

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Planning Manager

To: Planning Committee – 5 February 2014

(Author: Chris Crew – Principal Planning Officer)

Subject: Bernard Matthews Food Ltd, Cowards Lane, Pinchbeck

Purpose: To consider Planning Application H14-0831-12

Application Number: H14-0831-12 **Date Received:** 19 October 2012

Application Type: Full

Description: Proposed wind turbine with maximum height to tip of 78 metres, including access track, hardstanding, substation and associated works

Location: Bernard Matthews Food Ltd, Cowards Lane, Pinchbeck

Applicant: Bernard Matthews **Agent:** Farmwind Ltd
Wind Energy Co-
Operative

You can view this application on the Council's web site at

<http://www.sholland.gov.uk/doitonline/plandev/plansearch.aspx> .

Just enter the Application Reference Number, press 'Get the details' and follow the links to see the documents and plans held

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application is contentious and raises issues which warrant Committee consideration.

2.0 PROPOSAL

2.1 The application is based around a candidate wind turbine (the 500kW PowerWind 500) and would have a maximum hub height of 50m, a maximum height to blade tip of 78m, and a maximum rotor diameter of 56m. The application also provides for improvements to an access track, a small substation building, and a temporary 50m met mast (for 12 months prior to construction of the turbine, if required). The turbine would generate the annual energy requirement of approximately 300 dwellings.

3.0 SITE DESCRIPTION

3.1 The application site is located in the open countryside immediately to the north of an intensive poultry unit. The village of Pinchbeck lies some 2km to the east, whilst Gosberton Risegate runs east to west some 2.5km to the north.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below clearly accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

Policy SG1 – General Sustainable Development
Policy SG4 – Development in the Countryside
Policy SG13 – Pollution and Contamination
Policy SG17 – Protection of Residential Amenity
Policy SG18 – Landscaping of New Development

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.2 National Guidance

National Planning Policy Framework (NPPF), March 2012

Paragraph 14 – The presumption in favour of sustainable development
Paragraph 17 – Core planning principles
Section 3 – Supporting a prosperous rural economy
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment

Planning Practice Guidance for Renewable Energy (July 2013)

4.3 National Energy Policy

The UK Renewable Energy Strategy, 2009

Sets out a path for meeting the legally binding target to ensure that 15% of energy comes from renewable sources by 2020.

The UK Renewable Energy Roadmap, Update 2013

The second annual update to the Roadmap, which shows that the UK has exceeded its first interim target on the way towards the ambitious target of 15% renewable energy consumption by 2020. In 2012, more than 4% of the UK's energy came from renewable sources, whilst current capacity stands at 19.5 GW (of which 7.0 GW is onshore wind). Recognises that some individuals and communities are concerned about the siting of particular renewable energy projects, and sets out objectives to promote community involvement and investment in small scale renewable projects.

5.0 **RELEVANT PLANNING HISTORY**

5.1 H14-0404-11 – Installation of roof mounted solar photovoltaic panels
Approved 15 July 2013

5.2 H14-0144-13 – Erection of 5 package plant rooms housing 2 bio-mass boilers each and 1 fuel store
Approved 22 May 2013

6.0 **REPRESENTATIONS**

6.1 Pinchbeck Parish Council

Object. Proposed turbine would constitute a prominent and intrusive feature within the landscape, adversely affecting local landscape character and the visual amenities of the locality, both individually and cumulatively with other wind turbine development, and be contrary to Local Plan policies SG1, SG2 and SG17. Although not a designated heritage site, it is recognized as being of ecological and historical heritage importance. Turbines are potential cause of harm to health e.g. sleep deprivation due to noise. The overwhelming visual impact, possible shadow flicker and consistent humming noise could overwhelmingly affect the nearest properties. The construction of any further wind turbines in the district would have a significant cumulative impact as there are already many existing wind turbines in the vicinity of this parish. Whilst the broad support for renewable energy proposals in the NPPF is noted, it is also noted that this is not unconditional and depends upon other issues. Refer to the recently adopted Pinchbeck Parish Council policy on Wind Turbines which was raised in response to Lincolnshire County Council's own Policy on Wind Turbines.

6.2 Gosberton Parish Council

Object. There are too many wind turbines in the area as a whole. It will have an adverse visual impact.

6.3 Surfleet Parish Council

Object. Support the response from Pinchbeck Parish Council. Whilst in favour of renewable energy sources there seems to be no evidence of looking at other renewable sources such as solar power, an array of photovoltaic cells would be less obtrusive on the neighbourhood and environment.

6.4 District Councillors

Cllr S Slade – Object on behalf of local residents, who are concerned about dominance in the landscape of wind turbines. LCC environmental policy now opposes erection of more turbines, and we should take heed of this. Due to the topography of the landscape in this area, i.e. flat with very little screening, a turbine can be seen from far away. We can already see Deeping St Nicholas turbines, and - on a clear day - Bicker Fen. We do not want any more in the vicinity.

6.5 County Highways

Comments to be reported verbally.

6.6 SHDC Environmental Health

No objection. Consider that the information provided by the applicant's consultant adequately demonstrates that the proposed wind turbine will comply with ETSU-R-97 and that the methodology used is in line with subsequent guidance produced by the Institute of Acoustics. Request a condition which would provide a better degree of protection to the amenity of residential properties that would normally be possible under ETSU guidelines.

6.7 Environment Agency

No objection, provided that the development is carried out in accordance with the submitted flood risk assessment.

6.8 Lincolnshire Bat Group

The submitted protected species report is excellent and thoroughly comprehensive. We fully endorse the recommended mitigation measures, and if the application is successful these measures should be carried out in their entirety.

6.9 Public

18 objections received from local residents. The points raised are summarised as follows:

- Pinchbeck is a dumping ground for wind turbines.
- Local landscape is unique and highly valued, and should be protected from this development which is totally out of character.
- Turbines are expensive to erect and uneconomic, pushing up energy bills generally.
- In the open countryside noise carries across the fields for many miles, and all dwellings within the vicinity will be detrimentally affected.
- Granting permission will set a precedent and more turbines will follow.
- Construction traffic will be a hazard on the roads.
- Turbine will impact on wildlife.
- Solar panels or a smaller turbine would be more acceptable.
- Turbine would be a potential hazard to aircraft.
- Wind turbines cause distress to horses.
- Cumulative impact of proposed turbine with other planned and constructed wind farms.
- Shadow flicker and low frequency noise could affect residents' health, particularly one child who has been diagnosed with an Autistic Spectrum disorder.

- A turbine nearly the size of Boston Stump is not good for the area or the community living in it.
- Proposal is contrary to SHDC Supplementary Planning Guidance on Wind Energy.

19 representations received in support from members of the public living within South Holland and elsewhere in the country. Points made are summarised as follows:

- As a community co-operative rather than a large, multinational corporation local residents will be able to invest in and gain financially from the project.
- Obvious from the weather that the planet is facing a challenge in the years to come if we do not 'pull our finger out' and try to do something about the carbon emissions from our electricity generation.
- Much is said about the visual impact of wind turbines but the same people are seemingly happy with the pylons, phone masts and telegraph poles which are necessary for modern life.
- Single turbine will have little impact on the surrounding area, particularly given that it would be next to an existing turkey farm.
- I live close to the Deeping St Nicholas site and find them to be aesthetically quite pleasing and tranquil.
- As part of a group of turbines throughout Norfolk and Lincolnshire that will make a significant contribution to the national renewable energy targets.
- May not be the entire solution to the UK's energy problem, but are currently one of the cheapest and least polluting forms of renewable energy.

7.0 MATERIAL CONSIDERATIONS

7.1 The key issues for consideration in this application are:

- Principle
- Landscape character and Visual impacts
- Noise

7.2 Principle

The National Planning Policy Framework (NPPF) explains that, 'Planning is important in supporting the delivery of renewable and low carbon energy and associated infrastructure' (para. 93), and that all communities have a responsibility to help increase the use and supply of green energy (para. 97). The need for increased renewable energy production as part of a diverse energy supply is integral to national energy policy and guidance, and the NPPF states that applicants for renewable energy development should not be required to demonstrate the overall need for renewable energy, and that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

7.3 Although press reports both nationally and locally have suggested that the latest national 'Planning Practice Guidance for Renewable and Low Carbon Energy' now means that local communities should have a defining say over where renewable energy developments should go, that is not the case. Whilst both the text to the guidance and Ministerial statements make clear that the need for renewable energy does not automatically override environmental protections, that visual impact can be as great in flat landscapes as hilly or mountainous areas, and that the views of local

communities should be listened to, it remains the case that decisions must be made in accordance with the development plan, and taking account of all other material considerations, with specific guidance at paragraph 98 of the NPPF making clear that local planning authorities should approve renewable energy applications if impacts are (or can be made) acceptable. Implicit in this is an acceptance that renewable energy development will very often have an impact on the area in which it is located. However, identifying such an impact is not sufficient to justify refusing an application out of hand, since it may be possible to mitigate some impacts, whilst others may be outweighed by other positive benefits associated with renewable energy generation.

- 7.4 Local Plan policy EN3 – Renewable Energy was not saved in 2009 when the Local Plan was extended following a direction from the Government Office for the East Midlands. Consequently the Local Plan contains no specific policy against which renewable energy proposals can be assessed. Given that fact, it is clear from both the NPPF and Planning Practice Guidance that all renewable energy development is acceptable in principle, unless material considerations indicate otherwise.
- 7.5 Landscape character and Visual impacts
The application site is located in a flat, broad, open agricultural landscape, characterised by large arable fields separated by dykes and occasional native species hedging, scattered dwellings and farmsteads, small stands of trees and shelter belts, and long, straight roads generally orientated north-south and east-west. The area is not the subject of any special designation (such as an Area of outstanding Natural Beauty) with regards to the quality or significance of the landscape.
- 7.6 It is widely accepted that wind turbines, as modern industrial structures, have a significant and harmful visual impact on rural landscape character, but that the degree of harm is dependent on different circumstances in each case. Officers consider that the proposed turbine would be prominently visible within a radius of 2-3km. Beyond 3km the scale of the turbine would appear reduced, and the increased frequency of buildings and trees interrupting views towards it would lessen its visual impact, as would different weather conditions. It is clear that residents living close to the site on Beach Bank and Cowards Lane, as well as to the north in Gosberton Risegate and to the south along Northgate, would notice a significant change in their surroundings, the turbine being visible to varying degrees from within properties and their gardens, and when travelling along roads and footpaths. However, as a single turbine it would not occupy a significant proportion of the overall view available to local residents and passers by and though noticeable, it is not considered that it would have an unacceptable impact on landscape character.
- 7.7 The Bicker wind farm (13no. turbines, 100m tall) lies to the north some 11km from the application site, whilst that at Deeping St Nicholas (7no. turbines, 100m tall) is a similar distance away to the south west. Both can be seen in glimpse views from certain points in the vicinity of the application site, depending on weather conditions. In addition, the Council is currently dealing with an application for nine 126m-tall wind turbines on Pinchbeck South Fen near Pode Hole, some 6.5km to the south west which will be determined on its own merits in due course, whilst two smaller turbines near Pode Hole (approximately 45m and 35m tall) cannot be seen from the

application site. Given those distances, and recent appeal decisions elsewhere in the district where Inspectors' have held that intervisibility between wind farms of 5-8km would not give rise to unacceptable impacts on landscape character or visual amenity, officers are satisfied that the proposed turbine would not have such a harmful cumulative impact that permission should be refused on that ground.

- 7.8 The closest unrelated residential property, Burtey Fen Farm South, lies some 600m to the south east on Cowards Lane, but is partially screened from the application site by a group of agricultural buildings. There are three dwellings in the vicinity which face towards the application site, these lying between 830-1500m away to the north on Beach Bank and south on Northgate. A recent unsuccessful appeal against the Council's decision to refuse planning permission for a wind farm in Sutton St Edmund on grounds that it would unacceptably affect the amenity of a nearby resident is relevant, insofar as it gives an indication of the threshold at which impacts on residential amenity could be held to be so harmful that it would not be in the public interest to grant planning permission. In that instance the affected dwelling lay some 695m from the closest turbine (126m tall to blade tip), and was orientated so that views from the main living accommodation would be dominated by the turbine and wind farm beyond. In this case, given that the application is for a single turbine only two thirds the size of those proposed in Sutton St Edmund, and neighbouring properties are further away, it is not considered that the amenity of any of those properties would be affected to such a degree that they would be rendered unattractive places to live. Consequently it is not felt that permission could be refused on that ground.
- 7.9 The Council's Supplementary Planning Guidance (SPG) on Wind Energy was adopted in 2004, and identified areas within South Holland considered suitable for wind turbine development. The application site is in an area identified as unsuitable for such development. However, the SPG has been considered by Planning Inspectors' in connection with several appeals, most recently at Treading Field near Sutton St Edmund. There, the Inspector concluded that the SPG is 'rather simplistic and 'broad brush' in nature and of limited use' and gave it only limited weight in making his recommendation to the Secretary of State. The Inspector went on to say that in his view, 'it has not been shown that there is no scope for turbine development in the area, providing the effects are or can be made acceptable'. Whilst that appeal was in a different part of the district to the application site, officers consider that the same conclusion applies in this case.
- 7.10 On the basis of the above, whilst the proposed wind turbine would cause some harm to local landscape character and visual amenity contrary to Local Plan policies SG1, SG4 and SG17, that harm would not be so great that permission could be refused.

7.11 Noise

The most recent national renewable energy guidance, 'Planning Practice Guidance for Renewable and Low Carbon Energy' states that 'The assessment and rating of noise from wind farms' (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97.'

7.12 ETSU is designed to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developers or planning authorities. The guidance recognises that the occupiers of dwellings in the countryside may be expected to be especially sensitive to any intrusions on peace and quiet, but it does not seek to require wind farm noise to be reduced to a level which would be completely inaudible to local occupiers. As such, ETSU effectively supplants the provisions of Local Plan policies SG13 and SG17, which seek to protect the environment and residential properties from, amongst other things, undue noise disturbance, and establishes a higher threshold for noise disturbance than might be accepted in connection with other development proposals.

7.13 This application is supported by a noise assessment which predicts that the turbine would generate noise levels of 34.4dB at the closest unrelated residential property (Burtey Fen Farm South). That prediction is based on a worst case scenario of wind blowing from the proposed turbine towards that property. When the wind is blowing in other directions away from the property noise levels would be significantly lower. Prevailing winds in this area come from the south west, so it is not expected that the worst case scenario would occur regularly.

7.14 A local objector has focussed on the submitted noise assessment, and strongly disagrees with the way in which the applicant's consultant has calculated the predicted noise levels. Guidance set out in ETSU states that where predicted noise levels fall below 35dB there should be no requirement for an applicant to undertake background noise checks. The objector considers that the predicted noise level has been under-estimated, and that therefore a background noise survey should be carried out. However, given the site's rural location it is clear that background noise levels will be very low, perhaps around 20dB. Even if a noise survey were carried out that demonstrated exactly that, ETSU still sets out acceptable day-time noise limits in the range of 35-40dB or 5dB above background levels, whichever is the greater, and for night-time a limit of 43dB or 5dB above background, again whichever is the greater.

7.15 The objector's representations have been considered in detail by the Council's Environmental Health officers, whilst the applicant has also provided further information clarifying how they have assessed potential noise impacts. No evidence has been provided by the objector which causes the Council's Environmental Health officers to doubt the conclusions of the applicant's

consultant, and they are satisfied that whilst the proposed turbine may be audible at nearby dwellings, it should not give rise to unacceptable noise nuisance contrary to ETSU guidance. Furthermore, the applicant has also confirmed that they are happy to accept a condition restricting noise levels to the lower ETSU limit of 35dB at all times, instead of the higher limit of 43dB at night time that the guidance provides for.

7.16 Other matters

This application is promoted by the Bernard Matthews Wind Energy Co-Operative, part of the Energy4All (E4A) family, and is one of several such projects being promoted across Lincolnshire and Norfolk on Bernard Matthews estate. E4A is a non-profit-distributing social enterprise, with the family of co-operatives which it comprises having over 7,500 members in total. Should planning permission be granted, individuals will be able to invest between £250 and £20,000 in what is intended to be a community-owned renewable energy scheme, following a model that has been used elsewhere in the country, and on which they would receive a dividend from the sale of surplus energy. Priority for membership is given to people living in the area of the proposed turbine and to Bernard Matthews employees. In practice the applicant has indicated that the share offer would operate as follows:

- *1st priority: residents within say 10km around the turbine and Bernard Matthews employees;*
- *2nd priority: Residents of Lincolnshire and Norfolk - given that the other turbines are located in these counties; and*
- *3rd priority: members of other existing E4A co-ops.*

Whilst this is a laudable approach to delivering renewable energy, and fully accords with Government priorities to secure a diversity of energy supply, officers do not consider that it adds significant material weight to the planning balance when considering the acceptability or otherwise of the proposed wind turbine.

7.17 Whilst initially objecting to the application, the Ministry of Defence has since confirmed that it is willing to accept a condition attached to any consent requiring the prior submission and approval of a scheme to mitigate the impact of the turbine on air traffic control radars.

7.18 Guidance set out in 'Planning Practice Guidance for Renewable and Low Carbon Energy' states that whilst there is some evidence of a risk of collision between moving blades and birds and/or bats, the risk is generally low other than in close proximity to important habitats. In this case the proposed turbine is not located close to significant habitat or landscape features (water courses etc) that are likely to attract bats or birds which could be adversely affected by the moving turbine blades. The ecological assessment submitted as part of this application concludes that the development would not have an unacceptably adverse impact on species or habitats of nature conservation interest, and that measures can be implemented to reduce the risk of species of flora and fauna protected by legislation being adversely affected. These measures include removing hawthorn bushes within 65m of the turbine and regularly mowing the area beneath the turbine to reduce its interest to foraging bats and birds. An equivalent number of hawthorn bushes will be

replanted outside the 65m boundary around the turbine, in accordance with both Local Plan Policy SG18 and national guidance set out in Section 11 of the NPPF. These mitigation measures can be secured by condition.

- 7.19 There are seven Grade II listed buildings within 2km of the application site on Glenside North and Northgate, comprising 4 dwellings, a brick tower mill and 2 outbuildings. Whilst the proposed turbine may be visible in certain views from and to those listed buildings, and from certain positions within the buildings and their grounds, it is not considered that the setting of any one of those buildings would be so adversely affected that their special architectural or historic character would be unacceptably harmed. In the wider landscape a number of Grade I listed church steeples and spires are visible, but at distances over which officers consider that their setting would not be unacceptably affected. An assessment of the sites archaeological potential has also been undertaken, which concludes that the site has a low potential to contain significant archaeological remains of any period. In addition, the small footprint of the proposed turbine means that any impact would be very localised.
- 7.20 Shadow flicker is a phenomenon which only affects properties within 130 degrees either side of north, relative to the turbines location, and only under certain combinations of geographical position and time of day. In addition, national guidance indicates that any effects would only be perceptible where a neighbouring property lies within 10 rotor diameters distance of the turbine (560m in this case). There are two nearby dwellings located within the 130 degree arc, but as these are some 830m and 1500m away respectively it is unlikely that they would be affected by shadow flicker. However, as a precautionary measure a condition is suggested requiring the submission of a protocol to deal with any complaints arising from local residents should they experience this phenomenon. This will most likely involve the turbine being shut down at specific times of day and certain times of the year.
- 7.21 One resident objector has expressed concern that flicker from the turbine blades and low frequency noise could affect the health of one of their children, who has been diagnosed with an Autistic Spectrum disorder. The objector's property is located some 1500m to the east of the application site. This is outside the recognised zone within which shadow flicker could be experienced. Regarding low frequency noise, officers are not aware of there being any statutory guidance available with regards to low frequency noise and minimum separation distances from wind turbines. Whilst reference has been made to an appeal decision for a wind farm in North Lincolnshire where a similar issue was considered, no analysis of whether the circumstances in that case are directly comparable to this application or not has been provided. Nor has the objector provided any other evidence to support their concerns, and in the absence of any such evidence or other guidance on this issue officers do not consider that their objection would justify a reason for refusal.

- 7.22 The applicant has identified that the terrestrial television reception at up to 2190 properties around the site may be affected, although all but 2 of those properties have an alternative transmitter available. However, the area has now switched to a terrestrial digital signal, which is less susceptible to secondary interference caused by reflections of the TV signal, and it is not considered that the proposed turbine would have a significant impact in this regard. Nonetheless, a safeguarding condition is suggested which would require the applicant to resolve any issues of interference with TV or radio signals reported by local residents by sending engineers to the affected property.
- 7.23 Wind turbines commonly have a design-life of 25 years. Concerns have been expressed by objectors that should the owner of the turbine have insufficient capital to decommission the turbine then it could be left as a blot on the landscape which would require public expenditure to remove. The applicant has responded, stating that, 'Throughout its lifespan the turbine retains an inherent value. Even at the end of 25 years operation it would have significant scrap or more likely reconditioning value. In the unlikely event that the Bernard Matthews Wind Energy Co-operative or its constituent companies had insufficient capital to decommission, then Bernard Matthews as landowners would relinquish the turbines scrap / reconditioned value. At no point would 'the taxpayer' be involved as it is the turbine would be an asset of the Bernard Matthews Wind Energy Co-operative and its shareholders.' Officers are satisfied that the risk of the turbine not being removed at the end of its life is low, and two safeguarding conditions are suggested to give further certainty on this point.
- 7.24 Construction of the proposed wind turbine would involve approximately 200 construction vehicle movements to and from the site, the most significant being an estimated 32 movements associated with the delivery and erection of the crane and turbine components. Those components account for the largest loads (e.g. 28m long turbine blade, 30T generator) for which separate police notifications and permissions will be required. The proposed delivery route is from the A1 at Stamford, via the A16 to Market Deeping, the A15 to Bourne, the A151 to West Pinchbeck, the B1180 (Glenside South) before turning towards the application site on Money Bridge Lane and Cross Lane. Any disturbance or inconvenience caused by construction traffic would be temporary, and not expected to persist beyond the estimated 4 month construction period. Final comments from the County Highway department are awaited, and whilst it is not anticipated that any fundamental objection will be raised on highway safety grounds, the recommendation below provides for the addition of conditions to provide for highway strengthening/repair works as necessary.

7.25 Conclusion

National policy and guidance is unequivocal in supporting the delivery of more renewable energy production across the country. Whilst the most recent guidance has reiterated that planning decisions must take account of the views of local communities, as has always been the case, it has not imposed a blanket ban on new wind turbines. In terms of its scale, isolated location, proximity to neighbouring dwellings, predicted noise levels and distance from other wind farms and single turbines, the impact of the proposed development on landscape character and local amenities is considered to be acceptable.

8.0 **RECOMMENDATIONS**

8.1 **Grant Permission subject to those Conditions listed at Section 9.0 of this report, provided that no objections are raised by the County Highway Department, and with the addition of any further conditions required to safeguard the highway network.**

9.0 **CONDITIONS**

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
1:5000 Planning Application Plan, Application and Environmental Documentation, including A3 Figures Booklet (dated October 2012, SLR Flood Risk Assessment ref: 405.02350.0007 (dated August 2012), Wild Frontier Ecology Ecological Report (dated June 2012), Hayes McKenzie Environmental Noise Impact Assessment ref: HM: 2596/R1 (dated 22 June 2012) all received 18 October 2012
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 This planning permission shall expire no later than 25 years from the date when electricity is first exported from the wind turbine to the electricity distribution grid (the First Export Date). The applicant shall notify the Local Planning Authority in writing of the First Export Date within 14 days thereafter. At the expiration of 25 years from the First Export Date the turbine and ancillary site infrastructure shall be decommissioned and removed from the site and the land returned to its former condition within 12 months thereafter, in accordance with a written scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the wind turbine is removed from the site at the end of its predicted productive lifespan, and that the visual impacts associated with it do not persist beyond that period.
This condition is imposed in accordance with Policies SG1, SG14 and SG17 of the South Holland Local Plan 2006.
- 4 If the wind turbine hereby permitted fails to operate for a continuous period of 12 (twelve) months the site operator shall notify the Local Planning Authority of that fact in writing within one month thereafter, including with that notification a written scheme providing for the decommissioning and removal of the wind turbine and ancillary site infrastructure and returning the land to its former

condition. The scheme shall be implemented within 12 (twelve) months of the date on which it is approved in writing by the Local Planning Authority.

Reason: To ensure that the turbine is removed from the site when it ceases to be of benefit for energy production, in order that the visual impacts associated with it do not persist.

This condition is imposed in accordance with Policies SG1, SG14 and SG17 of the South Holland Local Plan 2006.

- 5 Noise from the wind turbine shall not exceed 35dB(A)(LA90,10min) when measured at a height of 1.5m (at wind speeds of up to 10 metres per second measured at a height of 10m) at any residential boundary not within the applicant's ownership.

Note: For the purposes of this condition 'residential boundary' means the amenity (garden) area attached to any residential property.

Reason: In the interests of local residential amenity.

This condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan 2006.

- 6 No development shall commence unless and until an Air Traffic Control Radar Mitigation Scheme to address the impact of the wind turbine upon air safety has been submitted to and approved in writing by the Local Planning Authority.

The Air Traffic Control Radar Mitigation Scheme is a scheme designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radar at RAF Coningsby, RAF Cranwell and RAF Waddington ("the Radars") and the air traffic control operations of the Ministry of Defence (MOD) which is reliant upon the Radars. The Air Traffic Control Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radars and shall be in place for the operational life of the development provided the Radars remain in operation.

Reason: In the interests of aviation safety.

This condition is imposed in accordance with guidance set out in Section 10 of the National Planning Policy Framework, 2012, and Planning Practice Guidance for Renewable and Carbon Energy, 2013.

- 7 The turbine shall not become operational unless and until the applicant has provided written confirmation to the Local Planning Authority that all those measures required by the Air Traffic Control Radar Mitigation Scheme (required in connection with Condition 6 above) to be implemented prior to the operation of the turbines have been implemented, and the Local Planning Authority thereafter confirms in writing that operation of the turbine may be commenced.

The development shall thereafter be operated fully in accordance with the approved Air Traffic Control Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

This condition is imposed in accordance with guidance set out in Section 10 of the National Planning Policy Framework, 2012, and Planning Practice Guidance for Renewable and Carbon Energy, 2013.

- 8 The developer shall install MOD-accredited infra-red warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point on the turbine. The turbine will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

Reason: In the interests of aviation safety.

This condition is imposed in accordance with guidance set out in Section 10 of the National Planning Policy Framework, 2012, and Planning Practice Guidance for Renewable and Carbon Energy, 2013.

- 9 The development shall be carried out in accordance with the mitigation measures in the submitted Flood Risk Assessment (FRA) SLR ref. 405.02350.00007, dated August 2012. Specifically, critical infrastructure shall be sited at 600mm above existing ground levels.
Reason: To reduce the impact of flooding on the development.
This condition is imposed in accordance with guidance set out in Section 10 of the National Planning Policy Framework, 2012.
- 10 Before the commencement of the development hereby permitted, the applicant shall submit to and have approved in writing by the Local Planning Authority details of the final colour of the wind turbine blades, hub and tower, and of any logos to be applied to the structure other than those required to address the requirements of separate safety legislation. The development shall be carried out in accordance with the details so approved and thereafter maintained.
Reason: To ensure that the Local Planning Authority retains control over this detail of the development in the interests of the visual amenity of the locality.
This condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.
- 11 The mitigation, habitat enhancement and management measures specified at Section 6 of the Wild Frontier Ecology Ecological Report (dated June 2012) shall be implemented in full before the First Export Date and thereafter adhered to for the duration of this planning permission.
Reason: To mitigate the potential impact of the development on wildlife in the locality.
This condition is imposed in accordance with guidance set out in Section 11 of the National Planning Policy Framework 2012.
- 12 The height of wind turbine hereby permitted shall not exceed 78m to the tip of the blade when the blade is in an upright position. The hub height shall not exceed between 40-50m in height.
Reason: To define the terms of this permission, and to provide for physical variations between different turbine models.
This condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006, and with guidance set out in Section 10 of the National Planning Policy Framework, 2012.
- 13 No development shall take place until a scheme detailing the protocol for the assessment of any complaints of shadow flicker resulting from the development, including remedial measures, has been submitted to and approved in writing by the Local Planning Authority. Operation of the turbines shall take place in accordance with the agreed protocol.
Reason: To protect the living conditions of occupiers of properties that may be affected by shadow flicker.
This condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.
- 14 No development shall commence until a scheme to secure the investigation and alleviation of any electro-magnetic interference to TV and radio reception caused by the operation of the turbines has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a pre-construction baseline survey and for the investigation by a qualified

independent television/radio engineer of any complaint of interference with television or radio reception at a dwelling (defined for the purposes of this condition as a building within Use Class C3 of the Use Classes Order) located within 5km of the application site and which lawfully exists or had planning permission at the date of this permission where such a complaint is notified to the developer by the Local Planning Authority within 12 months of the First Export Date. Where the impairment is determined by the qualified independent television/radio engineer to be attributable to the wind farm, details of the mitigation works shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the development does not harm local residential amenity by reason of interference to TV or radio signals.

This condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

Background papers:- Planning Application Working File

Lead Contact Officer

Name/Post: Paul Jackson; Planning Manager

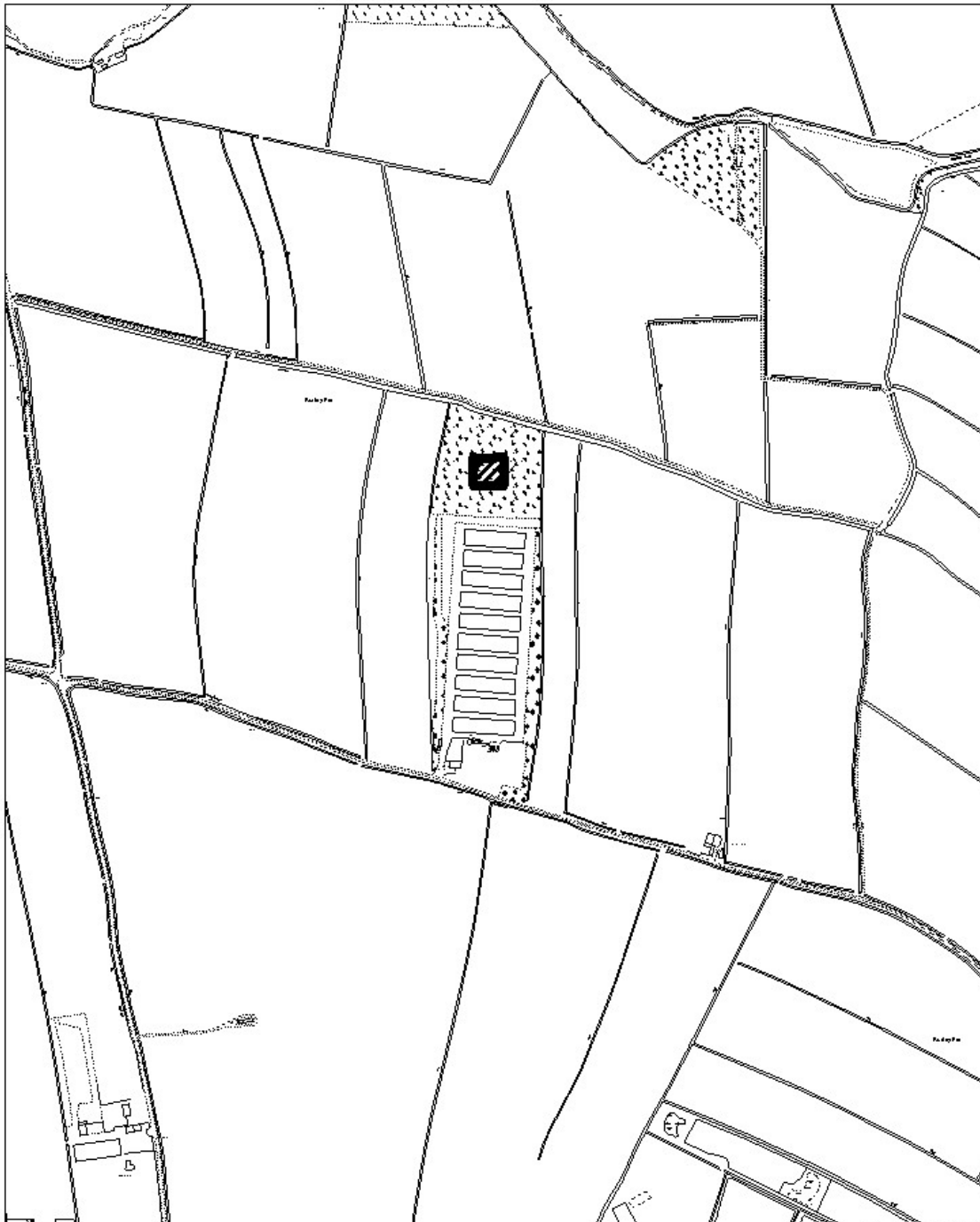
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Appendices attached to this report:

Appendix A – Plan A

Plan A



Scale: 1:7500

January 2014

Planning and Development
Council Offices, Priory Road, Spalding, Lincolnshire
PE11 2XE

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