

Application Number: 08/02118/FULEIS

major

CONSTRUCT A WIND FARM DEVELOPMENT COMPRISING 3 WIND TURBINES UP TO 125M HEIGHT TO BLADE TIP AND ANCILLARY EQUIPMENT, ACCESS TRACKS AND ANEMOMETRY MAST, IN CONJUNCTION WITH PLANNING APPLICATIONS TO BEDFORD BOROUGH COUNCIL FOR 6 TURBINES AND ACCESS TRACKS AND THE BOROUGH OF WELLINGBOROUGH FOR 3 TURBINES, SUBSTATION, CONSTRUCTION COMPOUND, ACCESS TRACKS AND SITE ACCESS AS PART OF A SINGLE WIND FARM OF 12 TURBINES FOR AN OPERATIONAL PERIOD OF 25 YEARS

AT Nunn Wood Land Between London Road And Harrold Road Bozeat, Wellingborough, Northants

FOR NPOWER RENEWABLES

Target: 15th May 2009

Ward: Olney

Parish: Warrington Parish Meeting
Lavendon Parish Council

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1.0 INTRODUCTION AND SUMMARY

(A brief explanation of what the application is about)

1.1 The Purpose of the Report

Members will recall the consideration of this application on 17 February 2011 which established the council's approach in relation to the public Inquiry held on 4 – 11 October 2011. The Inspectors decision was issued dated 15 November 2011 (copy attached as an appendix) and granted planning permission with conditions.

1.1.1 On the 23rd December 2011 Milton Keynes Council lodged an application under section 288 of the Town and Country Planning Act 1990 at the High Court seeking to quash the Inspector's appeal decision dated 15 November 2011 to grant planning permission for a wind farm at Nun Wood. The grounds of the application were: -

- The Inspector made an error with respect to his use of the Regional Policy Renewables Targets by assessing whether the target had been met by reference, only in relation to the energy produced by wind farm developments.
- He failed to consider visual impact of the development upon the users

of Three Shires Way.

- He did not properly address noise impacts of the development on surrounding properties.

An amended Statement of Facts and Grounds and Council witness statement and exhibits were subsequently served by Milton Keynes Council on 2 February 2012.

1.1.2 On 18 April 2012, the Department for Communities and Local Government, having reviewed the Inspector's decision letter, confirmed that it would submit to judgement on the challenge to the original appeal decision. Further, following the quashing of the original appeal decision, the appeal would be re-determined by a different inspector. The appeal would be able to consider new evidence and would not be limited to the noise condition which was the basis to quash the decision.

1.1.3 The new appeal has now been scheduled to sit from 11th - 21st of June 2013. The purpose of this report is to establish the council's approach in relation to the forthcoming public inquiry taking into account new material considerations such as the National Planning Policy Framework March 2012 (NPPF), the Wind Turbines Supplementary Planning Document and Emerging Policy adopted July 2012 and Localism Act. The report has been updated to reflect these material considerations.

1.2 **The Proposal**

The application is one of 3 submitted by NPower for a 12 turbine wind farm extending across the boundaries of 3 districts: Wellingborough, Bedford and Milton Keynes. Three of the turbines are proposed to be sited in Milton Keynes, together with an anemometer mast and access tracks; 3 turbines, a substation, access tracks and the main vehicular access within Wellingborough district, and 6 turbines and access tracks within Bedford district. The turbines are required for 25 years and are estimated to produce between 21-36 MW of electricity per year. Each authority has its own application for the development within its boundary and all 3 applications were subject to appeals lodged on 10 November 2010 against refusal or non-determination.

1.3 The applications were originally submitted in January 2009, but were held in abeyance until further information was submitted on 7 October 2010. The appeals were lodged on 10 November. The original applications were accompanied by an Environmental Statement (ES) which was reviewed and resulted in a number of criticisms, concerns and objections which were conveyed to the applicants. As a result, Supplementary Environmental Information (SEI) was collected and submitted, and included:

- Responses from National Grid and EDF regarding proximity to power lines
- Response to the comments by the British Horse Society and assessment of shadow flicker on Three Shires Way
- Response to Environment Agency's comments on hydrology and dewatering

- Additional survey information on Great Crested newts, bats, birds, and badgers
 - Response to comments on Landscape and Visual Assessment , including additional photomontages
 - Updated Noise Assessment
 - Additional information on impact on heritage assets
 - Response on aviation issues
 - Responses on shadow flicker
- 1.4 All 3 turbines within MK would be in Lavendon parish, but also close to Warrington, positioned to the east of the A509 Olney to Wellingborough Road, and north of A428 Bedford to Northampton Road, to the north of Warrington crossroads. The 3 turbines and anemometer mast would be sited between the A509 and the combined woodland area of Nun Wood, Three Shires Wood and The Oaks, as shown on the plan. The nearest residential properties within MK are 3 dwellings at Northey Farm, some 640 metres from the nearest turbine. The Three Shires bridleway runs north-south through the whole site and the MK Boundary Walk footpath runs through the MK application site.
- 1.5 Four more turbines are proposed to be sited to the north of Nun Wood, 1 within Wellingborough district and 3 within Bedford, and together they will form a southern cluster of 7 turbines and the anemometer mast. The remaining 5 turbines are to be grouped together further north, between Bozeat and Harrold. All turbines will be 80m high to the hub, with rotor blades of 45m, making the total maximum height of the blade tip 125m. The anemometer mast will be 80 metres high. All turbines would be linked by an access track to allow construction and maintenance.
- 1.6 The site for the 3 MK turbines consists of open arable fields, with few hedges and ditches. A national grid power line crosses the field to the south of the site in a SE/NW direction. The pylons are estimated to be around 42m high. The site lies outside of the Ouse Valley Area of Attractive Landscape. Details of the proposal as described above can be seen in the plans appended to this report.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National and Regional Policy

- National Planning Policy Framework paragraph 14, 15, 17, 93 – 98, 118 and 123
- Planning for Renewable Energy a Companion Guide to PPS 22 (Whilst the NPPF sets out the policy context for action, the Companion Guide offers practical advice as to how these policies can be implemented on the ground.
- The Stern Review 2006
- Climate Change Act 2008
- The Energy Act 2008
- Sustainable Development Commission Report on Wind Power in the UK

2005

- UK Renewable Energy Strategy 2009
- UK Renewable Energy Roadmap and Electricity White Paper

South East Plan

NRM 13 Regional Renewable Energy Targets

NRM 14 Sub Regional Targets

NRM 15 Location of Renewable Energy Development

Localism Act

The Localism Act introduces the power to revoke regional spatial strategies. The East of England Plan has been removed 3 January 2013 but the South East Plan remains in place.

2.2 Local Policy

Core Strategy Revised Proposed Submission Version October 2010

CS15 Community Energy networks & Large scale renewable energy schemes

CS20 The Historic & Natural Environment

Adopted Milton Keynes Local Plan 2001-2011

S1 General Principles

S10 Open Countryside

S11 Areas of Attractive Landscape

D5 Renewable Energy

D1 Impact of Development on Locality

HE1 Protection of Archaeological Sites

HE5 Development affecting the Setting of a Listed Building

HE6 Conservation Areas

NE1 Nature Conservation Sites

NE2 Protected Species

NE3 Biodiversity and Geological Enhancement

NE4 Conserving and Enhancing Landscape Character.

Supplementary Planning Guidance

Milton Keynes Wind Turbines Supplementary Planning Document and Emerging Policy: Wind Turbines Planning Applications document was adopted on 24 July 2012. This document is the subject of a legal challenge by way of Judicial Review in the High Court. Permission to proceed was granted on 27th November 2012 with the hearing scheduled for late February 2013). Notwithstanding the impending judicial review, the SPD which has been through public consultation is a material consideration and it should therefore be afforded appropriate weight in determining a planning application.

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 1. Compliance with national, regional and local planning policies
2. Landscape and Visual Impact
3. Ecological Impact

4. Noise
5. Impact on Historic Assets
6. The balance between energy policy and environmental impact

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 That the Committee determines that in the absence of the appeal against non-determination it would have been minded to refuse planning permission for the following reasons and that these reasons form the basis for the council to contest the appeal at the forthcoming Public Inquiry:

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

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

3. The proposed development by reason of the scale, number of turbines and their proximity to residential properties known as Bozeat Grange and Northey Farm would result in an unacceptable and significant harmful impact on the living conditions of those residential properties. The proposal would therefore be contrary to the adopted Milton Keynes Wind Turbines Supplementary Planning Document and Emerging Policy adopted July 2012 and paragraph 97 of the National Planning Policy Framework March 2012 and therefore contrary to saved policy D5 of the Milton Keynes Local Plan adopted 2005.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

5.1 Policy Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.2 Development Plans

The development plan comprises the South-East Plan (RSS for the South East of England) (2009); the Milton Keynes and South Midlands Sub-Regional Strategy (2005); and the saved policies of the Milton Keynes Local Plan (adopted 2005) as listed at paragraph 2.2 above. The Localism Act introduces the power to revoke regional spatial strategies, but, to date, this revocation has not taken place and the South East Plan remains in

place. However, the intention of the Secretary of State to revoke the South East Plan is a material consideration in the determination of planning applications. The South East Plan when revoked will have impact on specified regional targets and that these regional targets will no longer exist once the South East Plan has been revoked.

5.3 **The South-East Plan**

Policy NRM13 sets the minimum regional targets for electricity generation from renewable sources as 620MW in 2010, 875MW in 2016 and 1,130MW in 2020. The sub-regional target for the Thames Valley and Surrey, of which Milton Keynes is part, is 140MW in 2010 and 209MW in 2016. In July 2011, for the whole of the region, 82.6MW of wind energy development had been constructed, with some 32.3MW granted permission; the target thus not having been met. However, the South-East Plan does not contain targets for individual local authorities nor any targets for wind energy specifically.

5.4 **Milton Keynes Local Plan**

Saved Policy D1 of the Milton Keynes Local Plan deals with the impact of development on the locality. It is a general policy aimed at all categories of development however the emphasis is to reduce the adverse impact of developments in the locality within which they are situated. Policy D5 is concerned with renewable energy proposals. For such developments to be allowed three criteria must be satisfied. They deal with harm to residential amenity, wildlife species or habitat, and visual impact. There is also reference in the policy to shadow flicker, electromagnetic interference and a 350m minimum distance from dwellings. Policy HE1 Deals with the protection of archaeological sites and aims to protect sites of known archaeological importance, whether or not they are scheduled Ancient Monuments, from the adverse impact of development that would affect the feature or its setting. It also ensures that appropriate mitigation measures are provided and recorded as development takes place.

5.5 Other material Local Plan policies seek to protect from harm biodiversity (NE1) and protected species (NE2), conserving and enhancing landscape character (NE4), the setting of a listed buildings (HE5), conservation areas (HE6), Traffic (T10)

5.6 **Core Strategy Revised Proposed Submission October 2010**

Policy CS15 promotes the use of renewable energy schemes where it can be demonstrated that there will not be any negative social, economic or environmental results from the scheme. Policy CS20 seeks to protect the historic and natural environment. The Core Strategy has been through a formal examination in public in July 2012.

5.7 **National Policy Considerations on Renewable Energy Development**

The impact of climate change is a key strand located throughout all national planning documents. The UK government has set a target to provide 15% of the nation's electricity generation from renewable sources, such as wind, by 2020. This is to reduce CO2 emissions to limit the

severity of climate change and to reduce dependence on fossil fuels.

5.8 National Planning Policy Framework (March 2012)

- 5.8.1 The principle of renewable energy is supported by policies in the adopted Local Plan, the South East Plan, in addition to National Government Guidance (NPPF). The National Planning Policy Framework (NPPF) was published on 27 March 2012 by the Government (Communities and Local Government). This document has replaced all Planning Policy Statements and Planning Policy Guidance notes. The NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. In considering the principle of development it is necessary to be mindful of the policy context for renewable energy development.
- 5.8.2 **Paragraph 11** requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF goes further and advises that when assessing the likely impacts of potential wind energy development, regard should be given to the approach as set out in the National Policy Statement for Renewable Energy Infrastructure and the relevant sections of the Overarching National Policy Statement for Energy Infrastructure.
- 5.8.3 At the heart of the NPPF is the presumption in favour of sustainable development (**paragraph 14**), and this presumption is seen as the golden thread running through plan making and decision taking and accordingly sustainable development should be positively supported by Local Plan policies (**paragraph 15**). Sustainable development is defined as: "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs."
- 5.8.4 **Paragraphs 93 – 98** outline a number of key principles which should be applied to ensure that development plans and decision taken on planning applications contribute to the delivery of renewable energy infrastructure. These include paragraph 97 which states "To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:
- have a positive strategy to promote energy from renewable and low carbon sources;
 - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
 - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
 - support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and

- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

5.8.5 **Paragraph 98** advises that when determining applications local planning authorities (LPA) should approve the application if its impacts are (or can be made) acceptable. Accordingly, renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be satisfactorily addressed.

5.8.6 To be balanced against this government policy support for renewable energy is the protection of the natural and historic environment as stated in **paragraph 109**. It states: “The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and;
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

5.8.7 **Paragraph 113** requires local planning authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

5.8.8 **Paragraph 118** states that when determining planning applications, LPAs should aim to conserve and enhance biodiversity by applying the following principles:

- 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;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should

only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

- the following wildlife sites should be given the same protection as European sites:

- potential Special Protection Areas and possible Special Areas of Conservation;

- listed or proposed Ramsar sites; and

- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

5.8.9 **Paragraph 123** includes guidance on avoiding adverse impacts through noise as a result of new development. This states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

5.8.10 **Paragraph 131** requires LPAs to take account of conserving and enhancing the historic environment when determining applications:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

5.8.11 **Paragraph 132** sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

5.8.12 **Paragraph 133 and 134** outline 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.

5.9 **A Companion Guide to PPS22**

Although the NPPF has replaced Planning Policy Statement 22 (PPS22) the Companion Guide has not been replaced and therefore is a material consideration in the determination of renewable energy development. Local planning authorities have an important role to play in the implementation of appropriate renewable energy schemes. If the government's targets are to be met, policy support will need to be backed up by development control decisions. It should be noted that this document is of some age and was framed at a time were generally of a smaller scale than many current proposals.

5.9.1 *"Issues of landscape and visual impact should be addressed at the scheme specific level. Cumulative impacts should also be assessed and mitigated at this level Local planning authorities should recognise that landscape and visual effects are only one consideration to be taken into account in assessing planning applications, and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects"*(Para 5.4)

5.9.2 *In determining a planning application, local planning authorities must assess the case for each project and come forward with an objective view on:*

- *The extent to which the project is in conformity with the development plan*
- *The extent to which the reasons for any area based designations may be compromised*
- *The extent of any positive or negative impacts, and the means by which they may be mitigated, and*
- *The contribution towards meeting the regional target, but recognising that a small contribution cannot in itself be a reason for refusal*(Paragraph 5.8.3) as above.

5.9.3 *In considering an application, the following questions should be answered:*

- *Does the proposal satisfy the relevant criteria based policies in the RSS and detailed policies in the LDD*
- *How significant is any non-compliance .Could this be dealt with by condition or planning obligation*
- *Have application-specific matters such as landscape and cumulative visual impact been properly addressed*
- *Could measures be taken to mitigate impacts during construction and after the plant is in operation*

Can a condition be applied to cover restoration of the site should operations cease (Paragraph 5.8.4) as above

5.9.4 The Companion Guide further advises that the factors to consider in the landscape analysis are any national designations, landscape character area, landscape sensitivity (to change), landscape and visual analysis, and cumulative effects. The information required may include diagrams of zones of theoretical visibility (ZTVs), photomontages and computer generated wire frames. These have all been provided in the ES and SEI.

5.9.5 Para 41 advises that noise levels from turbines are generally low, and under most operating conditions would be completely masked by wind generated background noise. It gives typical noise levels for:

- Wind farm at 350m 35-45 dB(A)
- Car at 40mph at 100m 55 dB(A)
- Rural night time background 20-40dB(A)

The Assessment and Rating of Noise from Wind Farms report ETSU-R-97 describes a framework for the measurement of noise, which is advocated by government guidance.

5.9.6 The Guide also advises that car drivers are faced with a number of distractions during any normal journey and that wind turbines should not be treated differently or be considered particularly hazardous.

5.10 **Other Material Considerations on Renewable Energy**

Other material considerations include Circular 11/95: Use of Conditions in Planning Permissions; the 2007 Government White Paper on Energy: Meeting the Energy Challenge; the Climate Change Act 2008; The Renewable Energy Strategy; The Coalition: Our Programme for Government (May 2010); The Annual Energy Statement (AES), July 2010; National Policy Statements (NPS) on Energy (EN-1) and Renewable Energy Infrastructure (EN-3); and The Renewable Energy Roadmap.

5.11 **Climate Change Act 2008**

The Climate Change Act is the first national piece of legislation in the world to set legally binding targets to reduce carbon emissions. The UK has set a target to reduce its emissions by 80 per cent by 2050. Tackling climate change is a key Government priority for the planning system. There is an urgent need for action on climate change. In developing their core strategy and supporting local development documents, planning authorities should provide a framework that promotes and encourages renewable and low carbon energy generation. Policies should be designed to promote and not restrict renewable and low carbon energy and supporting infrastructure. This is similar to the guidance in the NPPF.

5.12 **Meeting the Challenge: Energy White Paper**

In May 2007 the Government published its White Paper 'Meeting the Energy Challenge'. This document aimed to define a long-term vision for energy policy combining environmental, security of supply, competitiveness and social goals. The Energy White Paper has four key goals:

- To put the UK on a path to cut carbon dioxide emissions by 60% by 2050 with real progress by 2020.

- To monitor the reliability of energy supplies.
- To promote competitive markets in the UK and beyond, helping to raise the rate of sustainable economic growth and to improve the country's productivity.
- To ensure that every home is adequately and affordably heated.

The Energy Act 2008 implements the legislative aspects of the 2007 Energy White Paper

5.13 **The Coalition: Our Programme for Government (May 2010)**

The Coalition supports increasing the target for energy from renewable sources and increasing the EU emission reduction target to 30% by 2020. The Annual Energy Statement (AES) of July 2010 indicated that, subject to advice from the Climate Change Committee, the Government will seek to increase the target for energy from renewable sources. The AES identifies current levels of deployment as only serving to highlight the failure to exploit renewable energy resources. The intention is to take positive action to drive forward deployment through a robust delivery plan.

5.14 **The National Policy Statements on Energy (EN-1) and Renewable Energy Infrastructure (EN-3) (July 2011).**

EN-1 highlights that to meet emissions targets, the consumption of electricity will need to be almost exclusively from low carbon sources. In the short term this means that much of the new capacity will need to come from on and off-shore wind-generated electricity. To meet the 2020 target for energy from renewable sources, EN-1 identifies that there is an urgent need to bring forward new renewable electricity generating projects as soon as possible. Whilst off-shore wind is expected to provide the largest single contribution to the 2020 target, on-shore wind is highlighted as the most well-established and currently the most economically viable source of renewable energy available for future large-scale deployment.

5.15 **The National Policy Statements on Energy (EN-1) and Renewable Energy Infrastructure (EN-3) (July 2011).**

EN-3 reiterates the important role of on-shore wind. It deals with issues that include such matters as landscape and visual impact, noise, biodiversity, and the historic environment. Notably, it recognises that there will always be significant landscape and visual impacts. EN3 also sets out the impact assessment principles on shadow flicker, traffic and transport and noise; the use of ETSU-R-97 and the weight to be afforded. In particular, EN3 states at paragraph 2.7.6 that:

“Commercial scale wind turbines are large structures and can range from tip heights of 100 m up to 150 m although advances in technology may result in larger machines coming on the market. All wind turbines generate sounds during the operation. As such, appropriate distances should be maintained between wind turbines and sensitive receptors to protect amenity. The two main impact issues that determine the acceptable separation distances are visual amenity and noise...”

5.16 **The UK Renewable Energy Roadmap (July 2011)**

In July 2011 the Government published a new Electricity White Paper and Roadmap for Renewables to 2020. This shows where we are at present and provides an analysis of how deployment may evolve by 2020. It details the actions required to achieve the levels of deployment anticipated. Whilst the 'Roadmap' concludes that the UK can meet the 2020 target and the pipeline of renewable electricity projects is healthy, it highlights that significant uncertainties remain and that new renewable projects need to come forward.

5.17 **Policy Conclusions**

From this extensive range of national, regional and local planning policy emerges two clear strands of guidance:

- (i) Considerable support for the promotion and development of renewable energy projects
- (ii) Protection of the built and natural environment, with emphasis on nationally protected assets.

The development of wind energy projects is to be supported provided that the visual impact on the landscape, and other negative impacts of noise and on wildlife and heritage assets, are mitigated or outweighed by the wider benefits of meeting climate change targets. The effectiveness or viability of the wind energy scheme is not a material planning consideration.

6.0 **Considerations**

6.1 This section of the report provide analysis of the development against the key planning considerations such as landscape and visual impact, historic environment, ecology, traffic and transport, shadow flicker, aviation, telecommunications and noise. The policies outlined above recognise that all wind farm schemes are likely to have some impacts. Any negative effects from wind farms must be weighed against the positive effects which will accrue from the development, including the contribution that the proposed development makes towards national policy on tackling the effects on climate change by the production of energy from renewable and sustainable means.

6.1.1 **Landscape and Visual Impact**

The visual impact of wind turbines upon the character and appearance of the landscape is the most significant factor to consider against the benefits to minimising climate change. The proposed turbines are 80m to the hub and 125m to the tip of the blade, and are to be located on high ground for maximum exposure to wind speeds. They will therefore be very dominant features in the immediate locality up to 5 km radius, gradually receding in more distant views beyond 10km. The study area for large scale wind turbines is defined by a 30km radius of the development site, which is in line with the Visual Representation of Wind Farms Good Practice Guidance by Scottish Natural Heritage. The cumulative visual impact of this and other existing and approved wind farms within this 30km radius must be considered as a material planning consideration.

6.1.2 The Environmental Statement (ES) provides a landscape and visual assessment that draws upon established methodology and guidelines from the Landscape Institute guide and the Scottish National Heritage (SNH) good practice guide. It follows a series of stages including

- An assessment of existing landscape character
- Computer generated Zones of Theoretical Vision (ZTV)
- Selecting and agreeing representative viewpoints
- Preparation of computer generated wire frames from those viewpoints
- Preparation of photomontages from those viewpoints
- Assessing the sensitivity, magnitude of effect and significance level of effects on the landscape
- Assessment of mitigation measures

6.1.3 Landscape Character

(Taken from the Character of England Map, by the Countryside Agency and English Nature):

The proposed wind farm lies within the Yardley-Whittlewood Ridge character area, categorised as a broad plateau elevated above adjacent vales, comprising a mix of pastoral and arable farmland with medium sized fields with full hedges and hedgerow trees. The landscape has a strong historic character, largely due to the continued presence of ancient woodland. Settlement is sparse with limited local road network. The landscape quality is judged to be high to medium, and the sensitivity to change judged to be medium to high.

To the south east of the site lie the Bedfordshire and Cambridgeshire Claylands character area. This comprises a gently undulating topography divided by broad shallow valleys. Land use is predominantly arable with large open fields bounded by ditches or sparsely closely trimmed hedges, with clusters of ancient woodland. The Clay lands contain locally designated landscapes including 2 areas of Great Landscape Value (Beds Structure Plan and Area of Attractive Landscape (MK Local Plan)). The overall character is judged to be medium, and sensitivity to change judged to be medium to high.

Long distance views are largely limited or contained by topography and woodlands.

6.1.4 The above assessment is echoed by Milton Keynes Local Plan, Plan NE1, which names the Yardley-Whittlewood Ridge as the Yardley Ridge, and the Clay lands as the Ouse Valley, lying approximately 2.1 km south of the site. The assessments of landscape quality and sensitivity to change are the same as above. Beyond the Ouse Valley, within 5.5km of the site, are the Chicheley/Crawley Clay lands, but given their distance from Nun Wood wind farm the effects will be low.

6.1.5 Zones of Theoretical Vision (ZTVs)

Using computer modelling of ground levels and the heights of the turbine masts (80m) and blade tips (125m), a plan has been produced showing, in theory, the areas around the site from which the masts and also the blade tips will be visible from. The Scottish National heritage guide advises that this should be done assuming no visual obstructions i.e. bare ground conditions. The EA provides such a map, but also provides a plan showing the same ZTV but with areas of woodlands (15m high) and settlements (7.5m high) assumed to provide some screening of views.

The assumption that woodlands and settlements provide screening does not significantly change the ZTV within 5km of the site but, as distances increase, there are areas from which the theoretical views disappear. The closest settlements to the site are:-

- Warrington, Lavendon (between 1-2 km)
- Cold Brayfield, Newton Blossomville, Clifton Reynes (3-4km) and
- Olney (3-5 km)

All lie within the ZTV, as well as some of the more distant villages which are in part on higher land with open views e.g. Astwood, Hardmead, Weston Underwood and Stoke Goldington.

In other districts, the ZTV covers Turvey, Carlton, Harrold, Odell, Bozeat, Wollaston, Grendon, Easton Maudit, Castle Ashby, Yardley Hastings, Denton, Brayfield, Earls Barton, Irchester and Rushden.

6.1.6 Viewpoints for Wire Frames and Photomontages

The original ES provided 14 viewpoints, 4 of which are in MK

- Viewpoint 3 Footpath near Castle Farm, Castle Lane , Lavendon
- Viewpoint 4 A509 north of Olney
- Viewpoint 9 Local road to Ravenstone, east of Stoke Goldington
- Viewpoint 12 Local road connecting Clifton Reynes and Newton Blossomville

Photographs were also taken at Cold Bradfield, Emberton, and Weston Underwood, with wireframes added.

The Supplementary Environmental Information adds

- Viewpoint 15 Cold Brayfield
- Viewpoint 16 Emberton, by A509
- Viewpoint 17 Weston Underwood
- Viewpoint 18 A509 on MK Boundary Walk
- Viewpoint 19 A428 on Three Shires Way
- Viewpoint 20 MK Boundary Walk, south west of Olney Park Farm
- Other viewpoints in Bedford and Wellingborough districts

6.1.7 Assessment of Impacts

The ES assesses the possible impacts on the local character areas as:-

- Yardley Ridge- magnitude high within 5km, reducing to medium/low within 10km. Given the overall sensitivity to change as medium/high, the significance level of potential effect is judged to

be major to moderate/major within 5km, reducing to moderate/major too moderate/minor within 10km.

- The Ouse Valley- magnitude low within 5km, reducing to negligible beyond. Given the sensitivity to change as medium/high, the potential effect is judged to be moderate to moderate/minor within 5km reducing to negligible beyond.

Ouse Valley AAL – magnitude medium within 5km, reducing to low/negligible beyond. Given the sensitivity to change is high, the potential effect is moderate/major within 5km, reducing to moderate/negligible beyond.

6.1.8 Impact on viewpoints

- View 3 Castle Farm, Lavendon – high magnitude and sensitivity, major impact
- View 4 A509 Olney- medium magnitude and sensitivity, moderate impact
- View 9 Stoke Goldington- medium/low magnitude, sensitivity medium, impact moderate/minor to moderate
- View 12 Clifton Reynes to Newton Blossomville road – medium/high magnitude, medium sensitivity, and impact moderate to moderate/major.

The ES briefly assesses the likely impact upon other settlements within 10km.

6.1.9 The ES assesses the cumulative impacts of other wind farms including

- Burton Wold, 10 turbines, 99.5m high, operational, between Kettering/Burton Latimer
- Burton Wold extension, 7 turbines, 100m high, consented
- Petsoe End, 7 turbines 125m high, consented, (but now operational)
- Asda Northampton, 1 turbine 127m high, in planning,(since withdrawn)
- Airfield Farm, Poddington, 3 turbines , 126.5 m high, in planning (but subsequently refused and appeal dismissed, but appeal decision overturned on Judicial Review)

The cumulative impacts are as follows:-

Yardley Ridge- moderate to moderate/major within close vicinity to the site, Ouse Valley- Moderate to Moderate/minor

Ouse Valley AAL – moderate within 5 km, negligible beyond

6.1.10 Mitigation

The ES considers the opportunities for mitigation to be limited due to the scale of the wind farm and its anticipated life time of 25 years. At 125m high, the turbines are considerably larger than any trees could grow, and after 25 years would still be maturing. The wind farm is potentially reversible, and could be de-commissioned and the site returned to its original character, and any trees planted could arguably change the existing landscape character more permanently. The inclusion of a 5m scrub planting belt around sub-station could help screen it. Elsewhere

additional planting to strengthen and enhance hedgerows could be provided; particularly those alongside public rights of way could help filter views.

6.1.11 Existing farm access tracks will be used where possible, and new track laid adjacent to field boundaries. Turbines have been sited to make use of scattered copses to break up their layout and provide visual relief. Turbines have been set back different distances from rights of way to prevent them appearing as a linear corridor, and sited to avoid the designated view from Castle Ashby. Following consultation with Bozeat residents, the northern most turbine was relocated further towards the main cluster. The turbines have been sited to minimise impact on vegetation.

6.1.12 The 3 Councils jointly commissioned a Stage 1 Audit of ES, by consultants Cooper Partnership, to test whether the ES was robust in respect of the Landscape Impact and Shadow Flicker aspects, and that the ES reported the significant effects with clarity and transparency. They recommended

1. Request that significant landscape, visual and shadow flicker effects are reported/summarised separately for each of the three Council areas, so these may be clearly understood;

2. The effects on the two long distance footpaths that cross the Nun Wood site are specifically assessed in terms of landscape, visual, shadow flicker and bridleway usage issues; the impact on public rights of way was a key issue at the Burnham-on-Sea and Fullabrook Down wind farm sites;

3. Cumulative visual effects are assessed and reported in terms of the published best practice methodology referred to in the ES; there are many descriptions of possible cumulative effects based on supposition, rather than a 'tested' and thorough cumulative impact assessment;

4. Colour coded plans are submitted to show sections of public footpaths and highways which will have a view of one (Nun Wood) or more wind farm schemes; ideally, these schemes should be also assessed from visual receptors (viewpoints) in alternative locations to accord with best practice methodology;

5. The possibility of this part of Bedfordshire becoming a 'wind farm landscape' is considered as part of the cumulative landscape effect;

6. The Biggleswade wind farm is considered within the cumulative landscape and visual impact assessments;

7. An assessment of any night-time effects is provided; and

8. The Nun Wood wind turbines are colour coded (ideally also numbered) within each Council area on wireframes printed below the photomontages, with annotation of landmarks in the view, to help orientate the reader; and also, observer on site.

- 6.1.13 Following the submission of the supplementary environmental information, Cooper Partnership was asked to review this additional information, carry out a visual site appraisal and provide further advice on the landscape impacts. Their summary appears below and the full document in Appendix 1. Their site observations and conclusions are quoted below:-

Landscape Character

The seven 125m high turbines at Petsoe lie some 5.5km south of the Nun Wood site, and have introduced vertical elements that are not characteristic of the local landscape. These turbines have significantly changed the character of the Milton Keynes Ouse Valley Landscape Character Area (LCA), and Chicheley/Crawley Clay lands LCA (see ES Figure 7.4 Rev B). Previously, the skyline was characterised by undulating landform, discrete woodland blocks, historic church spires and an overhead cable/pylon corridor.

The Petsoe turbines are clearly visible over an area which extends 3-6km distance around them; the extent of visibility varying with the scale of the local topography and vegetation cover. There is intervisibility between the Petsoe wind farm and the adjacent landscape character areas (e.g. Milton Keynes Yardley Ridge LCA, and Bedfordshire LCA2: Wooded Wolds and LCA1: Arable Clay Plateaux with Tributaries, as well as the setting of the villages in these areas.

The turbines at Burton Wold may be seen from the landscape area around Bozeat (e.g. Northamptonshire Type 6: Undulating Clay lands and Type 12a: Limestone Valley Slopes).

It is felt that consent of the twelve proposed turbines at Nun Wood will significantly expand the influence of the Petsoe wind farms northwards, infilling the existing separation distance between Petsoe and Burton Wold, to create a 'landscape with wind farms' with potential to create a 'wind farm landscape' (e.g. SMH guidance definitions). As discussed above, this type of cumulative landscape impact has not been addressed by the ES.

Conclusions

In practical terms, the supplementary landscape information provides little further clarification or justification for the assessment of landscape effects.

The ES identifies that the stand-alone Nun Wood scheme will have a significant impact on a number of landscape character areas in Milton Keynes, Bedfordshire and Northamptonshire; this collectively should be taken into account during the decision making process.

The Nun Wood scheme will infill the area between the Petsoe and Burton Wold wind farm developments, and will extend the influence of the Petsoe turbines further north. This will give rise to a cumulative landscape impact, and create a 'landscape with wind farms', and possibly a 'wind farm

landscape', which is a current planning issue.

The ES does not adequately assess the effect on the setting of villages and residential receptors, either in terms of the stand alone Nun Wood scheme, or its cumulative impact in connection with existing operational schemes.

6.1.14 The Council's Landscape Officer has reviewed the original ES and the supplementary environmental information, and his advice is summarised at appendix 3. Although the ES predicts that the impact on landscape within 5km of the site will be major to moderate, none of the site lies within any national or local designation of protected landscape. He has not raised an objection to this proposal.

6.1.15 The Petsoe End wind farm lies partly within the designated Area of Attractive Landscape (local designation) but its impact was not considered by the consultants to be so detrimental as to warrant refusal, when balanced against other material planning considerations. Now that it has been constructed, Members have the opportunity to make their own judgement about the visual impact of 125m high turbines on the local landscape.

The significant impacts will be on: -

1. Residents closest to the site, especially Warrington residents. A number of the nearby villages lie in shallow valleys and this, combined with the screening provided by the buildings, will result in the turbines not being widely visible from the road within the village. However, dwellings whose rear elevations face the site and have open views across the countryside will be able to see the turbines to varying degrees.
2. Users of Rights of Way. Those who use the footpaths and bridleways close to the site will have intermittent but strong views of the turbines. Users of rights of way are likely to be doing so to enjoy the countryside, and the presence of turbines will be a dominant feature over a long duration, due to the low speed of travel.
3. Road Users. There will be some significant views within 5 km of the site, but these will be intermittent due to topography and screening, and fairly transient due to the speed of traffic.
4. Cumulative impact. Petsoe End and Burton Wold wind farms will both be visible from Nun Wood wind farm, and could be seen in progression by users of the A509. However, due to the topography and screening by trees and hedgerows, views of the turbines will be intermittent, not constant.

6.2 **Ecological Impact**

The proposed site is approximately 496 ha of farmland, and comprises an open landscape of agricultural land intersected by hedges, small copses and larger woodlands. There are numerous ditches and drains as well as ponds across the site. The land take will include 12 bases for turbines, plus a substation, control building and approximately 11,800 metres of access track, 2.5-5m wide connecting the turbines. All cabling will be

underground and follow access tracks. During construction, temporary hard standings for cranes and a construction compound will be needed. During construction 14 ha of land will be needed, reducing to approx 7.5ha when in operation. Construction is planned to take 14 months.

6.2.1 The ES contains a chapter on Ecology and Nature Conservation, which has been subsequently amplified by the SEI. The ES started with a desk-based assessment using existing known sources of ecological information, and consultation took place with relevant parties. Ecological field surveys were carried out to supplement the information, and included a Phase 1 habitat survey, and bird, bat, badger, and great crested newt surveys. Some of this work was taken from studies done for the 2006 planning application, and was criticised for being both out of date and not rigorous enough, nor following best practice advice, which led to the resurvey work during 2009-2010, submitted as SEI in October.

6.2.3 The study revealed 4 statutory designated SSSI sites within 6km of the centre of the site, the nearest within 150 metres, but none within MK. In addition there are 12 identified non-statutory designated sites within or close by, mainly ancient semi-natural woodlands, of which Three Shires Wood lies within MK. It connects to Nun Wood and The Oaks Wood which are also ancient woodlands and together form the most important habitat for bats and birds within the MK part of the site. The rest of the site within MK is open arable land with very few hedges, a few ditches and isolated trees, but with a very low ecological value. There are no ponds, newts or badger setts on the MK part of the site. The 3 turbines and the anemometer mast will all be positioned within the open arable fields, as will the access tracks, so direct impacts on valuable habitats with MK will be very low.

6.2.4 Due to criticisms of some of the survey methodology and data, further survey work on bats, birds, badgers and newts was carried out 2009-2010 and submitted as SEI. English Nature and BBONT are now satisfied with the ecological work and have raised no objections to the ecological impact of the turbines, subject to conditions to ensure that the proposed mitigation works are carried out, and that further pre-commencement and post-operational monitoring takes place. The concerns raised by MK's Countryside Officer do not relate to turbines sited within MK, so would not be relevant to this Council's determination of its own application. Subject to conditions, there would be no ecological reasons to refuse this application.

6.3 **Noise**

The key legislation governing an application for a wind farm is the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The type of development proposed falls within Schedule 2 of the above Regulations. This legislation requires the Local Planning Authority to be satisfied that any potential environmental impacts have been fully assessed to their satisfaction. There is no restriction on the type or extent of information the Local Planning Authority can request in order to ensure

the EIA process is complete and that the application has been assessed as fully as possible. It is the applicant's responsibility to provide this information to demonstrate how they will comply with the above Regulations.

6.3.1 As part of the above process, the Government's recommended standard for the assessment of wind turbines is 'The Assessment and Rating of Noise from Wind Farms' ETSU – R- 97 more commonly referred to as ETSU, or the ETSU standard. This document is the key driver for such assessments, the aim of which is to limit the noise experienced at the nearest residential dwellings from wind turbines.

6.3.2 Once constructed and operating, wind farms may emit two types of noise. Firstly, aerodynamic noise is a 'broad band' sometimes described as having a characteristic modulation, or 'swish', which is produced by the movement of the rotating blades through the air. Secondly, mechanical noise may emanate from components within the nacelle of a wind turbine. This is less natural sounding noise which is generally characterised by its tonal content. Traditional sources of mechanical noise comprise gearboxes or generators. Aerodynamic noise is usually only perceived when wind speeds are fairly low, although at very low wind speeds the blades do not rotate or rotate very slowly and so, at these wind speeds, negligible aerodynamic noise is generated. In higher winds, aerodynamic is generally masked by the normal sound of wind blowing through trees and around buildings. The level of this natural 'masking' noise relative to the level of wind turbine noise determines the subjective audibility of the wind farm. The primary objective of the noise impact assessment is therefore to establish the relationship between wind turbine noise and the naturally occurring masking noise at residential dwellings situated within the vicinity of the proposed wind farm and to assess these levels of noise against accepted standards.

6.3.3 Wind Shear

The ETSU – R-97 standard does not cover the issue of wind shear specifically. The results from the application of the methodology and measurement of wind shear as part of the EIA process, has indicated that there is sufficient scope to accommodate some increase in noise as a consequence of wind shear without this detrimentally affecting neighbouring residential dwellings.

6.3.4 Excess amplitude modulation

Amplitude modulation is aerodynamic noise caused by passage of air over the wind turbine blades. The aerodynamic noise is amplitude modulated; i.e. its volume rises and falls as the turbine blades rotate. Amplitude modulated noise is more noticeable and annoying than non-modulated noise. ETSU-R-97 refers to the amplitude modulation of aerodynamic noise as "blade swish". ETSU-R-97 does not include details on how to assess amplitude modulation. It is important to note that at present no robust prediction methodologies exist to assess the potential for excess amplitude modulation to occur, or if it does, it's magnitude at a particular

site. This point is acknowledged by the applicant. Similarly this point is also acknowledged by the Milton Keynes Wind Turbine SPD at page 12 (with reference to the previous appeal. It is therefore important to the Local Planning authority that this issue is fully explored.

- 6.3.5 Noise issues are considered in Chapter 8 of the ES. Noise monitoring was carried out at 6 locations at nearby farms to record background noise levels, one of which was within MK at Lower Farm Lavendon. Using these measurements, the ES made predictions of noise levels which were carried out using the International Standard ISO9613 Acoustics-Attenuation of Sound During Propagation Outdoors methodology for 11 dwellings sited closest to the turbines. Northey Farm, with 3 dwellings, is the nearest location to turbines within MK and was one of the locations assessed, but was not one of the locations where background noise levels were recorded. The proposed vehicular access to the site off the A509 is also located adjacent to Northey Farm.
- 6.3.6 The predictions for Northey Farm showed that turbine noise would be below the lower night time noise limit by a minimum margin of 2dB(A), and below the lower daytime noise limit by a minimum margin of 7dB(A), and also below prevailing background noise for all wind speeds.
- 6.3.7 The ES further predicted that the night time noise limits in respect of turbine noise are met at all properties in all districts, and that the lower daytime noise limit is met at all properties other than Harrold Park Farm, where the predicted noise level fell between the lower and upper limits for a small range of wind speeds. Properties further from the site than those assessed would experience increasingly lower turbine noise levels, so would meet the relevant criteria.
- 6.3.8 During construction, vehicles using the proposed vehicular access in Wellingborough district, but sited immediately adjacent to the MK boundary and Northey Farm, are predicted to reach up to 85 dB Laeq (worst case) during the construction of the access track and compound. This is above the 67 dB criterion recommended. As possible mitigation, and at the request of the Council, temporary acoustic barriers could be erected, or other mitigation measure such as selecting the quietest plant and construction techniques or timing of the works could be used. Should planning permission be granted, a noise condition relating to construction will be required to safeguard the amenity of residents at Northey Farm.
- 6.3.9 Criticisms of the noise monitoring selection of sites, and methodology were raised jointly by all 3 authority's Environmental Health Officers, and the applicants carried out further noise monitoring at agreed sites during 2010 and have provided an updated Noise Assessment. Additional noise readings were taken at Northey Farm and at The Willows, Warrington within MK, and at other locations in other districts. Two different methods were applied to predict the effects of wind shear (the rate at which wind speeds increase with height above ground level) on noise predictions. The conclusion reached by the applicant's consultant from these additional

monitoring and predictive methods is that there is no change from their previous conclusions. Noise levels from the turbines at all nearby properties will meet the night and day time limits, except for a small exceedance of the lower day time limit at Harrold Park Farm, but that the upper limit is easily met. Three other properties, Park Farm, Manor Farm and Middle Farm have a small chance of being affected, but lower noise levels should not be exceeded.

6.3.10 The conclusion of Temple Group, noise consultants for the joint three councils, is that planning permission should not be refused on noise grounds, but that affected properties Harrold Park Farm and Northey Farm (during construction) can have their amenity protected by the imposition of suitable noise conditions.

6.3.11 Notwithstanding the above, the previous Appeal Inspector stated at paragraph 84 of the decision letter that “There is no challenge to the proposal on noise grounds from the 3 Councils. The noise assessment has been carried out in accordance with ETSU-R-97 requirements. BLOT has registered concerns over the appropriateness of the noise modelling and the likelihood of Excessive Amplitude Modulation. I note, however, that these concerns could be addressed by the imposition of suitable planning conditions.” Notwithstanding this statement from the planning Inspector, the Council challenged the decision at High Court on the basis that the inspector did not properly address noise impacts of the development on surrounding properties. Now that this decision has been quashed Members have the opportunity to include an additional reason(s) in respect of noise however this would need to be supported by cogent evidence at the forthcoming appeal.

6.4 **Impact on Historic Assets**

Built heritage was considered in Chapter 10 of the ES, and Archaeology in Chapter 9. Bedford Borough and Welton Councils requested some additional visual material from several listed buildings and conservation areas, and the national policy guidance changed in March 2010 with the publication of PPS5, replacing PPG15 & PPG16. The national guidance has since changed with the NPPF replacing PPS5. Accordingly, the proposals have to be considered in light of the NPPF which is a highly material consideration. The Supplementary Environmental Information received in October 2010 provides additional information in the form of photomontages and wireframes from 7 new locations affecting conservation areas or Grade I listed buildings and addresses the latest guidance. It concludes that the additional information enables a clearer understanding of where the turbines will appear in certain views, but has not changed the overall conclusions in the ES that there will be no significant impact on any designated heritage assets. The SEI does not relate to heritage assets within MK.

6.4.1 In terms of archaeology, a desk based assessment; walk over survey and trial trench evaluation was carried out across the site. The trench evaluation covers all but the southern most turbine site, which lies within

MK, as it is believed there may be unexploded ordnance in that area. The Council's archaeologist has requested a condition to require this site to be assessed prior to construction. Little of significance was found in the other 11 trenches, just a fragmented medieval dish in one trench.

6.4.2 There are 3 Scheduled Monuments (SM) within the site, all within Bedford borough, and 17 SMs within 5km of the site. The ES assessed the impact on 4 SMs with below ground remains as low.

6.4.3 For the built heritage, the ES identifies 498 listed buildings, 8 conservation areas and 5 registered parks and gardens within a 10km radius, as well as the 17 scheduled monuments within 5km. It rates conservation areas as medium sensitivity receptors, and all others as high sensitivity. Grade I and II* listed buildings within 5km are listed separately and total 28, of which 7 are in MK. Four are churches of Lavendon, Olney (both grade I), Cold Brayfield and Newton Blossomville, and the other 3 are properties in Olney (all grade II*). The ES also identifies all Grade II listed buildings within a 2 km radius.

For all of these identified listed buildings, conservation areas and registered parks it provides a description and an analysis of their setting, and how this will be affected by the turbines. Their settings are generally considered to be confined to their immediate locality, and the impacts on these settings considered to be of negligible significance.

6.4.4 This Council's Conservation Officer considers that the impact on the settings of some conservation areas and listed buildings will be 'some or little' impact and does not raise an objection. English Heritage takes a wider view of the setting of heritage assets, and has raised an objection. However this objection is based on the cumulative impact on Turvey House from this Nun Wood proposal and the Petsoe wind farm, and therefore does not relate to heritage assets within Milton Keynes. On the basis of this advice, there would be no reasonable objection to the current MK application on heritage grounds.

6.5 **Impact on footpaths and bridleways**

The Three Shires Way bridleway and MK Boundary Walk pass through the site, and other footpaths run close to the site. The Companion Guide to PPS22 states that there is no minimum statutory separation distance between turbines and rights of way. The British Horse Society had recommended 200m separation from a bridleway which is referred to in the Companion Guide as 'deemed desirable', but BHS have subsequently revised their advice to increase their recommended separation distance to 4 times the turbine height from national routes (i.e. 500m in the case of Three Shire Way) and 3 times turbine height in other cases. BHS have not objected to this proposal, but have raised concerns.

6.5.1 In response, the SEI advises that all turbines at Nun Wood will meet the 200m separation distance, and have provided examples of 5 appeal decisions where an appeal has been allowed despite the turbines being

below the 200m separation distance, some as close as 100/110m to turbines 100m high.

In relation to concerns about moving shadows on the ground falling across the bridleway and frightening horses, the Energy Workshop has provided the following comments:

- When the sun is high in the sky, the shadows are not noticeable beyond around 100m from the turbine, when the sun is low, the mosaic effect of local shadows reduces the prominence of shadows from turbines.
- Moving shadows will only be observed at points along the Three Shires Way for a couple of hours after dawn and before dusk, when shadows are weaker.
- Certain meteorological conditions need to be present, the sun must be shining, the wind blowing and the turbines facing the bridleway. When these conditions prevail, the shadows will reach the bridleway for approx 15% of the time
- Hedges along much of the eastern side of the bridleway will limit shadows appearing during the mornings.

6.5.2 The Milton Keynes Wind Turbines Supplementary Planning Document and Emerging Policy provides guidance on separation distances and states: “That, as a starting point when assessing a site and its potential layout, a separation distance of four times the overall height should be the target for National Trails and Ride UK routes, or 200 metres, whichever is the greater. The negotiation process recommended in the Companion Guide to PPS 22 should indicate whether, in the particular circumstances of each site, these guidelines can be relaxed or need strengthening to minimise or eliminate any perceived potential difficulties.

Requirements for Minimum Distance from Public Footpaths

The minimum distance requirement is the fall-over distance (i.e. height of the wind turbine as measured from the ground to the end of the blade tip at its highest point) plus 25%.

6.5.3 For the 3 turbines within MK, these will be sited to the west of the Three Shires Way and there are no intervening hedgerows. This gives horse riders and the horses that they are riding clear views of the turbines and late evening sun may throw shadows across the bridleway. The BHS letter raises concerns, but not an objection. Other letters raise similar points, particularly from the owners of a livery stables at Lower Farm Lavendon, who contend that the Three Shires Way is the bridleway most used by their clients, and fear that the presence of the turbines will deter horse owners from using their livery stables and cause its closure. However without substantive evidence of the actual harm arising from the siting of turbines close to bridleways, officers do not consider that these would merit a reason to refuse planning permission that could be successfully defended at appeal by the Council. If such evidence exists, it could be put forward at the appeal inquiry by the stable owners or BHS representative.

6.6 **Shadow Flicker**

The PPS22 Companion Guide advise that under certain combinations of geographic position and time of day, the sun may pass behind the rotors of a turbine and cast a shadow over neighbouring property. When the blades rotate, the shadow flicks on and off; the effect is known as shadow flicker. It only occurs inside buildings where the flicker appears through a narrow window. Flicker is also defined as alternating changes in light intensity caused by the moving blade casting shadows on the ground and stationary objects, such as a window at a dwelling. This implies that flicker would not occur in open spaces such as garden and will therefore only occur in certain locations or at specific times. The occurrence will depend on the spatial relationship between a wind turbine and the observer. The effect from the shadows cast by the rotating blades sunny days may be more or less pronounced depending on the intensity of the sun/shadow contrast and the distance from the turbines to a receptor.

- 6.6.1 The ES has identified 7 locations within 900m of turbines which may be affected by shadow flicker, and this includes the 3 dwellings at Northey Farm within MK which will be affected by turbines 2, 3, & 4. It is predicted that the flicker will occur on about 38 mornings per year (between 5.20 and 8am) and is predicted to last for a period between 23-25 minutes, with a shadow density between 11- 39%. The total exposure is predicted to be 14.8 hours per year. If complaints arise the developer will consult the residents affected and proposed mitigation could include planting trees or installing blinds or curtains.

6.7 **Traffic and Access**

The vehicular access to the site is proposed from the A509 within Wellingborough district, but immediately adjacent to the Northants/Bucks border. The configuration and visibility of the access, in relation to highway safety, is a matter for Wellingborough to determine, in conjunction with Northamptonshire County Council as highway authority. Northants CC have not raised an objection to the proposed routing or traffic volumes using the highway network during construction, but have recommended conditions on the access arrangements from the A509.

- 6.7.1 The ES assesses access routes for construction from various ports to the site, and identifies the north local route as the preferred option. This route leaves the M1 at junction 19 takes the A14 southwest of Kettering, then the A45 south to Wellingborough and then the A509 to the site. This Council's Highway Engineer raises no objections to this route, as it does not affect roads within this borough.
- 6.7.2 The south local route leaves the M1 at junction 14, takes the A509 to Newport Pagnell by- pass, through Olney to the site. The key issue is that the south route has to pass through Olney town centre and may raise public objection. The Highway Engineer recommends a planning obligation to prescribe the use of the north route, but in view of the appeal such an obligation cannot be imposed, and a condition requiring a Traffic Management Plan is suggested, together with conditions on road

sweeping, wheel wash facilities, parking of construction workers vehicles and no access from the A428.

6.7.3 The ES predicts the likely levels on journeys during the various phases the 14 month construction period, both on average and as a maximum daily use. The most intensive traffic generation will occur when the turbine foundation construction occurs over an estimated 14 weeks, when 75 return trips may occur per day. The second most intensive period will be for 20 weeks during the construction of the access tracks, with a maximum of 38 return trips per day.

6.7.4 The turbine delivery period is estimated to be over 16 weeks, and while only 9 return trips per day are predicted, some of these will be very long loads (45m blades) with high potential for disruption to traffic. While this has been highlighted in many of the letters of objection, it is not considered that a technical highway objection could be sustained at appeal.

6.8 **Electromagnetic Interference, power lines and aviation.**

Radio and microwaves are used in a variety of communications and any large structure has the potential to interfere with them. As part of the ES, Npower consulted with mobile phone operators, Defence Estates (MOD), Civil Aviation Authority and National Air Traffic Services. Cranfield Airport has raised concerns about possible interference with their proposed radar installation, but as yet they are unable to be precise as to the exact siting of the proposed radar, and Npower have not provided them with a requested cross section of the land between Cranfield and Nun Wood site. Both sides seem to be waiting for the other to provide information to fully assess whether or not any interference will result. The Council has no evidence to support a reason for refusal based on the objection from Cranfield Airport who, if necessary, could put forward their own evidence to the appeal inspector to support their objection. It is recommended that a planning condition be imposed on any permission, requiring the impact on radar to be fully assessed and mitigated prior to construction.

Anglian Water has advised that 3 UHF communications paths will require mitigation. Again, this can be dealt with by condition.

6.8.1 National Grid, which operates the overhead line running through MK to the south west of the site, has now agreed to the proposed siting of the turbines, subject to the imposition of 2 conditions. Turbine 1 shall not be sited any closer to the grid line than shown on the drawing, and no other turbine shall be sited less than 3 times the rotor blade diameter (270m) from the overhead line. This can be secured by condition.

6.8.2 EDF Energy, which operates the overhead line which runs through the north east of the site, has no objection to any turbine sited beyond 250 m from its line.

6.9 Residential Amenity

This section of the report deals *only* with the visual (component) impact of the development as a whole. Other residential amenity issues such as noise and disturbance have been considered fully and separately above.

6.9.1 The introduction of twelve 125m high turbines into the views of visual receptor will always have significant effect on the character of the landscape. The proposed turbines would have the potential to be visible over almost the entire 5km detailed study area and another 2-5km beyond this to visual receptors. Both hub height and blade tip ZTV's become much more fragmented beyond 12-15km and extend over only a small proportion of the outer defined study area i.e. at distances of 15-30km. The visual receptors which are predicted to sustain the greatest magnitudes of change to their existing views would include residents in properties within approximately 2km – 3km of any of the proposed turbines.

6.9.2 The Milton Keynes Wind Turbines Supplementary Planning Document and Emerging Policy was adopted on 24 July 2012 and is a material consideration on matters in respect of impact of development on residential amenity.

The SPD states: -

Planning permission will be granted for proposals to develop wind turbine renewable energy sources, including wind turbines that act as a component of a more extensive development unless there would be:

- (a) significant harm to the amenity of residential areas, due to noise, traffic, pollution or odour;
- (b) significant harm to a wildlife species or habitat;
- (c) unacceptable visual impact on the landscape;
- (d) unacceptable shadow flicker and electro-magnetic interference; or
- (e) a failure of the application to meet the minimum distance requirement under Section 2, subject to the exception in Section 3.

6.9.3 Requirements for Minimum Distance from Residential Dwellings

(a) The "minimum distance requirement" means the necessary minimum distance between the wind turbine generator and residential premises, as set out in sub-section (d).

(b) "Residential premises" means any premises the main purpose of which is to provide residential accommodation, including farmhouses.

(c) If a number of wind turbine generators are being built as part of the same project the minimum distance requirement applies to each wind turbine generator individually.

(d) If the height of the wind turbine generator is:

- (i) 25m, the minimum distance requirement is 350m;
- (ii) 100m, the minimum distance requirement is 1000m;
- (iii) between 25m and 100m, the minimum distance requirement is pro-rata between (i) and (ii) above, according to its height; or
- (iv) greater than 100m, the minimum distance requirement is projected between (i) and (ii) above, according to its height.

(e) The height of the wind turbine generator is measured from the ground

to the end of the blade tip at its highest point.

(f) There is no minimum distance requirement if the height of the wind turbine generator does not exceed 25m.

(g) If planning permission is granted on the condition that the proposed wind turbine generator meets the minimum distance requirement under sub-section 2(d), the actual height of the wind turbine generator must not exceed the maximum height in relation to that minimum distance.

6.9.4 Although views from private properties are generally not protected unless the effect would be one of overbearing presence, making the property an unattractive place to live. It is considered that the separation distances of the proposed wind turbines from the 3 dwellings at Northey Farm, some 640 metres from the nearest turbine would have substantial visual impact on their amenity presently enjoyed by the occupiers of those dwellings as specified in the adopted Milton Keynes Wind Farm SPD. The proposed development by reason of the scale, number of turbines and their proximity to residential properties would result in an unacceptable and significant harmful impact on the living conditions of those residential properties. The proposal would therefore be contrary to the adopted Milton Keynes Wind Turbines Supplementary Planning Document and Emerging Policy adopted July 2012 and paragraph 97 of the National Planning Policy Framework March 2012 and therefore contrary to saved policy D5 of the Milton Keynes Local Plan adopted 2005.

6.10 **The Balance between Energy Policy and Landscape Protection**

The proposal is consistent with government planning policy and the objectives of NPPF and the Renewable Energy Companion Guide. The development would make a limited but significant contribution to meeting national and regional targets for renewable energy production, and reducing greenhouse gases and their impact on climate change. In accordance with Local Plan policy D5, no turbine should be sited within 350m of any dwelling.

However in accordance with the separation distances set out in the Emerging MK Wind Farm SPD, neither Bozeat Grange (600m from the proposed site) nor Northey Farm (640m from the proposed site) would comply with the policy and this would be a further material consideration in determining the application .

6.10.1 The applicants have provided an ES and SEI which have assessed a range of potential impacts: landscape, noise, ecology, transport, shadow flicker, heritage assets and aviation, and most are assessed as either acceptable or else capable of being made acceptable through the imposition of planning conditions.

6.10.2 The one aspect that cannot be mitigated is the visual impact upon the landscape. The ES and the Coopers report confirm that there will be major to moderate impacts within 5 km of the site, although these would be intermittent due to topography and screening by hedgerows, woods and buildings. The visual impact would be dominant and permanent for those

residents closest to the site that have an open aspect towards the turbines. For walkers and riders using the footpaths and bridleways close to the site the impact will also be major and prolonged. For those using the roads it would be a transient impact most acutely felt when passing the site on the A509 or A428.

- 6.10.3 The Coopers report concludes that there would be planning grounds for refusal based on the deficiencies of the ES and supplementary information, and the stand alone and cumulative impact of the Nun Wood wind farm on the local landscape character. It should be borne in mind that Coopers were only commissioned to review the Landscape and Shadow Flicker chapters of the ES and SEI, and to advise if there are grounds for refusal on those aspects. Their remit did not include considering the balance between national, regional and local planning policy support for renewable energy projects and landscape impact.
- 6.10.4 The negative landscape impacts have to be weighed against the national benefit of the scheme's contribution to renewable energy and slowing climate change, which has high national priority and planning policy support to which any inspector will give significant weight. The proposed site has no national or local designation, either in MK or the other authority's local plans, which identify any special character worthy of protection. Due to their height, turbines will be visually dominant in the immediate vicinity, and visible from longer distances from high ground with uninterrupted views.
- 6.10.5 The fact that the turbines will be seen as major landscape features within 5km of the site is not unexpected, but the local landscape impact is only one issue to be considered, and must be balanced against the national benefits of renewable energy production and carbon reduction.
- 6.10.6 The balance is a difficult one to quantify, as the visual impacts on the landscape are both immediate and apparent, while the environmental benefits of reducing carbon emissions are both long term and not easily measured. If the country is to move away from reliance on a carbon based economy, then many more wind turbines will be needed to make this change. Turbines may in future become part of the accepted landscape, just as pylons and power lines have become.
- 6.10.7 Milton Keynes has aspirations to become a lead authority in sustainability through its policy on sustainable construction and promotion of electric vehicle use. This development could provide renewable energy of between 64,000 -73,000 MWh per annum according to the developer, or 43,400-55,600 MWh according to BLOT. In either case, the proposal would make a positive contribution to renewable energy production.

6.11 CONCLUSIONS

(The officer advice to the Development Control Committee on the appropriate decision, based on the policies of the Development Plan, taking into account the issues detailed in the report)

- 6.11.1 There is strong planning policy support for renewable energy production, in order to meet government targets on climate change, at national, regional and local plan levels. This has to be balanced against the planning policy requirements to protect the quality of the landscape, ecology and heritage assets, particularly those with national statutory protection.
- 6.11.2 The need for the renewable energy project, or its efficiency, or if there are better generalised locations for wind farms, should not be questioned. The development would make a positive contribution to renewable energy production.
- 6.11.3 The impacts of the turbines on wildlife and habitats, public rights of way, traffic, aviation and power lines have been addressed through the submission of the supplementary environmental information, and any outstanding matters can be addressed by the imposition of suitably worded planning conditions.
- 6.11.4 Two locations will be affected by noise, but this can be mitigated by the use of suitable noise conditions. Three properties at Northey Farm, Milton Keynes will be affected by noise during the construction and decommissioning phases but acoustic screening could mitigate the noise problem and this could be achieved by use of a planning condition. The other location, Harrold Park Farm in Bedford district, can be protected by a noise condition to control the nearest turbines during certain wind speeds.
- 6.11.5 The impact on historic assets within Milton Keynes is considered to be acceptable by the Conservation Officer and English Heritage, although the latter objects to the cumulative impact on Turvey House, within Bedford district. This should not affect the consideration of the application within Milton Keynes.
- 6.11.6 The Committee must balance the impact on the landscape against the strong planning policy guidance in support of renewable energy developments at national, regional and local level. The impact of the turbines on the landscape is the most significant and widespread effect of this proposed development. The landscape has no national or local designation to secure its protection. The specialist advice of Cooper Partnership is that there are grounds for refusal based on the technical deficiencies of ES and SEI, the adverse impact on the local landscape both from the Nun Wood proposal, and its cumulative impact with Petsoe and Burton Wold wind farms. It must be emphasised that a cumulative landscape visual impact assessment has not been updated by the Appellant taking into account the proposed Orchard Way Wind Farm (5 turbines) and Stoke Heights Wind Farm (15 turbines) including Castlethorpe, Astwood and Bletchley. Nevertheless, it is an issue which

require the full assessment by the Planning Inspector at the forth coming appeal.

- 6.11.7 The Local Planning Authority's view is that the landscape and visual impact is sufficiently harmful and outweigh the renewable benefits. Also, the landscape cumulative impact assessment has not been updated.

7.0 **Recommendation**

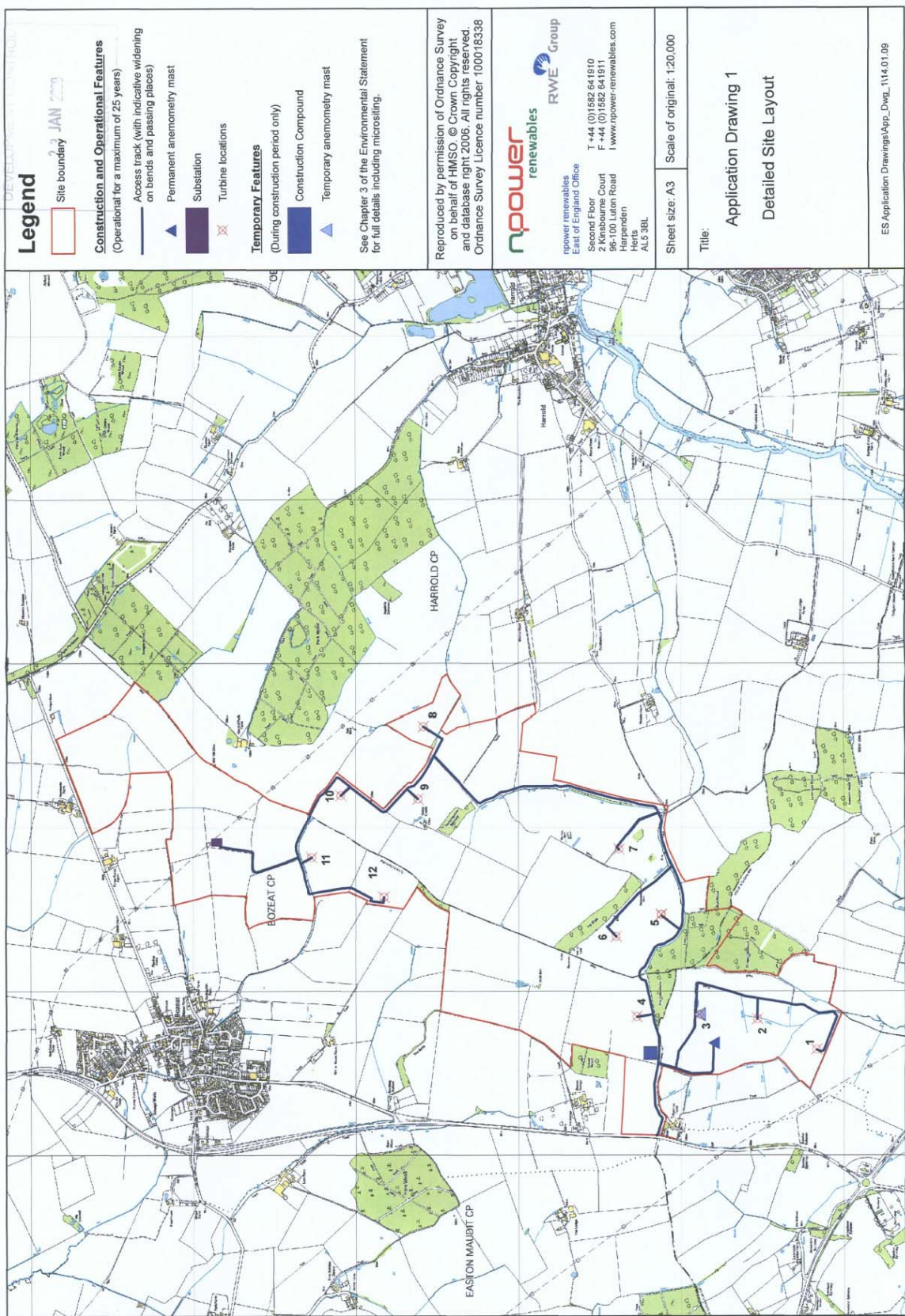
- 7.1 On balance, it is recommended:

That the Committee determines the basis for the council to contest the appeal at the forthcoming Public Inquiry for the following reasons:

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

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

3. The proposed development by reason of the scale, number of turbines and their proximity to residential properties known as Bozeat Grange and Northey Farm would result in an unacceptable and significant harmful impact on the living conditions of those residential properties. The proposal would therefore be contrary to the adopted Milton Keynes Wind Turbines Supplementary Planning Document and Emerging Policy adopted July 2012 and paragraph 97 of the National Planning Policy Framework March 2012 and therefore contrary to saved policy D5 of the Milton Keynes Local Plan adopted 2005.



DEVELOPMENT CONTROL

Legend

- Site boundary
- Construction and Operational Features**
(Operational for a maximum of 25 years)
- Access track (with indicative widening on berms and passing places)
- Permanent anemometry mast
- Substation
- Turbine locations
- Temporary Features**
(During construction period only)
- Construction Compound
- Temporary anemometry mast

See Chapter 3 of the Environmental Statement for full details including microfitting.

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npower renewables **RWE Group**

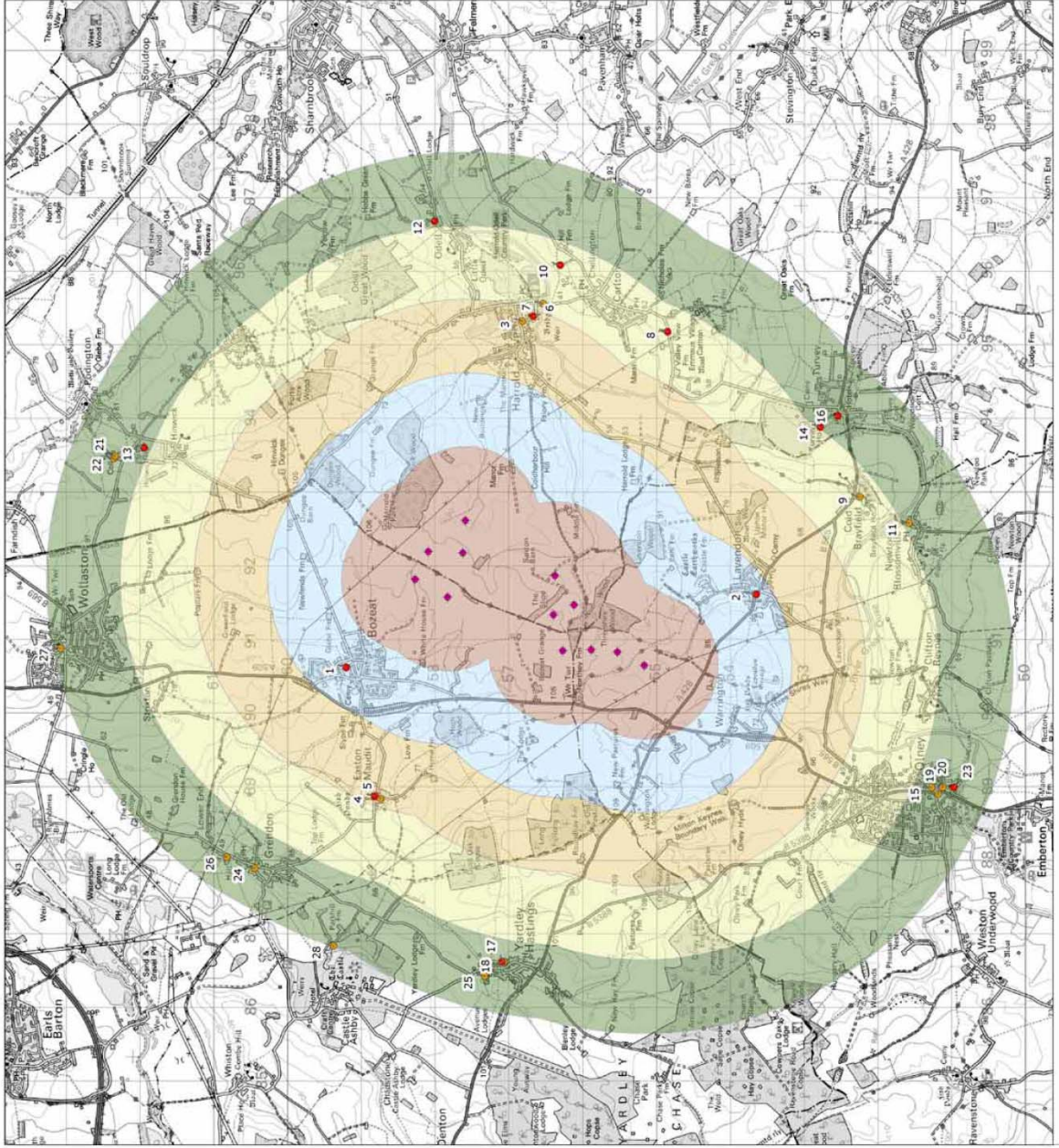
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Sheet size: A3 Scale of original: 1:20,000

Title:
Application Drawing 1
Detailed Site Layout

ES-Application Drawings\App_Dwg_1114.01.09



Project:	Nun Wood
Legend:	<ul style="list-style-type: none"> ● Grade I Listed Buildings ● Grade II* Listed Buildings ● Proposed Turbines <p>Distance from proposed turbines</p> <ul style="list-style-type: none"> 0-1km 1-2km 2-3km 3-4km 4-5km
	<p>Scale : 1:50,000 (at A3)</p> <p>0 0.250.5 1 1.5</p> <p>Kilometres</p> <p>N</p>
Title:	<p>Reproduced by permission of Ordnance Survey on behalf of HMSO © Crown Copyright and database right 2008. All rights reserved.</p> <p>Ordnance Survey Licence number 100017907</p>
	<p>Figure 10.1: Grade I & II* listed buildings within 5km of the proposed turbines</p>
Reference no:	8216
	11/09/08

Appendix to 08/02118/FULEIS

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 06/01290/FULEIS

Construction Of A Wind Farm Comprising 16 Turbines Of Maximum 125m To Blade Tip Height, Substation, 2 Anemometry Masts And Ancillary Infrastructure

Application withdrawn 11.04.2008

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 Health and safety

Concerns have been raised about the safety aspects of the proposed development. Whilst the concerns raised are all legitimate, planning legislation does not make provision for consideration of health and safety issues especially related to the general public. These are complex and technical matters that are covered under separate legislation and regulations and obtaining planning permission does not absolve the applicant from the duty of care under the health and safety regulations. According to the HSE, Wind turbines are frequently located on land open to the public and so account needs to be taken of hazards such as whole or partial blade failure, falling ice, fire and lightning.

A2.2 Property Values

Several residents and business owners attribute the failure to sell their properties to the proposal. It is not for the planning system to protect the private interests of one person against the activities of another. Therefore, it is not whether a development would cause financial loss to neighbouring owners, but whether it would have detrimental effects on the locality generally and on amenities that ought to be protected in the public interest. In this context, concerns relating to the impact on the value of an individuals property are a private matter and not one of public policy and as such it is not generally a material of consideration. However, to date, there has been no objective evidence to suggest that property values drop simply because of the presence of wind turbines. Whilst the concerns are understandable, in this case, the LPA is not in a position to decide whether there is a wider public interest that should be protected.

A2.3 Community Contributions

Recently the green energy trade body 'Renewable UK' announced the details of an industry's Protocol on payments from wind farms to community benefit funds. This specifies a £1,000 minimum payment per year per megawatt of installed wind power during the lifetime of the wind farm. The decision on how any funds would be allocated would rest with the community living in the vicinity of the wind farm. There is a number of community benefit funds set up

around wind farms in the UK. While the initiative has the backing of the Government, it sits outside the planning system and is not intended to form part of a planning obligation (S106) or be a material planning consideration.

A2.4 Human Rights

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

The following summaries relate to comments received in response to the Supplementary Environmental Information submitted on 7 October 2010

Comments

Officer Response

A3.1 Environment Agency

Noted in the report

Object, as we are unable to fully assess the impact until further clarification is received in the following areas

- Appendix 6.3 protected species records appear to be missing. No appendix with great crested newt surveys
- Appendix 6.6 bat survey: maps do not label areas A-G where bat survey efforts were focussed, making it harder to interpret results
- Turbine 3 appears to be located in an area used by foraging bats. It is not clear why foraging records around turbine 3 have been dismissed.
- Geological maps and well logs from the area suggest that the Great Oolite water table is not likely to be encountered by this project, as it should not be shallower than 10m below ground level. However, the ES suggests that a shallow perched water table could be encountered when constructing the foundations. Therefore site dewatering may be required which is not detailed in the ES.
- The ES does not provide details of the contamination status of the site or its historical uses. We therefore have insufficient information to assess the potential risk to controlled waters.
- If site dewatering is required for construction, the Environment Agency must be notified

This objection could be withdrawn if, on reconsultation, we are satisfied with the additional information requested.

NOTE The Supplementary Information supplied on 7.10.10 Includes an Addendum to Chapter 5 Hydrology and sections on great crested newts, and bats.

A3.2 **MK NHS Primary Care Trust** Noted
No representation received

A3.3 **English Heritage** Noted

Recommends that this application be refused

New information has been received in the form of Supplementary Environmental Information in Section 7.1 Cultural Heritage and 5 additional photomontages. The new information suggests that the most harmful impact of the proposal will be felt in the East of England region and so this region has assumed the lead role in English Heritage advice. The new document is informed by the change in national policy guidance, PPS5 replacing PPG15, and also refers to English Heritages own Conservation Principles, Policies and Guidance, separate guidance on wind energy and climate change and our draft setting guidance of July 2010.

English Heritage concurs that the impact on heritage assets by this development will primarily be concerned with the setting of those assets. In previous advice, concerns were raised on the following assets

- 5 conservation areas of Carlton, Odell and Poddington
- Turvey House and All Saints Church Turvey (Grade I listed buildings)
- Churches at Bozeat, Eaton Maudit (GI) and Grendon (GII)
- Grendon Hall (GII)

The South East Region has no additional comments to make following its advice

of December 2006 in view of this supplementary information.

English Heritage refutes the claim put forward that there is 'no significant impacts on any heritage asset'. Where English Heritage and the consultant differ is in agreement over what level of impact is acceptable, informed by the consultant's preference for a far tighter interpretation of setting limited to a particular asset, as in the case of conservation areas, Easton Maudit church and Turvey, unless the wider setting has already been altered to such an extent (by Petsoe wind farm) that this in itself can be used as justification for an even greater change in setting. The new information has served only to increase our concerns about the capacity of this regional landscape to accommodate such an extensive development. While it is unlikely that the heritage assets identified in this advice, with the exception of Turvey, would not individually experience substantial harm to their setting, cumulatively there is substantial harm to the character and significance of the historic environment of which they form part. Therefore it is essential that in determining this application the balance of harm versus potential public benefit is properly considered. PPS5 HE1.3 is clear "*where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit...should be weighed against any harm to the to the significance of the heritage assets*"

This advice is reiterated in HE9.4 where identified harmful impact "*which is less than substantial harm*" should be weighed accordingly against public benefit: the greater the harm, the greater the justification. In the case of Turvey we advise that, should this application be consented, then the cumulative impact upon Turvey House acquaints substantial harm in itself. HE9.1 advises substantial harm to the significance of a grade I listed building (or its setting) should be wholly exceptional.

Recommendation

We recommend that the impact of this proposal is considered to pose harm and substantial harm to specific assets identified in this advice and substantial harm

to the wider historic environment through the cumulative impacts of this single application, itself accentuated by the impact of other built or consented wind farms within the region, and therefore recommend that this application is refused.

A3.4 Conservation Officer

Noted

No Objection

It is considered that the views from the following conservation areas will be affected to a greater or lesser degree by the proposal the villages however it should be noted the topography will only allow some glimpse views, which will vary with the season, of the proposed wind farm site.

While the views in the photomontages are useful to a degree, the views provided differ from those within the boundary of the villages

A3.5 Natural England

Noted

Does not object, subject to mitigation being carried out in the Environmental Statement and to suitably worded conditions to cover their comments relating to:-

1 Birds

The additional surveys carried out follow standard best practice methodology and analysis, and show that the site is used by a variety of farmland bird species, raptors and wintering plover species. The presence of Red Kite as a local breeding species and the use by wintering Golden Plover and lapwing were of particular note, as well as a range of raptor species including breeding Hobby, Kestrel and Buzzard, and records of Sparrow hawk and Peregrine. We are satisfied with the methodology employed to assess the likely impacts on target species and are satisfied with the reasoning behind the outcomes. We note that further surveys will be undertaken prior to construction to monitor for the presence of Schedule 1 birds, and recommend a condition for a pre-

construction check.

Proposals for post construction surveys should be carried out for a minimum of 5 times, spread over a longer time(e.g. surveys in years 1,2,5,7,10) in order to show effects. The results should be submitted to the authority and Natural England as part of a planning condition.

2 Bats

We are satisfied that the additional survey results provided in the bat survey report allow a more robust assessment of the use of the site by bats. Monthly transect surveys and remote use of Annabat recorders provide good coverage of the site, focussing on turbine locations as well as areas of potential commuting, foraging and roosting. The recordings at turbine locations show a very low level of use of these parts of the site by bats, most likely due to their arable nature. The design of the scheme has taken into account Natural England's best practice guidance to implement a 50m buffer zone from any edge habitat that might be used by bats, such as hedges and woodland. Provided that this is the case, we are satisfied that the impact on bats is likely to be low. However, due to the number of notable species recorded at this site we believe that some level of bat monitoring is important, especially with regard to collision monitoring. We would encourage the applicant to include a scaled down version of the activity survey and a program of corpse searches under those 3 turbines with the most bat activity nearby. In order to quantify the year on year use of the site by bats, assess collision risk, and validate the predictions of low impact on bat species.

Other Issues

Badgers

We are satisfied that that issues relating to badgers are adequately addressed within the revised Badger Survey and provided mitigation is carried out in full and relevant licences applications made for any sett closure, we do not

envisage any long term impact on badgers.

Great Crested Newts

The site provides habitat for a medium sized population with breeding confirmed in 7 of the 14 ponds identified on site. We are satisfied that provide the measures outlined in Section 4.3 are carried out in full there should be negligible impact to great crested newts.

Cumulative impact

Considering that the nearest wind farm is 7km away, we are satisfied that there will be negligible cumulative impact.

Phasing or Delay

If the development is to be phased or construction works delayed, the situation should be reviewed, especially before operations are carried out.

- | | | |
|------|--|-------|
| A3.6 | Berkshire, Buckinghamshire And Oxfordshire Wildlife Trust | Noted |
| | Raise no objections, subject to conditions to ensure that the mitigation, compensation and habitat enhancement actions are implemented for Great Crested Newts birds, bats and badgers, pre commencement surveys are carried out for birds, and that post construction monitoring takes place for bats and birds. Details of the appropriate habitat enhancements should be agreed in consultation with Natural England, and all necessary licences should be obtained. In respect of badgers, we strongly recommend siting the proposed access track further than the stated 23m from the main sett, and further from outlier setts, so as to minimise disturbance. | |

A3.7	<p>Council's Countryside Officer</p> <p>Natural England has now declared they are satisfied with the new surveys and withdrawn its objection “subject to the scheme taking place in strict accordance with the application details, and our comments being fully addressed by suitably enforced planning conditions where necessary”. I do not therefore propose to challenge NE’s endorsement of the new surveys. Where NE has proposed planning conditions or other measures, I have made recommendations to address these. However, I do not accept NE’s view on the minimum acceptable stand-off of turbines 4, 5 & 6 from woodlands, as the rationale for NE’s guidance is in doubt. <i>(Note, these 3 turbines do not fall within MK borough boundaries, and are therefore not material to this application)</i>.He recommends several conditions relating to</p> <ul style="list-style-type: none"> • No siting of turbines closer than 100m (blade tip to canopy) from the woodland edge. • No turbine between Nun Wood and The Slipe <i>(Note: all within Wellingborough and would prevent turbine 4 being erected)</i> • Comprehensive habitat and landscape enhancement scheme • Mitigation scheme for great crested newts • Pre-commencement surveys • Post-construction monitoring 	Noted in the report
A3.8	<p>Parish - Lavendon</p> <p>View 3</p> <p>The turbines would be reasonably close and the occasional glimpse view is possible dependent on location visible, some impact on views</p>	Noted
A3.9	<p>Parish – Clifton Reynes</p> <p>View 12</p> <p>The turbines would be at a distance noticeable on the skyline, some impact on</p>	Noted

views

- | | | |
|-------|---|-------|
| A3.10 | Parish - Olney
View 4
The turbines would be at a distance just on the skyline, little impact on views | Noted |
| A3.11 | Parish - Ravenstone
View 9
The turbines would be at a distance just on the skyline little impact on views | Noted |
| A3.12 | Parish - Weston Underwood
View 9
The turbines would be at a distance just on the skyline, little impact on views
It is considered that the registered parks and gardens of Tyringham, Gayhurst, and Chicheley are not affected by the proposal. | Noted |
| A3.13 | Parish – Newton Blossomville
View 12
The turbines would be at a distance noticeable on the skyline, some impact on views | Noted |
| A3.14 | Stoke Goldington
View 9
The turbines would be at a distance just on the skyline, little impact on views | Noted |
| A3.15 | Emberton
The turbines would be at a distance noticeable on the skyline, some impact on views | Noted |

A3.16 Ministry of Defence

Noted

Has no concerns, but in the interests of air safety requests that all turbines be fitted with a 25 candela Omni-directional red lighting or infrared lighting.

A3.17 Cranfield Airport

Noted at paragraph 6.8 and 6.8.1

Would like to reaffirm the following points.

1. The university is committed to the development of Cranfield as a centre of excellence for Business Aviation.
2. Planning permission has already been granted for an airpark which is essential for the achievements of this objective.
3. The airpark is specifically designed as a Business Aviation Centre and is not a Business Park, which some of the developers in my view appear to believe.
4. Radar is a determined project and not a prospect or proposal.
5. I note that the developers accept that the turbines would be visible to any future Cranfield radar.
6. We are still awaiting any changes to airspace which are made as a result of TC North proposals. Future operations are highly likely to be impacted if the flight paths are affected such that a primary radar installation at Cranfield is no longer viable. This could lead to a significant loss of business to the airfield.
7. Our position therefore is still set out in our original objection.
8. We did receive a letter from RWE NPower Renewables on the 5th May 2010, clearly stating that they would be grateful if we could let them know when we will be in a position to discuss our plans in more detail, we could then schedule a follow up meeting, unfortunately we have not reached that position, when we do, I will write to them, of which, they were fully aware.

A3.18 **Central Networks** Noted

Do not object, but has network within the proposed site, and any alterations in the vicinity of our cables must be notified to them.

A3.19 **Landscape Architect** Noted

The turbines are not located within any national landscape designations & outside the Council's Area of Attractive Landscape (AAL), although the AAL boundary is within 5km of the site, between 1200 & 1600m from the turbines & the AAL nearest boundary. The Council's local Plan Policy S11 refers to impact within the AAL & not adjacent to the AAL & Planning Policy Statement PPS 22 Renewable Energy (page 12 Para 15, Local Designations) states that "*Local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for renewable developments*". The approved & implemented development for 7 wind turbines at Petsoe End is partially located within the Ouse Valley AAL, so sets the precedent for an acceptable impact within the AAL landscape context.

The prominent location of the application site & turbine height of up to 125m, is likely to be a very contentious element of the proposals & this is recognised within PPS 22 (page 13 Para 20) "*Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects*".

The application will have a significant visual impact on the landscape, primarily with the 5km radius as detailed within the findings of the EA & mainly from users of the public footpaths & buildings within a direct viewing area, although areas of landform changes & vegetation elements do offer some areas of mitigation & there may be opportunities to add further landscape to mitigation impact. Visual prominence & impact beyond 5 km will obviously become less & introduces elements of land form, landscape elements & buildings that influence available views. Weather conditions would further influence views.

Notwithstanding the imminent visual impact, I would consider the integrity of the landscape fabric to remain with minimal impact, which would be restored after the site, is decommissioned.

The EIA Regulations (Circular 02/99 Environmental impact assessment) Para 13 states: *“Where the EIA procedure reveals that a project will have an adverse (significant) impact on the environment, it does not follow the planning permission must be refused. It remains the task of the local planning authority to judge each planning application on its merits within the context of the development plan, taking account of all material considerations, including the environmental impacts”.*

I raise no landscape impact objections.

A3.20 **Cooper Partnership, Appointed Landscape Consultants for the three Councils** Noted, full report appended to report

These consultants were appointed jointly by the 3 local authorities to examine the landscape and shadow flicker chapters of the Environmental Statement (ES) and Supplementary Environmental Information (SEI). The summary of their conclusions are set out below, with their full report appended as Appendix 1

Conclusions and Potential Grounds for Refusal

With reference to the preceding analysis, it is concluded that there would have been the following grounds for refusal had the appellant not lodged an Appeal for Non-determination:

Issue: Grounds for Refusal	Relevant Local Authority Area		
	Bedford Borough Council	Borough Council of Wellingborough	Milton Keynes Unitary Authority
<p>1. Landscape and Visual ES assessment lacks robustness, clarity and transparency, especially in terms of the assessment of cumulative effects, and any definitive assessment on the impact on villages and linear receptors.</p> <p>A summary of effects has not been reported for each local authority area to enable them to readily assess how turbines in their area will affect both their and adjoining districts.</p>	Yes	Yes	Yes
2. There will be a significant adverse impact on local landscape character areas as a result of stand alone Nun Wood scheme.	Yes	Yes	Yes
3. There will be a significant cumulative adverse landscape impact on local landscape character areas.	Yes	Yes	Yes
4. There will be a significant adverse visual impact on visual receptors within 3.5-5km distance and possibly beyond. Analysis of linear receptors and villages is inadequate, owing to the limited number of receptors, and selected locations, assessed as part of the ES.	Yes	Yes	Yes
5. There will be a significant cumulative adverse visual impact as a result of Petsoe and Nun Wood wind farm schemes, in particular.	Yes	Yes	Yes

<p>6. It is considered that there will be an unacceptable impact on the Three Shires Way long distance footpath and bridleway in terms of:</p> <ul style="list-style-type: none"> - impact on its landscape setting; - visual impact on walkers and horse riders (where route both approaches and lies within the site); - possible impact on the safe usage by horse riders (subject to advice from specialist organisation such as British Horse Society). 	Yes	Yes	Yes
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A3.21 Temple Group, Appointed Noise Consultants for the three Councils Noted

Recommend that the local authority should not refuse planning permission on the grounds of noise, but recommend the imposition of suitable noise conditions.

The Supplementary Environmental Information (SEI) identifies that there is a limited potential for a number of locations where noise limits could be exceeded without some level of control over noise emissions from turbines. However Harrold Park Farm is the only property where predicted noise levels exceed the lower limit, and fall between the between the lower and upper daytime limits(noise levels at 2 other properties fall just below the lower limit).The SEI states that the upper level is appropriate at Harrold Park Farm as this dwelling is an uninhabited, isolated property and the limit is only breached for a relatively small range of wind speeds. If the council wishes to adopt a cautious approach, it is suggested that the use of planning conditions limiting the operational speeds of the turbine closest to the dwelling (most northerly turbines 10 & 11) be considered.

The assessment of impact has been carried out in accordance with the recognised ETSU R 97 methodology with some minor amendments. At the request of the local authority, an assessment of wind shear using two different methodologies has been carried out. Overall there are a number of factors within the noise chapter of the ES which in combination have the potential to alter the conclusions about the noise impact on some properties. However, it is considered that, on the balance of probability, these factors do not change the overall acceptability of the proposal with regard to noise.

A3.22 Environmental Health Manager

Noted

Noise monitoring was undertaken in 6 locations in 2005 as part of the previous application, and a further 4 locations in 2010. The nearest residence in MK, Northey Farm, was not included in the original survey but was requested by council officers, together with The Willows, Warrington. The additional surveys concluded that noise emissions from the operational turbines are unlikely to exceed the guidance noise limits.

The ES and SEI made brief reference to noise impacts on properties from construction. This is of particular relevance to Northey farm, as it is proposed to access the site from the A509 just north of Northey Farm. The access track is less than 100m from 3 dwellings on Northey Farm, which will be affected by noise from deliveries and construction traffic. Eleven planning conditions are recommended.

A3.23 Lavendon Parish Council

Noted

Has no reason to change its fundamental objection expressed in its previous letter 23.2.2009. In summary, Lavendon Parish Council took the view that the applications were contrary to the following MK Local policies as well as similar policies adopted by both Bedford and Wellingborough Borough Councils:
Strategic Policies: notably policies S1, S10 and S11 designed to protect the open and rural countryside from intrusive development, including the immediately

adjoining designated Area of Attractive Landscape.

Design Considerations (Landscape & Visual): notably policies D1, D2 and D5 in so far as the proposed development would create a significant visual intrusion and have a major impact on the site's sensitive landscape setting.

Ecology and Nature Conservation: notably policies D1, D5, NE1 and NE4 which seek to protect the natural environment of the proposed site.

Built Heritage: notably policies HE5 & HE6 which should serve to protect the setting of a great many nearby Listed Buildings, Scheduled Monuments and Conservation Areas located within 3 miles of the site, many of which are within Lavendon village and parish.

Other Concerns: included socio-economic factors (e.g. loss of amenity, potential effect on local livery stables, etc) and various issues related to the safety of the general public, including those who utilise the estimated 6 miles of public rights of way within or directly adjoining the site.

A3.24 Weston Underwood Parish Council

Noted

Objects. Concerns were raised over the cumulative impact on Weston Underwood. Currently there are two views from Weston Underwood that look over to wind farms and now possibly a third. All photographs show static views which mean very little and never portray the moving image. With other scoping opinions due, Weston Underwood will be ringed by wind farms, the benefits of which are by no means proven.

A3.25 Olney Town Council

Noted

Considers that the cumulative impact, when taken into account alongside recent development at Petsoe End will adversely affect the character and appearance of the landscape of the Ouse Valley area. The Council also considers the noise

pollution from 12 turbines will have a detrimental affect on those living nearby and the surrounding amenity area.

In their previous letter they requested that the southern access route through Olney (for construction vehicles) be deleted due to potential damage to Olney bridge, a Scheduled Ancient Monument, and to houses either side of Bridge Street and High Street South, many of which are listed buildings.

A3.26 Astwood and Hardmead Parish Council

Noted

Oppose the application mainly due to environmental issues.

In their previous letter they commented that wind speeds were not enough to produce useful amounts of energy.

A3.27 Emberton Parish Council

Noted

Object. The Parish Council Considers that the height, scale and massing of the 12 turbines will damage the landscape character of the site and surrounding countryside. There will be a significant and detrimental impact on the rural quality of the landscape and will harm the amenity of walkers, riders, nature lovers and all others who enjoy and value the natural landscape of the area. The development will adversely affect, through noise and other pollutants, the living conditions of those who live nearby. The cumulative impact of this wind farm, when considered alongside the other proposed wind farm developments in this area, will significantly change the character of a large area of the Ouse Valley.

A3.28 Bozeat and Lavendon Oppose the Turbines (BLOT)

Noted at various sections in the report

1 General Comments

A preliminary look at the SEI confirms that a non-standard noise modelling method has been used. This in the words of the Inspector at the Poddington appeal "does not represent government policy and stipulated practice, and does not appear to be supported by further research." One of the key features of this method is that it predicts a more rapid attenuation of noise and so predicts lower

noise levels. The noise modelling fails to take account of the unusual acoustic properties of the valley that leads from turbines 10 through 11 into Bozeat.

We are extremely disappointed with the SEI contribution to the Landscape and Visual Assessment. Viewpoint 17 sites the camera so that a tree obscures the majority of the turbines. We feel it is unacceptable that a 2 year old cumulative impact assessment is still adequate, as it does not consider applications which have arisen since the submission. We strongly object to the fact that, after admitting that many of the original photomontages were compromised by the printing process, that replacements have only been supplied to the 3 authorities. The improved photomontages should be distributed to all consultees. We plan to prepare a detailed critique of the all of the work. We remind you that Npower previously committed to flying a blimp to assist in the assessment of the visual impact.

2 Noise Issues

There are 4 areas of concern.

Weaknesses in ETSU-R-97 methodology, which defines the "acceptable" noise limits on a scale that occurs for 90% of the time, excluding the noisiest 10% of readings. This is unsuitable for measuring disturbance caused by a pulsating noise such as wind turbine thump. Disturbance is caused by the maximum noise level and not the average noise level. Comparative noise levels given in PPS22 Companion Guide are misleading, and they give wind turbine noise levels for a wind turbine at the hub as 94-105 dBLA90. BLOT recognises that the noise impacts must be assessed using ETSU-R-97, but it is imperative to ensure no deviation from this methodology.

The modelling methodology used in the SEI is taken from the Institute of Acoustics Bulletin Volume 34 No2. Since its publication this methodology has been widely used by developers because it predicts a more rapid attenuation of noise. It is perverse to adopt a modelling method that undermines the protection of residents from noise. Even if the methodology were accepted, it is doubtful

that it has been correctly applied at Nun Wood.

BLOT has repeatedly raised the issue of unusual noise properties of the valley that runs from turbines 10 & 11 into the south east corner of Bozeat, which under certain weather conditions transmits noise from the railway 7 miles away. BLOT believes there is a significant danger of elevated noise levels that must be assessed.

In considering Amplitude Modulation, the applicants misinterpret the report made by the University of Salford, which concludes that AM is not fully understood and more research is needed. But known factors that make AM more likely are woodlands and when more than 1 turbine that align with noise receptors. The alignment of turbines 10 & 11 has not been designed to minimise increase in ambient noise levels.

BLOT are also concerned with the collection of rain data, the enhanced sound propagation during stable air conditions, and harvesting effects on noise readings.

BLOT feels that the noise assessment submitted in the SEI deviates from the ETSU-R-97 methodology and underestimates the predicted noise levels.

3 Equine Issues

Ten of the 12 turbines are strung out along both sides of Three Shires Way, a long distance bridleway that runs from the Swans Way, Bucks, to Grafham Water, Cambs. At the time of PPS22 and Companion Guide, the British Horse Society (BHS) recommended a set back of 200m, for turbines that were typically 40-50m high. Since 2004 turbines have increased dramatically, and BHS have revised their recommendations to 4 times turbine height for national routes, and 3 times turbine height for ordinary bridleways. The applicant was made aware of the BHS guidance, but has not taken them into consideration.

The SEI quotes appeals where inspectors have overridden recommended safety distances from bridleways, but in no case do the wind farms follow the route of a bridleway on both sides. The examples given of riding activities near to turbines

carry no weight as they do not give details of the nature of the activity.

The BHS judge the greatest risk to riders is from horses being spooked by moving shadows. The times when riders are most likely to ride are during pleasant, sunny weather and during leisure times, evenings and weekends and sometimes early morning. In effect, riders tend to concentrate into periods when there would be shadowing of the bridleways. Although the applicant state that shadows weaken as the distance from turbines increases, and suggest that the effect is not strong at 200-275m. The recognised distance to assess the impact of shadow flicker on dwellings is 900m.

Three Shires Way offer some of the highest quality riding in the area, and are a valuable resource for the equestrian business at Lower Farm, Lavendon. The Three Shires Way north is the only resource that can be accessed without crossing busy roads. If the proposal is permitted it would completely change the character of this stretch, and make it difficult if not impossible for Lower Farm to retain or attract clients, and may be forced to close. The application fails to address the social and economic impacts as required by PPS22 and should be refused.

4 Contribution to Regional Energy Targets

In Section 2 of the 2008 Environmental Statement the applicant makes great play of the need to achieve government targets for renewable energy.

The renewables target for the Thames Valley and Surrey sub-region of South East Region is 140MW installed capacity by 2010, and 209MW by 2016. Wind is expected to account for between 25-30% of this capacity, giving sub-regional targets of no more than 42MW by 2010, and 63MW by 2016. The Petsoe wind farm at 14MW capacity already accounts for 33% of the sub-region target by 2010, and over 22% of the 2016 target. This already exceeds the proportionate contribution for Milton Keynes.

For the East of England region (Bedford Council's region), in January 2010 the parties at the Poddington wind farm acknowledged that the east of England

target for onshore wind was likely to be met. Within Bedfordshire, there has been consented a turbine at Marston Vale, the Poddington application is subject to a second appeal, and there are proposals at Biggleswade and Chelveston. In short, there is no pressure to achieve the East of England target, and there are 3 other proposals which could make a significant contribution to the 2020 target. For the East Midlands region, the targets are 122MW installed capacity by 2010 and 175MW by 2020. The 2005 version disaggregated the 122MW 2010 target and gave Northamptonshire a share of 12MW installed capacity. Northamptonshire already has 20MW of operational capacity at Burton Wold, and approved schemes for a further 14MW capacity approved as the Burton Wold extension, 15MW at the New Albion wind farm between Rushton and Pipewell, 20MW at Yelverton and 3MW at Crick. There is a total of 72MW installed or consented capacity, which is 600% of the disaggregated 2010 county target, and 59% of the whole region. In terms of the 2020 targets this equates to 41% of the whole region or 410% of the target for Northamptonshire. In conclusion, the applicant has not demonstrated any pressure to approve this application in order to meet targets for onshore wind, and if anything there is an over capacity.

5 Environmental and Economic Benefits

The environmental benefit of a renewable energy scheme is the net reduction in carbon emissions. The economic benefits are the distribution of income from the scheme and any mitigation of costs because of the reduction of financial impacts of climate change. A key contributor is the amount of electricity generated. The Environmental Statement claims that the scheme will generate between 64,000MWh and 73,000MWh per annum. A scheme using 1.8MW turbines would have to achieve a capacity factor of 34%, or using 3MW turbines a capacity of 23%. This is not credible due to the low wind speeds. Data from Burton Wold wind farm achieves a 19% capacity factor using 2MW generators. At present no onshore wind farm achieves 34% capacity, the best being 32% at

Workington, Cumbria, which is sited in a high wind speed area. BLOT has taken expert advice and considers that a realistic capacity factor of 22% would produce an output between 43,500 and 55,600MW. Compared with the claim that the output will provide electricity for between 13,700 and 15,600 homes, a more realistic figure would be between 9,300 and 11,800 homes. It is not uncommon for developers to overestimate output.

The construction of a wind farm is a carbon intense activity. Using the Renewable Energy Foundation's formula, the construction of the Nun Wood wind farm will produce between 54,370 and 70,000 tonnes of CO₂

The application does not estimate the carbon offset expected from the proposal, but it is standard practice to quote the average grid carbon emissions of 430g of CO₂ per kWh. However, this average will decrease over time as efficiency measures are implemented. Also, the grid must match supply with demand. Because wind energy supply is highly variable, it requires fossil fuelled power stations to be kept ready to balance the load. As gas fired stations can respond more quickly, they tend to be kept in reserve while coal powered stations are used for base load. There are reports about Denmark, where 19% of electricity generation is from wind, that the additional fossil fuel consumed by these load-balancing stations is so great as to largely counteract the theoretical savings from the use of wind.

The carbon payback period is difficult to predict without a realistic carbon offset figure. Using the 430g of CO₂ per kWh figure and the REF formula, the payback period is approximately 2.5 years. But there are 2 factors that influence the payback period: the quality of the wind resources and the amount of concrete and stone required for construction. Nun Wood is likely to have a low capacity factor due to the low wind quality and amount of access tracks required. At 20% efficiency, payback periods could vary between 8-14 years.

Wind farm construction will generate economic activity, but the majority of work will be performed by specialist suppliers and contractors from outside of the area or overseas. It is normal practice for the income from a wind farm to be shared between the developer, landowner and the community, but Npower have chosen not to offer a community fund for this proposal. Should this proposal be refused, an alternative proposal may take its place and offer a local benefit.

6 Landscape Value

The upper Ouse valley was directly protected in Bedfordshire as an Area of Great Landscape Value , until it was replaced by the Hinwick Wooded Wolds Landscape Character Area, which states that development should consider the effect of large scale vertical features which would have the potential to disrupt views. The Bucks section of the Ouse Valley is an Area of Attractive Landscape. This landscape has been valued for many years and inspired Bunyon, Newton and Cowper. The proposal sits on the watershed between the Nene and the Ouse. There are expansive views available across the Nene valley towards the proposed wind farm from the ridge settlements of Great Doddington and Earls Barton. Although the Nene valley has not yet been afforded protection from development, its quality has been recognised and the River Nene Regional Park is being developed to enhance its environment. It would be perverse to introduce a significant detractor into the landscape at this time. A wind farm is comprised of moving industrial structures of a size that it inevitably draws the eye and so has a greater impact than would be expected from photomontages. Within its immediate area, a wind farm can have an overwhelming influence but even at a distance are able to dominate a landscape. Burton Wold wind farm grabs the attention of drivers on the A509 as they crest Bozeat grange, despite being over 15km to the north.

Although only the Bedford turbines are sited within the Hinwick Wooded Wolds LCA, all turbines are sufficiently close to this and the MK Area of Attractive

Landscape to impose upon them. Such an impact was the foundation of reasons for dismissal of the Whinash turbine appeals. It has been suggested that permitting the Petsoe End wind arm within the Area of Attractive Landscape might set a precedent to disregard landscape as a factor for this proposal. Not only does the planning process not accept precedents, the context of this decision is very different to that of Petsoe Manor. In fact, it makes it more important to preserve what remains of this high quality landscape amenity.

The following summaries relate to comments were received in relation to the original information January 2009

A3.29	National Air Traffic Services(NATS) Has no air safeguarding objections	Noted
A3.30	Civil Aviation Authority Cranfield Airport should be given the opportunity to comment. There might be a need to install aviation obstruction lighting. The turbines should be painted white. All structures over 300 feet need to be charted on civil aviation maps.	Noted paragraph 6.8 and 6.8.1
A3.31	Central Networks No objections. We would expect the applicants to pay for any diversion required to our equipment.	Noted
A3.32	Crime Prevention Design Advisor Has no concerns	Noted
A3.33	Development Plans <u>Relevant National Planning Policy</u> PPS1 Supplement: Planning and Climate Change	Noted at various sections of the report

PPS22: Renewable Energy (2004)

South East Plan

NRM13: Regional Renewable Energy Targets

NRM14: Sub-Regional Targets

NRM15: Location of Renewable Energy Development

Relevant Adopted Local Plan Policies

S10: Open Countryside

D1: Impact of Development Proposals on Locality

D5: Renewable Energy

HE1: Protection of Archaeological Sites

NE1: Nature Conservation Sites

NE4: Conserving and Enhancing Landscape Character

Site

The site is series of agricultural fields located on the Northamptonshire, Buckinghamshire and Bedfordshire borders. The part of the site located with Milton Keynes UA boundaries is classified as open countryside on the proposals map of the Adopted Local Plan. The adjacent Three Shires Wood is identified as an MK Wildlife Site. Other than this there are no landscape designations in the area. There is an archaeological notification site lying to the south.

Principle of Development

The impact of climate change is a key strand located throughout all national planning documents. The UK government has set a target to provide 15% of the nation's electricity generation from renewable sources, such as wind, by 2020. This is to reduce CO2 emissions to limit the severity of climate change and to reduce dependence on fossil fuels.

Note that the South East Plan is referenced due to the recent decision in the High Court. This heard that the revocation in July was unlawful and therefore it is likely that the South East Plan will be referred to by the appellants at the hearing. In policies NRM13 and NRM14 of the South East Plan, regional and sub regional targets of 895 and 209 megawatts (MW) of renewable energy installed capacity are set out to 2016. The proposal is likely to provide between 24 and 36MW of installed capacity. This however, would be split across the 3 Government Office Regions. Policy NRM15 states that renewable energy developments *'should be located and designed to minimise adverse impacts on landscape, wildlife, heritage assets and amenity'* and their location and design *'should be informed by landscape character assessment'*.

PPS22 paragraph 1(iv) states that the *'wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission'*. So despite this scheme being relatively small, the generation of renewable electricity should be given significant weight during determination of this application.

MK Local Plan Policy S10 limits the amount and type of development in the open countryside to protect the area and promote development within settlements. The background text states however, that some types of development, including wind turbines under policy D5, may be acceptable as exceptions to this policy.

Policy D5 recommends that planning permission be granted for renewable energy developments provided certain criteria are met. The general criteria are:

1. Significant harm to the amenity of residents, due to noise, traffic, pollution and odour;

2. Significant harm to wildlife species or habitat;
3. Unacceptable visual impact on the landscape
4. Specific to wind turbines – should be more than 350m away from dwellings and avoid unacceptable shadow flicker and electromagnetic interference

The nearest residential property is over 600m away from any of the turbines, however an anemometry mast and the substation are closer but still over 350m away. It is unlikely to affect the amenity of nearby residents however the visual impact, harm to the MK Wildlife Site and potential shadow flicker and electromagnetic interference need to be properly assessed.

NE1 states that development which may harm sites of county wide biological value, such as the Three Shires Wood MK wildlife site, should only be permitted if the benefits of the development outweigh the harm caused. Although the development is not sited within Three Shires Wood, it is included within the red-line site boundary. Ecological officers should be consulted to assess the impact of the development on the MK Wildlife site.

While there are no formal landscape designations within the area, policy NE4 identifies the site as falling within the Yardley Ridge. The draft landscape assessment for the Yardley Ridge, while not adopted, identifies 2 areas of higher landscape importance within the Yardley Ridge. These are the Hanslope Plateau and the Yardley Chase Fringe, the site being located within the latter. The Yardley Chase Fringe is identified as being a highly visible location and thus may not be ideal for the siting of a wind farm however; the specific site may be acceptable. This needs to be properly assessed. PPS22 provides guidance that the visual impact of wind turbines should be based on the number, distribution and size.

Although there are no Scheduled Ancient Monuments nearby the site, there is an Archaeological Notification Site that lies to the south. The council's Archaeology team should be contacted to determine the impact of the development.

Summary

There is no policy objections to this proposal provided the criteria in the above mentioned policies are complied with subject to a proper assessment. The proposal will contribute to meeting regional and national targets for renewable energy production. If however, there are some grey or marginal areas of compliance with criteria it must be stressed that these must be weighed against the environmental and economic benefits of renewable energy developments. They are significant material planning considerations.

A3.34 **Highways Development Control**

Vehicular access to the site is to be gained from the A509 at Northey Farm. Given that the access is to the north of the Council's boundary, the details will need to be approved and agreed by Northamptonshire County Council as the responsible highway authority. However in order to safeguard this Council's interests as the "neighbouring" highway authority, I recommend that the applicant be asked to submit a more detailed drawing showing the exact location of the access, the proposed filter lane and the improvements to visibility that are being proffered. If this application is to be approved, then for the avoidance of doubt, all vehicular access associated with the construction of the development should be achieved via the improved access to the A509. There should be no means of access via any of the other routes – particularly the A428

Noted at paragraph 6.7 to 6.7.4 in the report

Recommended Route

The A509, A45 and A14 have been identified as the key, non-motorway roads

forming the local highway network and two local routes; one north via the A509/A45 and one south via the A509 to J14 of the M1 have been assessed.

Although the route south may be considered suitable for abnormal loads, in terms of weight restrictions, (colleagues in the Bridges Team have confirmed this) the key issue is that it passes through the town of Olney. The applicant's highway consultants clearly recognise that the removal of pedestrian refuges and the movement of abnormal loads through this historic town centre "**may raise public concerns**". Following a visual inspection of the South Local Route (A509) the consultants have identified that four roundabouts are likely to require the removal of street furniture and/or modification of the highway to accommodate the abnormal loads. These are:

- A509/A422/B526 double roundabouts at Newport Pagnell (Chicheley Hill);
- A509/A422 roundabout at Chicheley (Tickford and Renny Park Road);
and
- A509 roundabout on the edge of Olney (Whirlypit).

Furthermore it is stated that a number of pedestrian refuges would also need to be removed through Olney to enable the abnormal loads to pass through.

However given that this route is not recommended by the consultants, (see below) there is no further information provided in the form of autotrack plots to determine the extent of the modifications needed. The local route north (A509/A45) is considered to be preferable to the local route south (A509 to M1/J14), not only for the delivery of the turbine components but also for the delivery of all construction materials. Although there are two junctions which will require mitigation measures, this route does not pass through any town or village centres, thereby minimising disruption

In summary, the consultants have identified Immingham as the preferred port and have selected the local route north along the A509 and A45 as the Recommended Route.

Given that:

- i) the proposed access lies in Northamptonshire, not Milton Keynes,
- ii) that the selected/preferred route for HGV traffic is to/from the north via the A509 and A45 and not south through Olney;
- iii) the increase in HGV traffic is significantly below the 30% threshold, even in the worst case scenario;
- iv) the impact of HGV traffic on MK roads will be substantially less; and
- v) the increase in traffic will be temporary lasting for the construction period of 14 months;

I advise that I would not wish to raise an objection on highway grounds to the proposal and would recommend conditions relating to access, construction vehicles, loading and unloading adequate measures during the construction period to prevent the deposit of mud and similar debris on the adjacent public highways, source of materials from the gravel site west of Bozeat and Planning Obligation Agreement to ensure that all HGV traffic is routed to/from the site via the Preferred Route.

A3.35 Northamptonshire County Council (Highway Authority)

Noted the routes proposed for the delivery of equipment and materials, over which NCC is responsible, and recommended conditions requiring details of the access being submitted, and to control vehicle sheeting, mud on road, operating hours, and the routes by which access is to be gained with tracking movement details at junctions. Experience of previous wind farms suggested a need to accommodate sightseer's vehicles in a dedicated parking area to prevent

Noted – similar to the highway officer's comments

indiscriminate parking on the highway. Consultation with the Rights of Way Officer was recommended.

A3.36	Anglian Water Have no issues regarding groundwater, but advise that there are 3 UHF communications paths that require mitigation at a cost of £1414.	Noted
A3.37	RSPB Have no comments	Noted
A3.38	South Northamptonshire Council Has no objection, subject to suitable planning controls over noise, visual impact, and time period that any consent will run for.	Noted
A3.39	Council's Archaeologist The proposed mitigation strategy in the ES is broadly satisfactory, but it is still necessary to excavate a trench in the area of turbine 1, and a planning condition is recommended.	Noted
A3.40	South East England Regional Assembly The local authority should ensure that there are appropriate mitigation measures for <ul style="list-style-type: none">• Any landscape impacts in accordance with Policy E1 of RPG9 and Policies NRM5 & NRM15 of the Secretary of State's Proposed Changes to the Draft South East Plan• Any noise impacts in accordance with Policy NRM10 of the Secretary of State's Proposed Changes to the draft South East Plan	Noted

A3.41 South East England Development Agency

Noted

SEEDA supports the application

We consider that a wind farm with an anticipated capacity of between 21.6 and 36 MW is entirely consistent with the Regional Economic Strategy 2006-2016, specifically

- The Headline Target that seeks to reduce the rate of increase in the region's ecological footprint, stabilise it and reduce it
- Target 11 which seeks to reduce CO2 emissions attributable to the South East by 20% from the 2003 baseline by 2016, as a step towards the national target of achieving a 60% reduction in the 1990 levels by 2050, and increase the renewable energy to at least 10% of energy supply in the SE by 2010 as a step towards achieving 20% by 2020.

SEEDA supports the application which will assist in maintaining/improving the region's energy security and ultimately the delivery of the Regional Economic Strategy. The proposal would also help to achieve the sub-regional target set out in Policy NRM14 of the South East Plan to install 140 MW of renewable energy capacity by 2010 in the Thames Valley and Surrey sub region. The construction will generate 10-20 short term jobs and 25% of the capital expenditure could be spent within the 3 regions. Although the socio-economic impacts would not be significant, they nonetheless would provide some economic benefits to the region.

A3.42 Campaign to Protect Rural England

Noted

Object and recommend refusal.

The 3 turbines in Bucks are said to lie outside the Area of Attractive Landscape, but CPRE has not been able to substantiate this. In the Buckinghamshire Landscape Plan, Whittlewood ridge is described as 'a slightly undulating plateau which retains remnants of woodlands, including ancient woodlands, within a largely agricultural landscape on heavy clay soils. The areas of woodland and lack of settlement evoke an earlier (historic) landscape. A major aim of the

landscape plan is to maintain a productive and sustainable rural landscape retaining its essential character, local distinctiveness and quality.

The site is surrounded by village settlements; Harrold, (approx 2.5km from nearest turbine), Bozeat (approx 1.3km) and Lavendon (approx 2km). There are also several isolated dwellings positioned closer. The area is served by a network of footpaths and bridleways with the Three Shires Way forming a major recreational route. CPRE believes the development would severely impact on their amenity.

Cumulative impact: The proposed development would have indivisibility between Burton Wold and Petsoe wind farms, effectively linking these 2 developments to form a wind farm landscape. The fact that the Nun Wood proposal is divided into 2 clusters exacerbates the problem of cumulative impact by appearing as 2 separate wind farms. Other wind farms are also proposed in the area.

The effect of shadow flicker on horses using bridleways is raised. The laying of track ways will have an impact on wildlife.

CPRE takes issue with the governments planning policy statements regarding on-shore renewable energy development.

CPRE believes the proposed development would pose an unacceptable visual intrusion, and be contrary to policies S10, S11 and D1 of the Milton Keynes Local Plan. The Environmental Statement contains insufficient information to ensure that clauses i & ii of policy D5 will not be breached.

Inland lowland sites for wind farms deliver lower levels of energy. The Burton Wold wind farm has a load factor of 22%. Attempts to generate wind energy in such areas is highly wasteful of resources. Is this contribution sufficient to

sacrifice landscape amenity of the area.

A3.43 The Ramblers Association

Noted

Recommend rejection of the application.

The site traverses the Three Shires Way, the only long distance bridleway in the area, and the Harrold footpath No10. 12 turbines will ruin the pleasure and enjoyment of the rural countryside in this area.

A3.44 The British Horse Society

Noted

Does not object in principle, but is very concerned that the development should not reduce enjoyment of the countryside and the safety of horse riders. The proximity of turbines to both sides of the Three Shires Way presents a hazard to the safety of horse riders, and a negative impact on their enjoyment of using the bridleway.

The planning statement states 'The British Horse Society recommends a separation distance of 200 metres between turbines and bridleways' This is not the case, as new guidance was adopted by BHS in 2008. This recommends a separation distance of 4 times the overall height of the turbines for national trails, and 3 times for all other routes. Thus the recommended starting point should be at least 500m from the Three Shires Way and 375 for all others (the Society acknowledges that there is no statutory requirement to comply with this guidance as PPG22 reflects the advice extant at the time it was issued). BHS also raise concerns about the effect of shadow flicker on the ground startling horses. It is estimated that there are 120 horses and ponies in the immediate locality and the livery stables at Lower Farm Lavendon risks a serious reduction in custom, and it could affect equestrian tourism. If permission is given, BHS request that conditions are imposed to provide an alternative route to the Three Shires Way, provide alternative riding circuits, and agree safety arrangements for access roads crossing bridleways.

- A3.45 **Ravenstone Parish Council** Noted
Ask if there is any evidence to show the efficiency of wind farms compared with other methods of electricity production, and how long the turbines will be in situ.
- A3.46 **North Crawley Parish Council** Noted however the viability of the proposal is not a matter best dealt with by planning
Oppose the application.
Our main concerns are that the wind speed in this area of England is not high enough to produce useful amounts of energy, and that the turbines are deliberately made 125 metres high because the developers know this, and that the combination of very high turbines for very low output is not logical, and causes unnecessary and useless damage to the countryside. To build a wind farm here would be unproductive so a total waste of money to build, apart from the obvious blight on the landscape in the surrounding areas.
- A3.47 **Hanslope Parish Council** Noted
Object most strongly due to the unacceptable visual impact on the area. Furthermore, it is felt there are no sites in Milton Keynes that would be suitable for such an installation, although it strongly supports the principle of utilising renewable energy.
- A3.48 **Sherington Parish Council** Noted
No adverse comments
- A3.49 **Mark Lancaster MP** Noted
I wish to object to the application on the grounds of:
1. The visual impact that turbines will have on the landscape
 2. How amenity on footpaths & bridleways will be affected
 3. The impact the site will have on wildlife in the area
 4. The turbines being too close to residential sites

- 5. Safety on roads & rights of way
- 6. The cumulative impact with other wind farms

A3.50	Ward Councillor – D Brock No representation received	Noted
A3.51	Ward Councillor – P Geary No representation received	Noted
A3.52	Local Residents Because the 12 turbine wind farm covers 3 council areas, and each authority often received copies of the same correspondence from local residents in Wellingborough, Bedford and Milton Keynes districts, the following summary of residents concerns has been prepared by Bedford Borough, and is a fair representation of the issues raised in relation to this development:	Noted and addressed at various sections in the report

A total of **922** letters from **802** addresses were received as part of the initial consultation process for this application. Out of these letters **8** letters were in support of the proposal with the remaining **914** letters raised objections to the development.

In terms of areas of objection these tended to fall into the following points with a number of letters raising some or all of the points below.

(1) Impact upon amenity/landscape.

This area of concern generated the most mentions with a total of 845 letters raising this as an objection to the scheme. A number of objectors raised the point that they were under the impression that the application site and countryside around was classified as an area of great landscape value under the local plan policy NE14. Further concern was raised over the fact the due to the height of the turbines and the fact that the site is on a ridge that the

countryside for a number of miles will be spoiled by the proposed development.

(2) Shadow flicker and health concerns

A significant number of objectors raised the issue of shadow flicker caused by the turning blades of the turbines which they linked to concerns over health problems such as sleep deprivation, headaches, migraine and concern regarding people who suffer from epilepsy.

(3) Impact/loss of wildlife

The concern over the impact of the turbines upon the local wildlife was the third highest comment received with a total of 723 letters including it as an objection to the scheme. The main concerns raised include the fact that due to the numerous woods around the site there will be a potential impact upon local birds and bats which would try to fly through the path of the blades. Furthermore a number of objectors state that due to low frequency noise caused by the turning blades which would be transmitted through the ground causing an impact upon nearby badger setts.

(4) Noise

Similar level of objections to that relating to shadow flicker in that the turning blades of the turbines will generate a noise particularly when the blades pass the tower and there is a change in pressure. A number of objectors raised this concern over the low frequency noise generated by the turbines which they state will be heard for many miles leading to sleepless nights. Concern has also been raised over the ability of the Government measure of noise through ETSU R-97 to be valid with such high turbines. Other concerns have been raised over the noise caused by the construction of the proposal over a period of 18 months.

(5) Viability

Approximately 347 letters included this as a reason to object to the proposed scheme. Concerns related to the suggestion that the turbines will not save energy as they are merely a way of the developer to gain money through subsidies as well as concern that traditional methods of energy production will still be required as this is a low wind speed area and any energy generated by the turbines cannot be stored.

(6) Impact upon TV reception

A minor number of the objectors raised the concern that the turning blades would result in a disruption to local TV signals being received.

(7) Property value

A number of objectors have raised the comment that the proposal will lead to a negative effect upon the property prices within the local area and/or deter would be buyers of houses within close proximity to the turbines.

(8) Increased traffic

During the construction period a number of objectors have raised a concern that there will be a significant increase in traffic, particularly large HGV's, using the A428 and A509 which they state are recognised as accident red routes.

(9) Impact upon bridleway/public footpaths

The position of the Three Shires Way and definitive public footways is a concern to a significant number of objectors on the grounds that the proposal would have a detrimental impact upon the setting and enjoyment of the bridleway and footways. Due to the position of the turbines on either side of the Three Shires Way bridleway the turning blades will cause shadow flicker across the bridleway causing horses to bolt and throw their riders, while the enjoyment of walking along the bridleway and the footways will be spoilt.

(10) Too close to houses

This is the second highest objection point raised with 751 residents noting this as a reason to object to the scheme with a concern that the turbines are located too close to residential properties particularly those in Bozeat as well as the village of Harrold.

(11) Cumulative impact

Concern is expressed over the fact that the proposal would add to the other wind farms in the area with Burton Latimer and Petsoe End being sited as the nearest existing wind farm sites.

(12) Danger to road users, ice and fire

A significant number of objectors have raised a series of issues relating to health and safety which would be compromised as a result of the proposed development. These include danger to passing traffic as the turbines would become a distraction; ice forming on the blades would/could be thrown over a wide distance when the ice melts; and finally there is a concern over turbines setting on fire.

(13) Impact upon listed buildings and conservation areas

A limited number of residents have raised the issue of cultural heritage as a reason for objecting to the scheme.

(14) General comments

Other issues raised include impact of the development upon air safety including use of the area for air ambulance helicopters; hot air balloons and the military using the area for low flying. Impact upon Odell and Harrold Country Parks; this area already provided its quota of renewable energy measures; misleading information from Npower; this is agricultural area not industrial; there are better ways of generating energy.

Following the submission of the Supplementary Environmental Information in October 2010, a further **417** objection letters were received although the vast majority of these were from the same objectors reiterating their previous comments or continued objection, with approximately **79** new addresses.