proposed wind farm, including Assets of the highest significance namely Grade I and II* listed buildings, and Scheduled Monuments. Some of the assets of highest significance are within 1Km; the Scheduled Monument of the moated sites of Hanslope Moat and Haversham Manor and the Grade I church of St Mary’s at Haversham with St Leonard’s and St Andrew’s church, Little Linford (Grade II*) just 1.25km distance. Further away there are the Scheduled Monuments at Wolverton, Castlethorpe, Tyingham (bridge and ring ditches) Ravenstone and Hanslope as well the Grade I listed church at Hanslope.

The most significant Heritage Assets are Designated Assets. These include Listed Buildings, Scheduled Ancient Monuments, sites which are at least of national importance, Registered Parks and Gardens, Battlefields and Conservation Areas. However as the NPPF states not all the monuments of national significance are Scheduled or are Listed Buildings.

The turbines are proposed to be located on the top of the hill and their position means they have an impact over a wide stretch of the Ouse valley to the north where two high value Heritage Assets with a high visual component are situated: Gayhurst House Park and Gardens and Tyingham Hall Park and Gardens. They are designed Heritage Assets, that is they have settings that have been designed to enhance their visual interest. Their heritage value which has a fundamental visual and landscape component, will be damaged by the visual intrusion of turbines.

Gayhurst House and Park

Gayhurst is a late-Elizabethan country house in Buckinghamshire. The house itself is a Grade II* listed building, as are the dovecote and gate piers in the grounds. The park was laid out by Capability Brown and remodelled by Humphry Repton, and is Grade II. Repton's style of smooth undulating grass, which would run straight to the house, clumps, belts and scattering of trees and his serpentine lakes formed by invisibly damming small rivers, were a new style within the English landscape, a "gardenless" form of landscape gardening. The Garden is a Registered Park and Garden Grade II and is of high heritage value.

The main, north-east drive enters off the B526. The drive initially runs through trees, before emerging into the open northern parkland with a clear view of the house rising over the undulating hillside; it passes close to the north-west side of the two park ponds and then past the church to the SW to the House. A second drive across the south Park enters at the southern corner of the site, off the Haversham lane, with a clear view of the main front of the house and church tower amongst trees seen across gently falling parkland. The gardens and Parkland are part of a designed asset. The key heritage characteristics of the Parkland asset are aesthetic, and their visual perception plays a key contribution in their heritage value.

The key views are from the drives, approaching the house, and to and from the House and the Park. There is an aesthetic relationship between this asset and its topographical setting: the undulating ground sloping up provides a backdrop and a sense of openness and wider perspective to include areas which lie outside the designated area within the field of view and bring them into the Park by providing a frame. The inclusion of turbines in the background changes this aesthetic, as the turbines would intrude into the designed view afforded from the drive.

The Applicant indicates that the turbines will not be visible from the House. However they will be visible from both drives. They will be visible from the ponds and the park as the Applicant's photomontage indicates (Fig 4.16i and 4.16.ii). The wireframe provided by the Applicant shows that the five turbines will be visible from within the Registered Park and Gardens (Fig 4.43) and the ponds. Therefore the topographical dominant position of the turbines means that the turbines will impinge on the views towards the north of the Park and from the Park itself and the drive. Given that the Park was designed to be seen within the wider landscape surrounding it, the turbines will alter this frame significantly and therefore impact negatively on the visual and aesthetic character and appreciation of the Park.

The park and Garden is grade II listed, and is of medium importance (EH 2011). The impact of the proposed development will be high adverse and the effect equally high adverse. When cumulative effects are taken into account, in conjunction with other similar windfarms which also affect this heritage asset, in terms of views the proposed development erodes discernibly the heritage values of this designed asset, which by nature is particularly sensitive, in the view, and the ability to appreciate the parkland. Overall the development will have a major effect on the heritage value of this asset.

Tyringham Hall Park and Gardens

Tyringham is approached from the south, off the B526 as well, via Filgrave lane which leads under Soane's austere stone gateway (1794, listed grade I). The lane runs north from the gateway, straight for 100m, to cross Soane's simple stone bridge (1793, listed grade I; Scheduled Ancient Monument) consisting of a single, elegant arch, before curving north-east through the Park, past the church, forming the boundary between the inner (west) and outer (east) sections of the Park.

The Hall by J Soane is listed grade I. Tyringham Park is primarily of heritage significance for its historical and aesthetic value and the architectural interest of its buildings. The key visual elements of this Heritage Asset are its monumentality and its aesthetic value, which have a visual component. The main views in this respect are from the main road to the south and from the drive, especially the bridge.

In terms of the setting of this Heritage Asset, the views from the house itself are also key. In this respect the key views are from the main reception rooms and the views to Gayhurst Park:

the Park at Tyringham Hall was designed to give the impression that there was no Park boundary, with 'borrowed' views of Gayhurst Court Park. Views to Gayhurst from the drive and the Park form a fundamental part of the Heritage value of Tyringham Hall and Park. The master bedroom provides such views. The effect of the proposed turbines on the view from the former are unknown but analysis by Architech of the digital files provided by the applicant's consultant AMEC to the owner of Tyringham Hall concludes the view from the master bedroom to be more severe than shown by photomontage provided in the SEI by the applicant.

Lutyens grand axial garden design is listed grade II*. It stretches away from the north-west front of the house. It is a Heritage Asset of high significance. Steps lead to a terrace. A stone balustrade and semicircular steps separate the garden terrace from a 70m long x 18m wide rectangular swimming pool flanked on either side by four clipped yew blocks backing flower beds facing the pool. Views are a key element of the importance of this Heritage Asset, views from and to the Asset. Within the garden itself the terrace forms the main viewing point of the garden and the surrounding park and views afforded from the terrace form a fundamental part of the value of the Heritage Assets of Tyringham House and Gardens. The terrace is effectively a belvedere, meant to provide views. Again Architech conclude that all five turbines will be visible from this viewpoint. In addition Architech note there will be a cumulative impact from the proposed wind farm at Stoke Heights with the majority of the Stoke Heights turbines visible from the garden terrace, as opposed to the applicant's photomontage which only shows the top of 2 sets of blades. The Architech report above states "It is particularly noteworthy that turbines have been omitted in both photomontages, but the omission is particularly marked in SEI Viewpoint 2."

The Park surrounds the house and garden, except to the north-east, and is divided into two main sections: the inner section surrounding the house, which is divided from the garden by a ha-ha (Soane 1793-7), in several sections, and the outer section to the east of the Filgrave lane and south of the river. The south and east parts of the inner park are pasture planted with park trees in singles and clumps, with some exotics. A site visit indicates that because of its location in the valley it is highly likely that the turbines will be visible from the Park south of the House. From the House the important view to Gayhurst is privileged and the location of the master bedroom reflects this important. Yet the views from the bedroom to Gayhurst will be impinged by the proposed turbines damaging the heritage value of Tyringham as well as Gayhurst.

The Tyringham Park and Gardens are grade II* listed, and therefore of high importance (EH 2011). The impact of the proposed development on the views will be high adverse and the effect equally high adverse. In addition cumulative effects with other windfarms which also affect or are set to affect this heritage asset reinforce the high adverse impact on this heritage asset the parkland and the proposals will have a major effect on the value of this heritage asset.

Church of St James The Great, Hanslope

The main heritage value is visual monumentality and its visual dominance over this part of the Ouse valley. If the proposed development proceeds, the appreciation of the dominance of the Hanslope church tower, the tallest in Buckinghamshire, will disappear as it will compete with the taller structures, the turbines. This asset is Grade I listed and by competing with the visual dominance which forms an essential part of the heritage value of the church tower, the impact of the proposed development on the view is medium adverse as erodes to a discernable extent the heritage value of the heritage asset. Overall the proposed turbines will have a major effect on the value of the heritage asset.

Wolverton DMV

Wolverton Deserted Medieval Village is a Scheduled Ancient Monument (SM 3609) and is of the highest heritage value. The turbines would be visible from both from Manor Farm site and from the motte and bailey castle to the west. Though the evidential part is among the most important part of the Heritage Asset, it survives as an earthwork and the visual aspect is also significant. In the display boards the public is invited to look at and interpret the earthworks in

two areas, in Manor Farm and by the Church. If the proposed development goes ahead the appreciation of earthworks of this will be negatively affected by the visual interference of the turbines mast and blades in the background. This negative impact of the Manor Farm site is made worse by the cumulative effect of the turbines from the existing Petsoe wind farm further afield and the proposed Stoke Heights wind farm, both of which would be visible from this area. The impact of the proposed turbines on the views from the site is medium adverse and overall they will have a major impact on the heritage asset because of it is of the highest value.

Haversham moat

The moated site, fishponds and associated earthworks 150m south-east of Haversham Manor (19081), are approximately 1.5km to the south of turbines. They sit in the valley of the Ouse and views to the north and east are of the rising ground. However the turbines will change this view. The key element is the evidential. There will be a visual impact on the earthworks as they sit in the valley from where the hilltop development will be visible.

The moated site survives as earthworks. Its main value is evidential but as it is visible from above the ground it also has a visual component. The turbines will be visible from this site.

Haversham Church and moat

The key element of the Heritage value of this church are the fabric, its use as a place of worship and the atmosphere of peace and timelessness which provides an element of solemnity to the church, inside the church and in the churchyard surrounding it. All five turbines will be visible from the churchyard, mast and turbines, which because of their topographically dominant position, will tower above the church yard. This visual intrusion affects the solemnity and character of the churchyard, an important and integral part of the church complex. Therefore the turbines will have a major effect on the heritage value of this Grade I listed asset.

The impact of the proposed turbines on the views from the site is medium adverse and overall they will have a major impact on the heritage asset which is a Grade I Listed Building.

4. Archaeology: Non-designated Buried Assets within the Site

As the geophysics survey was limited to the bases of the turbines and the access roads, not enough information has been provided as to the extent and form of occupation, particularly late Iron Age and Roman occupation of the application site, so that we can judge whether we are dealing with a Roman settlement consisting of adjoining farmsteads, as is the case of the small town settlement of Kempston, or just separate, isolated farms.

Prehistoric

The application area according to the EIA contains two ring ditches (HER 781/782/989) the remains of probable Bronze Age barrows. Though not Designated Assets, they are of national importance as part of an extensive cemetery which lines the Middle Ouse at various points and they are visually linked with those across the Ouse at Tyingham where their importance is recognised (SAM MK 142).

The visual aspect of these monuments is their most important feature: they were built and located to be seen from the rivers and from other such monuments. Visibility and inter-visibility are the most important parts of the construction of barrows hence their location, on the false crest of the river terraces and in high places. Both sets of ring ditches would be very negatively affected in terms of visual imposition and dominance of the turbines into their views.

Roman

The proposed wind farm is located in an area with many sites and finds of Roman date (at least eight separate locations are recorded). They are suggested by Scott (1993) and Meade (2010) to indicate a large and possibly wealthy settlement because of their extent and type. Furthermore as Mudd (2006) has pointed out, the Roman remains around Hill Farm

Haversham are much more extensive than would be expected in the case of a simple villa estate.

The application site is poorly understood and insufficient information has been provided by the applicant (Carlyle 2011) since there was no consideration of the finds within the site in relation to the local, regional and national context.

References

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Ecology and ornithology

SHWFAG have engaged **Aspect Ecology** to review the Ecology and Ornithology impacts of the proposed development by review of the ES, the SEI and the ES Audit as carried out by Ecosulis. A number of points remain deficient from the applicant's submission which are fundamental to the case against planning permission. They are summarised below.

- Insufficient bird survey work, such that the assessment of effects on the ornithological interest of the site and sensitive surrounding habitats cannot be properly assessed. The ornithological chapter of the ES remains deficient and in this regard the applicant has failed to satisfy the LPA's request under Regulation 22 of the 2011 Regulations.
- The bat survey and assessment work presented in SEI confirms that several 'high risk' bat species utilise the site, namely Noctule and Leisler's Bat. Mitigation is proposed in the form of a seasonal curtailment of wind turbine operation, however additional mitigation should be provided by locating Turbine T1 at least 200m from the edge of Little Linford Wood, given the uncertainty over the location of a potential high risk bat species' roost.
- Inadequate and out of date Dormouse survey such that up to date environmental information is not available.
- No reptile survey work has been conducted such that the assessment of value of the site for reptiles and potential for likely significant effects is inadequate. In accordance with Natural England Standing Advice, failure to provide this survey information constitutes a reason for refusal of the application.
- For both Dormice and Great Crested Newts the likely need for a derogation licence is unclear. As such, the LPA's statutory duty under the Habitats Regulations cannot be fulfilled and the application should be refused on this basis.
- Following the legal principles established in the Woolley case, the Local Planning Authority should refuse planning permission, as it is unable to meet its statutory duty under the Habitats Regulations. Were planning permission to be granted, or a refusal notice issued which does not cite the lack of proper assessment, in our view the Council's decision would be unlawful and therefore open to legal challenge.
- No detailed invertebrate survey has been conducted at the site, despite Natural England's scoping assertion that invertebrate surveys should be carried out. Accordingly, the assessment of potential value of the site for invertebrates, and therefore the potential for significant effects, is not robust. As such, the ES remains deficient in this regard.

The detailed ecology and ornithology objections are further set-out in the report from Aspect Ecology below.

Given the concerns highlighted in this report and summarised above, we invite the Local Planning Authority to refuse planning permission on grounds of the scheme's ecology and ornithology impacts.

The report, **prepared by Dan Simpson of Aspect Ecology** is included below, along with a summary practice profile and experience.

Practice Profile and Experience

Dr Dan Simpson, holds a Bachelor of Sciences Honours degree, BSc (Hons), in Biological Sciences (specialising in Animal Science) from Nottingham University and a research doctorate (PhD) from the University of Bristol. Dr Simpson has over 8 years of professional experience in ecological consultancy, with full membership to the Institute of Ecology and Environmental Management (IEEM), and is an Associate Director at Aspect Ecology.

Aspect Ecology provides consultancy services in all areas of ecological planning and development. Aspect's main role within the renewable energy sector is in planning, where Aspect provides the ecology and biodiversity input required as part of scheme design and planning application submissions, primarily within a wider Environmental Impact Assessment. Aspect regularly advises on development proposals within Milton Keynes and has a wealth of experience in this particular area.

Aspect Ecology conducts surveys for the full range of habitats and protected species, including badger, bats, birds, otter, dormice, water vole, great crested newt, reptiles and invertebrates. Aspect regularly devises mitigation strategies to address potential impacts of renewable schemes on sensitive habitats and species, and also provides advice on ecological enhancement opportunities that renewable schemes often present.

Aspect Ecology advises on a range of renewable energy schemes, including small and large scale wind farms, anaerobic digestion plants, solar parks and hydroelectricity projects.

10 August 2012

LAND AT HILL FARM, ORCHARD WAY, LITTLE LINFORD, HAVERSHAM

Review of Ecological Information

1. **Brief**
2. Aspect Ecology has been appointed by Stop Haversham Wind Farm Action Group (SHWFAG) to undertake a review of the ecological information submitted to Milton Keynes Council in respect of proposals for five wind turbines and associated ancillary development (planning application ref. 11/02028/FULEIS). The information reviewed includes the following:
 - ◆ Chapter 7 (Ecology) of the Environmental Statement, September 2011, AMEC
 - ◆ Natural England Objection Letter, 24 October 2011
 - ◆ Milton Keynes Council Countryside Officer Objection, 16 November 2011
 - ◆ Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust Letter, 20 December 2011
 - ◆ Letter from Richard Pryor setting out Regulation 22 Concerns, 22 January 2012
 - ◆ Environmental Statement Review, March 2012, Ecosulis
 - ◆ Milton Keynes Council Regulation 22 Request for Additional Information, 15 March 2012
 - ◆ Chapter 5 (Ecology) of the Supplementary Environmental Information, May 2012, AMEC
 - ◆ Associated correspondence from Natural England
3. The purpose of the review is to provide an initial analysis of the robustness of the ecological information submitted to date and in particular to assess whether the Supplementary Environmental Information submitted in May 2012 satisfies the previous concerns raised.

4. Aspect Ecology's findings are summarised below under the following headings:
- ◆ General Comments on the 2011 ES
 - ◆ Bats
 - ◆ Birds
 - ◆ Great Crested Newts
 - ◆ Dormice
 - ◆ Reptiles
 - ◆ Invertebrates
5. **General Comments on the 2011 ES**
6. The 2011 ES has been criticised, in particular by MK Council, Natural England, BBOWT, Ecosulis and SHWFAG, for poorly characterising baseline environmental conditions, with a number of studies pending at the time of submission. Overall, the information contained within the submitted ES was deemed to fall short of that required under the EIA Regulations 2011. This deficiency is particularly evident in the Ecology Chapter of the ES.
7. As a consequence of the deficiencies identified with the ES, MK Council requested 'Further Information' under Regulation 22 on 15 March 2012. In response, the applicant has submitted Supplementary Environmental Information (SEI) dated May 2012.
8. With respect to the Ecology Chapter of the SEI, the further information submitted is considerable, including an 80-page report on bats, which sets out the findings of the bat survey work that was ongoing at the time of the 2011 ES. Further information, clarification and analysis is presented on ecological matters, including bats (as mentioned above), Dormice, Great Crested Newt and birds ('ornithology').
9. The ecology chapter of the SEI indicates that Natural England is now satisfied with the assessment of relevant ecological impacts and email correspondence is included within the SEI to this effect. However a number of ecological issues still do not appear to have been fully resolved. These unresolved issues and additional comments arising from Aspect's review are set out below.

10. **Bats**

Survey robustness

11. As has been highlighted by others, the assessment of potential effects on bats contained within the 2011 ES was deficient, primarily as it relied on previous surveys that were not conducted in line with the standard guidance on wind farms (e.g. NE TIN051¹ and BCT Good Practice Guidelines, 2011² – now incorporated within the 2012 guidelines³). Furthermore, bat survey work was ongoing at the time of the 2011 ES and as such the evaluation and assessment of effects on bats was provisional.

¹ Natural England Technical Information Note TIN051, 'Bats and onshore wind turbines interim guidance', 2nd Edition, Feb 2012 (1st Edition was in Feb 2009)

² Bat Conservation Trust, 'Bat Surveys – Good Practice Guidelines. Surveying for onshore wind farms', Jun 2011, 2nd Edition

³ Bat Conservation Trust, 'Bat Surveys – Good Practice Guidelines. 2nd Edition, Mar 2012

12. Additional bat survey work was completed between April and October 2011, the results of which were presented in AMEC's Bat Report 2011 (dated March 2012) and discussed in the subsequent SEI. Natural England has indicated (email dated 19 April 2012) that it is now satisfied with the level of bat survey work undertaken at the site and that the conclusions 'seem reasonable'.
13. A criticism has been levelled that the bat survey work has not included any 'at height' detection. AMEC's response to this criticism, as set out in its consultation response to MK Council's request of 3 May 2011, is that 'at height' surveys are '*not practical*'. The advice from Natural England⁴ is that survey methods should '*take advantage of any opportunity to survey at height*'. BCT's guidelines⁵ cite research suggesting that '*the relative activity or number of species recorded is unlikely to be greater at height as opposed to ground level*' and in updated guidance⁶ it is acknowledged that '*automated surveys at height are often expensive and difficult to implement*'. It is noted that 'at height' surveys may be important in relation to assessing impacts on sites with a high proportion of high risk (e.g. aerial hawking) species, however the 2011 survey data indicates this is not the case at this particular site.

Evaluation and assessment of effects

14. As a general point, it is noted that all of the proposed turbines are located more than 50m from any potential bat roosts, which accords with NE guidance⁷, and as such impacts will likely be minimised for the majority of bat species using the site. Nonetheless, there remains the potential for adverse effects on more 'high risk' species that fly at height out in open habitat, including Noctule and Leisler's Bat, which have both been recorded within the site. Given the relatively low numbers of Noctule and Leisler's bats that are assumed to use the site, based on the 2011 survey data, AMEC has concluded that the impact on the conservation status of these species is 'low', albeit potentially '*significant during the late summer/autumn months*' (section 4.4 of 2011 Bat Report). To minimise the risk of killing individual bats of these species a curtailment of turbine activity from sunset to sunrise during August to October is proposed, where wind speeds below 5.5m/s occur. This proposed curtailment could be secured via an appropriate planning condition/obligation.
15. However, further mitigation should be considered, in particular relocating turbine T1 further away from Little Linford Wood. The bat survey work has identified the potential presence of a Noctule roost within the wood, albeit no detailed work has been undertaken within the woodland itself to determine the actual roost location. Natural England guidance⁸ suggests that bats become fairly well dispersed in the landscape within '*a few hundred metres*' of the roost and on this basis it would be a sensible precaution to relocate T1 such that it is at least 200m from the woodland edge (currently it appears to be ~150m from the woodland edge).

⁴ *ibid.* footnote 1 above

⁵ *ibid.* footnote 2 above

⁶ *ibid.* footnote 3 above

⁷ *ibid.* footnote 1 above

⁸ *ibid.* footnote 1 above

16. **Birds**

Survey robustness

17. The ornithological survey work generally accords with the methods advised in relevant guidance⁹. Concerns over the lack of nocturnal surveys and surveys during poor weather have largely been addressed as part of the SEI. However, although a Vantage Point (VP) survey approach was adopted the survey effort falls considerably short of the required minimum standards. Specifically, guidance¹⁰ recommends a minimum of 72 hours per VP per season when priority species such as raptors are present. The presence of raptors at the site, including Buzzard, Red Kite, Hobby, Kestrel, Montagu's Harrier and Short-eared Owl, was identified early on in the ornithological survey work and therefore the minimum recommended 72h per VP per season should have been adopted, as opposed to the actual survey effort employed, which was half this, i.e. 36h per VP per season. As such, the level of confidence that can be given to the subsequent evaluation of ornithological value of the site and assessment of likely significant effects is questionable.

Evaluation and assessment of effects on raptors (birds of prey)

18. Concerns have been raised in relation to the Collision Risk Modelling (CRM) of relevant birds, in particular raptors, that was presented within the 2011 ES primarily because certain species were excluded from the CRM. The justification for excluding certain species is set out in Table 6.1 of the SEI and in summary the rationale was that for Red Kite only very low numbers were recorded, whereas Buzzard and Kestrel were excluded from CRM on the basis of low conservation importance.
19. However, in relation to Buzzard the assessment in the ES (para 8.7.10) that the site is of low importance to Buzzard requires substantiation. Specifically, reference to Table 8.6 in the ES appears to indicate that the Buzzard breeding population in Buckinghamshire is in the order of 7.7 - 23 pairs (i.e. 1-3 x 772%) and with one breeding pair having been recorded at the site previously this would potentially equate to the site being of at least County level importance. More significantly, however, the number of these birds recorded is potentially an underestimate, given that only half the recommended VP survey effort was employed. Similarly, given that insufficient survey effort has been employed there can be little confidence that the assessment with respect to Red Kite population status is also accurate.

20. **Great Crested Newts**

Survey robustness

21. Concern has been raised regarding the age of the GCN survey data. The most recent GCN survey was conducted between March and June 2009 and therefore at the time of writing is approximately 3 years old. The survey data therefore falls within the acceptable shelf-life for this work, under Natural England Standing Advice.

Mitigation robustness

22. Concern has also been raised regarding the mitigation approach proposed for GCNs. Specifically, Natural England has pointed to a lack of clarity over the need for a

⁹ Natural England Technical Information Note TIN069, 'Assessing the effects of onshore wind farms on birds', 1st Edition, Jan 2010

¹⁰ *ibid.* footnote 10 above

derogation licence. The ecology summary table presented in the 2012 SEI states that a further GCN survey will be undertaken in the breeding season prior to construction in order to confirm the need for a licence. It therefore remains unclear as to whether a derogation licence is likely to be applied for. Accordingly, the LPA is unable to fulfil its statutory duty as a competent authority to give due regard to The Conservation of Habitats and Species Regulations 2010 (as amended)¹¹ because there is insufficient information to assess a) whether a licence is likely to be applied for, and b) whether the proposed activity is likely to meet the requirements of the 3 derogation tests¹². Specifically, the LPA will need to be convinced that the proposed activity is able to pass the following tests:

- (i) there is no satisfactory alternative;
- (ii) the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range;
- (iii) the derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

23. Although the SEI states (para 5.3.1) that Natural England is now satisfied that the proposals are unlikely to have a significant effect on the conservation status of Great Crested Newts, it is noted that the question of licensing remains unresolved and Natural England has advised that a Risk Assessment is undertaken in order to determine whether or not a licence is likely to be needed (see email from NE dated 20/04/2012). The approach being espoused by the applicant's environmental consultants (AMEC) appears to be to defer the decision on licensing until a later stage. However, this approach does not allow the LPA to fulfil its statutory duty under the Habitats Regulations as discussed above and is therefore inappropriate.

24. Following the legal principles established in the Woolley case¹³ and in accordance with para. 116 of ODPM Circular 06/2005¹⁴, the LPA should refuse planning permission, as it is unable to meet its statutory duty under the Habitats Regulations. Were planning permission to be granted, or a refusal notice issued which does not cite the lack of proper assessment, the Council's decision would be open to legal challenge.

25. **Dormice**

Survey robustness

26. It has been highlighted that the Dormouse survey reported in the ES does not follow standard survey guidelines, and this is explicitly mentioned in Natural England's objection letter. Specifically, the survey methodology employed does not accord with the standard survey methodology set out in the Dormouse Conservation Handbook¹⁵. In addition, it is noted that the survey dates to 2008 and is therefore no longer valid, according to NE Standing Advice, which recommends an average survey shelf-life of 2-3 years. It is unclear whether the applicant's consultants have undertaken any more recent work to ensure that up to date environmental information is available, as required by the para. 165 of the NPPF. Accordingly, based on Natural England's Standing Advice, the LPA should refuse the planning application.

¹¹ Reg. 9(5)

¹² Reg. 53(2e) and 53(9a) & (9b)

¹³ R (on the application of Simon Woolley) v Cheshire East Borough Council

¹⁴ para 116 of ODPM Circular 06/2005

¹⁵ English Nature, 'The dormouse conservation handbook', 2nd Edition, Jan 2006

Mitigation robustness

27. Concern has also been raised over the robustness and clarity of the Dormouse mitigation strategy proposed in the ES. Additional clarification on this matter has been provided within the 2012 SEI, apparently to the satisfaction of Natural England (para 5.2.1 of the SEI). However, the likely need for licensing is again (as with GCNs) unclear, it being conditional on Dormouse being found during a proposed pre-construction survey, and as such the LPA's statutory duty under the Habitats Regulations cannot be fulfilled and were planning permission to be granted, or a refusal notice issued which does not cite the lack of proper assessment, the Council's decision would be open to legal challenge.

28. **Reptiles**

29. The ES states (para 7.5.42) that the woodland edge and hedgerow habitats could potentially support a small population of common reptiles such as Slow Worms, and that a small number of Grass Snake are known to be present in Little Linford Wood and may also use the ponds and connective habitats within the development site. In addition, the ES predicts that proposed earthworks may lead to disturbance/harm to reptiles. Despite the known presence of reptiles in the local area and presence of suitable habitat within the site, no reptile survey has been undertaken. The assessment that the site is only likely to be of Parish level value for reptiles cannot therefore be verified until an appropriate survey has been conducted in accordance with best practice. In accordance with Natural England's Standing Advice on reptiles, in the absence of such survey data the LPA should refuse the planning application.

30. **Invertebrates**

31. No detailed invertebrate survey has been conducted at the site, despite the presence of UK BAP Priority species within the adjacent Little Linford Wood and Natural England's assertion at the scoping stage (15 March 2011) that invertebrate surveys should be carried out.

32. The lack of a detailed survey means that the assessment of potential value of the site for invertebrates, and therefore the potential for significant effects, is at best speculative. Indeed Table 7.7 of the ES values the site at the 'district level' for invertebrates as a 'precautionary measure'.

33. **Summary**

34. The ecology chapter contained within the 2011 ES is deficient in numerous respects. Considerable additional work has been conducted since the ES was submitted and many of the previous deficiencies have been addressed. However, several key issues remain unresolved:

- (i) **Bats** - The additional bat survey and assessment work presented in the 2011 Bat Report confirms that several 'high risk' bat species utilise the site, namely Noctule and Leisler's Bat. The report concludes that there is a residual risk to these species that is potentially significant during the late summer/autumn months. Mitigation is proposed in the form of a seasonal curtailment of wind turbine operation, however additional mitigation should be provided by locating Turbine T1 at least 200m from the edge of Little Linford Wood, given the uncertainty over the location of a potential high risk bat species' roost.

- (ii) **Birds** – The Vantage Point (VP) survey effort employed at the site falls significantly short of the minimum effort required under Natural England best practice (TIN069). Specifically, only 36h per VP per season have been conducted compared to the minimum recommendation of 72h per VP per season recommended by Natural England at sites where priority species such as raptors are present. Because only half the recommended survey effort has been employed the subsequent evaluation of ornithological value of the site and assessment of likely significant effects is not robust. The ES therefore continues to contain insufficient information to allow an assessment of likely significant effects on the environment, including in particular the associated fauna (namely birds).
- (iii) Additional explanation has been provided in terms of the Collision Risk Modelling (CRM) conducted in respect of raptors. It is noted that Red Kite was excluded from CRM due to the very low numbers recorded during survey, whereas Buzzard was excluded on the basis of low conservation importance. However, given that only 50% survey effort has been employed the numbers of Red Kite recorded at the site may be an underestimate and furthermore the assessment of the conservation importance of Buzzard requires clarification because based on the data provided the site may potentially be of at least County level importance for this species.
- (iv) In summary, the ornithological chapter of the ES remains deficient and in this regard the applicant has failed to satisfy the LPA's request under Regulation 22 of the 2011 EIA Regulations.
- (v) **Great Crested Newts** – There remains a lack of clarity over the need for a derogation licence in respect of Great Crested Newts and no Risk Assessment, as advised by Natural England, appears to have been conducted. Accordingly, the LPA is unable to fulfil its statutory duty as a competent authority to give due regard to the 2010 Habitats Regulations because there is insufficient information to assess a) whether a licence is likely to be applied for, and b) whether the proposed activity is likely to meet the requirements of the 3 derogation tests.
- (vi) Following the legal principles established in the Woolley case, the Local Planning Authority should refuse planning permission, as it is unable to meet its statutory duty under the Habitats Regulations. Were planning permission to be granted, or a refusal notice issued which does not cite the lack of proper assessment, the Council's decision would be open to legal challenge.
- (vii) **Dormice** – The Dormouse survey reported in the ES did not follow standard survey guidelines and is no longer valid, according to Natural England Standing Advice, which recommends an average survey shelf-life of 2-3 years. It is unclear whether the applicant has undertaken any more recent work to ensure that up to date environmental information is available, as required by para. 165 of the NPPF. In accordance with Natural England Standing Advice the application should therefore be refused.
- (viii) As with Great Crested Newts, the likely need for a derogation licence is unclear, it being conditional on Dormouse being found during a proposed pre-construction survey. As such, the LPA's statutory duty under the Habitats Regulations cannot be fulfilled and this constitutes a further reason for refusal of the application.
- (ix) **Reptiles** – Despite the known occurrence of reptiles in the local area, presence of suitable habitat within the site, and predicted development impact on this species group, no reptile survey has been undertaken. In accordance with Natural England Standing Advice, failure to provide this survey information constitutes a reason for refusal of the application. Furthermore, the assessment that the site is only likely to be of Parish level value for reptiles cannot be verified in the absence of an appropriate survey.

- (x) **Invertebrates** – No detailed invertebrate survey has been conducted at the site, despite the presence of UK BAP Priority species within the adjacent Little Linford Wood and Natural England's assertion at the scoping stage (15 March 2011) that invertebrate surveys should be carried out. Accordingly, the assessment of potential value of the site for invertebrates, and therefore the potential for significant effects, is not robust. As such, the ES remains deficient in this regard.

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Visual impact on living conditions

The ES has provided flawed evidence in relation to the impact on residential properties in the area and underestimated the substantial impact this development would have on the daily lives of local residents. Virtually all the properties located around the development site, and a significant number in the settlements of “Old” Haversham and Little Linford, would experience varying degrees of serious to substantial visual impact from the proposed turbines.

The closest non-involved properties, Hill Farm Conversions and Hill Farm House, would experience the turbines in extremely close proximity and with the turbine bases 10-20m above their properties, dominating views from several rooms and gardens. By way of example, the garden of Old Mill View is a children’s play area and the adjoining paddock is a practice golf area. Both these areas are open to the development site, separated only by the road, and would be overwhelmed by the proposed development.

Furthermore, the participating farmer’s dwelling is approx. 410m from nearest turbine and the ES identifies a number of impacts which will be experienced by residents of that property. SHWFAG contend that whatever the current intentions of the landowner, this house is highly likely to become uninhabitable as a family home.

The visual impact on the dwellings closest to the proposed development site will be significant, and in many cases overwhelming. This is clearly demonstrated by Architech’s Viewpoint 1 of the visualisations contained in Appendix 1 of this document, while the impact on other parts of Haversham village can be judged from Viewpoint 2, taken from Haversham churchyard. Attention is also drawn to the cumulative wireframe figure 4.40 in the ES that clearly demonstrates residents of Little Linford will experience their environment as a wind farm landscape.

The proposed development would also have a significant visual impact on important areas of new housing on the edge of urban Milton Keynes, most notably Oakridge Park and Redhouse Park.

The visual impact on the dwellings in Oakridge Park, including the cumulative impact of the proposed Stoke Heights Wind Farm, is clearly demonstrated by Viewpoint 4 in Appendix 1 of this document.

Residential “Surveys”

The Residential Proformas (property surveys) presented in the ES are inaccurate in several particulars. No physical property surveys were undertaken despite the unique nature of each property in this rural area. Statements in ES such as *“no visibility from Ground Floor rooms where residents spend time each day”* and *“it is assessed that no residential properties would sustain ‘substantial’ effects on views from their main living areas”* have not been substantiated and are factually incorrect in several instances.

Specifically, based on their local knowledge, SHWFAG strongly refute the conclusion made *“that effects on their residential amenity are not such that the turbines could be considered overbearing and/or oppressive leading to them being widely regarded as an unacceptable (although not necessarily uninhabitable) place to live”*.

Set-Back Distance SPD

Following substantial discussion and investigation, evaluation of peer-reviewed evidence and wide public consultation, Milton Keynes Council adopted a Supplementary Planning Document (SPD) defining set-back distances from residential dwellings in July 2012, following a review by the Executive Scrutiny Panel. A significant number of properties fall within the set-back distance of 1234m defined by the graduated scale defined within that SPD and therefore planning permission **should be refused**. Indeed, whether or not the Council were to apply the criteria contained in the SPD, the separation distances proposed by the application are wholly inadequate and the application ought to be rejected.

Furthermore, having reviewed the documentation submitted by the applicant, SHWFAG is of the firm opinion that the scheme would have a **significant** impact on the living conditions of nearby residential properties, affecting their enjoyment of their homes and gardens, to the extent of being overbearing and oppressive, sufficient to warrant the refusal of planning permission, even without the added protection afforded by the SPD.

Given the clear and substantial impact this development would have on the daily lives of local residents and the cumulative visual impact the development would have in conjunction with other wind farms, including the operational Milton Keynes Wind Farm and the proposed Stoke Heights Wind Farm, we invite the Local Planning Authority to refuse planning permission both on the grounds of overall visual impact plus the failure to comply with the set-back distances as set-out in the SPD.

Noise and vibration impact on living conditions

SHWFAG has identified several key issues with potential noise and vibration impacts which we believe are significant enough to warrant rejection of the application.

Operational Impact

Wind speed and meteorological data has not been provided by the applicant, so independent expert analysis of the assumptions and claims within the ES has not been possible.

The background noise monitoring was not undertaken at the most representative site for the nearest “non-involved” dwellings, nor at an appropriate time due to seasonal effects.

SHWFAG also note the applicant has relied on baseline monitoring at only 10 metres height, deviating from the latest relevant guidance presented in the article “*Prediction and Assessment of Wind Turbine Noise*” (Institute of Acoustics Bulletin March/April 2009) which states “reliance on 10 metre measured wind speeds should be avoided where possible”. Anemometry carried out in 2006 has then been used to consider the effects of wind shear. The age of the anemometry data and the deviation from recommended best practise is clearly, at the very least, as described by Ecosulis “a technical weakness”.

The validity of ETSU-R-97 Regulations is being widely questioned by experts and it should also be noted that compliance with ETSU-R-97 noise limits does **not** imply that there will be no adverse effects on residents from turbine noise.

PINS note 17/2012 issued on 3 August 2012 advises planning inspectors that preparation of a good practice guidance document on the “*Application of ETSU-R-97 to Wind Turbine Noise Assessments*” is currently being undertaken by the Institute of Acoustics (IOA) as part of a project requested by the Department of Energy and Climate Change (DECC). The aim of the Good Practice Guide is to set out what is currently considered good practice in the application of ETSU-R-97, in particular where this has evolved since its publication in 1997.

As a case in point, serious noise issues have been reported in respect of the operational Milton Keynes Wind Farm at Petsoe by residents living a greater distance away from turbines than many dwellings would be from the proposed Orchard Way turbines. These known issues from Milton Keynes Wind Farm cannot be ignored by the Council when determining Orchard Way.

The risk of adverse impacts from amplitude modulation for this site have not been assessed by the applicant. Given the linear turbine formation which many of the nearest receptors will experience, this must be considered a high risk for this development.

The Government is committed to using the precautionary principle, which was included in the 1992 Rio Declaration on Environment and Development. This states:

“where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”.

As was made clear in *A Better Quality of Life – A Strategy for Sustainable Development for the UK*, precaution is not just relevant to environmental damage, but is relevant also in the fields of health and safety. The Interdepartmental Liaison Group on Risk Assessment (ILGRA), in its 2002 paper *The Precautionary Principle: Policy and Application*, made a number of important points including noting that the precautionary principle should be invoked when:

- there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment; and
- the level of scientific uncertainty about the consequences or likelihood of the risk is such that best available scientific advice cannot assess the risk with sufficient confidence to inform decision-making.

Precautionary action requires assessment of the costs and benefits of action, and transparency in decision-making. In the absence of any suitable assessment of this issue the application should once again fall to be rejected.

The ES has also failed to fully assess the potential impact of low frequency vibrations from the operational turbines on this site, despite the request in Milton Keynes Council’s Regulation 22 letter that this information should be provided.

Construction Impact

The construction noise and vibration assessments in the ES are inadequate – particularly considering that piling may be necessary on this site. Furthermore it is clear that the nearest receptors to the construction site will experience significant noise impacts from construction activity. Hill Farm Conversions and Hill Farm House are located just a few metres from the site entrance and will also experience noise and vibrations from the estimated several thousand HGV movements during a minimum 12 month construction period.

Vibration from HGV traffic and construction works could adversely impact dwellings close to the site entrance due to their 19th century construction as agricultural buildings and may result in perceptible levels of vibration within these dwellings.

Despite a request under Regulation 22, the applicant has failed to adequately assess this impact, as the SEI has only considered impacts at 15m distance from the HGV movement and based on a theoretical road defect. A number of dwellings are at a distance of 1m to 3m from the road edge and without proper assessment the conclusions in the SEI are flawed.

In conclusion, we believe that the overall noise and vibration assessment is inadequate and incomplete and we invite the LPA to refuse planning permission on these grounds. SHWFAG reserves the right to produce additional evidence in relation to Noise impacts.

Shadow flicker and associated impacts

Shadow Flicker

The ES and SEI in relation to Shadow Flicker is simply inadequate, given the closeness of the proposed development to dwellings. SHWFAG do not accept the limitation decided upon by the developer of ten rotor blade diameters.

The homes of nearby residents, labelled sites 2-5 on Figure 13.1 of the ES, are indicated to be just outside the area of Annual Potential of Shadow Flicker Events of "20 hours or less". No reasoning for excluding the eight dwellings sites 2-5 represent is provided. Furthermore Amen Cottage and Walnut Cottage in Little Linford have not been mentioned but this omission is not explained in the ES.

Furthermore, SHWFAG believe that full physical surveys should have been conducted for neighbouring residential properties, as recommended by The DECC document *Update of UK Shadow Flicker Evidence Base* prepared by Parsons Brinckerhoff, citing the *Onshore Wind Energy Planning Conditions Guidance Note, Renewables Advisory Board and BERR (2007)*, which states:

"Where wind turbines lie within the geographic range which may be affected by shadow flicker, it will not be possible to determine whether or not shadow flicker effects will actually be felt until an assessment has been made of window widths, the uses of the rooms with potentially effected windows and the effects of intervening topography and other vegetation."

SHWFAG note that Milton Keynes Council pointed out these omissions to the applicant in their Regulation 22 Request dated 15 March 2012. Given the lack of additional information on these important issues to enable the LPA to be assured residents will not experience shadow flicker impacts, it is clear that the application should be refused.

Reflective Flicker

No assessment has been made in respect of reflective flicker (the scenario whereby flicker occurs not as a result of the sunlight passing through the moving blades, but where it is reflected back off the moving blades), despite the request for such an assessment under Regulation 22. The suggested mitigation of paint colour is wholly inadequate given the scale of the impact has not been assessed.

Shadowing and Glinting

No assessment has been made of the risk of shadowing or glinting on the nearby road, nor has an assessment been made of the shadowing and glinting impact on ecology and ornithology.

In light of the inadequacies of the applicant's assessments of shadow flicker, reflective flicker, shadowing and glinting, despite requests from Milton Keynes Council in both scoping and their Regulation 22 letter, SHWFAG believe the application should be refused.

Social and economic impacts

Public Rights of Way (PRoW)

The development site could be described as the centre of a web of bridleways and footpaths within the area, including national trails and Sustrans routes. According to the ES (Vol 1 para 4.1.8):

*“For people undertaking outdoor recreational activities, the visual assessment concludes **that significant effects would be likely to be experienced by people walking or riding on sixteen Public Rights of Ways (PRoWs), five long distance trails and a Sustrans route; this is due to the comparatively high density of PRoWs in the study area including several which cross the development site. Significant effects would also be likely from the Ouse Valley Park, Linford Lakes and the fishery at Little Linford due to open views across the Ouse Valley that are rarely available elsewhere in Milton Keynes**”.*

The proposed turbines are in too close proximity to the PRoWs and will significantly impact leisure activities including walkers and horse-riders.

To ensure the safety of equestrians, the British Horse Society recommends that any bridleway should be a minimum of 200m away from a turbine – and four times turbine height set-back in the case of a national route (which would be 508m in the case of the proposed application). This set-back distance is in line with the SPD adopted in July 2012.

Minimum set-back for footpaths should be set at “fall-over distance” which is overall height to tip plus 10% - in this case 139.7m.

All five of the proposed turbines are within between 130m and 220m of a bridleway, in several instances to more than one bridleway. The table below shows the distance to the nearest turbine, with the next nearest in brackets.

Turbine 1	130m	(200m)
Turbine 2	150m	(220m)
Turbine 3	220m	
Turbine 4	180m	(200m)
Turbine 5	210m	

Given the possibility that micro-siting during construction could move these positions up to 20m in any direction, it follows that final positioning could result in a turbine being even closer to a bridleway.

SHWFAG believes that the set-back distances proposed would result in a devastating impact on the footpath and bridleway network in and around the development site and will have a significant negative impact on leisure activities including walking and horse riding in this important rural area north of Milton Keynes.

Furthermore, during construction the hub of local PRowS which is within the development site will be closed to walkers and riders. A suggested route for detour is along the Old Haversham to Little Linford road, utilising The Serpentine (the blind s-bend). Given the level of HGV construction traffic estimated by RWE to be using this road during this period is 3,722 HGV journeys, excluding waste removal, this is a completely unacceptable alternative route for horse-riders and pedestrians.

SHWFAG invite the LPA to reject this application based on the very significant impacts on users of the PRowS and the fact that the set-back distances from the PRowS would be materially less than those defined in the SPD.

Impact on Local Business

The proposed development is in an attractive rural area outside the northern urban fringe of Milton Keynes and many local businesses are dependent on rural, and leisure focused activities undertaken by both local residents and visitors from the City and further afield.

Despite its inadequacies, the ES acknowledges (Vol 1 4.9.20) that:

“there would be an area encompassing the development site itself and its immediate surrounding area where there would be high magnitudes of landscape change as a consequence of the scale and form of the turbines, the blades’ movement and the consequent contrast with existing landscape elements in terms of form and scale”.

The SEI (Landscape and Visual 2.1.23) in considering cumulative impact of Orchard Way and Stoke Heights, also states:

“there is potential for central and southern parts of LCA 1b to be transformed into a ‘wind farm landscape’ in which the frequent presence of turbines would be one key characteristic along with the presence of the M1 corridor, high levels of woodland and tree cover, gently rolling plateau farmland and semi-regular field patterns”.

Furthermore the ES notes that 16 PRowS, including long range bridleways and Sustrans routes would be **substantially affected**.

These significant changes to the character of the landscape and rural amenities would very negatively impact the many local businesses which provide leisure services dependent upon the attractive rural nature of the area. These include, but are not limited to, pubs and restaurants, bed and breakfast establishments, horse riding stables and liveries, and fishing and sailing lakes.

Heritage properties in the area, such as Tyringham Hall, are hired out as film or photography sets and for special events such as weddings. The appeal of such properties includes the unspoilt nature of their landscape which goes way beyond the curtilage of the buildings and such commercial opportunities are likely to be restricted should the application be granted.

Finally, the 12 month construction period will cause significant traffic disruption to the area which is likely to further seriously damage local businesses.

The proposed development is highly unlikely to bring any sustainable business to the area or create any sustainable local employment. Furthermore there will be a significant negative impact on local businesses, particularly those in the leisure sector, and thus SHWFAG invite the LPA to reject this application.

Valuation Office Agency Evidence

The wind industry has long claimed that wind farms do not impact house prices; RWE made such a claim in their marketing material sent to local residents.

However, the Valuation Office Agency (VOA), which decides council tax valuations, has accepted that having wind turbines built near homes can sharply decrease their value and has, as a result, moved some properties into a lower tax band.

In one of the latest cases, a couple living near the 22-turbine Fullabrook wind farm near Braunton, Devon saw the price of their home fall from about £400,000 to £300,000. Three of the turbines are within 650 yards of their home. As a result the VOA moved their home from band F to band E.

It follows a 2008 ruling in which Jane Davis, of Deeping St Nicholas, near Spalding, Lincolnshire, was given a discount on her council tax because the value of her £170,000 farmhouse home had been reduced by an eight-turbine wind farm 1,000 yards away.

This is relevant in two ways. Firstly, the adverse effect upon property values engages and violates Article 1 of the First Protocol of the European Convention on Human Rights (namely the right to property) which was, in effect, incorporated into United Kingdom law by the Human Rights Act 1998. Secondly, the prospect of lower Council tax receipts is a statutory material consideration by reason of section 70(2)(b) of the Town and Country Planning Act 1990 (as amended by section 143 of the Localism Act 2011). Both of these would be adversely affected by reason of the appeal proposal

The reduction in house values, un-saleability of some properties, and potential loss of revenue to Milton Keynes Council would clearly have a very detrimental impact on the local economy.

4. Other Grounds of Objection

In the letter of 28 June SHWFAG identified a number of further issues which are cause for concern and for completeness they are included below.

Traffic and transport

No proper assessment has been submitted by the applicant of the proposed construction traffic route.

In particular, the assessment in the Environmental Statement of the route from the M1 to the site (including Gayhurst Road, referring to by the applicant as the “unnamed road”) is incomplete and was not one of the three separate routes assessed by Colletts Transport.

The proposed route, particularly the rural road between Gayhurst and Haversham, is completely unsuitable for the 35 abnormal loads of the turbine components. It is also unclear whether adequate analysis has been undertaken to ensure Sherington Bridge is capable of accepting the width and weight (110 tonnes) of the abnormal loads involved.

The 3,722 HGV movements estimated by the applicant **exclude waste journeys**. No estimate or assessment has been made of the nature or quantity of **waste** which will need to be removed from the site, but clearly given the scale of the proposed development the additional volume of HGV traffic generated will be substantial.

Additionally, based on the information provided in the ES about the continuous cement pouring stage for the turbine bases, SHWFAG calculate a HGV cement lorry would moving in or out of the site every 3.4 minutes on those days (assuming a 12 hour working day). It should be noted that the site entrance is within a few metres of residential properties, including a Grade II listed building.

Furthermore, the location of the proposed wind farm site is likely to increase the accidents and frequent near misses on The Serpentine, (the S-bend on the road between Little Linford and Old Haversham). By way of example, a head-on collision between two vehicles occurred at this location on 14 November 2011 which resulted in a road closure of three hours whilst recovery and evaluation took place. Fortunately on this occasion only slight personal injury occurred. It can be seen clearly in Viewpoint 5 in Appendix 1 that the visual impact on this road is highly likely to distract drivers.

The level of HGV traffic that would be generated on the Gayhurst-Haversham Road, compounded by the closure of PRowS, would significantly reduce pedestrian amenity. Fear and intimidation would effectively prevent any pedestrian access between Haversham and Little Linford for residents or visitors, and sever pedestrian connections within those communities to Little Linford Wood and Linford Lakes.

Finally, the applicant has confirmed that, post-construction, the access tracks will be left in-situ. This is direct conflict with the Council's Scoping Opinion, which requires such tracks to be removed and the land reinstated post-construction.

It is clear that the local traffic impacts have been inadequately assessed in the ES and SEI, and that the impacts both during and post construction will be significant. On this basis, we invite the LPA to reject the application.

Hydrology and Hydrogeology

Haversham is an area known to suffer from flooding regularly.

The largely desk based analysis of the hydrological impacts of the development is inadequate and fails to take full account of the local environment including local springs associated with nearby dwellings and other underground water features such as the covered reservoir as is evidenced by the following statements in the ES:

- Volume 1, section 6.4.2 states: *"Further to receipt of the scoping opinion, consultation has been undertaken with the Environment Agency, the Bedford Group of Drainage Boards and Milton Keynes Council to gather further information on flood risks from all sources, drainage requirements for the development site and to confirm that the pro-forma approach to assessing flood risk is appropriate."*

The supporting documentation, showing the outcomes of these consultations, does not appear to have been supplied:

- Volume 1, section 6.5.2 states: *"A covered reservoir is located within the development site. This is operated by Anglian Water..."*
The EIA contains no information pertaining to a consultation with Anglian Water in respect of this reservoir.
- Volume 1, section 6.5.12 states: *"None of the drains within the development site have been assessed for water quality under the WFD."*
We question why this has not been done in accordance with the WFD (the EU's Water Framework Directive).
- Volume 1, section 6.7.1 states: *"hydrogeological receptors were identified within an approximate 2km radius of the centre of the development site."*
This assessment is supposed to include *"Property and people downstream of the development site"* but in Table 6.8, no details are given as to which properties are included. We believe this section should list all the properties that have been assessed and how this was carried out.

We are aware of potential hydrology and hydrogeology issues in the immediate locality of the wind farm, for example flooding occurs at Hill Farm House adjacent to the proposed development site, there is a spring near to the development site at Field House Farm, plus a spring in the grounds of a property at "Hill Farm Conversions". We also question the completeness of the ES in respect of the impacts

to the local ponds within and close to the site plus Tathall Brook. No effort has been made to identify the private water sources in the area of the development site as was requested by the Environment Agency in their consultation response dated 28 February 2012.

Overall we question how the ES can therefore state within table 6.10 that for *“people and property downstream of the site”* the conclusion is that *“the potential effect is therefore considered to be insignificant”*. This conclusion is not supported by the details in section 6.

We note the Environment Agency has suggested that significant planning conditions are required should the application be approved, in order *“to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the system”*. We question whether the significance of these risks should require the applicant to undertake this analysis as part of the ES and thus provide all the required information to the LPA, and thus for independent scrutiny, prior to determination.

We invite the LPA to reject the application on the basis that the ES is incomplete with respect to its hydrology and hydrogeology assessment.

Telecommunications

Further information was supplied in the SEI relating to consultation with The Joint Radio Company (JRC), the organisation responsible for managing the Fuel & Power radio spectrum. Examination of this information reveals:

- Turbine numbers and grid references supplied to a number of consultees including the JRC are inconsistent with the details supplied in the ES and grid references and turbine numbers are different. (Ref: SEI Appendix M).
- The applicant does **not** appear to have adhered to the JRC requirement to move a turbine (referred to as turbine 3 in the consultation) from grid reference 482582 244705 to 482639 244962 (with minimum micro-siting).
- That the turbine, (now labelled turbine 2 in Figure 3.1 of the ES) shown at grid reference 482658 244693 would not appear to meet JRC requirements in order to avoid E-ON licensed radio systems, despite some relocation.

This raises two points. Either significant assessments within the ES and SEI are inaccurate, as turbine 2 (formerly labelled turbine 3) will not be in the position indicated during all surveying and consultation, or JRC have an outstanding objection to the layout of the site.

It is disappointing that the applicant has failed to ensure consistent turbine numbering and grid references have not been applied, as this makes the task of assessing the ES much more complicated than necessary.

Whichever of these two scenarios is the case, either or both are sufficient grounds for this application to be rejected.

Television reception

No proper assessment has been made of the impact on television reception in the area, despite the indications that several hundred homes could be affected.

The ES provides only a desktop survey of the impact on television reception, utilising the online BBC Wind Farm Assessment Tool. This indicated there may be interference at **859** homes (section 11.5.11).

According to the BBC “The tool is **not** intended to be a substitute for an on-site survey where the potential for disruption to television services may be assessed more accurately”.

OFCOM also require more detailed analysis or survey to be conducted if the BBC tool identifies the possibility of problems and states that **the developer should not rely on the tool as the sole means of gauging possible problems.**

Given the potential impact on a significant number of local residents and the lack of a full assessment within the ES as recommended by the BBC and OFCOM, SHWFAG believe the application should be refused.

Aviation

SHWFAG note that Cranfield Aerodrome object to the proposed development due to impact on a planned radar installation.

Furthermore the operators of Woodland Farm Helipad and Littlewood Farm Landing Strip have not been consulted as requested in the Council’s Scoping Response and again in the Regulation 22 Request.

Grid connection assessment

The application states that should permission be granted for the wind farm, the applicant will make a further application for connection to the grid. The application is not entirely clear as to whether that connection from the edge of the development site will be over or underground, clearly either approach would have an environmental impact.

SHWFAG find it peculiar that the applicant is unable to commit to their preferred option and include the impact assessment within their ES. If the applicant is unable to determine which option at this stage, then both options should be further explained so that a worst case scenario can be considered.

The application also specifies that 0.6km of underground connection is required within the development site. The impact of this significant amount of cabling is also not fully examined by the ES. This could have particular impact on the assessment of archaeological assets, given that the proposed development site is a known Roman site which has not even been subjected to a full geophysical survey by the applicant.

The lack of impact assessment, related to both the on and off-site grid connections, means that the ES should be considered incomplete and the application rejected.

Financial sustainability

A number of concerns regarding the financial sustainability of the scheme, considering its 25-year life-span, have not been adequately addressed.

Failure to quantify benefits

SHWFAG questions the quoted benefits of the proposed scheme. For example we note that the applicant has chosen not to submit any raw meteorological or wind speed data in support of the application, meaning the electricity generation and the CO2 reduction claims cannot be independently verified.

Long term Ownership

It should be noted that it is not unusual for the companies that obtain planning permission for wind farms to then sell on the wind farm. In the case of “Milton Keynes Wind Farm” for example, it was constructed by Your Energy but now appears to be owned by Mistral Windfarms. The website www.duedil.com stated on 12 August 2012:

Mistral Windfarms Management I Limited was registered on 17 Apr 2008. The business has a status of active, and was founded by Alexandre Labouret, who is French, aged 43. Mistral Windfarms Management I Limited does not appear to have been involved with any lawsuits. They have 1 subsidiary. Mistral Windfarms Management I Limited have a single shareholder; Platina Partners Llp. The company has assets totalling £19,530 plus liabilities totalling £8,048. Last year, they paid £1,391 in tax and had £18,139 in cash reserves. Their net worth is £11,896, and the value of their shareholders' interest is £11,896.

Maintenance

A well kept secret of the wind turbine industry is the short life of the gear box mechanisms which averages 5-7 years. According to the Society of Tribology and Lubrication Technology, “*Most turbines require significant repairs and even complete overhauls in the 5-7 year range*”.

The impact of gear box repair/replacement at this average rate has not been assessed within the ES, either in terms of lost electricity generation or the negative impact on local residents and road users of the transportation of parts and cranes.

Given the suggested 25-year lifespan of the five turbine wind farm proposed, should this development experience the normal level of gearbox failures, this could mean 15-25 major repair incidents.

Decommissioning

The applicant claims they will decommission the turbines after their 25-year life. There is no guarantee that RWE Npower Renewables will be in existence in 25 years to honour this commitment; in fact Npower is currently for sale.

Recently announced and likely future reductions in subsidies for wind energy will make the management and maintenance of a wind farm less financially attractive.

Based on the applicant's failure to substantiate the claimed benefits of the scheme by not providing data needed to do so, plus the financial uncertainties related to ownership, maintenance and decommissioning for a 25 year long installation, SHWFAG believe the applicant has not presented sufficient evidence to balance against the financial risks of the scheme and on this basis, the LPA should refuse planning permission.

5. Planning Balance



Local Planning Authority reference: 11/02028/FULEIS

Application by RWE NPower Renewables

at Hill Farm, Haversham, Buckinghamshire

Planning balance assessment of JAMES CROUCHER MTP MRTPI

August 2012

Planning balance assessment

Background, qualifications and experience

1. I hold a Masters Degree in Town and Country Planning and have been a Member of the Royal Town Planning Institute since 2002. Following graduation from the University of Manchester in 1997 I took employment with Tesco plc outside the professional planning field, rejoining the planning world in 2000 in a junior development control position at Mid Bedfordshire District Council. After 18 months I was promoted to Senior Planning Officer and gained corporate membership of the RTPI soon after.
2. I left Mid Bedfordshire District Council in 2003 to take up the position of Development Control Manager at East Northamptonshire Council. In this senior role I personally managed the Council's development control and planning enforcement responsibilities, being conferred delegated authority to determine over 90% of applications received by the Council and providing extensive professional advice and guidance to the Planning Committee in respect of the remainder.
3. I resigned from East Northamptonshire Council in late 2006 to join DLP Planning Ltd at their Bedford offices as Associate Director. DLP Planning Ltd is a part of the DLP Consulting Group, a multi-disciplinary practice incorporating architecture and design, transportation and environmental expertise and operating from five offices across England and Wales. I was promoted to Director at the end of 2008, and since early 2011 have managed the company's London planning office.
4. Since taking up professional planning practice I have developed a broad base of experience and personally have been involved in a diversity of projects including the promotion of strategic development, preparation of major urban extension projects and a wide variety of development control and enforcement issues. I am experienced in presenting evidence to Public Inquiries, as well as to planning committees and other public presentations. My clients include a wide range of national developers, housebuilders, commercial investors, small companies, landowners, public bodies including local planning authorities, institutions, community groups and private individuals. In respect of windfarm matters I have been involved in several schemes, including giving expert witness evidence at public inquiries in Leicestershire and Northamptonshire.

The Development Plan

5. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals is undertaken in

accordance with the development plan, unless material considerations indicate otherwise.

6. In this instance the adopted development plan comprises:
 - Regional Spatial Strategy (RSS): The South East Plan (May 2009);
 - The Milton Keynes and South Midlands Sub-Regional Strategy (MKSM SRS – Part A) (March 2005); and
 - The Milton Keynes Local Plan (Saved Policies) – December 2008.
7. The statutory position is not changed by the advent of the National Planning Policy Framework (the NPPF). Indeed, this is reinforced by paragraph 196 of the NPPF that states “the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions”.
8. *Annex 1: Implementation* of the NPPF provides, among other things, for certain transitional provisions. Paragraph 214 states “for twelve months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict within this framework”. Footnote 39, to which that paragraph makes reference, states “in development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004...”.
9. Paragraph 215 provides “in other cases and following this twelve month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.
10. In context of Milton Keynes, whilst its Local Plan was adopted in 2005 it was not a development plan adopted in accordance with the 2004 Act. It was a development plan which was promoted and adopted in accordance with the Town and Country Planning Act 1990 (as amended). It was adopted post 2004 as it was one of those development plans which had already started prior to the advent of the 2004 Act and was allowed to continue through to adoption. However, the consequence of that chronology is that the Local Plan is, technically, a document to which paragraph 215 of the NPPF applies. In other words the Secretary of State states that the weight to be attributed to it is only “due weight” to the extent that it is consistent with the policies in the Framework, rather than being given a twelve month period of protection (as exists under paragraph 214).
11. The Secretary of State considers that the revocation of Regional Strategies has come a step closer following the enactment of the Localism Act on 15th November 2011. However, until such time as the RSS is formally revoked by order, he has attributed limited weight to the proposed revocation in

determining these appeals. I also note that the Local Plan does not contain any specific renewable energy targets for the Borough. It is therefore necessary to attach significant weight to national policy advice in determining this appeal.

12. In making my assessment, I have had regard to the Council's *Wind Turbines Supplementary Planning Document* (the "SPD") which has been subject to extensive public consultation and scrutiny. The SPD has been formally adopted by the Council and, whilst not forming part of the Development Plan, nonetheless is a document to which I attribute some weight.

Assessing the planning balance

13. Government has made it clear that it attaches great importance to the delivery of renewable energy in a variety of forms and that there is no need to demonstrate the need for provision in any specific location. The NPPF, the still-extant companion guide to PPS22, the Renewable Energy Strategy and the more recent Roadmap documents all set out the national requirement for renewable energy. However, national advice also recognises that protection of the countryside, of the landscape, of the historic environment, of biodiversity and of people's quality of life are all intrinsic parts of a sustainable future.
14. Permeating throughout the Government's advice on the delivery of planning policies in general and of renewable energy in particular, is the need to balance the benefits of delivery with the impact that it might have on the natural and physical environment.
15. The NPPF confers the highest levels of policy protection to heritage assets of national importance, such as those identified by Ms Lisboa and others as suffering substantial harm from the appeal scheme. NPPF paragraph 132 confirms that substantial harm to such assets can be allowed only on a "wholly exceptional" basis, whilst paragraph 133 advises that, unless it can be demonstrated that the substantial harm is "necessary to achieve substantial public benefits that outweigh that harm or loss", then local planning authorities should refuse consent.
16. In respect of biodiversity, at paragraph 118 the NPPF confirms that, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Given the concerns raised in this Objection Statement by Mr Simpson, paragraph 118 is engaged in this instance and weighs against the proposal.
17. Indeed, a number specific impacts have been identified and assessed, relating to the impact on the landscape; on the impact on the historic environment; on ecology and habitats; on the living conditions of nearby occupiers; and in respect of a range of other concerns. Whilst subjective judgment may be necessary, there is clear and rational evidence that the impact of the proposed development on these considerations is substantial

and incapable of adequate mitigation. These concerns are supported by the expert opinions that have been set out in this Objection Statement. The impacts will be long-lasting even if the application were to be granted requiring the ultimate removal of the turbines and the impacts will, for the reasons set out, be substantial.

18. Carefully considering the importance Government attaches to the protection of the countryside for its own sake, and to the protection and conservation of the historic and natural environment, I consider that the impact of the development proposed would be substantial and that the significant weight to be attached to the delivery of renewable energy is outweighed in this instance by the significant weight that all aspects of national and development plan policy attaches to the conservation of the rural, natural and historic environment.
19. Importantly, for the reasons set out in the Objection Statement, the planning submission is deficient and as such the Council does not have all the necessary environmental assessment information. Regulation 3 of the Environmental Impact Assessment Regulations 1999 therefore prohibits the granting of permission. The presumption in favour of sustainable development does not over ride the regulation.

Summary

20. The balance involves assessing whether the substantial harm is “necessary” in order to deliver “substantial” public benefits that outweigh the harm. The provision of additional renewable energy capacity is a public benefit to which significant weight must be given. However, the special constraints of this site would indicate that alternative renewable energy installations might be more appropriate. Therefore, the level of benefit is not so “substantial” as to outweigh the “substantial” demonstrable harm to heritage assets. Given the variety of alternative renewable energy technologies available – including the biomass cropping and solar panels – it appears that the objectives of increasing renewable energy could be met on this site in manners which would have a significantly lesser impact on heritage assets. There is no “necessity” to site wind turbines on *this particular* site, or that *this technology* is the only one appropriate to this location. On this basis, it is not accepted that the substantial harm is “necessary”, meaning that the balance weighs against the proposed scheme.
 21. Ultimately, having regard to the conflict with policy that I have identified, the balance of material considerations indicates that the application should be dismissed and I respectfully commend this course of action to the Council.
-

James Croucher MTP MRTPI
Director
DLP Planning
August 2012

6. Conclusions

SHWFAG and its advisors have reviewed the applicant's application, supporting Environmental Statement and the subsequently provided Supplementary Environmental Information. We have additionally reviewed the ES Audit carried about by Ecosulis and taken note of local feelings and views, most vividly demonstrated by the Haversham-cum-Little Linford Parish Poll which resulted in **75.9% voting against the proposed development.**

SHWFAG represents a significant body of local opinion with a registered supporter case of over 500 people from the local area. Our Objection Statement has been developed based on researched facts and a thorough examination of both the accuracy and completeness of the applicant's submission, both of which we have questioned in the details of this objection statement.

SHWFAG does not object to the principles or concept of sustainable energy generation and it is not the group's intent to seek, through the consideration of this proposal, to question the Government's policies (or indeed its international obligations).

We are mindful of the need for "planning balance", to determine whether the substantial harm to the site and its surrounding is "necessary" in order to deliver the "substantial" public benefits that outweigh that harm.

However, having given careful consideration to a range of site-specific constraints, we are of the strong opinion that the proposed technology is **fundamentally unacceptable in this location.** In light of the prevailing planning policy advice, we accept that renewable energy generation of some type might be appropriate in this location (for instance, biomass cropping or solar generation).

Thus, SHWFAG do not believe the public benefits from this proposed scheme in any measure outweigh the harm which would be caused by this scheme and we do not and cannot accept that a wind farm development is appropriate in this location in light of the concerns we have outlined in detail above and summarise below, namely:

- **The proximity to dwellings, bridleways and footpaths** proposed for this development are significantly lower than those required by the Supplementary Planning Document introduced by Milton Keynes Council in July 2012.
- **The inadequacy of the ES**, described in the Ecosulis Audit as "borderline unacceptable".
- **Regulation 22 Issues** raised in the Council's letter dated 16 March 2012 have not been adequately addressed in their SEI.
- **Substantial adverse Landscape and Visual Impacts**, which would affect both the surrounding rural area and significant parts of urban Milton Keynes.

- **The cumulative effects** of existing and proposed wind farms in conjunction with the proposed development which would lead to the area becoming a “wind farm landscape”.
- **The impact on several significant Heritage Assets** and their settings.
- **Potential irrevocable damage to archaeological remains of a putative Roman Settlement** on the development site.
- **Impacts on the diverse ecology and ornithology of the area**, which includes rare bats and raptors such as the Red Kite.
- **The failure to meet Natural England Guidelines** meaning **Milton Keynes Council cannot fulfil its statutory duties under Habitats Regulations** and should therefore refuse planning permission.
- **The impact on living conditions of many local residents**, which would lead to them feeling dominated and overwhelmed by turbines in their homes, gardens and outside spaces in the area.
- **The impact of noise and vibration** has not been properly assessed to ensure residents will be protected from noise, amplitude modulation or low frequency vibration. SHWFAG notes serious noise issues from the operational Milton Keynes Wind Farm (Petsoe) have been reported to the Council.
- **The impacts of shadow flicker, reflective flicker, shadowing and glinting**, have not been adequately assessed by the applicant.
- **Inadequate turbine setback from bridleways** at between 130m to 220m, which is significantly less than the 508m SPD and British Horse Society distances. These distances do not include micro-siting, which could reduce the set-backs even more.
- **Sixteen PRoW will be significantly impacted** by the proposed development according to the ES and **closure of the network of local bridleways and footpaths** which criss-cross the site for 12 months+ during construction would be an unacceptable impact on an invaluable leisure amenity.
- **Damage to many local businesses** that are highly dependent on rural leisure activities.
- **The Valuation Office Agency accepts wind turbines affect house values** and have moved affected properties into lower Council Tax Bands, thus affecting Council revenue.
- **The severe impact on rural roads** from thousands of HGV movements during construction and the ongoing risk of drivers being distracted by the turbines.
- **Hydrology and Hydrogeology impacts** have not been fully assessed and sensitive private water sources have not been identified as required by the Environment Agency.
- **Telecommunications** – the applicant has failed to address the objection from JRC with regard to the position of Turbine 3.
- **Television Reception impacted for 859 households** indicated by BBC online tool, but the applicant has failed to undertake further surveys as suggested by BBC and OFCOM.

- **The impact of 0.6km of underground connections** on-site has not been assessed, risking the known Roman archaeology.
- **The method of Grid Connection** (over ground or underground) is not clear and both options should have been assessed in the ES.
- **The applicant has not supplied raw meteorological or wind speed data** so the quoted benefits of the scheme cannot be independently verified.
- **Risks of ownership changes**, which may put at risk ongoing maintenance and decommissioning, given that *Npower* is currently up for sale. SHWFAG are aware of a change of ownership of Milton Keynes Wind Farm from Your Electricity, which was granted planning permission, to Mistral Windfarms Management, a company with limited net worth.
- **The inadequacy of local consultation**, which has not been undertaken to the level requested in the Council's Scoping Response and has resulted in many local residents still being unaware of this proposed development.

In closing, Stop Haversham Wind Farm Action Group believes that this Objection Statement, coupled with the letter of 28 June 2012, demonstrates beyond any doubt, that this the application should be **REJECTED which we urge the local planning authority to do.**