

## **Item No. 6**

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| <b>APPLICATION NUMBER</b>                | <b>CB/16/01389/FULL</b>  |
| <b>LOCATION</b>                          | <b>Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG</b>   |
| <b>PROPOSAL</b>                          | <b>Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m; rotor diameter of 87.0m), substation, hardstanding area, access track, underground cabling and associated infrastructure.</b>   |
| <b>PARISH</b>                            | <b>Heath &amp; Reach</b>   |
| <b>WARD</b>                              | <b>Heath &amp; Reach</b>   |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Versallion</b>   |
| <b>CASE OFFICER</b>                      | <b>Debbie Willcox</b>  |
| <b>DATE REGISTERED</b>                   | <b>05 May 2016</b>   |
| <b>EXPIRY DATE</b>                       | <b>04 August 2016</b>  |
| <b>APPLICANT</b>                         | <b>Checkley Wood Energy Limited</b>  |
| <b>AGENT</b>                             | <b>Engena Limited</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Called in by Cllr Versallion for the following reasons:</b> <ul style="list-style-type: none"><li>• <b>A loss of visual and landscape amenity;</b></li><li>• <b>The proposal would be overdevelopment, combined with the existing largest turbine in the country;</b></li><li>• <b>It would be overbearing with its height and dominance within the landscape;</b></li><li>• <b>The impact on landscape would be very dominant and from many and far reaching views;</b></li><li>• <b>There is high public interest in the application.</b></li></ul> |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Recommended for Approval</b>   |

### **Summary of Recommendation:**

The proposal would generate significant amounts of electricity, sufficient to power 1,118 homes and save 2,150 tonnes of carbon per annum. The proposal would therefore generate substantial environmental benefits contributing to local and national carbon reduction targets. The proposal would represent inappropriate development in the Green Belt and would harm openness and would also result in less than substantial harm to the setting of Listed Buildings and other heritage assets. Some harm would also be caused to landscape character, residential amenity and recreational amenity. Other impacts would be acceptably mitigated through the use of recommended planning conditions. It is considered that the substantial benefits of the scheme would clearly outweigh the identified harm and that the identified impacts are acceptable. As such, the scheme is considered to have addressed all the impacts identified by the local community and the proposal is considered to accord with Section 10 of the NPPF and the NPPF when read as a whole, National Policy Statements EN1 and EN3, Policy BE8 of the South Bedfordshire Local Plan Review and Guidance Note No. 1: Wind Energy

Development in Central Bedfordshire. It is also considered to have met the requirements of the Written Ministerial Statement of 18<sup>th</sup> June 2015.

**Site Location:**

The application site lies on agricultural land that has been restored having been quarried in the past. It is located within Churchways Quarry complex, which comprises part of a larger operational minerals extraction area. The site lies to the north-east of Heath and Reach and Leighton Linlade, on the A5, within the Parish of Heath and Reach. 410m to the south west is the existing Double Arches Wind Turbine. Access to the site is taken from the A5 on the existing access road to the Double Arches wind turbine.

The site has a ground level of approximately 120m AOD, which rises gently to the north and more significantly to the north east and to the west. Land to the east and south is generally on the same level. To the north east of the site is a small plantation of Scots Pine trees.

The quarry sits within a larger complex of sand quarries, which alongside Nine Acres and Double Arches Quarries, is identified as a County Wildlife Site (CWS) and includes a number of water bodies. These include settlement ponds, which vary in size and location as working patterns dictate, there are also larger lakes which are used by a local angling club.

Adjacent to the site is Double Arches Pit Site of Specific Scientific Interest (SSSI), which is designated as such for its geological importance. The King's and Baker's Wood and Heaths SSSI is located approximately 0.8km northwest of the proposed location, with part of the SSSI being designated as a National Nature Reserve. This SSSI/NNR is separated from the proposed turbine location by the remainder of the site, Woburn Road, Stone Lane Quarry and Churchways Quarry.

The settlements of Heath and Reach and Leighton Linlade are located to the south-west of the application site. Further beyond to the south-east is the conurbation of Luton, Dunstable and Houghton Regis. There are also a number of smaller settlements in the locality including Overend Green, Potsgrove and Battlesden, and further afield, Woburn, Milton Bryan, Hockliffe, Eggington, Tilsworth Stanbridge, Billington, Soulbury, Stoke Hammond, Toddington, Little Brickhill and Great Brickhill.

The site is washed over by the South Bedfordshire Green Belt.

The site was located within the blue line denoting land within the applicant's ownership on the location plan which accompanied the 2010 application for the Double Arches turbine. The site was not included within the red line (outlining the application site) for the 2008 scoping opinion for two turbines at Double Arches Quarry.

**The Application:**

This application seeks planning permission for the erection of a single wind turbine with a maximum tip height of 143.5m (hub height 100m and rotor diameter 87m) with associated infrastructure including a substation, hardstanding area, access track and underground cabling.

The wind turbine will be a Vensys VE87 model, which is the same model as the existing turbine at Double Arches.

The turbine would be mounted on a concrete pad. There would be a hardstanding area of 75m wide and 75m long to support the construction of the turbine. The existing access track from the A5 would be extended into the site to provide access, with an approximate width of 4.5m.

The substation would be located to the immediate south of the access track and would be a GRP unit with a height of 2.5m and a footprint of 5.1m by 3.1m to house the transformer, cable pit and switchgear.

A temporary construction compound of 20m by 15m would be provided during the construction phase on the proposed hardstanding. This would be removed once construction was complete.

The turbine would have a lifespan of 25 years, following which the site would be decommissioned by the operator, including the removal of all above ground elements to below plough depth and restoration to agricultural land, with the exception of the access track.

A screening opinion was sought by the applicant and it was determined that an Environment Impact Assessment was not necessary in this instance as it was considered that the proposed development would be of no more than local importance. The site is not in a particularly sensitive or vulnerable location and there are unlikely to be any unusually complex or potentially hazardous environmental effects.

The application has been accompanied by an overarching Environmental Report and separate Environmental Reports on the following issues:

- Traffic and transport
- Geology, soils and flood risk
- Hydrology;
- Ecology
- Noise
- Landscape and visual effects
- Archaeology and Cultural Heritage
- Shadow Flicker
- Electro-magnetic interference;
- Aviation
- Socio-economic effects

The proposal has been modified during the application process from a turbine with a maximum height of 149.8m, hub height of up to 100m and rotor diameter of up to 112.5m.

## **RELEVANT POLICIES:**

### **National Planning Policy:**

### **National Planning Policy Framework (NPPF) (March 2012)**

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents. The following sections are considered directly relevant:

Paragraph 14

Section 1: Building a strong, competitive economy

Section 3: Supporting a prosperous rural economy

Section 4: Promoting sustainable transport

Section 5: Supporting high quality communications infrastructure

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt Land

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

Section 13: Facilitating the sustainable use of minerals

### **Overarching National Policy Statement for Energy (EN-1) (July 2011)**

### **National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)**

### **Written Ministerial Statement (18th June 2015)**

### **Local Planning Policy:**

#### **South Bedfordshire Local Plan Review (2004)**

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policy is broadly consistent with the Framework and significant weight should be attached to it.

BE8: Design Considerations

#### **Core Strategy and Development Management Policies (November 2009)**

CS15 Heritage

DM13 Heritage in Development

#### **Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014)**

MSP 11: Minerals Resource Assessment

MSP12: Surface Development within a Mineral Safeguarding Area

#### **Development Strategy for Central Bedfordshire (June 2014)**

*At the meeting of Full Council on 19th November it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform further development management decisions.*

#### **Supplementary Planning Guidance - National**

National Planning Practice Guidance (NPPG)

## **Supplementary Planning Guidance - Local**

Central Bedfordshire Landscape Character Assessment (January 2015)

Guidance Note No. 1: Wind Energy Development in Central Bedfordshire (March 2013)

## **Other Relevant Documents**

The Climate Change Act 2008

UK Renewable Energy Strategy (July 2009)

National Renewable Energy Action Plan for the UK (June 2010)

Renewables Capacity Study for Central Bedfordshire (March 2014)

## **Relevant Planning History:**

### Checkley Wood Farm

|                    |  |
|--------------------|--|
| Application Number | CB/16/05517/FULL   |
| Description        | The closure of the two former access points into the site and the provision of a new access point into the site incorporating appropriate vision splays. The replacement of the farm house to the northerly side of the site with a detached 5 bedroom dwelling with garage. The replacement of the bungalow to the southerly side of the site with a 5 bedroom dwelling and the conversion of a modern framed barn building to a garage. The conversion of the traditional brick and timber framed barn into a 2 bedroom dwelling with associated parking spaces and private amenity areas. Demolition of agricultural buildings. |
| Decision           | Planning permission granted  |
| Decision Date      | 05/01/2017   |

|                    |   |
|--------------------|---|
| Application Number | CB/16/05205/SCN   |
| Description        | Screening Opinion: Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m; rotor diameter of 87.0m), substation, hardstanding area, access track, crane hardstanding, temporary meteorological mast and construction compound |
| Decision           | Screening Opinion Issued - EIA not required   |
| Decision Date      | 18/11/2016  |

|                    |  |
|--------------------|--|
| Application Number | CB/15/00906/SCN  |
| Description        | Screening Opinion: For a single wind turbine at Checkley Wood Farm |
| Decision           | Screening Opinion Issued - EIA not required                        |
| Decision Date      | 25/03/2015   |

Extensive history of minerals applications

### Double Arches Quarry

|                    |  |
|--------------------|--|
| Application Number | CB/14/04426/VOC  |
| Description        | Table 1 and Table 2 of existing Condition 10 of application reference 13/02037/FULL to be amended to add derived |

|                    |   |
|--------------------|---|
| Decision           | noise limits for Mileway House, Checkley Wood Bungalow and Sandhouse Cottages   |
| Decision Date      | Variation of Condition Granted<br>06/01/2016  |
| Application Number | CB/14/00556/FULL  |
| Description        | Construction of additional access road from A5 to Double Arches wind turbine including improvements to existing farm access on the A5   |
| Decision           | Planning Permission Granted   |
| Decision Date      | 14/04/2014  |
| Application Number | CB/13/02037/VOC   |
| Description        | Removal of Condition 11 of planning permission CB/10/03034 - The wind turbine shall not emit greater than expected amplitude modulation the level of broadband noise emitted by a turbine at blade passing frequency. |
| Decision           | Variation of Condition Granted  |
| Decision Date      | 12/09/2013  |
| Application Number | CB/10/03034/FULL  |
| Description        | Erection of a 2.3 MW wind turbine (108m high to top of hub, 149m high to tip of rotor) including access and associated infrastructure.  |
| Decision           | Planning permission granted   |
| Decision Date      | 02/08/2011  |
| Application Number | SB/08/01073/SCO   |
| Description        | Request for a Scoping Opinion of the Local Planning Authority- regulation 5 of the Environmental Impact Assessment Regulations for the installation of two Wind Turbines.   |
| Decision           | Scoping Opinion Issued  |
| Decision Date      | 16/12/2008  |

### **Consultees:**

Heath and Reach Parish Council (Original comments) We write in connection with the above planning application. We have examined the plans and are familiar with the site and wider location. We wish to object strongly to the installation of a wind turbine on land off the A5 at Checkley Wood Farm, Heath and Reach, LU7 9LG.

The introduction to the application makes reference to the existing wind turbine erected by AWE Renewables in December 2014 which is located within the Double Arches Quarry, Heath and Reach. It is claimed the original concept and site design was based on two turbines and that this application will enable AWE to complete its original vision and develop the second, final wind turbine.

No explanation is put forward in this application as to why the original concept and site design were not carried forward at the time of the application for the first turbine (CB/10/03034.)

The reasons can be found in the Environmental Statement volume 1, main text, dated July 2010, that accompanied the application for that first turbine.

Section 3.3 of that paper deals with 'Consideration of Alternatives' and firstly explains that as the site on Greensands Ridge is a commercially viable location and as it runs through Double Arches Quarry and this is owned by AWE no further assessment of suitable locations was undertaken.

The paper then goes on to consider 'Alternative Numbers' (3.3.3) and states consideration was initially given to two wind turbines and makes the case that this would have boosted the production of renewable energy. However, it concluded 'Initial assessments completed for the development proposals, in particular the siting of the turbines, indicated that as a result of various constraints a single turbine was the most appropriate option'.

The next three paragraphs of that report set out some of these considerations, namely;

- the eastern turbine of the two original turbines would have to be moved due to its proximity to a block of Scots pines;
- moving the eastern turbine west would have placed it too close to the other turbine 'thus affecting their productivity and also possibly resulting in noise impacts. This meant that the installation of a single turbine only would be most appropriate for this site';
- finally, consideration was given to 'the impact the siting of these turbine(s) would have on the heritage landscape, having regard to its height and visibility when viewed from key viewpoints within the Zone of Visual Influence and also the presence of heritage assets in the locality and wider area.'

and so 'Mindful of these considerations, the decision was taken to remove the 'eastern turbine and progress the scheme with a single turbine.'

For the avoidance of doubt, the site of the second turbine that is the subject of this application is only 410 metres from the operational Double Arches turbine and its

proximity is underlined by the shared access road and other shared facilities.

So far as we are aware the arguments put forward by AWE against a second turbine in 2010 are no less valid today and have not been dealt with in this application.

In its description of The Applicant, paragraph 30 again claims that AWE is now seeking to complete its original vision for two turbines but with no explanation as to why that should now be achievable when AWE itself determined that it was not in 2010. The Parish Council is sceptical of the commitment by the applicant to no additional turbines on the site with design constraints limiting the site to a maximum of two turbines in view of the about turn in their thinking since 2010. It is our contention that the erection of a second turbine so close to the existing Double Arches turbine is a gross over-development of Green Belt land and the impact of the two viewed together will be a scar on the landscape visible for miles around.

The Production of this second turbine is estimated to be equivalent to the power required to serve 1874 homes a year (para 38) OFGEM report that the output of the operational Double Arches turbine produced sufficient electricity in 2015 for 1200 average houses. There are about 600 dwellings in the parish of Heath and Reach - haven't we already done our bit?

In the section Current National Renewables Policy paragraph 75 refers to a new section added by the Secretary of State in June 2015 which states the conditions under which Local Planning Authorities may only grant permission and underlines the importance of addressing the planning impacts identified by the local community so that the proposal has their backing. The question of whether the proposal has the backing of the affected local community is left to the judgement of the Local Planning Authority. It is our contention that for the reasons set out in this objection it clearly does not.

In July 2015 AWE wrote to residents outlining its plans to build a second turbine close to the existing turbine located at Double Arches and enclosed a small pre-paid card for comments.

Following receipt of AWE's letter residents arranged a public meeting on the afternoon of Saturday 31 July 2015 which was attended by 41 people with organisers claiming that 36 were against the proposal, 1 was in favour and 4 had no comment.



AWE's current application includes copies of 36 cards and emails from residents in response to AWE's first letter. A breakdown shows 3 were in favour; 16 against; 11 expressed concerns about TV reception and 6 raised questions.

In February 2016 AWE circulated a second letter in which they informed residents that the proposal had been amended so that the overall size of the turbine was substantially increased!

In the 'Development Update ' included with the letter they stated that a total of 75 responses had been received and listed the main topics raised by residents and set out how these will be addressed.

This has patently failed to re-assure residents who held a further meeting on 26 May 2016 attended by over 50 people. Of those attending about 5 were in favour of the second turbine with the remainder against for a variety of reasons. Concerns raised at that meeting included the combined visual impact of the two turbines; increased noise; the size of the second turbine and the 'larger swept area' it covers; impact on health and TV reception. These concerns are not based on scientific or planning measurements which are dealt with by SCWT's more detailed objection but the evidence of peoples' eyes and ears having lived with the existing Double Arches turbine since it began operation in December 2014. A note of that meeting is included with this objection.

These are not people against renewable energy, or wind turbines; they are ordinary people who resent their every day life being further disrupted and their views blighted by the addition of a second turbine creating a gigantic industrial energy generation complex in Green Belt land.

The WMS flow diagram specifically mentions TV reception as an example of the impact of a proposal on the local community.

Following complaints from members of the local community that their TV reception had been adversely affected by the first Double Arches turbine AWE commissioned a study by G Tech Surveys which concluded that TV signals from the Sandy Heath and Oxford transmitters could be disrupted by the turbine in Heath and Reach and areas of north Leighton Buzzard. Their report states that 108 homes had experienced problems and 53 of these had antennas moved away from Sandy Heath on to another transmitter. To put this in

context, there are about 600 dwellings in Heath and Reach. What this means to those people is that they no longer receive local news from the Anglia region, they are no longer able to follow events in Bedfordshire and Milton Keynes; they are unaware of what their local politicians and national MPs may be telling the rest of the region, or the fortunes of their local sports heroes, they are even spared the local weather forecasts.

AWE glibly point to the availability of satellite delivered TV as a solution but many household do not have a dish, do not want a dish or are unable to use a dish. G Tech reported that 30% of households in the study area had satellite receiving equipment in place - which means that 70% did not.

In late 2015 and early 2016 AWE commissioned a second survey from G Tech 'to determine the potential effects on the reception of television broadcast services from the proposed second Double Arches wind turbine'. Not surprisingly its conclusion is:

Due to the terrain around the site widespread interference is expected for the reception of Sandy Heath Services in Heath and Reach and northern parts of Leighton Buzzard. The inter-action of unwanted signal reflections is likely to cause pixilation on some received DTT services especially HD services for properties located nearer the site'.

Their solution is again to turn the antenna towards Oxford and lose local broadcasts, or switch to satellite and lose some Freeview programmes - whether you like it or not.

The procedure to do this involves the viewer recording details or when the signal was disrupted, not an easy task when the interference is intermittent, external and internal measurement of the signal strength at the property and finally the remedial technical compromise.

We are not sure how much weight TV reception carries in planning law but in the every day life of the local community it is important.

This taken with the other issues identified in the public meetings held in the community and the objection document prepared by SCWT, the local community action group representing Heath and Reach, Great Brickhill, Potsgrove, Woburn and Leighton Buzzard' clearly demonstrates that the local community does not support the application for a second turbine.

It is clear from public reaction to this application that identified impacts have not been fully addressed and the proposal does not have the backing of the affected local community. On this basis alone it should be refused.

Taken with the above overdevelopment of Green Belt land and the increased visual intrusion this second turbine would have on the heritage landscape, having regard to its height and visibility and its close proximity to the existing turbine; we believe there is a strong case for refusing this application and ask that this be the officers' recommendation.

Open Meeting held on 26 May 2016 at 7pm to discuss the application for a wind turbine on land at Checkley Wood Heath and Reach.

There were 50+ members of the public in attendance together with CBC Ward Councillor Mark Versallion (MV).

Francesca Sheppard, Clerk to the Parish Council chaired the meeting and began by outlining its purpose and informing those present that comments had to be received by CBC planning department by 14 June, with a decision expected by 4 August. Full details of the application could be found on line. [CB/16/01389/FULL email [planning@centralbedfordshire.gov.uk](mailto:planning@centralbedfordshire.gov.uk)]

As Cllr Versallion had another engagement he was invited to address the meeting first.

MV explained that he was a resident of the village as well as its elected representative on CBC. He gave a history of the existing turbine and pointed out that the application was approved before he became a councillor at CBC. Although in favour of renewable energy his preference was for solar energy. He is unhappy with the existing turbine and certainly does not want a second. MV explained that his job was to pass residents views back to CBC.

The meeting at which the application is considered is to be at CBC offices in Chicksands at 10am on 20 July. MV's role is to have the application 'called in' so that it is considered by the full committee and not delegated to officers. To help him achieve this he requires good grounds, planning reasons and precedent.

Residents need to mobilise opinion against the application as soon as possible and to email the planning department at CBC with their objections.

Officers appear to be open minded on the application but he believes there are three credible arguments that may influence them :

1. Since the first turbine was granted the rules have changed and planning guidance now states that local opinion is to be given more weight.
2. The visual impact on the landscape. It is more usual for applications to be for one large turbine or a cluster of smaller ones. AWE went for a single big turbine without disclosing their intention to go for a second.
3. The unresolved interference to TV signals. The planning officers may not attach much weight to this but Councillors will.

MV then took questions from those present.

A Potsgrove resident asked why AWE had not applied for two turbines originally and why had they now. It was thought AWE had acquired use of the land at Checkley Wood since the application for the first turbine.

It was clarified that whilst the height of the tower of the new turbine was shorter than the existing, the blades are bigger making it a similar height overall. The reason for this was given as economics as the bigger blades will generate more power.

MV informed the meeting that in response to CBC's call for sites AWE had put forward land in or around Checkley Wood for the building of up to 4000 houses.

One resident said they had contacted CBC by letter and email but had received no response.

The majority of those present confirmed they had received a letter(s) from the applicants.

A resident of Leighton Buzzard asked MV if in view of his support for solar energy and the economic arguments of renewable energy did he support the governments push for fracking? He replied if forced to choose his preference is for solar panels.

It was put forward by a resident that if there was no second turbine the land becomes available to developers, to which another responded that it was still Green Belt. MV stated that Green Belt was no protection as it could be 'rolled back' if the land was needed. He went on to say CBC only needed about 5% of the land put forward for housing in its call for sites. There should be a short-list produced by Christmas and it was his view there were better sites elsewhere.

Someone remarked that AWE had developed a large turbine in Aylesbury and it was alleged they had failed to keep their promises there.

It was asked if the access roads remained in place for 25 years did the site become brownfield and thereby easier to develop and was this a motive for the second turbine. MV felt brownfield sites were not always more easily developed.

It was pointed out that a large part of this area had been a quarry and was more liable for development.

A resident asked for guidance on the best approach when contacting CBC would it be one letter signed by all? MV's advice was that each individual should write to or email CBC planning department in addition to a response compiled by any action group formed.

It was generally considered to be helpful if a template could be produced for residents to follow.

Mr Christopher Roberts was attending the meeting to present the objection document on which he was working and spoke in favour of an action group being formed.

In clarifying what aged person could write it was suggested they should be on the electoral register. CBC is able to track emails received and so this method is preferred over responses via the planning portal.

A resident of Overend Green said they were close to the existing turbine and could hear noise. It was stated this would increase as there is meant to be adequate separation between turbines to mitigate this but the site does not meet this.

MV was asked by a person living in north Leighton Buzzard how councillors in LB felt about the issue. He was encouraged to contact his local councillor about his concerns and to get others to do the same.

Another resident who lives ¼ mile from the existing turbine claimed that noise was an issue and was told that two turbines would be much greater.

It was asked how since last year had AWE acquired use of this land and the view was that the tenant farmer's lease had expired.

There was some discussion on the accumulative effect of turbines on noise generation and had any study been done on the noise produced? A resident was aware of two surveys but had not been made aware of the results. In the application there are 20 pages on noise, objectors have to show AWE has not properly used the information available.

Mr Christopher Roberts of Stockgrove has completed a substantial amount of work on a document setting out grounds for an objection and was invited to address the meeting.

He explained that he had drawn on the Dorcas Lane objection for case history and offered to provide his contact details to those wishing to work with him as part of an action group to progress an objection to the second turbine.

In his view AWE has produced a huge document full of spin and inaccuracies. He went on to present what he considered to be some facts:

- although the second turbine is the same height as the first the area of sky it covers is 66% larger;
- the site is too small for two large turbines, this compromises safety, noise and efficiency (less energy);
- local communities will be affected, the scale is frightening;
- this is an industrial application for two massive turbines which exists nowhere else in the country.

The scheme is taxpayer funded. Heath and Reach has contributed enough through the existing turbine. The Localism Act sets out that what happens in an area should be determined by local residents.

Mr Roberts said that he was happy to coordinate local views and efforts and that the more research that can be done, the better.

A resident pointed out that there is a lot of information on turbines available on CBC's website. It was questioned if the loss of a TV signal matters.

A resident spoke in favour of the second turbine, saying they were not near enough to be affected.

A resident of Linslade asked if everyone said no to renewable energy what was the alternative? He suggested some people were not interested in renewable solutions.

A resident disputed this saying that people have solar panels but do not want a second turbine and it was inappropriate to suggest they were not interested.

A lady asked if anyone else had health problems caused by the existing turbine? She went on to outline several ways in which she believed her health has suffered. It was felt that health was a strong argument.

The meeting was asked how objectors could get their message to the whole community and one suggestion was a leaflet setting out key points that could be distributed to all households.

This was something it was felt the action group could organise. Another suggestion was to produce a template for emails and letters.

The web was seen as a good source of information and someone said there must be people we can talk to. Christopher Roberts repeated that he had used the Dorcas Lane objection as a template.

The meeting was reminded that there was a Facebook group opposed to the turbine that could be used to share information.

Mr Roberts was thanked for his contribution and afterwards a number of people exchanged contact details with him.

Heath and Reach Parish Council (Comments to Revised Scheme)

I can confirm that the full Parish Council discussed this application on 4th July and the decision remains to oppose this application.

I have been instructed to state that should the application proceed that strict conditions should be enforced i.e.:

(1) Any issues with TV reception are fixed at Arnold White Estate expense.

(2) It is vital that there is an on-going review of impact/performance and these reports are regularly published including impact on wildlife.

Environment Agency

We have no objection to this application.

Please consult Natural England.

#### Informative

Appropriate protection (which should allow for inspection of joints) should be afforded to any oil-filled underground

cabling and regular leak testing should be carried out, to minimise the risk of pollution to groundwater and surface waters.

As part of the decommissioning of this wind turbine, all below ground cables should be removed as electrical cables contain insulation oils which, if left to degrade within the ground, could lead to localised contamination of soils and potential leaching to surface water drains in the area.

#### CBC Local Plans

##### Comments:

The Council's technical Guidance Note 1: Wind Energy Development in Central Bedfordshire seeks to identify those areas most sensitive to the impact of wind farm developments. A mapping process helped to identify areas of higher and lower sensitivity, through an assessment of; landscape character, key assets likely to be affected by the introduction of turbines; tranquillity and proximity to communities. This site is identified in an area of moderate sensitivity to wind energy development according to the guidance, which also states that the area has low capacity to accommodate clusters of more than 1 wind turbine. The Landscape Officer will provide comments on whether she is satisfied with the mitigation proposed to limit landscape impact and other aspects, such as noise are dealt with satisfactorily.

NPPG states that for planning applications for one or more wind turbine LPAs should only grant permission: if the site is identified as suitable for wind energy in a Local or Neighbourhood Plan; and following consultation it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Where a Development Plan does not identify suitable sites (as is the case in CBC where a new Local Plan is in early stages of preparation) the LPA can find the proposal acceptable if, following consultation, they are satisfied the applicant has addressed the planning impacts identified by the affected local community and therefore has their backing. The Renewables Officer's comments made on this application make relevant considerations in relation impact raised by local communities.

The application proposes one turbine however any assessment of this turbine should be considered with regard to the existing adjacent turbine, therefore the cumulative impact of both will be assessed.

##### Summary:

Whilst there is no objection in principle, the Case Officer



must consider and address the concerns of the Renewables and Landscape Officers in judging this scheme as well as consider the cumulative effect caused by this and the existing turbine.

Renewables Officer

The national and local planning policy context are set in the following document, that has been adopted by the Council as technical guidance for Development Management purposes.

**Guidance Note 2: Solar Farm Development in Central Bedfordshire.**

The guidance has had input from specialists from across the Council and provides 'key principles for consideration. Detailed responses, specific to the proposal, will be provided as part of the consultation.

It is important to stress that this application would make a positive contribution to decarbonising the electricity grid and reducing green house gas emissions, in line with the Climate Change Act.

However in deciding whether this scheme should be approved it is important to consider this in the context of recent changes to national planning guidance in relation to renewables, especially wind energy.

In June 2015 a Written Ministerial Statement was issued. This provides further guidance to Local Planning Authorities which states that:

'...when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.'

These are therefore key areas for consideration.

With regards to point 1. the Council is in the process of writing a new Local Plan for Central Bedfordshire, therefore suitable sites for wind energy have not yet been identified through this process. There are also no adopted Neighbourhood plans for the area covered by the application that consider site suitability for wind energy.

Guidance Note 1: Wind Energy development in Central Bedfordshire, does however assess landscape sensitivity to wind energy development. The area in question falls within a zone of 'moderate' impact. However the guidance also states that this area has low capacity to accommodate clusters of more than 1 wind turbine.

The Wind Guidance does not rule this area out, however the applicant does need to demonstrate that necessary and proportionate mitigation measures has been put in place to the limit the impact in accordance with the assessed sensitivity detailed in Guidance Note 1 (and also national policy and guidance).

The documentation linked with this application largely treats this as a single turbine; however it should be seen and treated as an extension to the existing turbine and therefore the cumulative impact of both turbines needs to be considered. The Landscape Officer will cover this issue fully in her response.

Regarding point 2. concerning Community support. The Ministerial Statement goes on further to say that whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.

A process of community 'consultation' was carried out in the form of two letters and leaflets inviting the community to submit comments. Based on the work done on community engagement for other large renewables schemes much more could have been done, particularly in relation to public meetings and engagement with the parish Council(s).

The leaflet produced does respond to questions and concerns raised, however what is evident from the comments provide is that the issues relating to television reception in particular caused by the first Double Arches turbine have not been resolved.

A useful summary is provided in the applicant's Environmental Report. Table 15 provides a summary of the range of impacts identified through the community consultation, highlights where these issues are covered in the Environmental report as well as how they would be addressed.

Of the planning issues, many such as Landscape or noise, will be covered with in the scope of the relevant specialist officer's consultation response.

In addition to these, there are two key areas that need to be highlighted.

- **Number of turbines.** Whilst the Checkley Turbine should be considered on its own merits, the cumulative impact of the proposed turbine with the existing Double Arches turbine is a planning consideration. This does not seem to have been fully addressed within the Environmental Report.
- **TV Interference.** It is clear from the community consultation responses that TV interference from Double Arches is still a major issue, even though the applicant says these issues are now resolved. The mitigation measures proposed will result in loss of local news and this was also highlighted as an issue. To some residents, especially many who are elderly, the Local News service is an important link to what is happening in the area. Whilst a condition could ensure that some of the reception issues are addressed it does not seem to be technically possible to secure a signal that provides the local news service.

Conclusion: I have reviewed the papers and evidence provided:

- The project would contribute towards achieving UK's renewable energy generation and carbon emission reduction targets set in the UK Renewable Energy Strategy (2009).
- The proposed development of the wind turbine is supported by the UK national planning guidance on sustainable development and Renewable energy set in the National Planning Policy Framework (2012). However, the June 2015 Written Ministerial Statement provides further guidance as to key areas that Local Planning Authorities need to be satisfied about in order to grant planning permission. Consideration of these, particularly in relation to community engagement is key, in particular the issue of TV reception and cumulative impact with the existing turbine at double arches.
- The site is identified as an area of moderate sensitivity to wind energy development in the Council's technical Guidance Note 1: Wind Energy Development in Central Bedfordshire, which also states that the area has low capacity to accommodate clusters of more than 1 wind turbine.

In summary, the development contributes to decarbonisation of electricity production and, assuming any other impacts can be adequately mitigated (heritage, ecology etc).

I have no objections to planning permission being granted, however this is based on the assumption that committee is satisfied that the issues raised by the local community have, or will, be adequately resolved and the Landscape Officer is satisfied with the mitigation proposed to limit landscape impact and other aspects, such as noise etc. are dealt with satisfactorily.

Hugh McNeal (Chief  
Executive of  
Renewables UK Ltd)

I have been asked to provide clarification regarding Renewable UK's position on onshore wind in England, and its relevance with regard to the application by Checkley Wood Energy Ltd. for a single wind turbine at Checkley Wood, planning ref: CB/16/01389/FULL. I would like to take this opportunity to clarify the relevance of my statements for individual projects.

My interview with the Daily Telegraph (5th June 2016) stated that wind speeds in England are, in general terms, lower than elsewhere in the UK, and this is supported by Met Office data. Due to geographical differences in wind speeds, developments in specific parts of Scotland, Wales and Northern Ireland are more likely to better perform in a commercially competitive market than equivalent projects in England. That is to say that some onshore wind developments will be better able than others to compete on price with similarly low-cost technologies, such as gas. This is an important milestone reached and a clear demonstration that far from being uncompetitive onshore wind in parts of the UK is capable of delivering power at lowest cost to the consumer.

However, this does not mean that all onshore wind turbine developments in England will, in all circumstances, be unviable, or uncompetitive. The economics of each development will differ due to a range of project specific circumstances. These include, for example, the costs of project development and construction, grid connection and financial support, which will be set against the level of income expected to be received in return for the generated power.

As you will no doubt be familiar, the clean energy generated from renewable energy sources delivers environmental benefits not only to the community, but also to the UK as a whole, by contributing to our legally binding climate change targets. In this regard, national policy is clear that the generation potential of any single renewable energy development, be it large or small, should be considered in a positive light (paras 90 and 98, NPPF).

We know that it will be more challenging for wind energy developments to operate financially in parts of England following the closure of the Renewables Obligation. However, there has been no change in planning policy or guidance to suggest a need for applicants proposing renewable energy developments to demonstrate their economic viability. Developers seeking to progress wind energy developments do so in full knowledge of these challenges. Provided that the applicant considers the scheme viable there should be no need for the planning process to give the project economics further consideration.

Friends of the Earth  
(Summarised)

South Bedfordshire Friends of the Earth strongly support this wind turbine application on the grounds of community support, the urgent need to deliver practically on renewable energy following the fifth carbon budget passed with all party support in July 2016, the constraints and challenges of grid capacity as well as the economic argument that Central Bedfordshire Council is keen to attract employment as part of its growth plans and major businesses are investing in wind power and it makes Central Bedfordshire not be a place to do business if it is not progressive in its approach to renewables. I would also state that in a FOI request from South Bedfordshire Friends of the Earth showed that there have been no complaints to CBC on noise.

### **1. Community support.**

1.1 We have knocked on the doors in Heath and Reach on approximately three occasions for an hour and half each time to talk to residents about the application for a second wind turbine. We have also talked to people on the issue when we have held stalls. During our sessions of knocking on doors in Heath and Reach, approximately about a quarter or less of people were actively opposed to the wind turbine, about a quarter were very keen to support and the other half were not that bothered but were interested to hear our views. There are quite a few letters from people in Heath and Reach and some who live quite close to the wind turbine.

The sale of Overend Farm does not seem to be in any way negatively affected by the wind turbine proximity.

1.2. Television reception; One of the major complaints was that you can no longer get Look East but you get the BBC South. However, if you study the Freeview page about the relevant local news, Heath and Reach is in the area of BBC South not Look East, so it is a matter of national television regional news not the wind turbine.

There were a few concerns over television reception, but it appears (and this had been backed up by comments on the doorsteps) that AWE had gone to huge lengths to restore television coverage and many people were very grateful for the help they had had from AWE. My experience of Leighton Buzzard from well before the wind turbine is that reception is not good and which channels you can receive change with the weather, and we are on the border of different news channels so some people I know get London news, others Anglia and others Southern.

**1.3 The official CBC consultation for the Community plan** in Leighton Buzzard which according to CBC was one of the best attended community planning events in CBC, showed support for wind turbines in general and locally.

44% of people thought that the most important part of the environment that needed protecting was open space such as wildlife habitats, **this was followed by 34% of people who thought that renewable energy was the most important.** The disused pits north of Heath and Reach were highlighted as a potential site for wind turbines. Looking at the appendices there are only two comments against wind turbines and many comments in favour of wind turbines.

**1.4 There is increasing interest and concern about renewable energy in Leighton Buzzard.** In September 2016 we jointly organised with the Christian Ecology Leighton Linslade group a public meeting on climate change with the RSPB that was attended by 60 people and then we held a meeting in November chaired by Andrew Selous with a speaker from the Department of Business, Energy and Industrial Strategy that was attended by 100 people;

## **2. The need for Renewable Energy; the planning balance.**

2.1 The UK has confirmed its commitment to and signed the Paris Agreement. The UK has its own Climate Change Act and as part of that legislation parliament, with support from all political parties (apart from UKIP) in July 2016 passed the Fifth Carbon Budget which clarifies the levels of emissions reductions needed to meet the targets of the Climate Change Act and as part of that the reduction of CO<sub>2</sub> per Kwh. This needs to change from the present (2014) amount of 450g CO<sub>2</sub> per kwh down to 100g per Kwh by 2030.

2.2 All three scenarios within the Fifth Carbon Budget show a requirement for about 30TWh for onshore wind power for 2030. At present according to the table on page 37 the generation in 2014 (which are the latest figures that the Committee on climate change work to) was 18TWh (6%) of our supply. **This means that parliament is expecting a significant increase/ doubling of onshore wind in the next 14 years.**

2.3 Kier Construction (one of CBC's major employers) raised concerns over energy supply in the UK in its annual 2016 report

"In energy, the UK risks a supply crisis without further investment in more power generation capacity. Given rising demand, from economic and population growth, and reduced supply, from the closure of coal and nuclear plants, the Institution of Mechanical Engineers is forecasting a supply gap of 40-55% by 2025, before interventions."

3.1 REGEN SW produces an annual progress report on the UK's progress in renewables and has provided the following statistics:

Central Bedfordshire total energy demand - 6,184,587 MWh

Central Bedfordshire total estimated renewable energy generation based on installed capacity - 159,217 MWh - installed capacity of 122.67MW

3% of energy demand is met by renewable energy

Central Bedfordshire total electricity demand - 1,029,094 MWh

Central Bedfordshire total estimated renewable electricity generation based on installed capacity- 133,933 MWh installed capacity of 103.11MW

13% of electricity demand is met by renewable energy

### **3.2 Ranking of central Bedfordshire among local authorities for renewables.**

Central Bedfordshire ranks 112 out of 348 local authorities for the amount of renewable electricity that is produces as a percentage of its electricity consumption. It produces 13% of its electricity from renewables and just 3% of its total energy demand from renewables.

Therefore in CBC there is an urgent need for renewables.

### **3.3 The 2014 report Renewables Capacity Study for Central Bedfordshire.**

On page 70 shows wind power generation at 33,000-355,000 MWh and in table 19 it sees a big increase in onshore wind power from existing capacity of 20 MW to a capacity in 2031 of 70 MW with an output of 154,000 MWh per year. This is explained in para 7.1.2. *“Contributing to national targets This scenario considers the total amount of renewable energy capacity that would be needed in Central Bedfordshire to make a proportionate contribution to the achievement of national renewable energy and emission reduction goals. As the UK currently has a number of legal obligations to boost renewable energy deployment and reduce carbon emissions, this scenario is useful in understanding what level of development Central Bedfordshire will need to bring forward if it is to support the national ambition. We have based the target for 2030 on the emissions target currently in place under the UK’s 4th Carbon Budget. This states a nationwide reduction in annual carbon emissions of roughly 40% will be needed by 2030 compared to 2010 levels, in order to stay on track to achieve the legally binding target of an 80% reduction by 2050. This is more ambitious than the newly announced EU target for emission reductions, which requires a 40% reduction by 2030 on 1990 levels for each Member State. As the Carbon Budget relates to the legally binding framework adopted by the UK government and is more challenging, we have used this target as the lead assumption for this scenario.*

*The total annual carbon saving required from renewables by 2031 to achieve this target is approximately double the carbon savings which would be achieved according to the business-as-usual scenario described in the previous section. It would therefore be necessary to roughly double the overall rate of deployment set out in the business-as-usual scenario to achieve this target by 2031. An approximate breakdown of what this could mean by technology is provided in Table 19.*

### **3.4 Land use and landscape value**

The solar farm at Eggington produces a similar amount of electricity - about enough to power 1200 homes per year, as the existing wind turbine at Double Arches. Yet the land take is considerably more. If similar amount of energy was created through solar farms as wind turbines, the landscape of Central Bedfordshire would change



significantly from being an agricultural landscape to being one of solar panels. It might appear that councillors are confused when they say that they prefer solar. Roof top solar is significantly more expensive than onshore wind turbines so it would be very unlikely that a developer would be keen to create a similar amount of generation through rooftop solar. Onshore wind is currently £67-102/MWh and roof top solar is £158-246/MWh (rooftop).

### **3.5 Other facts on wind; price and intermittency**

The Fifth Carbon Budget shows that onshore wind is one of the cheapest renewable technologies, estimating that by 2020 onshore wind power will be the same cost as gas.

#### **Intermittency;**

In the first nine months of 2015 there were 900 reported failures at coal and gas power stations in the UK, none leading to a blackout. A nuclear power station may lose hundreds of megawatts of capacity in a few seconds, as happened in 2015 when Hunterston B nuclear power station was closed by high levels of seaweed preventing it from taking in cooling water.

The reason why these sudden failures rarely lead to power outages is because the grid is good at dealing with sudden changes in demand and generation. To cope with sudden or unexpected changes the National Grid runs the Short Term Operating Reserve (STOR) and has a number of tools at its disposal, such as engaging different generators, using back-up electricity sources, paying companies to use power at different times (Demand Side Response), or temporarily lowering the grid's voltage. By comparison to the sudden loss of a large fossil or nuclear power station, or the daily spikes and troughs in demand, the gradual and predictable ups and downs of renewables are easy to manage and very unlikely to cause blackouts. The Government has also brought in the "capacity mechanism" policy, to ensure enough "back-up" power is available over the winter, when demand is highest. This policy provides contracts to generators to ensure that there will be sufficient capacity available to power the country in the event that other forms of generation will not be available. In the most recent capacity market auctions 500 MW of new-build large scale battery storage was awarded contracts for the first time – showing the rapidly changing nature of the sector, while the equivalent of 800 MW of Demand Side Response has also been contracted.

### **How renewables fit in the current electricity mix**

Far from causing the lights to go out when the wind doesn't blow, energy systems with lots of variable renewables can be very reliable. Germany and Denmark have the two most reliable energy systems in Europe, with four times fewer minutes of power outages than the UK, and some of the highest amounts of renewables. Portugal too has successfully run its energy system on very high levels of renewables for many years. Partly this is due to overall improvements in grid management, but it is also partly due to the nature of renewables. A grid based on renewables is likely to be more diversified than one based on smaller number of centralized power stations. This means that if something does go wrong with one part of the system, it is far less of a threat to system security.

While wind and solar may be variable, they are also increasingly predictable. Advances in information technology and weather forecasting have greatly increased the ability of grid operators to accurately calculate power generation from renewables from a day to five minutes ahead. This means that other sources of generation can be available for those times when sufficient renewables are not available, or to cope with sudden spikes in demand for power.

#### **4. The business and economic argument**

If Central Bedfordshire Council has a negative attitude to wind power then it becomes a council that is out of line with business and this could harm the delivery of Central Bedfordshire Council aims and objectives and five-year plan. If Central Bedfordshire Council is keen to support business investment and attract modern forward looking employers then it should be actively supporting onshore wind power.

**4.1** Big businesses that are investing in Central Bedfordshire and are celebrated by CBC such as Amazon, BAE Systems, Nissan, The Jordan's and Ryvita Company, The Kier Group, RSPB, and Whitbread are all directly investing in wind power as a source of their energy. As well as this, Google, Facebook, Amazon and Apple are making major investment in wind power.

#### **5. Environment, wildlife, noise and visual appearance**

We follow the RSPB in their view that Climate ***We must act now***

08/11/2016)

assessment of the impact of the turbine upon the setting of the nearby designated heritage assets, focusing on several aspects identified in during the earlier meeting. This includes a comprehensive visual impact assessment for the grade I Registered Park and Garden at Woburn (and the highly graded designated assets it contains), an expanded and enhanced assessment for several nearby listed churches (in particular the grade II\* Potsgrove Church), conservation areas (including Eggington Conservation Area), the grade II Battlesden Registered Park and Garden, the nearby scheduled monument of The Hoult and the more distant monuments at Totternhoe Castle and Maiden Bower. We appreciate the additional information provided by the applicant, including the 36 new viewpoints from within Woburn Park. We are disappointed that no new viewpoints have been provided for The Hoult, Battlesden, Potsgrove Church or Eggington Conservation Area; although we acknowledge that further assessment of these assets has been provided in the text.

Our previous advice expressed strong reservations over the original heritage assessment's conclusions that there would be '*no harm*' to the significance of nearly all the heritage assets impacted, and only a '*negligible*' harm to the significance of Woburn Abbey. We noted conflicts with this assessment and the conclusions of the various historic environment consultees during the planning consultation for the adjacent Double Arches wind turbine in 2011 (CB/10/03034/FULL). The updated assessment has provided a table listing the criteria used by Headland Archaeology when determining the degree of harm (negligible, slight, moderate and major). We note that they state that '*less than substantial harm*' (as expressed in the National Planning Policy Framework) equates to 'slight' and 'moderate' in their criteria and '*substantial harm*' equates to 'major'. Of the pertinent nearby designated heritage assets, the updated assessment has concluded that there would be '*no harm*' or '*negligible harm*' to the significance of Battlesden Park, the churches at Leighton Linlade, Milton Bryan and Potsgrove, or any of the nearby conservation areas (including Eggington). There would be '*no harm*' to The Hoult scheduled monument, or those at Totternhoe Castle or Maiden Bower. It concluded that '*at best*' the turbine would result in a negligible degree of harm to the significance of the grade I Woburn Park.

Although we do not disagree with most of the descriptive assessment of the values of assets which has been provided; we do disagree with many of the subsequent conclusions. It is our view that the assessment has not

fully considered the importance of the setting for several of the assets - for example the views looking northwards out of Eggington Conservation Area or the views from the area in front of and around the lych-gate at Potsgrove Church. In other areas we would consider the assessment to have underplayed the effect the turbine's visual impact upon the significance of some of the assets - for example 'no harm' to Battlesden or a 'negligible degree of harm' to Woburn.

Whilst we would not consider any of the assets to experience a particularly high level of harm from this development, we cannot agree with the conclusions that there would be no harm whatsoever (in terms of NPPF Paragraphs 132 and 134). Where it is visible, the turbine would impose a notable feature onto the landscape, whose height and unfamiliar motion would juxtapose and intrude into one's experience of a number of designated heritage assets. It would mirror and add to the acknowledged adverse impact from the pre-existing Double Arches turbine. It would increase the amount of modern infrastructure within this historic landscape and erode the historic context of these assets.

We agree with the assessment for several heritage assets that the turbine would only be visible in views or aspects of their setting which make little or no contribution to their significance. However for a number of assets (including the Hoult, Potsgrove Church, Eggington Conservation Area and the parks at Battlesden and Woburn) it is our view that where the turbine would be visible, it would distract and intrude and have the effect of eroding into landscape views which *do* contribute to significance. For example, the continued glimpsing of rotating blade tips from the ridge of Stumps Cross in the north of Woburn Park (which would be seen in combination with those of the Double Arches turbine) would impact upon the setting of the Registered Park and Garden. We appreciate that Stumps Cross is not a wholly designed view and does not contain specific eye-catchers or features to draw the eye (such as tree lined avenues, for example). However the views from this area, which is one of the highest points in the parkland, still add to our understanding of the parkland, its significance and the way its landscape was historically experienced. The intrusion of the turbine blades into these views would impact into our experience of this heritage asset and we would consider this to result in harm. Given the nature of the views and their overall contribution to the significance of the heritage assets, we would not consider this harm to be high; however we cannot agree with the assessment that there would be no harm at all.

There would be a similar consideration for The Hoults and for the nearby assets at Battlesden, Eggington and Potsgrove. As referenced above, the updated assessment did not include any new photomontages / viewpoints from these assets and the original assessment had only one for The Hoults and one from the avenue of Battlesden Park (in which both turbines would be clearly visible). No views from Eggington Conservation Area or from the front of Potsgrove Church have been provided. It is therefore difficult to precisely categorise the impact of the turbine. Additional information could be provided to help clarify this (e.g. additional viewpoints). However, based on the information available (which included a detailed written assessment), we would remain of the view that the turbine would impact positive elements of these assets' setting and would result in harm - although we would accept the level of harm is unlikely to be significantly high.

It should be noted that the proposals would impact upon several listed buildings, conservation area and have a notable impact upon the grade II Registered Park and Garden of Battlesden Park (where harm could be argued to be higher than stated above). It is therefore important that the Conservation Officer at Central Bedfordshire Council is consulted on these proposals and the updated heritage assessment. Similarly, the proposals would impact upon the setting of non-designated archaeological heritage assets and the Development Management archaeologists at Central Bedfordshire Council should therefore be consulted.

Paragraph 129 of the NPPF requires local planning authorities to take into account the particular significance of any heritage assets affected by a proposal, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of that proposal. Paragraphs 132 and 134 build on this and state that when considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation and more important the asset, the greater the weight should be. Any harm requires clear and convincing justification and must be weighed against the public benefits of the proposals. Paragraph 137 goes on to state that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance, treating favourably those proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

Historic England does not agree with the conclusions of the heritage assessment and it is our view that these proposals *would* result in harm to the significance several nearby designated heritage assets. The level of harm for the majority of the assets would not be high; however it would still need to be assessed in line with policy tests laid out in paragraphs 132 and 134 of the NPPF (as well as paragraphs 129, 128 and 137).

### **Recommendation**

It is our view that the proposed development would result in harm to the significance of a number of designated heritage assets. Should Council proposes to approve the scheme in its current form, you should be fully satisfied that there is clear and convincing justification for the level of harm and that this harm it is outweighed by public benefits of the proposal. You should also be satisfied that the same benefits could not be delivered through a less harmful scheme.

In addition to this advice, we would recommend consultation is undertaken with the Conservation Officer and the Development Management Archaeologist at Central Bedfordshire Council.

Historic England  
(Comments of  
11/01/2017)

### **Historic England Advice**

The additional information (January 2016) comprises seven visualisations demonstrating the impact upon the setting of the grade II Battlesden Park Registered Park and Garden, as requested by Central Bedfordshire Council (CBC). This includes views of the grade I listed Church of Saint Peter and All Saints. which is situated within the park. Separate to this, Historic England and CBC have discussed the impact upon Eggington Conservation Area and photographs have been provided by CBC to demonstrate the area and landscape around Potsgrove Church.

We welcome the additional visualisations for Battlesden Park, which are helpful in demonstrating the impact of the existing Double Arches turbine and the proposed new turbine at Checkley Wood. The park is grade II registered and we would defer comment on the impact upon its setting to the Conservation Officers at CBC. The church is grade I listed. It has a discrete presence, being situated within the woodland of the registered parkland and with a comparatively diminutive appearance. However there is importance in the views to and across the asset, particularly when considering its location within a designed parkland and the wider rural landscape.

The visualisations demonstrate several views from the north / northeast in which the church emerges from the woodland and is framed within an agricultural landscape which, apart from the Double Arches Turbine, is comparatively unencumbered by modern development or infrastructure. These views, which include designed elements of the registered parkland, form part of the setting of the church and contribute to its significance. They enhance our understanding of the church's relationship with other assets, its placement within the surrounding landscape, and provide important historic context. The existing Double Arches Turbine erodes into the historic character and intrudes into these important views, impacting upon the setting of the church and harming its significance. The proposed Checkley Wood Turbine would add to this. It would impose another notably modern feature onto the historic landscape around the church and park, where the form and unfamiliar motion would juxtapose and intrude into one's experience of the assets. Its visibility and observed harm would vary depending upon the direction it is seen from and the amount of intervening screening; however it would be particularly harmful in those views from the northeast where it would appear directly above the church. It is our view that although the level of harm would be considered '*less than substantial*' (in the terminology of the NPPF), it would be towards the higher end of that scale.

In regards to Potsgrove Church, the new turbine would be visible (or partially visible), in several views from the church's immediate surroundings. However, we are satisfied that it would be largely screened by intervening vegetation or development in those views which contribute most to the church's significance (e.g. the view from directly in-front of the church, long views looking over and past the church, and from the lynch-gate and area directly in front of the churchyard). Although we remain of the view that the turbine would result in some harm to the assets' significance we would not consider the level of harm to be high. We have no further comments on Eggington Conservation Area, but would reiterate our previous comments regarding The Hault scheduled monument (see letters dated 16th September and 8th November 2016).

Paragraph 129 of the NPPF requires local planning authorities to take into account the particular significance of any heritage assets affected by a proposal, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of that proposal. Paragraphs 132 and 134 build on this and state that

when considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation and more important the asset, the greater the weight should be. *Any* harm requires clear and convincing justification and must be weighed against the public benefits of the proposals.

In line with our previous advice, we would consider the proposed wind turbine to impact upon the setting of a number of designated heritage assets. It would erode and visually intrude into part of these settings which contribute to significance and it is our view that this would result in harm. We would re-iterate our previous advice that we do not agree with the conclusions of the applicant's Cultural Heritage Assessment that there would be 'no harm' to the majority of the designated heritage assets affected. We would accept that the harm caused by the turbine would be considered 'less than substantial' in the terminology of the NPPF; however the degree of harm within this scale would vary. We would consider there to be a low-moderate level of harm to the significance of assets such as Woburn Park, Potsgrove Church and The Hoults scheduled monument, but a moderate-high level of harm to the significance of the grade I listed Church of Saint Peter and All Saints, Battlesden.

Should the Council propose to approve the scheme in its current form, you should be satisfied that there is clear and convincing justification for *any* harm to significance of the designated heritage assets. This harm should be outweighed by public benefits of the proposal. This is in line with the policy tests laid out in paragraphs 132 and 134 of the NPPF. You should also be satisfied that the same benefits could not be delivered through a less harmful scheme and where a higher degree of harm is identified, such as at Battlesden, you should consider if there are ways to minimise this.

The Council should also consider where there could be opportunities for the application to enhance or better reveal their significance of the designated heritage assets affected by the proposed turbine. This could be through new works to improve the condition of these assets or increase awareness and understanding of significance through new interpretation and research. This would be in line with Paragraph 137 of the NPPF.

The proposals would impact upon the setting of several grade II listed buildings, conservations areas and the grade II Registered Park and Garden of Battlesden Park. It is therefore important that the Conservation Officer at Central Bedfordshire Council is consulted on these



proposals. Similarly, the proposals would impact upon the setting of non-designated archaeological heritage assets and the Development Management archaeologists at Central Bedfordshire Council should therefore be consulted.

### **Recommendation**

It is our view that the proposed development would result in harm to the significance of a number of designated heritage assets. The Council should only approve the scheme in its current form if you are fully satisfied that there is clear and convincing justification for the harm and that it is outweighed by public benefits of the proposal. You should also be satisfied that the same benefits could not be delivered through a less harmful scheme.

CBC Conservation  
Officer (West Area)

These comments are produced following further viewpoints requested in November 2016 by myself, these have also been passed through to Historic England who have already commented. In the comments received from Historic England, the impact of the turbine is assessed for the following heritage assets; Grade I Registered Park and Garden at Woburn (and the highly graded designated assets it contains), Grade II\* Potsgrove Church, Eggington Conservation Area, Grade II Battlesden Registered Park and Garden, Grade I Battlesden Church, The Hoult Scheduled Ancient Monument and the more distant monuments at Totternhoe Castle and Maiden Bower.

In my view, and in accordance with the comments from Historic England and my previous comments from November; the conclusions from the amended Cultural Heritage Assessment underplay the effect of the turbine's visual impact upon the significance of some of the historic assets. The Cultural Heritage Assessment established that there would be 'no harm' to; Battlesden Park, Eggington House, 'The Hoult' moated site (SAM), Maiden Bower (SAM), Totternhoe Castle (SAM), Church of St Mary at Leighton Linlade, Church of Saint Peter at Milton Bryan, Woburn Conservation Area, Leighton Buzzard Conservation Area, Little Brickhill Conservation Area, Great Brickhill Conservation Area and Eggington Conservation Area. Only a 'negligible degree of harm' has been identified at Woburn Abbey (registered park and any assets within it) and Church of St Mary the Virgin at Potsgrove.

In the Historic England comments from November 2016 they note that 'the turbine would impose a notable feature onto the landscape, whose height and unfamiliar motion would juxtapose and intrude into one's experience of a

number of designated heritage assets. It would mirror and add to the acknowledged adverse impact from the pre-existing Double Arches turbine'. Furthermore, in their January 2017 comments they stated that they 'would consider the proposed wind turbine to impact upon the setting of a number of designated heritage assets. It would erode and visually intrude into part of these settings which contribute to significance and it is our view that this would result in harm'. I concur with these comments in that the new wind turbine would visually intrude on the setting of various heritage assets impacting their significance and causing harm to their setting and significance.

In the comments from January 2017 received from Historic England, they conclude that they would 'accept that the harm caused by the turbine would be considered 'less than substantial' in the terminology of the NPPF; however the degree of harm within this scale would vary. We would consider there to be a low-moderate level of harm to the significance of assets such as Woburn Park, Potsgrove Church and The Hoult scheduled monument, but a moderate-high level of harm to the significance of the grade I listed Church of Saint Peter and All Saints, Battlesden.'

I agree with the assessment from Historic England that the harm would be considered to be low-moderate for Woburn Park (this includes the whole park), the Hoult, Potsgrove Church and Eggington Conservation Area and a moderate-high level of harm to the significance of the Grade I Listed Church of Saint Peter and All Saints, Battlesden. It is my view that the proposed development would result in harm to the significance of a number of designated heritage assets, albeit, this harm has been considered to be less than substantial to the significance of the heritage assets and therefore, in accordance with paragraphs 132, 134 and 137 of the NPPF (2012), we must only approve the scheme in its current form if we are fully satisfied that there is justification for the harm; and that the harm is outweighed by the public benefits of the proposal; and that no alternative, less harmful, scheme can be delivered.

## CONCLUSION

For the reasons stated above, the current proposal would have an impact on the setting of various heritage assets and would cause harm to their significance. I therefore raise an OBJECTION on the basis that the proposal would cause less than substantial harm to the significance of the heritage assets. The provisions of Section 66 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 as supported by the aims of Section 12 of the NPPF should be used to assess if the less than substantial harm can be outweighed by public benefit and no alternative scheme can be delivered.

CBC Conservation  
Officer (South Area)

I have previously objected *in principle* to the wind turbine now installed in the vicinity of the current application site (CB/10/03034/FULL), expressing considerable concern that through scale, appearance and operational movement, the installation would detrimentally impact upon the setting of a comprehensive range of individual heritage assets, and this impact will be cumulative across a considerable area of historic and natural landscape of significant value and acknowledged sensitivity.

The approved and established installation at Double Arches does at least provide a yardstick on which to test previous concerns and suppositions. In respect of this single installation, I have previously acknowledged the supposition that the magnitude of impact reduces with distance, and this point has been proven in respect of compared impacts upon heritage assets close to, and at a distance from, the installation, as reflected in the assessments of impact and harm across the South and West Development Management Team areas in respect of the current application.

This point remains valid in consideration of the current application, although in this case impact will undoubtedly, in my view, be increased considerably through turbine *multiplication* – in some respects, the existing single turbine, as a ‘one-off’, has acquired some local distinction, as a landscape feature, particularly in respect of Conservation Area settings at Eggington and Sewell. I have previously confirmed that I consider the character of both Eggington and Sewell Conservation Areas to be significantly derived from landscape setting, a view underscored (in the case of Eggington) by the conclusions and assessment of factors of harm set out by Historic England in response to the current application (letter dated 8<sup>th</sup> November 2016, ref. P00511677). It is notable that Historic England concludes that the proposed development would adversely impact upon the *setting* of a number of highly graded designated heritage assets, and be harmful to the *significance* of a number of designated heritage assets – both key NPPF tests.

In comments on the current application, the Central Bedfordshire Landscape Officer makes an excellent point in raising the concern that turbine development will become dominant landmarks in the landscape, I share

this concern, and consider turbine multiplication a significant issue in this respect.

I do note the Authority's commitment to renewable energy, and note the specific content of its Guidance Note ('Wind energy development in Central Bedfordshire', endorsed March 2013) in respect of local landscape turbine development capacity (Leighton Buzzard Area), specified in table 3, (p.31) and quoted verbatim by the Central Bedfordshire Landscape Officer as part of formal response to the current application.

There is, generally, some debate about the relative obtrusiveness of single turbine installations and 'clusters'; as reflected in the classifications of development set out in paragraph 9.6 and table 3 (p.31) of the guidance note. I find it notable that the categories of Low and Limited localised capacity are expressed as "challenging", and should the current application progress to the next stage in the Planning process, I would specifically request discussion and clarification on this point, given the due weight that should be attached to this guidance note, and also the basis of my current objection.

To clarify this objection, with specific reference to the historic landscape setting of Eggington and Sewell Conservation Areas and the listed buildings associated with them (particularly in the case of the latter), along with the landscape setting of the significant, and enduring, local 'landmark' of the spire of All Saints Church, Leighton Buzzard, I consider an additional wind turbine will decisively change landscape character, through cumulative dominance, in a way that impacts adversely on the local historic environment, embedded as it is in the landscape. As such, I concur with the considered view of Historic England that the proposed development is intrinsically harmful. In terms of the Authority's own dedicated guidance note, I consequently question the specific *capacity* of this locality to acceptably absorb additional turbine development, and have requested further discussion and clarification on this point.

In raising this objection and this need of specific debate, and in specific respect of the identified heritage assets in the South Development Management area, I confirm that I consider the perceived level of harm to fall short of substantial. In accordance with paragraph 134 of the NPPF, I would ask that decision-makers are clear about a convincing justification for the proposed development, and clear that public benefit outweighs perceived harm, as outlined above.

The proposed development site is located within an area of 20<sup>th</sup> century quarrying (HER 11236) and immediately adjacent to Watling Street (HER 5508) a major long distance Roman road connecting London with the north west of the Roman Province. There is also evidence of Roman occupation from Double Arches Quarry to the west (HER 1170). These are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. The site is also within, or potentially within, the setting of a number of designated heritage assets (Scheduled Monuments and Registered Parks and Gardens):

- The Hoult medieval moated site and associated ridge and furrow earthworks (HER 37 and 3317, NHLE 1015584);
- Medieval Moat at Church Farm, Hockliffe (HER 10, NHLE 1012915)
- Medieval moated site and earthworks near St Peter's Church, Milton Bryan (HER 9998, NHLE 1009401);
- Totternhoe Knolls medieval motte and bailey castle (HER533, NHLE 1020772);
- Maiden Bower Iron Age Hillfort (HER 666, NHLE 1015593);
- Five Knolls Barrow Cemetery (HER 138, NHLE 1009892);
- Woburn Park Registered Park (HER 8762, NHLE 1000364);
- Battlesden Park Registered Park (HER 9427, NHLE 1000892).

The proposed development has the potential to have an impact on buried archaeological remains and on the setting of designated heritage assets. In both cases this could have a negative impact on the significance of the heritage assets.

The application includes a *Cultural Heritage Assessment* (Headland Archaeology 2016) which describes the archaeological and historical background, context and potential of the proposed development site and the contribution of the setting to the significance of the designated heritage assets.

### **Setting of Designated Heritage Assets**

The *Cultural Heritage Assessment* only deals in detail with the impact on a selection of the designated heritage assets, a number of the others are dismissed as not requiring further consideration. Of the latter it is considered that there is limited or negligible visibility from

the two medieval moated sites at Hockliffe and Milton Bryan, on which basis it is suggested that there will be no impact on the setting of the designated assets. Given the topographical location of the two sites this is a reasonable conclusion.

Totternhoe Knolls and Maiden Bower, both located on the crest of the Chilterns scarp, are also only given limited consideration. Five Knolls, in a similar but slightly more distant location is not discussed at all in the *Assessment*. The main significance in Totternhoe Knolls and Maiden Bower are ascribed to their archaeological and historic interest. Although it is acknowledged that these sites are in prominent positions with views in all directions it is suggested that these views are over a modern landscape and make little contribution to the significance of the Monuments. I do not agree with this description of the contribution to the setting of these monuments. Maiden Bower and Totternhoe Knolls were both deliberately located in prominent topographical positions in order to dominate the surrounding landscape over a wide area, particularly to the north, in order to emphasise the power, importance and wealth of the owners and occupants. These views still substantially exist and although the landscape may be modern in character this does not detract from the extensive views from the sites and their dominant position which still make a major contribution to our understanding and appreciation of the nature and function of these monuments. Although constructed for different reasons, as funerary monuments, the Five Knolls also derive considerable significance from their prominent and highly visible location. Therefore, any adverse impact on the setting of these Scheduled Monument will have a negative impact on their significance. The *Assessment* acknowledges that the proposed new turbine will introduce a new feature into views from the Scheduled Monuments along the crest of the Chilterns scarp. It concludes that the impact of the new turbine, even when taken cumulatively with the existing turbine at Double Arches Quarry, will not substantially compromise our ability to understand and appreciate the character and significance of the three Scheduled Monuments along the Chilterns scarp. Although the new turbine will introduce a new element into the landscape and alter the setting of Maiden Bower, Totternhoe Knolls and Five Knolls with an increased cumulative impact on conjunction with the Double Arches turbine, the impact on the setting of these monuments will be relatively minimal and will not amount to substantial harm.

The Hoult medieval moated site is the closest Scheduled Monument to the proposed development site. The *Assessment* describes the moated site and its associated ridge and furrow as surviving as “faint earthworks”. This rather diminishes the condition of the monument which is, in fact a substantial, well preserved and well defined series of earthworks. The moated site was originally constructed within a rural, open field landscape as witnessed by the surviving ridge and furrow earthworks that surround it. Although not of the highest status, the moat was designed to emphasise the local importance and relative wealth of the owner. The significance of the rural setting of the Monument is acknowledged in the *Assessment* but it says that the present landscape is a post-medieval enclosure landscape different from the original open field setting of the moat. The current landscape around The Hoult is later in date than moat and is pasture rather than cultivated land but the open rural setting of the site still contributes to our understanding of the site and its broader relationship with the landscape. The proposed new turbine will be clearly visible from The Hoult and its relationship with the Double Arches turbine will increase the intrusion into the rural setting of the moated site. This is acknowledged in the *Assessment* but it is concluded that the additional turbine will not harm the significance of the Scheduled Monument. The proposed development will introduce a substantial new, modern element into the setting of The Hoult Scheduled Monument but it will not result in a major negative impact on the setting or the ability to understand and appreciate the Monument. It will not result in substantial harm to the designated heritage asset.

The two Registered Parks of Woburn Park and Battlesden Park are both associated with the Dukes of Bedford but of different scales. The *Assessment* describes both designed landscapes and notes that they are both inward looking and relatively enclosed, and that it is the internal relationships between features and vistas that are important rather than relationships with the surrounding landscape. At Battlesden there has been a significant degree of loss to the designed landscape though the main elements of the designed of it do survive. The *Assessment* states that the turbine would be peripherally visible from Woburn Park, though it does not seem to have been possible to verify this on the ground, it is indicated that where the turbine is likely to be visible from the park it will be screened by existing woodland. The turbine will be visible from much of Battlesden Park, with an increased cumulative impact from the existing Double Arches turbine. In the case of both Woburn and Battlesden Parks the turbine will result in an impact on

the setting of the designated landscapes and the greatest impact will be on Battlesden Park. However, even with the new turbine in place it will be possible to understand and appreciate the significance of the Registered Parks, and any impact will not amount to substantial harm to the significance of the designated heritage assets.

Overall the proposed new development will have an impact on the setting of the Scheduled Monuments and Registered Parks designated heritage assets, the impact will be increased because of the cumulative affect of the new turbine in relation to the existing Double Arches turbine. However, in all cases the impact of the proposed development on the setting of the designated heritage assets will not amount to substantial harm, therefore, I have no objection to this application on grounds of its impact on the setting of designated heritage assets.

### **Heritage Assets with Archaeological Interest**

The *Cultural Heritage Assessment* notes that the proposed development site is located in an area of former sand quarrying dating to the 20<sup>th</sup> century. On the basis of archaeological investigations undertaken as a consequence of the construction of the Double Arches Quarry turbine it suggests that although quarrying will have destroyed or damaged archaeological deposits, there are also area of undisturbed natural areas within the quarry where archaeological deposits are likely to survive. The archaeological investigation on the access road to the Double Arches turbine identified surviving archaeological features on the southern edge of the proposed development site demonstrating that archaeological deposits can and do survive at this location. There is air photograph evidence that the location of the proposed turbine has not been quarried, increasing the likelihood that archaeological deposits do survive at the proposed development site. The *Assessment* concludes that the site has potential to contain undisturbed archaeological remains dating to the Roman period. Given the proximity of Watling Street and Roman remains found in Double Arches quarry this is a reasonable conclusion.

Paragraph 141 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012).



The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; the post-excavation analysis of any archive material generated and the publication of a report on the works. In order to secure this, please attach the following condition to any permission granted in respect of this application.

**“No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

**Reason: (1) In accordance with paragraph 141 of the *National Planning Policy Framework*; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available.**

**(2) This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).”**

Archaeologist (additional comments)

On the basis of the new information and looking again at the air photographs showing the quarrying to the north it seems that most of the area that will be occupied by the proposed turbine has been subject to quarrying at one time or another. This ground disturbance means that it is unlikely that any substantive archaeological deposits will survive within the footprint of the turbine, works compound and crane base. Therefore, no archaeological investigation will be required as a consequence of this development and the archaeological condition I recommended be attached to any planning permission

will not be required.

## Natural England

### **Landscape advice**

The proposed development is for a site within or close to a nationally designated landscape namely the Chilterns Area of Outstanding Natural Beauty (AONB). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

### **Protected Species**

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners

on deciding if there is a 'reasonable likelihood of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

CBC Landscape Officer

I have serious concerns regarding the proposals and visual impact on local and wider landscapes especially given wind turbines cannot be mitigated visually, it is important to note the proposed turbine is of an equivalent scale to the existing turbine at the adjoining Double Arches site - currently one of the tallest onshore turbines in the UK. I have also taken advice from the CBC Guidance Note 1 Wind Energy and have related back to the LVIA including visual studies.

### **Local context:**

At a local, more immediate level, the application site sits within the sand pit setting east of Leighton Buzzard, a landscape that has undergone considerable change from

minerals extraction. A number of local residential properties have direct, or at least partial views, to significant portions of the existing wind turbine at Double Arches including the movement of blades. The introduction of an additional turbine within the adjacent site to Double Arches will further visual disturbance especially due to movement of blades which potentially will not rotate in a uniform pattern of movement. The LVIA describes the sensitivity of residential receptors as of a lower sensitivity, which tends to be a level of evaluation for most development, but I suggest the sensitivity of residential views is heightened when views include all or part of tall structures that break horizons in views and introduce significant sweeps of movement for at least part of the day, week, year, and subsequent cumulative impact.

### **Landscape context:**

The application site sits within the Toddington - Hockliffe Clay Hills landscape character area (LCA 8A), a rolling pastoral landscape of subtle ridges and vales rising to higher ground east of the A5 offering more expansive views across local and wider landscape areas. The Woburn Greensand Ridge (LCA 6A) forms an elevated, primarily wooded horizon to the east, north and west of the application site and surrounds. To the south, beyond the Eaton Bray Clay Vale (LCA 5A) the Totternhoe and Dunstable Downs chalk escarpments (LCA 9B, and 9A within the Chilterns AONB) form the highly distinctive elevated, terraced chalk landscape system typical to south Bedfordshire with elevated viewpoints looking north to the subtle ridge lines associated with the clay hills and Woburn Greensand Ridge forming the distinctive northern horizon.

The local landscapes host a number of heritage assets including the parkland estates at Woburn Park, Potsgrove, Battlesden, and Conservation Areas including Eggington, Heath & Reach and Tebworth. The Chilterns escarpments to the south include a series of historic sites at 5 Knolls, Maiden Bower and Totternhoe Knolls castle all located on the top of the chalk scarps to historically survey the surrounding landscapes, declare prominence and now form very popular vantage points for those accessing the countryside today. These historic sites are connected by a network of ancient routes and tracks along the escarpments which now form well used walks and rides. The Dunstable Downs and Visitor Centre attract thousands of visitors each year to enjoy in part the wide ranging views across the expansive landscapes and horizons to the north-west, north and north-east and including the application site.

The amenity value of the clay hills is also marked by the extensive network of footpaths which connect to the Greensand Ridge which offers increasing amenity value not only with Woburn Park but also the Rushmere Country Park. The 'Greensand Country Landscape Partnership' is also developing a landscape enhancement strategy for the Greensand Ridge with HLF backing, the proposals include conserving and promoting the areas' distinctive character including heritage assets and access.

The existing single wind turbine at Double Arches forms a prominent man made feature in the landscape and is currently one of the tallest onshore turbines at over 140m to the tip of the blade, although part of the tower is set down within the Double Arches sand quarry. The turbine not only forms a highly distinctive built feature in local views but also in longer distance views and there is also the associated movement of the blades which, when operational, at least have a slower rhythmic pattern than turbines with shorter blades. Visual disturbance tends to be at closer proximity to the turbine. The structure is immediate in a number of local views from residential homes and local footpaths, or parts of the turbine are visible over brows of hills or tree tops which can be as visually disruptive in short, local views.

The existing Double Arches turbine is also visible from numbers of longer distance views and vantage points including the Chilterns escarpment and Chilterns AONB from Dunstable Downs and across to Ivinghoe Beacon and beyond into Buckinghamshire. The cumulative visual impact of turbine development from these landscape vantage points is increasing which raises concerns that turbine development will become dominant landmarks in the landscape rather than natural landscape features and horizons.

The Double Arches turbine forms a single feature in views, other existing wind development is of a distance with intervening landscape and topography reducing the occasions for intervisibility and subsequent visual cumulative impact but future wind developments within or beyond Central Bedfordshire could have significant cumulative visual impact. There is also a question over numbers of turbines - single turbines may be viewed as individual landmarks within landscape views but the capacity of landscapes, both locally and wider, to accommodate more turbines - either single or groups - is key.

**Central Bedfordshire wind energy guidance:**

The CBC Guidance Note 1 Wind Energy Development (2013) provides advice on areas the Council considers turbines to be unsuitable for this form of development and capacity of other areas within CBC to accommodate varying scales of wind energy development in terms of landscape character, assets, tranquillity and proximity to communities. The guidance is based on 8 landscape areas across Central Bedfordshire; the application site is located within the area defined as the 'Leighton Buzzard Urban Fringe' extending to the A5 corridor. Sensitivity of landscape character for the Leighton Buzzard area is described in the guidance as ranging from moderate to moderate-high, with a small pocket of area of lower landscape sensitivity associated with the A5 at north Houghton Regis. Visual sensitivity for the Leighton Buzzard area including the application site ranges from moderate to high.

The CBC Wind Energy Guidance describes capacity of the Leighton Buzzard area to accommodate wind development based on turbines up to 120m overall height as:

Single Turbine - Moderate capacity (some ability to accommodate development at the above scale but key sensitivities may limit the number of schemes.

Cluster 1 - 3 turbines - Low capacity (could be challenging to locate turbines at this scale, more than one development may result in major adverse change in landscape character).

The CBC Wind Guidance also describes the higher sensitivity of landscape character and visual sensitivity of adjoining local landscape areas, particularly the more elevated areas associated with the Greensand Ridge and Clay Hills, and also the more distant Chilterns escarpments / Chilterns AONB and panoramic views across landscape towards Leighton Buzzard.

**Conclusion:**

Based on advice provided in the CBC Wind Guidance and given the existing turbine development at Double Arches, along with visual evidence provided in the LVIA, I assess if the proposed turbine development at Checkley Wood were to be progressed that the additional turbine should be identical in design to that of the existing Double Arches turbine to create more of a visual effect of a single cluster of development rather than 2 separate and different developments, and that the heights of nacelle / blades be of a similar heights in views.

I also recommend that, if the development were to be progressed, a more detailed assessment of visual impact of the proposed turbine development on local residential properties be commissioned by the applicant and appropriate landscape mitigation, in keeping with local landscape and native planting and linked to wider landscape enhancement, be provided by the applicant off site if required by residents.

Trees & Landscape  
Officer

Would recommend a landscaping condition to replace/reinforce damaged or removed sections of hedgerow and to strengthen tree planting around the site perimeter.

Chilterns Conservation  
Board

No response.

Campaign to Protect  
Rural England (CPRE)  
(Original Comments)

Having studied the documentation submitted in connection with the above, CPRE Bedfordshire considers it must object to this application.

We note, firstly, that the context in which the application is submitted is repeatedly referred to as completion of the original 2-turbine 'vision' for this vicinity. This assertion does not accord with the historical record. The existing Double Arches turbine was the subject of pre-application advice by your Council that one large 149m turbine was more likely to receive consent than the two smaller ones then envisioned by the applicant – advice which the applicant duly followed. In contrast, the present application would, if consented, result in two large 149m turbines being constructed in the area – an outcome which did not form part of either the applicant's or the Council's original vision at all.

Moreover, the turbine now proposed on the Checkley Wood site would be some 410m (1/4 of a mile) from that at Double Arches – producing a much greater 'spread' of visual impact than exists today, or than would have been the case under the original 2-turbine proposal. The site of the proposed turbine would also be much closer to the A5 trunk road than the Double Arches site. Thus, although this close physical proximity is stated as not in conflict with the DfT's advice relating to the Strategic Road Network, we believe that there must be real concern as to the level of visual distraction it would create to drivers on that road.

Over and above these considerations, however, is the fact that the proposed site is in Green Belt. The **NPPF** defines it as a fundamental characteristic of Green Belts that they should remain 'open', but allows that a case of

'very special circumstances' can potentially be made for a development that is in conflict with that characteristic. The NPPF then specifically makes it clear, at **Para. 91**, that elements of many renewable energy projects will represent inappropriate development in the Green Belt, and thus will require a case of very special circumstances to be made. Para. 91 also states that the wider environmental benefits of such a project may be one such very special circumstance.

In his **Planning Appraisal**, the applicant accepts that his proposed development is inappropriate to a Green Belt setting, but argues that the degree of harm caused to its openness would be small, and that there are sufficient very special circumstances to outweigh that level of harm. We strongly disagree with that proposition.

The very special circumstances put forward by the applicant are summarised at **Para. 6.20** of his Planning Appraisal. We reference them below, together with our comments on each.

*VSC 1. 'The scale of the effect on the openness of the Green Belt is small'*

We consider that the applicant consistently understates the effect of the proposal in terms of cumulative impact. Great play is made of the fact that, because one turbine is already there, a second one does not make much difference. This argument is patently flawed. As has already been pointed out, the 2 turbines would actually be  $\frac{1}{4}$  mile apart, producing a much wider 'spread' of intrusiveness when seen from many longer distance viewpoints, and even more so when viewed from more localised ones, such as from the A5.

*VSC 2. 'The amount of renewable electricity generation is considerable'*

In a **national** context, the potential contribution to renewable electricity generation made by this single (albeit large) turbine can at best be described as 'marginal', and certainly insufficient in itself to overturn national policy on the protection of Green Belts. This includes the specific purpose of '*safeguarding the countryside from encroachment*' (**NPPF Para.80**). There can be little doubt that the encroachment represented by this proposal is far greater than just marginal.

*VSC 3. 'The location of the proposal is on reclaimed quarry workings'*



We do not see the past quarrying history of the site has any relevance. Mineral extraction is an appropriate use of Green Belt land (**NPPF Para. 90**), whereas erection of a 149m wind turbine is not. In any case, the site reverted to agricultural/meadow/woodland use some time ago (see applicant's **Planning Documentation & Environmental Report**, Para. 23).

*VSC 4. 'The proposal lies adjacent to an existing operational quarry'*

Again, we can see no relevance in this argument. The operational quarry is an appropriate form of development within the Green Belt, whose ground-based activity has minimal impact on the openness of the Green Belt. The impact of the proposed 149m wind turbine on the openness of the Green Belt is in no way offset by the fact that there is a ground-level operational quarry alongside it.

*VSC 5. 'The proposal is very close to the very busy A5 Trunk Road'*

As with the argument that the proposal adjoins an operational quarry, this has no bearing on the turbine's impact on the existing level of openness of the Green Belt in the area. Moreover, as stated earlier, the turbine's proximity to the A5 should be seen as a hazard rather than a benefit.

*VSC 6. 'The area is already characterised by the existing Double Arches wind turbine'*

The characteristic of the area is **not** one defined by the Double Arches wind farm – the characteristic is the one favourably described in the **Landscape Character Assessment** for the area, into which the Double Arches wind turbine has incongruously intruded.

To summarise the position as we see it, the only 'very special circumstance' that has been put forward of relevance to this case is the contribution that would be made to renewable electricity production, and that is marginal anyway. The **NPPF, Para. 88**, stipulates that '*very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'. We say that the harm caused by this proposal to the openness of the Green Belt, and to the landscape in general, is **not** 'clearly outweighed by other considerations', and that therefore the application must fail.

We note that the applicant's **Planning Appraisal** seeks to draw support for his proposal from the Council's **Technical Guidance Note on Wind Development in Central Bedfordshire** (TGN1). However, irrespective of the question of whether that document provides the level of support that is claimed, the Guidance Note makes plain that where Green Belt locations are involved, any proposal is still subject to a case of 'very special circumstances' being established, i.e. one that is sufficient to clearly outweigh the degree of harm caused. We repeat our view that in terms of harm to the Green Belt's openness, and other harm such as landscape and visual impact, a sufficient such case has not been made.

We would also point out that the applicant's concern to claim support for his proposal from TGN1 sits oddly with the assertion in his **Planning & Environmental Documentation Report, Para. 78**, that until such time as TGN1 has the status of Supplementary Planning Guidance in support of an adopted Local Plan, 'limited weight' can be attached to it.

Finally, we refer to the **Written Ministerial Statement** of 18<sup>th</sup> June 2015, where in relation to **Renewable and Low Carbon Energy Planning Policy Guidance** it was advised that '*LPAs should only grant planning permission if the development is in an area identified as suitable for wind energy development in the Local or Neighbourhood Plan*'. The applicant suggests in his **Planning Appraisal** that, because no adopted Local or Neighbourhood Plan is currently in force for the area, the **NPPF** presumption in favour of sustainable development is engaged, requiring planning permission to be given unless the impacts of the proposal '*significantly and demonstrably*' outweigh the benefits (**NPPF Para. 14**).

The inference being put forward here by the applicant appears to be that, in the 'No Plan' scenario, the burden is on the LPA to establish sufficient 'significant and demonstrable' outweighing impacts, rather than on the applicant – in a Green Belt case - to establish a sufficient 'very special circumstances' case for an inappropriate development. We are confident that the Council will support us in our view that such an interpretation of the NPPF is wholly wrong, and that for Green Belt land it is the 'very special circumstances' test that prevails, and the burden is on the applicant to satisfy it – which in this case we submit he has conspicuously failed to do.

For all the above reasons, we urge that your Council refuses this application.

Campaign to Protect  
Rural England (CPRE)  
(Comments to Revised  
Scheme)

We note the applicant's revision to the original specification of the proposed wind turbine, whereby the rotor diameter is confirmed at 87m, the hub height as 100m, and the maximum height at blade tip is reduced from 149.8m to 143.5m.

The fact that the rotor diameter is now proposed at the lower end of the previous 87m – 112.5m spectrum, and the maximum height at blade tip is reduced by 5.3m, is of little significant consequence in assessing the adverse impacts of this proposal on the Green Belt and the surrounding landscape. It remains a highly inappropriate development, inflicting further, cumulative, damage on the Green Belt's openness, for which the applicant has failed to put forward any sufficient case of 'very special circumstances' to justify the degree of harm caused.

Moreover, its location on the edge of the Woburn Greensand Ridge landscape area (Area 6A of the Council's Landscape Character Assessment, January 2015) will inflict further, unacceptable, damage on the visual appearance of a landscape described at Para 6A.1.14 of that document as a *'Prominent landform creating a distinctive undeveloped skyline and horizon in the view from much of Bedfordshire'*, and for which the Landscape Strategy is stated as *'To conserve and enhance'*.

Already, the existing turbine is a pronounced blot on the foreground of this landscape, in intrusive conflict with the above stated objective. It is also visible from distant viewpoints for miles around, not just within Bedfordshire but Buckinghamshire as well. In this respect, we particularly note the reference at Para. 6A.1.28 to the role of the Ridge as a backdrop to views from LCA Area 5C – the Salford/Aspley Clay Vale - and the adverse impact on those views that would arise from any development breaching the ridgeline. However, this is exactly what has already occurred in views of the Ridge from further west, where in the Buckinghamshire clay vale around Newton Longville the rotor blade of the existing turbine can be seen poking prominently above the Ridge horizon, to highly incongruous and detrimental visual effect.

To allow a second turbine of similar height in the location proposed will only serve to compound these damaging, insensitive, landscape impacts.

In conclusion, therefore, and for the reasons given in both our original and this subsequent letter, we maintain our strong objection to this application.

CBC Rights-of-Way  
Officer

There are no recorded Public Rights of Way within the site area. Therefore I have no objection to the application.

The Ramblers  
Association

The proposal affects the views from far too many Rights of Way. They include but are not restricted to Bridleway nos. 6, 7 and 15. The footpaths involved are nos. 1, 2, 4, 5, 6, 7, 8, 10 and 11. Whilst the Ramblers support alternative energy, we feel that this location is detrimental to users of the ROW and the surrounding countryside.

The Greensand Trust

No response.

CBC Ecologist

The Ecological report acknowledges the different habitat types and species located in the area, of particular note are bats and birds and some species rich field margins in the immediate vicinity. Ecological surveys have not identified any predicted negative impact from the proposal but equally I have not found any reference to potential net gain to be achieved as a result of the development. The site lies within the Greensand Ridge Nature Improvement Area and as the NPPF calls for development to deliver a net gain for biodiversity I would seek to ensure that ecological enhancements, beyond mitigation, can be secured.

5.24 of the Ecological Report states that Hedgerow 5 is to be removed for access purposes but its replacement is recommended for mitigation. I understand that part of this hedge has already been removed but there do not appear to be any plans identifying the location of new planting. I would ask that any compensatory planting is undertaken away from the NE advisory 50m buffer for vegetation.

5.1.22 of the Bat report identifies principal foraging routes for bats in the hedgerows and scrub in the area and 10.2.2 goes on to say that the site and its environs are important for bat foraging. It is important that provision for enhancements does not encourage bats into harms way and so 10.5.1 refers to off-site enhancements which are welcomed. It concludes by saying the proposals are considered to be such to avoid significant adverse effects on local bat populations, including those in the high risk category.

The Bird report concludes that there will be no significant cumulative impacts on bird species in association with the Double Arches turbine, stating '...relatively few bird passes through the turbine area by target species....'.

The nearby Double Arches turbine has a monitoring scheme conditioned and I would expect that a similar scheme of post-implementation monitoring is also provided here to ensure predicted minimal effects on birds and bats are accurate. A suitably worded condition would be:

A Biodiversity Management Plan (BMP), to include details of bat and bird mortality monitoring and ecological enhancements, shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. The BMP shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Ecologist (Additional Comments)

No bat losses were reported but the number of records for high flying species is certainly of potential concern. Results of the first year of monitoring for the Double Arches turbine have been received which indicate an increase in bat activity in the area. Unfortunately the bat monitoring equipment at height failed for part of the year and consequently data on bat flight at height is not available. Other previous comments remain unchanged.

Bedfordshire Bat Group

No response.

Wildlife Trust

No response.

RSPB

No response.

British Horse Society

No response.

Pollution Officer

I write further to discussions with both parties and following advice from MAS Environmental.

In summary, conditions have been agreed with both parties to deal with the aspects of amplitude modulation and the cumulative impact of turbine noise, both from that proposed and the existing Double Arches. These are considered satisfactory to deal with turbine noise in accordance with relevant guidance.

In the wider context further advice has been received from MAS environmental about the cumulative impact of turbine noise (both Checkley Wood and Double Arches) and road traffic and its potential impact on properties in the locality. At these locations the front of dwellings which

face the road will be exposed to high levels of road traffic noise at certain times of the day. Prior to Double Arches wind turbine it is largely assumed that the rear of these properties were relatively sheltered from noise. Since Double Arches was constructed those sheltered areas are at times exposed to more noise from the turbine and should Checkley Wood Wind Turbine be approved noise within those sheltered areas is predicted to be increased by at least an additional 4dB (approximately). Therefore where dwellings had a façade protected from noise there is now new sources of noise, that are cumulatively being added to by turbine noise over time. This represents a lack of respite from noise for the residents.

The latter wider issues of compliance with ETSU-R-97 limits and whether there will be an adverse impact has been discussed at length by MAS. It concerns the application of Government Planning Guidance and the requirement to mitigate and reduce noise to a minimum. The committee is made aware of this but I'd also advise that in terms of defending an appeal on such grounds, whilst it is a relevant consideration and planning guidance supports such, we are advised that this issue has been raised previously and not been given any weight by inspectors. It is therefore not considered a reason to refuse planning permission on its own.

I therefore recommend support of the application on the grounds that the agreed conditions pertaining to cumulative impact of turbine noise and AM are imposed.

MAS Environmental

There were several points that were raised regarding noise impact that remain a point of disagreement. I have reproduced these outstanding concerns below.

Whilst we have agreed noise conditions with the applicant this really only addresses our concerns with AM impact though it also deals with some concerns raised regarding cumulative impact and condition wording.

It is my understanding that the applicant considers that if ETSU-R-97 noise limits are complied with that there will be no adverse impact. However, we still have concerns that have been raised from the outset regarding the increase to noise impact caused by the proposed turbine. These are summarised below, though I note also that these are not new concerns and have been responded to by the applicant previously (see their response dated 18/10/2016), they remain an area of disagreement.

- There is limited margin between the predicted noise levels and the noise limits.

- There is no evidence that noise from the proposed development has been mitigated and reduced to a minimum in accordance with Government planning guidance. Government planning guidance specifies a need to minimise and mitigate noise impact and to minimise increases in noise where residents are already exposed to high noise levels. Neither of these aims appears to be met by the proposed development.
- Recommended levels of noise at night time set by the World Health Organisation are likely to be exceeded due to combined road traffic and wind turbine noise.
- There is a predicted increase of 4dB in turbine noise at the rear of dwellings already impacted by road traffic noise at the front of the dwelling. This is a significant increase in impact for those already subjected to high levels of noise. The development increases noise levels in an environment already affected by road traffic noise and wind turbine noise and where noise levels at night time from cumulative wind turbine noise could be up to 10-15dB above the background sound environment absent wind turbine noise.

Ministry of Defence

I am writing to tell you that the MOD has no objection to the proposal.

In the interests of air safety, the MOD requests that the turbine is fitted with MoD accredited 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted we would like to be advised of the following;

- the date construction starts and ends;
- the maximum height of construction equipment;

- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

National Air Traffic  
Services

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

Civil Aviation Authority

There is currently a high demand for CAA comment on wind turbine applications which can exceed the capacity of the available resource to respond to requests within the timescales required by Local Planning Authorities. The CAA has no responsibilities for safeguarding sites other than its own property, and a consultation by a Council is taken as a request for clarification of procedural matters. Councils are reminded of their obligations to consult in accordance with ODPM/DfT Circular 1/2003 or Scottish Government Circular 2/2003, and in particular to consult with NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the above documents, taking note of appropriate guidance and policy documentation. Should the Council be minded to grant consent to an application despite an objection from one of the bodies listed in the circular, then the requisite notifications should be made.

Whilst the CAA recommends all aerodrome operators/license holders develop associated safeguarding maps and lodge such maps with local planning authorities, the CAA additionally encourages councils/planning authorities to undertake relevant consultation with known local aerodromes regardless of status, including local emergency service Air Support Units (e.g. Police Helicopter or Air Ambulance). Such units may operate in the area of concern and could be affected by the introduction of tall obstacles. For example Police helicopters are permitted to operate down to 75 feet and will routinely follow main roads and motorways during their operations. Both the Police and Air Ambulance may need to land anywhere but will also have specifically designated landing sites.

In terms of charting, there is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts\*. Further guidance is provided below:



Structures with a maximum height of 300 ft. (91.4m) above ground level or higher. Such structures should be reported to the Defence Geographic Centre (DGC) which maintains the UK's database of tall structures (the Digital Vertical Obstruction File) at least 10 weeks prior to the start of construction. The point of contact is Nigel Whittle (0208 818 2702, mail to dvof@mod.uk). The DGC will require the accurate location of the turbines/meteorological masts, accurate maximum heights, the lighting status of the turbines and / or meteorological masts and the estimated start / end dates for construction together with the estimate of when the turbines are scheduled to be removed. In addition, the developer should also provide the maximum height of any construction equipment required to build the turbines. In order to ensure that aviation stakeholders are aware of the turbines and / or meteorological masts while aviation charts are in the process of being updated, developments should be notified through the means of a Notice to Airmen (NOTAM). To arrange an associated NOTAM, a developer should contact CAA Airspace Regulation (AROps@caa.co.uk / 0207 453 6599); providing the same information as required by the DGC at least 14 days prior to the start of construction.

Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.

The Ministry of Defence will advise on all matters affecting military aviation.

|                      |   |
|----------------------|---|
| London Luton Airport | The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with aerodrome safeguarding criteria. Accordingly, London Luton Airport Operations Ltd. has no safeguarding objection to the proposal. |
| London Gliding Club  | No response.  |
| Cranfield Airport    | No response.  |
| Highways England     | No objections subject to conditions regarding access, a traffic management plan and a construction management plan.   |
| CBC Highways Officer | No comment as access is to be taken from the A5 which is a Trunk Road and falls under the jurisdiction of the Highway Agency.   |
| Network Rail         | The Council should be aware that in addition to any planning consent, the applicant should have assessed, prior to submitting the planning application, whether or  |

not the wind turbine(s) fall under the category of abnormal loads. An abnormal load is 44 tonnes and over and if the wind turbine weight is 44 tonnes and over then the applicant should have identified the route of the wind turbines to site and method of transport, and undertaken consultation with the relevant affected bodies (including the Highways Agency, Police and Network Rail) to determine the impact upon any structures on the route (including railway infrastructure). A survey should have been compiled and this should form part of the documentation submitted as part of the planning application. However, even if planning permission is granted, and should the proposal affect Network Rail structures on the route to site, then our Abnormal Loads team should have been contacted and our comments and concerns taken on board. Should we not be consulted we reserve the right as part of the highways consultation to refuse permission for the wind turbine to use our structures on their way to site.

CBC Minerals and Waste Team

The evidence submitted by AWE is sufficient to conclude that it is unlikely that there will be any unnecessary sterilisation of mineral resources as a result of the proposed wind turbine.

Luton Borough Council

No comments.

Milton Keynes Council

No objections.

Aylesbury Vale District Council.

No response.

Joint Radio Company

This proposal **cleared** with respect to radio link infrastructure operated by:

### **UK Power Networks and Southern Gas Networks**

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

|  |  |
|--|--|
| Met Office   | No objections.                         |
| BBC Reception Advice                               | No response.                           |
| Spectrum Licensing on behalf of Ofcom              | No links found within the search area. |
| British Telecommunications                         | No response.                           |
| National Grid                                      | No response.                           |
| Buckingham and River Ouzel Internal Drainage Board | No response.                           |
| Anglian Water Services                             | No response.                           |
| SuDS Management Team                               | No comments.                           |

### **Other Representations:**

|   |  |
|---|--|
| Cllr Budge Wells (Ward Member for Potsgrove, Milton Bryan and Battlesden) | <p>I wish to state my objection to this application being approved, on behalf of my residents in Potsgrove, Battlesden and Milton Bryan.</p> <p>My objections are:</p> <ul style="list-style-type: none"><li>• The proposed turbine is nearly 70% bigger than the existing one, which is only about 400m from this proposed one.</li><li>• The visual impact on my residents is already poor with the existing turbine, so the addition of the proposed larger one is totally unacceptable.</li><li>• The wind energy produced, benefits from significant consumer financed subsidies, without providing benefits to local people who have to suffer with the appalling blot on their landscape.</li></ul> |
|---|--|

- Two of the largest land based turbines in England constitute an industrial development in the heart of Green Belt. Green Belt is supposed be protected from all but the most exceptional development. This is not one of those.
- Local wildlife and heritage assets will all be adversely affected. Two such large turbines so close together will inevitably affect birds in flight.

John Bercow - MP for  
Buckingham

I have been approached by constituents with respect to the above application with serious concerns as to the impact of the erection of a turbine in the area.

Although I have no statutory function in the planning process, I should like to reinforce the point that it is extremely important that the relevant committee - when it comes to deliberating on this particular application - gives thorough consideration to the very real concerns of local residents likely to be impacted by the proposed development.

I will watch the progress of this application with interest.

Great Brickhill Parish  
Council

We, Great Brickhill Parish Council are strongly opposed to the erection of a turbine at the Checkley Wood site as detailed in planning application (Ref: CB/16/01389/FULL).

The key points leading to our opposition of this scheme are as follows:

1. We feel the turbine is poorly sited, in close proximity to the existing turbine at the Double Arches Quarry. During the planning process for the Double Arches turbine, the developer submitted a report with the following conclusions as to why they were seeking the erection of one turbine and not two. Two of the key points from this report are;

a. that two turbines would be sited too closely thereby affecting their productivity and also increasing noise levels; and

b. that two turbines would have an unacceptable impact on the Heritage landscape and Heritage assets within the Zone of Visual Influence.

We absolutely agree with the above points submitted by the developer of the Double Arches turbine.

2. The area of the rotor will be ? larger than the existing Double Arches turbine leading to increased [detrimental] visual impact within the local area.

3. The local area is blessed with an outstanding biodiversity, ecology and environment. Specifically, Kings Wood (SSI/NNR) is only 600m from the proposed development site. We are also privileged to have both Rushmere Park and Bakers Wood. Many of the resident species are afforded the highest degree of legal protection and we feel the introduction of another turbine will have a significant adverse impact on all of these assets.

4. The second turbine will, by the applicant's own admission, increase dramatically the level of noise pollution for the local residents, we feel this is unacceptable.

We would therefore ask that the Central Beds Planning team refuse this application which, in our opinion, is seeking to over-develop an existing area without respecting the residents or local ecology.

Leighton-Linslade Town Council    No response.

Potsgrove Parish Council    I have been asked to write to you by the meeting to object to the above planning application for a new wind turbine at Checkley Wood. The main reasons are given below:

- Two turbines of this massive size will constitute an industrial development in the heart of Green Belt land; the turbines will be only 410m apart. The developer has already admitted that this will compromise efficiency and power output together with increased noise levels. There will also be an unacceptable impact on the landscape.
- The area of the turbine rotor equates to a 67% increase in size, over and above the existing Double Arches turbine. It is truly massive on an industrial scale. Combined with the existing turbine, the rotors will occupy almost 1.6 hectares in the skyline.
- The proposal provides a significant departure from national wind energy developments across the country. There are examples of very large turbines or several smaller turbines, but nowhere do you find an industrial size installation of two such massive turbines only 800m from local communities.
- The wind energy industry continues to benefit from significant consumer financed subsidies. We are not aware of any benefits provided to local residents.
- Local wildlife, recreational facilities and Heritage assets will all be adversely affected.
- Local house prices and the desirability of the area will be negatively impacted by the proposed development.

Television reception will be further impaired.

We hope you will take these considerations into account and refuse planning permission for this development.

Soulbury Parish Council      This application has been brought to the attention of the Parish Council by Heath and Reach Parish Council. The Council have not seen any documents, but have been made aware of the details of the application and also the grounds on which it is being opposed by Heath and Reach Parish and we understand other Parish Councils.

Soulbury Parish Council wish to support Heath and Reach and the other Parish Councils involved in their opposition to the application and fully agree with the grounds of opposition which have been put forward. There is a visual impact on Soulbury Village in that the existing turbine is clearly visible from certain points in the village and is an unwelcome blot on the skyline and the general view from the village. This proposal, if granted, would seriously add to the damage being done to the attractive nature of the landscape. It is the view of Soulbury Parish Council that a second industrial size wind turbine in this location is totally inappropriate at the proposed site and will be a blot on the landscape.

Stanbridge Parish Council      Stanbridge Parish council **OBJECTS** to application CB/16/01389/FULL Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG, for the following reasons:

The addition of a turbine of this size is in our view unwarranted and unnecessary given that the existing turbine is never used to full capacity and therefore an additional turbine of a larger size is just unacceptable for many reasons.

The speed and wind direction do not make commercial sense for placement of another turbine in this location, noted by the company themselves and therefore we must assume the only reason for placement of another turbine in this location is not for the power output and requirement by national Grid but purely for financial gain due to the subsidies collected by the company.

A Turbine of a larger size will output at approx. 20% capacity, this is based on current capacity of the existing turbine which is at approx. 50%. They will be sited far too close to one another. Therefore Justification for another turbine based on this alone would appear illogical and unnecessary.

There is no financial gain or benefit to the local community, but suspect they would happily forgo these in favour of the removal and no subsequent turbines being installed.

The power used to turn the turbine on and off is a waste of resources causing a detrimental impact on power supply.

The impact on local residents with noise pollution and the addition of further flicker can not be deemed reasonable or regarded as favourable to mental health of the local community. Noise pollution is unacceptable. This cannot be ignored in favour of what will now be a commercial enterprise with financial gain to one company.

Previous Government policy stated that sufficient distance should be allowed between the turbines and any existing noise-sensitive development and emphasis should be on preventing sleep disturbance.

In addition, the Conservative Party 2015 Manifesto pledged to give “local people” a “final say” on wind farm applications. In a written ministerial statement on 18 June 2015 the Government announced that when determining planning applications for wind energy development local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

We do not believe this to be the case for the above planning.

The NPPF makes clear that renewable energy development is not normally considered appropriate development for Green Belt land: 91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. We fail to see what these very special circumstances would be.

Section 2.7 covers onshore wind. Key considerations for site selection are explained in detail and include: predicted

wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts, landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues

The existing turbine is already seen for many miles and is regarded by the majority of people to be a blot on the landscape which spoils the openness of Green Belt. It can be seen from many historic and ancient beauty spots miles away, not least the Totternhoe Knolls and Dunstable Downs.

The impact on wildlife in the surrounding areas must also be taken into account and makes the disturbance for financial gain unjustified.

We would strongly urge the council to be mindful to the noise pollution and limits set, we believe a further turbine would be in breach of these and further cause harm to the natural beauty of the surrounding area.

Some reasons why planning has not been granted that have an alliance with why we should refuse planning here.

- A proposal for two wind turbines with a hub height of 24 metres close to a racecourse in Somerset was blocked partly due to the adverse effect on the horses. We have many farms in the area, what harm to these animals.
- A proposal for a turbine with a blade tip of 25 metres in Somerset was rejected because it would affect an air traffic control centre. Other refusals have related to air safety at an airfield.
- The Secretary of State refused planning permission for two wind turbines at a farm in Staffordshire stating that local concerns about the effects on the landscape and townscape quality had not been addressed.

Tilsworth Parish Council      Tilsworth Parish Council OBJECTS to application CB/16/01389/FULL Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG, for the following reasons:

The addition of a turbine of this size is in our view unwarranted and unnecessary given that the existing turbine is never used to full capacity and therefore an additional turbine of a larger size is just unacceptable for many reasons.

The speed and wind direction do not make commercial sense for placement of another turbine in this location, noted by the company themselves and therefore we must



assume the only reason for placement of another turbine in this location is not for the power output and requirement by national Grid but purely for financial gain due to the subsidies collected by the company.

A turbine of a larger size will output at approx. 20% capacity, this is based on current capacity of the existing turbine which is at approx. 50%. They will be sited far too close to one another. Therefore justification for another turbine based on this alone would appear illogical and unnecessary.

There is no financial gain or benefit to the local community, but suspect they would happily forgo these in favour of the removal and no subsequent turbines being installed.

The power used to turn the turbine on and off is a waste of resources causing a detrimental impact on power supply.

The impact on local residents with noise pollution and the addition of further flicker can not be deemed reasonable or regarded as favourable to mental health of the local community. Noise pollution is unacceptable. This cannot be ignored in favour of what will now be a commercial enterprise with financial gain to one company.

Previous Government policy stated that sufficient distance should be allowed between the turbines and any existing noise-sensitive development and emphasis should be on preventing sleep disturbance.

In addition, the Conservative Party 2015 Manifesto pledged to give "local people" a "final say" on wind farm applications. In a written ministerial statement on 18 June 2015 the Government announced that when determining planning applications for wind energy development local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

We do not believe this to be the case for the above planning.

The NPPF makes clear that renewable energy development is not normally considered appropriate

development for green belt land: 91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. We fail to see what these very special circumstances would be.

Section 2.7 covers onshore wind. Key considerations for site selection are explained in detail and include: predicted wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts, landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues

The existing turbine is already seen for many miles and regarded by the majority of people to be a blot on the landscape which spoils the openness of Green Belt. It can be seen from many historic and ancient beauty spots miles away, not least the Totternhoe Knolls and Dunstable Downs.

The impact on wildlife in the surrounding areas must also be taken into account and makes the disturbance for financial gain unjustified.

We would strongly urge the council to be mindful to the noise pollution and limits set, we believe a further turbine would be in breach of these and further cause harm to the natural beauty of the surrounding area.

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- A proposal for a turbine with a blade tip of 25 metres in Somerset was rejected because it would affect an air traffic control centre. Other refusals have related to air safety at an airfield.
- The Secretary of State refused planning permission for two wind turbines at a farm in Staffordshire stating that local concerns about the effects on the landscape and townscape quality had not been addressed.

when making your decision.

If the new turbine was to go ahead the two turbines would be sited too closely thereby affecting their productivity and also increasing noise levels; and 2. the two turbines would have an unacceptable impact on the Heritage landscape and Heritage assets within the Zone of Visual Influence.

The siting of the proposed Checkley Wood Turbine is only 410m from the Double Arches turbine. Having the turbines so close together will stop the efficiency as due to the shadows that will be caused and noise there will be huge number of days that they will have to close.

Two wind turbines 150m high and with a maximum rotor diameter of 112.5m will represent an unprecedented visual intrusion in the area with major adverse impacts up to at least 10km and beyond. Vitally, the proposed development is out of line with existing wind energy developments. Installations comprise of either single, very large turbines or several smaller turbines. The proposed development of two massive turbines creates an industrial zone within the Green Belt only hundreds of metres from adjacent communities, Heritage assets and Nationally important Nature Reserves. Such an industrialisation of the Green Belt has a significant adverse impact on ALL of them.

The local area is blessed with an outstanding bio-diversity, ecology and environment. Specifically, Kings Wood (SSSI/NNR) is only 900m from the proposed development site. We are also privileged to have both Rushmere Park, Kings Wood and The Greensand Ridge. These sites are homes to species such as the threatened Barbastelle Bat, Red Kites (2016 may have seen the introduction of a mating pair for the first time), Buzzards, Badgers, Herons (Heronry in Rushmere Park) and Great Crested Newts to name but a few. Many of these species are afforded the highest degree of legal protection. The introduction of an industrial zone of this magnitude will have a significant adverse impact on all of these assets.

Woburn Parish Council

Woburn Parish Council is writing to object to the proposed development.

Our principal objections are:-

- The current application refers to the existing wind turbine erected by AWE Renewables ("AWE") in December 2014 at Double Arches Quarry. In that application (CB/10/03034), the Environmental Statement looked at "the consideration of alternatives". The report said that although consideration was given

to two turbines, it was decided that due to a number of constraints, a single turbine was the most appropriate option. The reasons being that :-

- the two turbines would be sited too closely thereby affecting their productivity and also increasing noise levels; and
- the two turbines would have an unacceptable impact on the Heritage landscape and Heritage assets within the Zone of Visual Influence.

The siting of the proposed Checkley Wood Turbine is only 410m from the Double Arches turbine. There is no reason why the earlier arguments put forward by AWE are no less relevant today than they were in 2010.

- AWE states that the Checkley Wood turbine will be “of a similar size to the existing Double Arches turbine”. We understand that the area of the rotor will be  $\frac{2}{3}$  or 67% larger than the existing Double Arches turbine and in total the rotors will occupy almost 4 acres of space in the visual skyline. This will have an adverse impact on the zone of visual influence on the landscape character.
- Turbine wake separation is an important element to consider in the siting of wind turbines. The recommended distances are 6 diameters downwind and 4 diameters perpendicular. At a diagonal separation of 410m, neither of these metrics is achieved. The proposed siting of the Checkley Wood turbine is far too close to the existing Double Arches turbine thereby reducing the amount of energy produced whilst increasing the noise pollution and other negative impacts on landscape character and heritage assets.
- Two wind turbines 150m high and with a maximum rotor diameter of 112.5m will represent an unprecedented visual intrusion in the area with major adverse impacts up to at least 10km and beyond. The proposed development of 2 massive turbines creates an industrial zone within the Green Belt only hundreds of metres from adjacent communities, heritage assets and nationally important nature reserves.
- The local area is blessed with an outstanding biodiversity, ecology and environment. Specifically, Kings Wood (SSI/NNR) is only 600m from the proposed development site. We are also privileged to have both Rushmere Park and Bakers Wood. These sites are homes to species such as the threatened Barbastelle

Bat, Red Kites (2016 has seen the introduction of a mating pair for the first time), Buzzards, Badgers, Herons (Heronry in Rushmere Park) and Great Crested Newts to name but a few. Many of these species are afforded the highest degree of legal protection. The introduction of an industrial zone of this magnitude will have a significant adverse impact on all of these assets.

- Three communities are so badly affected by the sighting of the proposed turbine that properties within them will fail “the Lavender Test”. The communities are Potsgrove, Overend Green and Sandhouse Lane.
- ETSU-R-97, the standard for the assessment of wind farm noise is now seriously out-of-date. By the applicant's own admission, the siting of 2 turbines so close together will create unacceptable levels of noise pollution.
- The creation of this massive industrial zone within the Green Belt, only hundreds of metres from local communities would be negligent to both public safety and public health.
- AWE owns considerable areas of land in this locality, including Checkley Wood Farm, but has provided no evidence that it has considered locating the turbine elsewhere. Nor has it given any indication that it has considered other forms of renewable energy, solar panels for example.

Richard Buxton  
Environmental & Public  
Law on behalf of the  
Bedford Estates at  
Woburn (summarised)

The purpose of this letter is to point out an obvious failure of process relating to environmental impact assessment (EIA).

As you are aware, certain development requires EIA. The benchmark as to whether EIA is required, or not, is whether the development is likely to have “significant” environmental effects. That is a relatively low threshold; the question is whether there is any “serious possibility” of such effects. It strikes us as perfectly plain that significant environmental effects here are likely.

We have reviewed the screening opinion dated 25.3.15.

The first error is that it deals with paragraph 3(a) of Schedule 2 to the Regulations. While projects can fall into more than one category, the relevant category here is paragraph 3(i) namely “Installations for the harnessing of wind power for energy production (wind farms” and

involving situations where “the hub height of any turbine exceeds 15m”. There is no question that this proposed wind farm is definitely covered and could not be excluded on a thresholds basis.

The screening opinion goes on to deal with the considerations set out in Schedule 3 of the Regulations. Four matters lead us to conclude that the Council’s screening opinion is unlawful.

Firstly, the planning appraisal accompanying the application states that there would be “some significant effects on landscape character”. This of itself is sufficient to trigger the requirement for EIA: significant effects are identified. We note also the same document indicates in sections for noise and cultural heritage that there would not be significant effects subject to suitable conditions. We appreciate that it is legally controversial whether mitigation measures may be taken into account in deciding not to have EIA but the nature of the harm identified under these heads is such that that is can be hardly be right that the public should not be afforded the rights guaranteed by the directive in respect of these matters too.

Secondly, this is an unusual situation where the present application follows an earlier proposal, now implemented, for the Double Arches wind turbine. That proposal was originally for two turbines (including the present proposal, as we understand it) and an environmental statement was submitted in respect of it. It is said in the current screening opinion that “this was not requested by the Council”. However it is plain from reviewing the scoping opinion from 2008 that the then planning authority considered that various issues were of “environmental significance”. There was no demur that EIA was required; indeed it is clear that the scoping opinion refers to various issues in terms to the effect that assessment would be required. Furthermore officers recommended refusal in strong terms essentially dealing with environmental impact on landscape and heritage assets and other factors, including Green Belt. It is wrong to suggest, as the present screening opinion does, that the fact that the EIA in 2008 was produced on a voluntary basis means that this has no bearing now.

Thirdly there is the approach towards cumulative impact. Clearly the two turbines are in fact part of one project. This is stated in the “application documentation end environmental report” in relation this application – that the developer “originally designed the Double Arches site for two turbines back in 2010, and is now seeking to complete

its original vision". In consideration of cumulative impact it is sometimes argued that one should consider the impact from the existing baseline. In this case the present screening opinion suggests that is the Double Arches turbine. Even then the screening opinion does not give any reasons for its conclusion that because this is the only accumulation "the development would not therefore result in a significant cumulative impact". Anyway it simply cannot follow that if EIA took place in 2008 that the impact somehow becomes insignificant because it was part built then and a new application is being made now. This is contrary to EU guidance "Guidelines for the Assessment of Indirect and Cumulative Impacts". Plainly the question of cumulative impact is something to be considered from the development in the round and not just the incremental impact of e.g. one more turbine. The question here to be addressed is what the cumulative impact of two turbines of the landscape (etc) is, and for the decision maker to decide whether that is acceptable or not. The question is not whether an additional turbine is acceptable or not. If the directive has intended to refer to incremental rather than cumulative impact, it would have done so.

Fourth, while we would rather not get into the details of the reasoning of the screening opinion, it is hard not to observe that, under the heading "Location of the development" and proximity to sensitive areas including those of historic or cultural significance, it must be a serious omission to ignore our clients' property at Woburn, and Battlesden Park, which were acknowledged in 2008 as affected.

Please note that we have not conducted a full review of all the papers that we note have been submitted in connection with this project, but the volume of them tends to reinforce the point that there are many important environmental issues arising from this project and that our clients and other members of the public should be afforded by the protection that the law provides in this respect.

We trust the above will be sufficient to satisfy you that it would be unlawful for this matter to proceed without EIA.

Stop Checkley Wood  
Turbine Action Group  
(SCWT)

Received template  
emails supporting the  
SCWT document as  
follows:

The full objection document is attached as an appendix. Also attached as an appendix is the response of the applicant. The Executive Summary is reproduced in full as follows:

#### **EXECUTIVE SUMMARY**

This Executive Summary and the full Rebuttal Document are presented to the Development Management

177 from Heath and Reach, 211 from Leighton Buzzard, 38 from Great Brickhill, 22 from Soulbury, 19 from Hockliffe, 15 from Potsgrove, 13 from Eggington, 12 from Woburn, 9 from Little Brickhill, 9 from Tilsworth, 8 from Woburn Sands, 7 from Battlesden, 6 from Eaton Bray, 6 from Milton Bryan, 5 from Eversholt, 3 from Stanbridge, 3 from Stoke Hammond, 2 from Overend, 2 from Bragenham, 2 from Wing, 1 from Aspley Heath, 1 from Barton-Le-Clay, 1 from Eddlesborough, 1 from Harlington, 1 from Stockgrove, 5 from Milton Keynes, 3 from Darlington and 1 from Selby (Yorkshire)  
(Total of 580)

Committee of Central Bedfordshire Council by the Stop Checkley Wood Turbine ("SCWT") Action Group. SCWT has been formed by the coming together of local residents through the Parish Council network in opposition to the proposed development (Application Ref: CB/16/01389/FULL).

SCWT has the support of the Parishes of Heath and Reach, Potsgrove, Aspley and Woburn, Great Brickhill, Hockliffe, Soulbury and Toddington who will have separately written to you airing their objections. SCWT has a clear mandate on behalf of the vast majority of local residents, who expressed a view, to oppose this development on their behalf.

SCWT submits to you the Rebuttal Document which shows just how inappropriate a proposal this is. This Executive Summary is no substitute for a full reading of the Rebuttal Document and the array of evidence it contains, but does provide an effective summary of the key points in support of the clear argument that the dis-benefits of this application far and away exceed the benefits.

This is not about the pros and cons of renewable energy, this is about why now? and why here? The answers to both have nothing to do with renewable energy, carbon footprints or sustainability; the answers are, quite simply, about commercial gain.

The principal arguments in support of the rebuttal are:-

- The current Application makes reference to the existing wind turbine erected by AWE Renewables ("AWE") in December 2014 at Double Arches Quarry. In the Application for the first turbine (CB/10/03034), the Environmental Statement deals with "the consideration of alternatives". The report explains that consideration was given to two turbines, but concluded that as a result of various constraints, a single turbine was the most appropriate option. The considerations were:-
  - the two turbines would be sited too closely thereby affecting their productivity and also increasing noise levels; and
  - the two turbines would have an unacceptable impact on the Heritage landscape and Heritage assets within the Zone of Visual Influence.

We absolutely agree with the above conclusions. The siting of the proposed Checkley Wood Turbine is only 410m from the Double Arches turbine. As we clearly demonstrate, the above arguments put forward by AWE



are no less relevant today than they were in 2010.

- Hugh McNeal, CEO Renewable UK, was recently quoted as stating *“we are almost certainly not talking about the possibility of new plants in England. The project economics wouldn’t work; the wind speeds don’t allow for it”*. This is not a surprising statement given the cubic relationship between wind speeds and power output. The turbine manufacturer (Vensys) quotes potential output at wind speeds of 13m/s and above, whereas the average wind speed according to the Applicant, at the Checkley Wood site, is 6.9m/s. The impact of this is to reduce potential power production by approximately 80% or to put it another way, there is an opportunity cost of selecting a sub-optimal site equivalent to providing power to 8,400 households annually.
- Two wind turbines 150m high and with a maximum rotor diameter of 112.5m will represent an unprecedented visual intrusion in the area with major adverse impacts up to at least 10km and beyond. Vitally, the proposed development is out of line with existing wind energy developments. Installations comprise of either single, very large turbines or several smaller turbines. The proposed development of two massive turbines creates an industrial zone within the Green Belt only hundreds of metres from adjacent communities, Heritage assets and Nationally important Nature Reserves. Such an industrialisation of the Green Belt has a significant adverse impact on ALL of them.
- The local area is blessed with an outstanding biodiversity, ecology and environment. Specifically, Kings Wood (SSSI/NNR) is only 900m from the proposed development site. We are also privileged to have both Rushmere Park, Kings Wood and The Greensand Ridge. These sites are homes to species such as the threatened Barbastelle Bat, Red Kites (2016 may have seen the introduction of a mating pair for the first time), Buzzards, Badgers, Herons (Heronry in Rushmere Park) and Great Crested Newts to name but a few. Many of these species are afforded the highest degree of legal protection. The introduction of an industrial zone of this magnitude will have a significant adverse impact on all of these assets.
- Three communities are so badly affected by the sighting of the proposed turbine that properties within them will fail “the Lavender Test”. The communities are

Potsgrove, Overend Green and Sandhouse Lane. We hereby formally request that the Planning Committee attend these sites to witness the impact for themselves in order to fully appreciate the devastating impact of the proposal. We have supplied addresses where we invite members of the Development Management Committee, Councillors, Officers and representatives of the Applicant to attend.

- The noise impact assessment raises many substantial concerns.
  - We contend (along with many authoritative bodies) that ETSU-R-97, the standard for the assessment of wind farm noise, is now seriously out-of-date.
  - By the Applicant's own admission, noise levels will be in excess of adopted noise limits at several locations and the only proposed mitigation is to recommend that the turbine is switched off when such conditions exist, thereby reducing the benefit.
  - The methodology and level of estimation in determining both the noise limits and comparable noise levels have been previously questioned for the existing Double Arches turbine. Given this is a matter with potential Public Health concerns, uncertainty is NOT an acceptable outcome. As such, an independent Noise Impact Assessment should be commissioned by CBC to fully review these concerns.
  - Amplitude Modulation (AM) is now accepted by the Industry. The methodology for measuring and controlling EAM/GTEAM needs to be carefully considered and conditions imposed as part of the planning determination.
- The Shadow Flicker Assessment has identified 22 dwellings that will suffer a flicker effect, at times, for a total of 254 days per annum, thereby significantly impacting the residential amenity of the affected properties. The report identifies several properties where no screening is effective and, once again, suggests that the only possible mitigation is to turn the turbine off and reduce the benefit.
- By the Applicant's own admissions, the turbine "*will be switched off*" at times due to excessive noise, Shadow Flicker and scheduled/unscheduled maintenance. Assuming these variables are independent, we estimate that the turbine will need to be switched off at times on 300 out of every 365 days. No greater evidence can be supplied to show that the proposed site is inappropriate.

- In summary, for all the various reasons noted above, the proposed development site is sub-optimal. It has been chosen because it was available, rather than by a thorough evaluation of benefit v dis-benefit and by comparison of the same metrics to other potential sites. In achieving Central Bedfordshire's renewable energy targets, it is vital that CBC ensure that only the most appropriate sites are utilised.

SCWT contend that the creation of this massive industrial zone within the Green Belt, only hundreds of metres from local communities will have an adverse impact on both public safety and public health.

There is no evidence to suggest that the Applicant has made any real effort to mitigate the impact of this proposal on the local community. AWE owns considerable areas of land in this locality, including Checkley Wood Farm, but has provided no evidence that it has considered locating the turbine elsewhere. Nor has it given any indication that it has considered other forms of renewable energy, solar panels for example.

The greatest impact of this proposed development will be on thousands of local residents. Following consultation by post with residents, AWE distributed a leaflet responding to the concerns raised by the local community. Despite this, the vast majority of those that attended subsequent public meetings still object. This is very much endorsed by objections to this proposal submitted to the Central Bedfordshire Council Planning Portal. At the date of this submission 721 residents have objected to the Proposal, representing 96% of Public comment (due to CBC administrative problems in processing responses, we have been forced to use data from the SCWT website).

The Localism Act was designed for just such a scenario. Its purpose is clear. This Action Group has been given a mandate by local people through their Parish Councils and on behalf of those people; we claim our right to decide what happens in our communities.

We expect to be empowered and heard and implore Central Bedfordshire Council's determination for refusal.

SCWT Action Group  
supplementary  
response to revised  
scheme:

Following the submission to CBC of an amended Planning Application, the Stop Checkley Wood Wind Turbine Action Group ("SCWT") have the following comments:

1. No reference is made to the legal argument put forward that the Application requires an "Environmental Survey" for its validity to be considered. We would welcome your

thoughts in this regard and, specifically, why such a survey has not been provided.

2. The Applicant has restated the Shadow Flicker Assessment. However, a revised Noise Assessment has not been provided. Surely, it is not possible to consider an Application when the Public Health concerns of noise pollution have not been addressed. In our original report we highlighted significant failings in the Noise Impact Assessment and concluded that given the uncertainties inherent within that assessment, it was vital that CBC in discharge of their responsibility to protect Public Health, commissioned an independent Noise Impact Assessment. Given the changes to the Application, and the fact that now virtually every variable within the calculations is being estimated, assumed or simply utilised from previous Applications, it is now essential that such an independent report be commissioned. Such a report must necessarily also consider the control of Excess Amplitude Modulation. To not do so, would be at best casual and, at worse, negligent to Public Health.

3. We have argued that National and CBC's own retained policies require the comparison of benefit to disbenefit in determining any Planning application. The revised submission brings us back to the original scheme outlined in Engena's letter to residents dated 29th July 2015. In that communication, it was predicted the turbine will generate 5,690,000 KWh, equivalent to the consumption of 1,270 homes. In an update to residents in February 2016, Engena stated the Checkley Wood Turbine would be increased in size and, as a result, they predicted potential electricity generation of 9,200,000 KWh, equivalent to 2,060 homes and further stated that during the first year of operation, the Double Arches Turbine produced 5,168,420 KWh of electricity.

So how much electricity is this turbine predicted to generate? Is it 5,690,000 as predicted in July 2015 or 5,168,420 produced by the identical Double Arches Turbine or some other number yet to be revealed by the Applicant?

The revised documents now included in this Application do not show any adjustments to the amount of electricity predicted to be generated nor for the CO2 omissions predicted to be offset. Without this information, it is not possible to determine the balance of benefit v disbenefit.

4. The array of harm caused by this proposal is unchanged by this amendment. The SCWT Rebuttal Document of 23rd June 2016, remains in force and

continues to provide all the necessary information for CBC's refusal of this Application.

5. The proposed development site remains sub-optimal. It has been chosen because it was available rather than by a thorough evaluation of benefit v disbenefit and by the comparison of the same metrics to other potential sites. In achieving CBC's Renewable Energy targets, it is vital that CBC ensure that only the most appropriate sites are utilised.

This Application remains unsustainable, unrenewable and unjust.

6. SCWT, once again, strongly requests that CBC Officers and Development Management Committee Members visit the sites proposed within our report of 23rd June to recognise for themselves the impacts of this Proposal on the residential amenity of local residents. Failure to do this will prevent CBC from forming an accurate assessment of impact and potentially leave CBC open to legal challenge.

7. At the date of this letter in excess of 90% of the people who have responded to the Consultation have objected to this Proposal. The local people are continuing to give you a very strong message that this development does not have the backing of the affected local communities. The Localism Act (as amended) has told you directly what you must do in such circumstances.

For the reasons highlighted above and the arguments set out in our original Rebuttal Documents, we continue to ask that this amended Application is refused. Further, we understand that in the event of refusal, the Applicant is entitled to Appeal. We are so strongly committed to the value of our arguments and the support of local communities, that we would like to understand the processes we are able to follow should CBC find in favour.

Individual public objections (which included 94 emails that also referenced the SCWT document and therefore have also been counted above).

49 from Heath and Reach, 41 from Leighton Buzzard, 11

Object to the application for the following reasons:

- The existing wind turbine is noisy, with a constant whoosh;
- If the application is approved, the noise levels should not be allowed to exceed the existing limits for Double Arches;
- The existing turbine (particularly its size) has had a negative impact on the beautiful countryside, which would be worsened by the addition of a second turbine;

from Potsgrove, 10 from Great Brickhill, 8 from Soulbury, 7 from Woburn, 3 from Overend, 3 from Hockliffe, 2 from Eggington, 2 from Milton Bray, 2 from Tilsworth, 1 from Ridgmont, 1 from Stanbridge, 1 from Toddington, 1 from Aspley Heath and 1 from Eaton Bray (total 143)

- The turbines are out of keeping with the rural character of the area;
- The two turbines together would appear as an industrial development;
- The existing turbine can be seen from Dunstable Downs, which is an Area of Outstanding Natural Beauty;
- The turbine would be located only 800m away from existing houses;
- The existing turbine is visually intrusive and overbearing to residents; the second turbine would have a similar impact;
- The site is Green Belt land and the turbine would be inappropriate development, which would be harmful to the openness and visual amenities of the Green Belt;
- The existing turbine has caused a loss of TV reception including Freeview and makes it difficult to access local television services;
- If the application is approved, it should include a condition requiring AWE to install Free Sat equipment at all affected properties;
- The proposed turbine could have a harmful impact on wildlife, particularly considering the proximity to the nature reserve;
- Since the Double Arches turbine was erected there have been changes in the numbers and species of bats and birds in the area;
- Nesting buzzards are no longer roosting within the adjacent copse;
- Ecological reports on the impact of the Double Arches turbine on bat and bird populations should be provided;
- If the turbine is approved, the impact on bat and bird populations should also be monitored;
- The turbine would have an adverse impact on Heritage assets;
- Recreational facilities in the area would be adversely affected;
- There are no discernible public benefits to the local community;
- The proposed turbine would cause shadow flicker up to 800m away in addition to the effects of the existing turbine;
- The village has done its bit by accepting one turbine;
- The site will become a brownfield site which will allow houses to be built on it in the future;
- The turbine would be too close to the existing turbine;
- The turbine may cause MOD radar disruption;
- The turbine would cause a problem for traffic as it would be distracting and would cause accidents on the A5;

- The existing turbine was out of commission for over six months;
- There is a plan to build 4,500 houses on the same site and the turbine would be too close to the houses;
- Granting planning permission for this application would create a precedent for even larger turbines in the future;
- An additional turbine would devalue house prices;
- The claims of the amount of power that would be generated are inflated as the wind does not blow all the time;
- Wind turbines are very inefficient and wind power is unreliable;
- The turbine would not be profitable now that subsidies have been removed;
- Wind power targets are being met so there is no need for any additional turbines;
- Maintenance costs are high and it is likely that the turbine would be abandoned to clutter up the landscape;
- There is insufficient wind in England for turbines to be economically viable without subsidies;

Petition against the application submitted by The Bedford Estates with 100 unique signatures, of which 40 gave addresses within 5km of the site and a further 26 gave addresses within 5km - 10km of the site.

Individual letters of support as follows:

40 from Heath and Reach, 166 from Leighton Buzzard, 4 from Eaton Bray, 4 from Dunstable, 3 from Eddlesborough, 2 from Stanbridge, 2 from Wing, 2 from Hockliffe, 1 from Houghton Regis, 1 from Leagrave, 1 from Stewkley, 1 from Stoke Hammond, 1 from Tebworth, 1 from Totternhoe, 1 from

Support the application for the following reasons:

- The development of wind power is a vital part of efforts to tackle climate change and meet carbon reduction targets;
- An increase in renewable energy is a statutory target for the UK and part of our Paris Climate Change Agreement COP21 targets;
- Renewable energy projects contribute to greater energy security for the UK and reduce dependency on imported energy;
- It is far better to cluster turbines than dot them sporadically over the countryside;
- A few big turbines are better than lots of small turbines;
- Turbines are elegant, majestic and beautiful and form a wonderful landmark in an area;
- Wind turbines provide energy at peak demand times in

Bletchley and a further 12 from addresses over 10km from the site. (total 242)

winter and in the dark, when other renewable energy technologies are less effective;

- Wind turbines are more efficient than solar panels in terms of utilising grid capacity;
- Renewable energy should be encouraged over nuclear energy or fracking;
- The UK is facing an 'energy gap' which the turbine would help fill;
- A recent review of the UK's 2020 combined renewable energy targets demonstrated that the electricity segment is on track as a result of largely wind and solar projects but renewable heat and transport are significantly behind the projection and it is likely that the electricity targets will have to be increased in order to meet the overall 15% target;
- The proposal will not be subsidised as the government have removed subsidies from on-shore wind projects;
- Embodied energy will be low as the turbine will be manufactured in Germany where 50% of the electricity is from renewable sources;
- Energy storage technologies are developing rapidly. Leighton Buzzard is home to the UK's largest energy storage plant and this will soon overcome the criticism of intermittency;
- Double Arches has proved that this is an excellent location for wind energy and this turbine would be further away from Heath and Reach and other houses;
- The energy produced will be used locally, reducing wastage and increasing efficiency;
- Vehicle traffic from the A5 is significantly louder and more disruptive than the noise from the turbine;
- The local campaign against the application is misleading to the public and full of inaccuracies;
- A second wind turbine is much more preferable than a power station;
- Conditions should be used to control television reception, noise impacts and wildlife impacts;
- The turbine is not visible from most of Heath and Reach due to the topography of the land;
- AWE solved problems with the television reception as soon as they were contacted;
- There is already a turbine on the site and so the introduction of a new turbine here is better than erecting it in unspoiled countryside;
- House prices in the area have risen significantly since the installation of the Double Arches turbine, so it is clearly not true that turbines reduce house prices;
- There is no evidence the Double Arches has had a harmful impact on wildlife;
- Even if one ignores the existing turbine, the site is part of a quarrying complex, which is already an industrial



- site and is not 'unspoiled ' countryside;
- Whether or not turbines are attractive is a purely personal, subjective view;
- Turbines aren't as intrusive as electricity pylons, which are much more ubiquitous in the countryside;
- The RSPB is in favour of wind turbines;
- The contribution of the turbine towards energy targets is surely very special circumstances;
- Television interference can be easily overcome by redirecting antennae or providing digital services;
- The existing turbine is almost inaudible at Overend Green;
- Wildlife would flourish in the area immediately around the turbine as the public would be excluded;
- Any bird and bat fatalities are likely to be less than the number caused by traffic and cats;
- It is a good teaching opportunity for children.

### **Determining Issues:**

The main considerations of the application are;

1. Wind Energy
2. Policy Context
3. Green Belt
4. Landscape Impact
5. The Historic Environment
6. Ecology
7. Noise
8. Impact on Neighbouring Amenity including Visual Impact and Shadow Flicker
9. Electromagnetic Interference including Aviation and Television Reception
10. Impact on Recreational Amenity
11. Traffic Generation and Access
12. Hydrology, Geology, Flood Risk, Contamination
13. Minerals and Waste
14. Decommissioning
15. Planning Balance and Conclusion
16. Other Issues

### **Considerations**

#### **1. Wind Energy**

- 1.1 The principle of harnessing wind energy by wind turbines is well established, and wind turbines are seen to make a significant contribution to electricity supply systems in Europe and in the UK.
- 1.2 The UK is the windiest country in Europe. Renewable UK states that onshore wind energy has established itself as a mature, clean and productive technology. It is now the UK's largest source of renewable energy generation.
- 1.3 The Government's Committee on Climate Change notes within the Fifth Carbon Budget for the UK (which has been passed by Parliament) that the

evidence that global warming is happening, driven by human activity and with large potential impacts, is supported by many lines of research and agreed by the world's leading scientific bodies.

- 1.4 The UK has a number of statutory targets in regards to lowering carbon emissions and increasing the use of renewable energy. The Climate Change Act 2008 set a target of reducing greenhouse gas emissions by at least 80% of 1990 levels by 2050. The UK has also committed to an EU target of the UK meeting 15% of its energy needs from renewable energy by 2020, including electricity, heat and transport. Indications from the Government are that, despite plans for Britain leaving the EU, these targets should still be met to avoid undermining national and global commitments.
- 1.5 The Paris Climate Change Agreement of 2016 saw the UK government along with countries from around the world agree to work together to keep the increase in global temperatures to below 2 degrees Celsius above pre-industrial levels and to aim to limit the increase to 1.5 degrees Celsius. As part of the agreement, countries committed to meeting every five years to set more ambitious targets as required by science to ensure that rising temperatures are limited.
- 1.6 The Government's Renewable Energy Strategy broke down the 15% renewable energy target to 30% of its electricity, 12% of its heat and 10% of its transport fuel to all come from renewable sources. In September 2016 the Energy and Climate Change Select Committee published a report which noted that although the electricity target is likely to be met, on its current course it is likely that failures to meet the heat and transport fuel targets are likely to result in an overall failure to meet the 15% target of renewables. It discusses the need for a significant increase in the electrification of both heat and transport fuel, (whilst acknowledging that complete electrification is unlikely to be successful).
- 1.7 The Fifth Carbon Budget sets targets for the period 2028-2032 of a 57% reduction in emissions on 1990 levels. To do that scenarios are presented, which include the electrification of heat and transport and the reduction in the carbon intensity of electricity generation from around 450 gCO<sub>2</sub>/kwh in 2014 to below 100 gCO<sub>2</sub>/kwh by 2030.
- 1.8 It is likely that an increase in on-shore wind projects is likely to be required to meet the targets that have been described above. Subsidies have recently been removed from new on-shore wind projects by the government to allow funding to be directed instead to less mature technologies. When announcing the removal of subsidies, the Secretary of State announced that "Onshore wind is an important part of our current and future low-carbon energy mix", indicating that the removal of the subsidies does not form part of an intention to prevent on-shore wind projects.
- 1.9 Some consultation responses have referred to an article by Mr Hugh McNeal, Chief Executive of Renewables UK, which indicated that the removal of subsidies will render all wind projects within England unviable. However, Mr McNeal has written in respect of this application to clarify that this is not the case, and that whilst the viability of projects in England may be more

challenging, a wide range of individual circumstances would have significant effects on the economics of schemes and there may well be viable projects within England. He notes that government policy is that there is no requirement for developers to demonstrate scheme viability as part of the planning process.

- 1.10 Wind turbines work by converting the kinetic energy of the wind that passes through the swept area of the rotor into electrical energy by means of a rotor, a mechanical drive train and an electrical generator. These are all mounted on a tower. The height of the tower is normally at least twice the length of a blade. The blade needs to be far enough from the ground to minimise turbulence and to maximise the energy capture of the wind turbine.
- 1.11 The amount of actual energy produced from a turbine is often the source of much debate. Wind power is an intermittent source of energy as the wind itself is variable. The rated power of a turbine, which is 1.5MW in the case of the proposed turbine, is the maximum power the turbine will produce and is often referred to as the installed capacity. The rated power is usually available at a certain wind speed known as the 'rated wind speed' in this instance the rated wind speed of the candidate turbine is 12 metres per second. The capacity factor is the ratio of the actual energy produced in one year against the energy which would be produced if the turbine were operating at its rated power.
- 1.12 Typically the likely output of a turbine would be calculated using standard information in regards to the rated power of a turbine, a standard capacity factor and the number of hours in a year. However, in this case, better predictions can be made through utilising actual data from the Double Arches turbine, which is of the same make and model and stands at a similar height on similar topography, 410m away from the application site.
- 1.13 Vensys, the manufacturer of the turbine, have provided figures from the first 12 months of operation of the Double Arches turbine. During this time, the turbine produced 4,999 MWh h/yr. This includes shut down time to avoid shadow flicker and carry out servicing and repairs. Vensys noted that the Double Arches turbine performed the best out of the 2,480 turbines of the same model globally (with the exception of 100 turbines in India and China, for which data is not available.)
- 1.14 It appears reasonable to assume that the Checkley Wood turbine would offer similar levels of performance. Vensys noted that it may have to be shut down more frequently to avoid noise problems to neighbouring occupiers, but only when the wind speed is below 4.5 m/s and when the wind is from the north-east. However, it is noted that at wind speeds below 4.5m/s very little electricity is generated.
- 1.15 An average UK household is currently taken to consume an average of 4,473 kWh per year, so assuming a similar performance of 4,999 MWh per year, the proposed turbine is likely to meet the annual needs of an average 1,118 households. It should be noted that this would not be felt directly by local residents as the turbine would feed directly into the National Grid and would be seen as an offset in terms of overall energy production. This would

displace around 2,150 tonnes of carbon per annum and would therefore make an important contribution to reducing carbon emissions.

- 1.16 It is noted that representations have been received that are concerned that the separation distance between the two turbines would result in an impairment of the performance of both turbines. This is based on the information within National Policy Statement EN3, which states that to avoid wake separation, turbines would normally require a spacing of 6 rotor diameters in the prevailing wind direction (in this case the separation distance would be 4.7 rotor diameters).
- 1.17 However, EN3 also acknowledges that wake separation will vary depending on the topography of the site and the prevailing wind direction. EN3 does state at paragraph 2.7.7 that the spacing between turbines is "a matter for the applicant".
- 1.18 Vensys has provided a letter confirming that, based on the topography, prevailing wind direction and the model of turbine, they are confident that the separation distance is sufficient that it would not impair performance and is prepared to issue warranties and long service agreements that guarantee power curve performance. As such, it is considered that the figures provided allow a fair and reasonable assumption of the likely performance of the proposed turbine and the contribution it would make towards the UK's renewable energy and carbon emissions reduction targets.
- 1.19 The Officer's attention has recently been drawn to the National Grid's Summer 2017 Outlook report, which suggests that, due to reducing Summer demand, which is partially attributed to an increase in the installation of solar photovoltaics, at times of low demand there will need to be some curtailment of flexible wind generation to help balance the system, as well as curtailments in coal and gas units. It clarifies that these curtailments are likely to be in large wind farms, only at times of high wind and only to reduce output for short periods of time. As such, it is considered unlikely that this will have an impact on this proposal.

## **2. Policy Context**

- 2.1 The National Planning Policy Framework is the primary document expressing national planning policy within England. This document stresses the primacy of the Development Plan, explaining that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 2.2 In this case the relevant Local Plan is the South Bedfordshire Local Plan Review 2004, except where considering impacts on areas to the north east of the A5, where the relevant development plan is the Mid Bedfordshire Core Strategy and Development Management Policies (November 2009). Neither of these documents contain policies or allocations in reference to renewable energy, although some topic specific policies are relevant on matters such as design, landscape, heritage assets etc.

### 2.3 Paragraph 14 of the NPPF states:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  2. specific policies in this Framework indicate development should be restricted.

### 2.4 Section 10 of the NPPF deals with climate change. Paragraph 93 states:

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

### 2.5 Paragraph 97 of the NPPF 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.

### 2.6 Paragraph 98 discusses planning applications for renewable energy projects and states that when determining planning application, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

### 2.7 On 18th June 2015 a Written Ministerial Statement was issued which is also considered to represent national policy. This states:

When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and

- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

It goes onto state:

"Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority."

- 2.8 Useful clarification of how to interpret the Written Ministerial Statement was provided by appeal decision reference no. APP/D0840/W/15/3097706, a recovered appeal for a wind turbine in Cornwall, which was determined by the Secretary of State in October 2016. Within the Inspector's report was paragraph 90, which read:

"National policy as expressed in the Framework has not changed, however, and it seems to me reasonable to assume that the WMS is to be read alongside, rather than as a replacement for, it. In that context, a conclusion that the impacts of the scheme are, or can be made, acceptable (as required by the Framework), must logically equate with a finding that the planning impacts identified by local communities have been addressed."

It is noted that the Secretary of State did not dispute the findings of the Inspector in this paragraph.

- 2.9 Another recent Appeal decision (reference no. APP/Y2620/W/15/3134132) also provides useful guidance, stating in paragraph 44:

"On 18 June 2015 a Written Ministerial Statement (WMS) was made by the Secretary of State for Communities and Local Government. The WMS states that planning permission should only be granted if, following consultation it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. The WMS has been supported by changes and additions to the NPPG. Paragraph 33 states that "...whether the proposal has the backing of the affected local community is a planning judgement for the..." decision taker. Many of the concerns of the local community have been addressed by imposition of conditions and on the main issues the harm that the local community allege would be caused has been found to be less than significant. Furthermore, the WMS is a material consideration but does not override the development plan."

- 2.10 National Policy Statements NE1 and NE3 are material considerations in determining planning applications. NE1 is the overarching National Policy Statement for Energy and includes at paragraph 3.4.5:

"Paragraph 3.4.1 above sets out the UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent."

It also provides topic specific guidance which is generic across all forms of energy infrastructure.

- 2.11 National Policy Statement NE3 focuses on renewable energy infrastructure and provides more focused guidance on the impacts of different types of renewable energy projects, including on-shore wind.
- 2.12 At a local level, there are no specific planning policies on renewable energy. However, in March 2014 a Renewables Capacity Study for Central Bedfordshire was produced, which notes that to make a proportionate contribution to the UK's legally binding targets, by 2031 Central Bedfordshire would need to reduce local carbon emissions by some 40% and would require around 713MW of renewable energy capacity. At that time the combined planned and installed renewable energy capacity (including those in pre-planning stages) was approximately 122.5 MW of capacity. However, not all these projects proved suitable and the current installed capacity is some 112 MW.
- 2.13 In addition, in 2013 the Council's Executive adopted Guidance Note 1: Wind Energy Development in Central Bedfordshire as Technical Guidance for Development Management Purposes. This mainly focuses on assessing landscape impacts and is also considered to be a material consideration in the determination of this planning application.
- 2.14 It is considered that national and local policies and renewable energy targets direct that significant weight should be given to the contribution the proposal would make towards the generation of renewable energy and the associated reduction in carbon emissions.
- 2.15 In the absence of specific policies within the Development Plan, the presumption in favour of sustainable development is important. The NPPF and the WMS however, direct that permission should only be granted if the impacts are or (can be made acceptable), including those planning matters raised by the local community. These impacts will be assessed below.

### **3. Green Belt**

- 3.1 The application site is located within the South Bedfordshire Green Belt and therefore Section 9 of the NPPF is a key consideration in the determination of this application. Section 9 states that the government attaches great weight to Green Belts, the essential characteristics of which are their openness and their permanence.
- 3.2 Paragraph 80 sets out the five purposes of Green Belt, which are:
  - to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 3.3 Section 9 explains that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities are instructed to ensure that substantial weight is given to any harm to the Green Belt when considering planning applications. Paragraph 88 states that 'very special circumstances' will not exist unless the harm that would be caused to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 3.4 Paragraphs 89 and 90 set out types of development which would not be inappropriate within the Green Belt. The only possible category within which the proposal could fall is that of an engineering operation, however engineering operations are only not inappropriate if they preserve the openness of the Green Belt and do not conflict with any of the purposes of including land within the Green Belt.
- 3.5 In this case, although it is acknowledged that the turbine would be slim and relatively permeable, it is considered that the proposed wind turbine would not preserve openness (which is generally described as the absence of development).
- 3.6 It is also considered that the proposal would conflict with one of the purposes of including land within the Green Belt, namely assisting in safeguarding the encroachment of land within the countryside.
- 3.7 As such, it is considered that the proposal would constitute inappropriate development in the Green Belt and substantial weight is attached to this. The application should therefore not be granted unless very special circumstances can be demonstrated.
- 3.8 The application has submitted case for very special circumstances as follows:
- 1) The scale of effect on the openness of the Green Belt is small;
  - 2) The amount of electricity generation from renewable resources by the proposal is considerable;
  - 3) The location of the proposal on reclaimed quarry workings;
  - 4) The proposal lies adjacent to an existing operational quarry;
  - 5) The proposal is close to the busy A5 Trunk Road;
  - 6) The area is already characterised by the existing Double Arches turbine;

These will be analysed further below:

- 3.9 The scale of effect on the openness of the Green Belt is small  
The application argues that although the turbine would be tall, it would be slim and would have a high degree of permeability, allowing views of the open countryside beyond. As such, it is argued that the impact on openness (which is separate from landscape and visual impact) would be extremely limited.
- 3.10 Whilst it is acknowledged that the turbine would be slim and the rotor blades would be permeable, it is considered that the blades would cover a large area of sky from close views and the turbine would be of a significant height and as such, it is considered that the impact of the turbine on openness could be



more accurately described as moderate than limited. No weight is therefore attached to this consideration.

3.11 The amount of electricity generation from renewable resources by the proposal is considerable;

The likely amount of electricity generation has been assessed above and it was determined that substantial weight should be attributed to this circumstance. It is noted that Section 9 of the NPPF states that "When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. .... Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

3.12 It is noted that CPRE have described the contribution of the proposal to environmental targets as marginal, however, it cannot be considered that supplying 1,118 homes with power is marginal; rather this is considered to be a significant contribution. Furthermore, paragraph 98 of the NPPF instructs local planning authorities to recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

3.13 The grant of planning permission for the turbine at Double Arches is also considered to be a material consideration. The decision notice acknowledges that the proposed development would represent inappropriate development in the Green Belt, but stated that "the siting of the proposal within a working quarry and the wider environmental benefits in terms of the amount of energy that would be produced by the turbine and saving in tonnes of carbon dioxide would amount to a case for very special circumstances." It is noted that the turbine is of the same model and therefore would have the same impact on openness and also the same benefits.

3.14 It is concluded, therefore that considerable weight should be given to the environmental benefits of the scheme as a result of electricity generation.

3.15 The location of the proposal on reclaimed quarry workings

This is noted, however, the character of the site is agricultural land and has been for some considerable time. No weight is given to this consideration.

3.16 The proposal lies adjacent to an existing operational quarry;

Again, the Double Arches decision is material here, as it is noted that the location of the turbine within an operational quarry formed part of the very special circumstances case for the granting of planning permission for that turbine. In this case, the proposed turbine would be sited immediately adjacent to the quarry and so, in the interests of consistency, limited weight is given to this consideration.

3.17 Whilst CPRE claim that quarrying is appropriate development in the Green Belt, it is noted that mineral extraction comprises appropriate development only where it is considered to not harm openness or conflict with the purposes of including land within the Green Belt. Presumably, assessments of the impacts of the quarrying were carried out at the time that planning permission was granted for those activities; these are not considered to be material to this decision.

- 3.18 The proposal is close to the busy A5 Trunk Road  
The proximity of the turbine to the A5 may have a bearing on the assessment of visual impact, but is not considered to mitigate harm to the Green Belt by reason of inappropriateness or loss of openness. No weight is therefore attached to this circumstance.
- 3.19 The area is already characterised by the existing Double Arches turbine  
Whether or not the area is characterised by the presence of the existing turbine, the Double Arches project is a significant feature within the landscape. Issues of cumulative impact will be dealt with further below in the sections on landscape impact and heritage assets, however, it should be noted that, whilst the existence of a single turbine does not automatically render the erection of a second acceptable, on the other hand the existing turbine does form part of the baseline which must be taken into account.
- 3.20 The existing Double Arches turbine is a significant feature within the landscape and does have an impact on openness. A second, matching turbine only 400m away would be read in conjunction with the existing turbine. Whilst the proposed turbine would have a moderately harmful impact on openness, it is considered that the impact of the second turbine would not double the harm to openness. As such, it is considered that limited weight can be given to this consideration.
- 3.21 Not included within the application's list of very special circumstances, but included elsewhere within the application is that employment opportunities would be provided within the local area during the construction period and the community would benefit from increased business rates. Moderate weight is given to the economic benefits of the scheme.
- 3.22 The application also notes that the application would form part of a farm diversification scheme, which is encouraged by Section 3 of the NPPF. In the context of the varied landholdings and interests of the applicant, very limited weight is given to this consideration.
- 3.23 The agent has also submitted a statement of community benefits, explaining that the applicant's varying operations within the area (including the Double Arches turbine, quarrying activities and property development) allow the leasing of over 14 acres of land to Heath and Reach Parish Council at a peppercorn rent, including the sports pitches and associated car parking off Woburn Road and the Community Woodland adjacent to Bryant Lane. It explains that the current proposal would contribute to the community benefits that the applicant is able to provide to the local community. Again, having regard to the extent of landholdings and interests in the local area, very limited weight is given to this circumstance.
- 3.24 In conclusion, substantial weight is given to the environmental benefits of the scheme in terms of the generation of renewable energy and the subsequent reduction in carbon emissions, moderate weight is given to the economic benefits of the scheme and limited weight is given to the existence of the Double Arches turbine and the neighbouring quarrying operations, the farm diversification opportunities and the community benefits that the applicant

provides to the local community.

- 3.25 It is considered that the benefits of the scheme, when taken together, would clearly and demonstrably outweigh the substantial harm that would be caused to the Green Belt by reason of inappropriateness and conflict with one of the purposes of the Green Belt and the moderate harm that would be caused to openness. As such, the proposal is considered to accord with Section 9 of the NPPF.

#### **4. Landscape Impact**

- 4.1 The application includes a landscape and visual assessment, using a methodology set out within the Guidelines for Landscape and Visual Impact Assessment, Third Edition and includes an assessment of the existing landscape, a visibility analysis that uses computer generated zones of theoretical visibility to identify the locations where the turbine could in theory be visible from, based solely on topography (excluding vegetation, built form and other visual barriers, an assessment of the likely impact of the proposal on the landscape, including viewpoint analysis and photomontages taken from a variety of locations with the proposed turbine superimposed within the photograph, and a cumulative impact assessment including other wind development within the area. Visual impact on neighbouring occupiers will be assessed further, in Section 8, below.
- 4.2 On the recommendation of Landscape and Planning Officers, the application proposal was modified during the course of the application from a taller turbine with a larger blade sweep to a turbine of the same size and design as the existing Double Arches turbines. Revised images were submitted with the modification to the application to allow an assessment of the visual impacts. The Landscape and Visual Assessment was not updated in full, however, as the proposed turbine is smaller than the proposed, this was not considered to be necessary.
- 4.3 The site itself is not located within a nationally designated, landscape. The Chilterns Area of Outstanding Natural Beauty is located to the south and east of the application site, with the boundaries located approximately 10km away to the east and just over 10km away to the south and south east. The site is also not located within the locally designated Areas of Great Landscape Value.
- 4.4 Central Bedfordshire Council has a Landscape Character Assessment document and a Wind Turbine Guidance Note, both of which are endorsed as technical guidance for development management purposes and are therefore material considerations in the determination of this application.
- 4.5 The Wind Turbine Guidance Note is based on previous Landscape Character Assessments. It notes that National Energy Policy Statement says that "wind farm development will always have significant landscape and visual effects". The Guidance Note states that well located wind farms of appropriate scale can create positive landmarks and are a symbol of sustainability.
- 4.6 The Guidance Note therefore seeks to analyse the landscape of Central Bedfordshire in detail and provide guidance and assessment of the various

landscapes as to their sensitivity to wind development.

- 4.7 In terms of Landscape Context, the application site sits within the Toddington - Hockliffe Clay Hills landscape character area (LCA 8A), a rolling pastoral landscape of subtle ridges and vales rising to higher ground east of the A5 offering more expansive views across local and wider landscape areas. The Woburn Greensand Ridge (LCA 6A) forms an elevated, primarily wooded horizon to the east, north and west of the application site and surrounds. To the south, beyond the Eaton Bray Clay Vale (LCA 5A) the Totternhoe and Dunstable Downs chalk escarpments (LCA 9B, and 9A within the Chilterns AONB) form the highly distinctive elevated, terraced chalk landscape system typical to south Bedfordshire with elevated viewpoints looking north to the subtle ridge lines associated with the clay hills and Woburn Greensand Ridge forming the distinctive northern horizon.
- 4.8 It is noted that the rolling landscape within which the application site sits provides quite a surprising theoretical visibility of the turbine; in that it would be clearly visible, albeit as a mid-long distance feature from over 15km away from elevated positions, but would be wholly invisible from some locations of less than 5km away. Vegetation and buildings also play a part in significantly reducing the locations from which the turbine would be able to be seen, and the amount of the turbine that would be visible. However, there is no escaping the fact that the turbine would be a significant feature within the landscape from many locations within a 10km.
- 4.9 The turbine would be read in conjunction with the existing turbine at Double Arches, being of same proportions, located 410m away and standing on a similar ground level. It is considered that the turbine would be read as a pair, or "cluster" and the proposal should be assessed as such.
- 4.10 It is important to note that the baseline includes the Double Arches turbine, and it is also considered important to assess the cumulative impact of the two turbines, as well as cumulative impact with other wind developments in the area.
- 4.11 The Wind Turbine Guidance Note was prepared following the grant of planning permission for the Double Arches turbine and the assessment took full account of the presence of the Double Arches turbine.
- 4.12 The site is designated within the Wind Turbine Guidance Note as lying within the Leighton Buzzard Rural Fringe area, within a part designated as having a moderate sensitivity of landscape character. The site is shown within a map as forming part of an appropriate area of search for wind development.
- 4.13 The Guidance Note assesses the likely acceptability of varying numbers of turbines within individual landscapes. It is difficult to know whether to apply the criteria for a single turbine, which could be considered appropriate as the assessment clearly includes the Double Arches turbine within the baseline; or the criteria for a cluster of 2-3 turbines, which could be considered appropriate as the proposed turbine would cumulatively form part of a cluster with Double Arches.

- 4.14 The Guidance Note assesses that the capacity of the Leighton Buzzard fringe evaluation area to accommodate a single turbine (in addition to the existing turbine at Double Arches) is moderate and the capacity of the area to accommodate a cluster of 1-3 turbines is low. It is noted that the more detailed assessment identifies the presence of large scale quarrying within the area as one of the contributing factors to the capability of the landscape to absorb additional wind development.
- 4.15 The conclusion of the Guidance Note states the following:
- There is potential to support a limited extent of small-medium sized wind farms, particularly within the clay landscapes. Central Bedfordshire may also be able to accommodate a limited number of single turbines, although the visual impact of a single turbine can be considered disproportionate to the energy output.
- The cumulative impact of a series of single turbines is considered to be of a greater consequence than a single, medium sized farm of 3-5 turbines.
- 4.16 The submitted Landscape and Visual Impact Assessment, supported by the viewpoint analysis and theoretical zone of visibility determined that the proposed turbine would, in conjunction with the existing Double Arches turbine, have a significant adverse impact on landscape character up to 2km from the site. It considers that the addition of the proposed turbine would have an incremental impact on the character of the area, but the existence of the Double Arches turbine, which has already significantly changed the character of the landscape, would substantially limit the impact that the proposed turbine would have on landscape character.
- 4.17 This is considered to be a reasonable assessment of the likely impact of the proposal. It is considered that the cumulative impact of the two turbines would be such that they would read as a pair within the landscape. Whilst this would have a significant adverse impact on parts of the landscape within a 2km area of the site, it is judged that the majority of this impact has already taken place as a result of the introduction of Double Arches.
- 4.18 The Council's Wind Development Guidance Note has identified the area as a landscape that has a moderate capacity to accommodate one additional turbine and the concluding reference to clusters having a more acceptable impact on landscape character than a series of single turbines indicates that the current proposal, forming a cluster with the existing turbine, would have a more acceptable impact on landscape character than a separate single turbine (or larger wind development) would have on the character of the area.
- 4.19 Some concerns have been raised that the erection of a second turbine would "industrialise" the countryside in the area. It is noted that the character of the area cannot accurately be described as "unspoiled countryside" with an extensive quarrying complex and an existing turbine adjacent to the site.
- 4.20 Guidance on this point is again provided by the Council's Wind Development Guidance Note, which, in the more detailed analysis of the individual character areas appears to consider that clusters of 3-6 turbines would

appear as an industrial scale, but clusters of up to 3 turbines would not have an industrialising impact on the countryside.

- 4.21 Detailed consideration should be given to the impact on the Chilterns Area of Outstanding Natural Beauty, the boundaries of which are located approximately 10km away from the application site. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The NPPG confirms that this should also apply to proposals which lie outside the area but would have an impact on the area's natural beauty.
- 4.22 The submitted viewpoints (confirmed by site visits) demonstrate that the proposed turbine would be visible from elevated positions on the edges of the Chilterns AONB, however, the turbine would be seen in middle-long distance views. Whilst it would be clearly noticeable as a feature of the landscape, it would not dominate the landscape and would not result in a significant detracting of the scenic beauty of the area. Furthermore, it would be read in conjunction with the existing Double Arches turbine as a single development and the addition of a second turbine would not have a materially harmful impact on the special qualities of the AONB.
- 4.23 Consideration must also be given to the cumulative impacts of the proposal with existing or proposed wind turbines other than Double Arches. There are no other developments within 10km of the site; within 10km-15km of the site is a turbine at Marston Vale, two turbines at Bletchley Maxwell House and a proposed wind farm at Salden. Just beyond 15km are the Quarrendon single turbine and the Milton Keynes Wind Farm.
- 4.24 The submitted Landscape and Visual Assessment has been compiled in accordance with the NPPG in accordance with cumulative assessment and demonstrates to the satisfaction of officers that the other existing / proposed turbines are of a sufficient distance and with sufficient intervening topography and landscaping that the addition of the proposed turbine in this location would not, in conjunction with these other developments, result in either wind energy becoming a defining characteristic of the landscape or become a dominating feature from views or journeys within the area.
- 4.25 In conclusion, it is considered that the proposed wind turbine would have a limited - moderately harmful impact on landscape character up to 2km from the site, as the impact would be significantly reduced by being read as part of a cluster with the existing Double Arches turbine. There would not be a materially harmful impact on the scenic beauty of the Chilterns AONB and there would not be a material cumulative impact with other turbines in the area (other than Double Arches).

## **5. The Historic Environment**

- 5.1 There are no designated heritage assets within the application site, however, the proposed turbine would be located such that it would potentially have an impact on the setting of a large number of designated heritage assets. Within 5km of the application site are 7 Scheduled Ancient Monuments, 10 Grade I, 21 Grade II\* and 321 Grade II Listed Buildings, 7 Conservation Areas, 1

Grade II Registered Park and Garden (Battlesden Park) and part of a Grade I Registered Park and Garden (Woburn.) In addition, within 10km it has been identified that the Scheduled Ancient Monuments of Totternhoe Castle and Maiden Bower are of high sensitivity which could be affected by long range changes in their setting.

5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities such that when considering planning applications which affect a listed building, or its setting, special regard must be given to the desirability of preserving the building or its setting. This means that significant weight should be given to any harm to the setting of Listed Buildings, no matter what the degree of harm.

5.3 Paragraph 12 of NPPF sets out national policy when considering applications for development which would affect heritage assets. Paragraph 132 states:

"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. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

5.4 Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm or total loss of significance to a designated heritage asset, planning permission should generally be refused (except in certain provided circumstances). Paragraph 134 states that where a proposal would result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.5 The NPPF defines the setting of a heritage asset as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

As such, setting may be very limited to a spatial area very close to a heritage asset, or it may cover a large geographical area. The extent of the setting of a heritage asset will depend on the scale and nature of the heritage asset, and the surrounding topography and land cover.

5.6 Historic England has published good practice advice to assist in considering proposals which would affect the setting of heritage assets. It explains that it is important to assess whether the proposal would be in the setting of a

heritage asset, the degree of importance of the setting of the heritage asset to its significance and whether or not the proposal would be harmful to those aspects of the setting which contributes to the significance of the heritage asset. A proposal would therefore only be harmful to a heritage asset if it would affect the setting of the heritage asset in such a way as to degrade the significance of the heritage asset.

- 5.7 A Cultural Heritage Assessment was submitted with the application and later upgraded to reflect both the alteration to the proposed turbine design and also the initial comments of Historic England. The assessment decided that the vast majority of the heritage assets would not be affected by the turbine on the basis of their distance from the site and the limited extent of their setting, resulting in a conclusion that no component of their setting relied on views that would be adversely affected by the proposed turbine. This conclusion was not disputed by Historic England. However, the Council's Conservation Officer has raised concerns about the impact of the proposal on the setting of the Listed Buildings in the Eggington Conservation Area and also the Sewell Conservation Area and the Listed Buildings within it (which were excluded from the original study area of the assessment, being located 8km from the site).
- 5.8 Those assets which were identified for further study within the assessment included the Registered Parks and Gardens, 7 Conservation Areas, Churches, Large Houses and Scheduled hilltop or moated sites.
- 5.9 Within these categories, the report further excluded some additional assets on the basis that the proposed turbine would not harm the significance of the heritage asset, either because it would not be visible within the setting of the heritage asset or its presence in the setting would not impact on the significance of the heritage asset. Not all of these conclusions were supported by Historic England and/or the Council's Conservation Officers.
- 5.10 The more detailed assessment argued that the proposal would not result in harm to the significance of the majority of the heritage assets, and those that would experience harm would only experience it to a negligible degree. In some cases, these conclusions were also disputed by Historic England and/or the Council's Conservation Officers.
- 5.11 Historic England and the Council's Conservation Officers have disputed the conclusions of the submitted Assessment or raised concerns in regards to the impact of the proposal on the settings of Woburn Abbey and the Woburn Registered Park and Gardens, Battlesden Park and Gardens and the Church of Saint Peter and All Saints in Battlesden (Grade I), The Hoult, Maiden Bower and Totternhoe Castle Scheduled Ancient Monuments, Potsgrove Church (Grade II\*), the Conservation Areas at Eggington and Sewell and the Listed Buildings within them and All Saints Church in Leighton Buzzard. Public consultation has also raised concerns in regards to All Saints Church in Soulbury (Grade II) and St Leonards Church in Heath and Reach (Grade II).
- 5.12 In regards to the settings of Woburn Abbey and the Woburn Registered Park and Gardens, Battlesden Park, The Hoult, Maiden Bower and Totternhoe Castle Scheduled Ancient Monuments and Potsgrove Church (Grade II\*)



Historic England and the Council's Conservation Officer determined that the level of harm that would be caused to the significance of these heritage assets would be low-moderate. These conclusions were based on a combination of factors, including the level of intervisibility between the asset and the turbine, the level of intrusion the turbine would cause within the setting of the asset and the contribution that the setting of the asset makes to its significance. Using these same factors, it is considered that the level of harm to the setting of the Soulbury and Heath and Reach Churches would be low.

- 5.13 Sewell Conservation Area and the Listed Buildings within it are located on an escarpment which looks over the countryside and the Conservation Officer has confirmed that the significance of the Conservation Area can be in part attributed to its landscape setting. However, the turbine would be located over 8km from the boundaries of the Sewell Conservation Area and while its presence within the landscape would represent a modern intrusion, which would exacerbate the harm already caused by the existing Double Arches turbine, it would be sufficiently distant that it would not overwhelm or undermine the surrounding rural landscape, and therefore the level of harm to Sewell Conservation Area and its Listed Buildings is also considered to be low.
- 5.14 All Saints Church in Leighton Buzzard is a Grade II Listed church with an imposing spire and is a local landmark in views from around Leighton Buzzard and Linslade, with these long distance views contributing to its significance. Within some of the long distance views, the proposed turbine would, in conjunction with Double Arches, compete with and dominate over the spire of the church, diminishing its importance as a landmark. However, the topography of the area means that other long distance views would be unaffected and the built up area around the church means that short to medium range views would also be unaffected. The harm to the setting of All Saints Church is therefore determined to be low to moderate.
- 5.15 Eggington Conservation Area is also considered by the Conservation Officer and Historic England to owe part of its significance to its historic landscape setting, and although the turbine would not be visible from the village core of the Conservation Area, it would be a significant feature in the middle distance of views from the north of the western end of the Conservation Area, as is the existing Double Arches turbine. The Conservation Officer has raised concerns that the existing and proposed turbines would cumulatively dominate the landscape to the detriment of the character and significance of the Conservation Area.
- 5.16 However, it is considered that the rural landscape to the south of the village is equally important to the significance of the Conservation Area, and more open to views from the Conservation Area as a result of the topography of the village, the surrounding woodland and the location of most buildings within the village on the north side of the road. Views to the south would be unaffected by the proposal and it is considered that the level of harm that would be caused by the proposal on the setting of the Conservation Area as a whole and its historic significance would also be low to moderate.

- 5.17 The Heritage Asset which has been identified as that which would suffer the most harmful impact as a result of the proposal is the Church of Saint Peter and All Saints, Battlesden. This church is Grade I Listed, meaning that is considered to be of exceptional interest in a national context. The church has 13th century origins, which were reworked in the 14th and 15th century. It is currently on the Historic England Heritage At Risk register as it is in poor physical condition.
- 5.18 The submitted Assessment dismissed the importance of Battlesden Church, stating "The Church of Saint Peter and All Saints, Battlesden is a modest church with a short tower; it is not a landmark in the wider area and will not be considered further." Historic England, in their comments, has said "The church .... has a discrete presence, being situated within the woodland of the registered parkland and with a comparatively diminutive appearance. However there is importance in the views to and across the asset, particularly when considering its location within a designed parkland and the wider rural landscape.
- 5.19 Because of the landform and woodland cover, views of Battlesden Church are only obtainable from the west, looking east towards the church, with the main views being found on the access road to the church from the village of Battlesden. The turbine would be located only 1.76km from the church, to the east and would therefore be a dominant feature in the main views of the church. There would be one incidental view through a gap in the hedge on the access to Battlesden village where the turbine would be located almost directly above the church. Within the main, planned, views of the church from the hill directly opposite the church (on the access between the village and the church) the turbine would not be so obtrusive, being located to the south of the church, and so would not directly compete with it, however, the turbine would be a significant modern intrusion and distraction within this view, with the turning blades being wholly visible, and a large part of the tower of the turbine. The proposed turbine would be more intrusive than the existing Double Arches turbine, which is further south west and thus has a more peripheral location within this view.
- 5.20 Historic England have assessed the harm of the proposal to the significance of Battlesden Church to be less than substantial, stating that they consider it be at the higher end of that scale, and describing the level of harm as "moderate to high". The Council's Conservation Officer agrees with this assessment.
- 5.21 In conclusion, the proposal would result in a moderate - high level of harm to the significance of a Grade I Listed Church, and in a low- moderate level of harm to the significance of a number of other heritage assets, including Conservation Areas, Grade I and II Registered Parks and Gardens, a small number of Listed Buildings of three grades and three Scheduled Ancient Monuments. In accordance with Section 66 of the Listed Building and Conservation Areas Act, significant weight is given to this identified harm.
- 5.22 Section 12 of the NPPF states that applications which would result in less than substantial harm should be weighed against the public benefits of the proposal. Historic England has suggested that it is also important to

determine if the same benefits could be achieved through a less harmful scheme and to seek ways to minimise the impact on Battlesden Church.

- 5.23 Substantial weight is given to the public benefits that would accrue from the scheme. It is considered that, realistically, the same benefits could not be achieved through an alternative scheme which would be less harmful. In addition, because of the nature of the proposal, there are also no realistic opportunities to reduce the identified impact of the scheme on the surrounding heritage assets. The only available mitigation would be if the proposal were to include a project to better reveal the historic significance of Battlesden Church, for example, by providing repairs, research or interpretation. This would be in line with paragraph 137 of the NPPF. The applicant has agreed to accept a condition to submit and implement a scheme that would better reveal the significance of Battlesden Church.
- 5.24 It is considered that the proposed turbine would have a similar impact on the significance of surrounding heritage assets as the existing Double Arches turbine with the exception of the impact on Battlesden Church, where its closer proximity to the church in the main views of the church would result in an increased impact. This additional impact would be partly mitigated by a scheme which would result in a better revealing of the significance of the church.
- 5.25 The introduction of a second turbine in the landscape would result in an incremental increase in harm to the identified heritage assets, but this would only be incremental as the baseline for the setting of the identified assets does include the existing Double Arches turbine. At the time of the Double Arches planning permission, the environmental benefits were considered to outweigh the anticipated harm to surrounding heritage assets. In this case, the proposal would result in a doubling of the environmental benefits, yet it is not considered that the introduction of a second turbine would cause twice as much harm to the historical significance of surrounding heritage assets as the initial introduction of the first turbine into the landscape.
- 5.26 It is therefore considered that the proposed public benefits would outweigh the less than substantial harm that would be caused by the proposal to the significance of the surrounding heritage assets. The proposal is therefore considered to conform with Section 12 of the NPPF and Policy BE8 of the South Bedfordshire Local Plan Review.

## **6. Ecology**

- 6.1 A full ecological survey of the site was carried out in accordance with guidance from Natural England, with surveys taking place in 2015. The survey identified that the only protected species likely to be affected by the proposed turbine were Bats and Birds and more detailed survey work for these two categories was carried out. In addition, two years worth of Bats and Birds monitoring reports for the Double Arches turbine have been submitted during the application process. No evidence of Badger use was found within the study area.
- 6.2 The methodology for the bird surveys followed that agreed with Natural England and the Council for the Double Arches application. The bat surveys

were carried out in accordance with the latest advice from Natural England, set out in Technical Information Note TIN051: Bats and onshore wind turbines Interim Guidance (March 2014).

- 6.3 The nearest SSSI designated for its biological importance is King's and Baker's Wood and Heaths SSSI, which is approximately 0.9km northwest of the proposed turbine location. This SSSI is separated from the proposed turbine location by the woodland, fields, a quarry and Woburn Road and as such the Ecological Assessment concluded that there is not likely to be a significant adverse impact on the SSSI. The other nearest SSSI is Double Arches Pit, however, there will be little impact on this SSSI as it is nationally notable for geological rather than biological reasons.
- 6.4 The land to the west, north and south is designated as Double Arches Pit County Wildlife Site (CWS). The citation states that the CWS is designated for its 'mosaic of habitats including waterbodies marshy grassland, acid grassland, neutral grassland, calcareous grassland, scrub and developing woodland'. The CWS is located some 100m away from the base of the turbine at its closest point. Much of the CWS comprises an active sand quarry and the Ecological Assessment determined that the nature of the development meant that there was unlikely to be a harmful impact on the aspects of the CWS which led to its designation.
- 6.5 In accordance with the previously agreed methodology for Double Arches, the study area included the site and land within 200m. The site itself comprises arable land and is therefore of negligible ecological value, although hedgerows surrounding the site and the plantation to the north were considered more likely to be of ecological interest. The proposal does include the removal of an existing hedgerow to facilitate access. The ecological report recommends the planting of a replacement hedgerow comprising diverse native species once construction is complete.
- 6.6 Bat surveys were carried out between April-October 2015 and comprised two remote detectors, positioned at the edge of the plantation and at a point 50m away from the proposed turbine location. Walked transect surveys were also carried out monthly between April and October, and monthly vantage point surveys were carried out between June and October.
- 6.7 The surveys discovered high numbers of Pipistrelle species (excluding Nathusius), suggesting that the environs around the site are an important foraging resource for Pipistrelles. Relatively frequent records of Noctule and Myotis species were also detected, although evidence indicated that Noctules were mainly commuting through the site rather than foraging within it. The woodland and lake to the north east and north west of the site are likely to be high quality foraging areas. Rarer species of bats, including Nathusius Pipistrelle, Barbastelle, Serotine, Leisler's and Noctule were recorded infrequently during the survey work. No bats were recorded flying directly through the proposed turbine area and records were concentrated on the boundary features around the site.
- 6.8 The proposed siting of the turbine was determined by its relationship with adjoining woodland and hedgerow features in accordance with Natural

England guidance, to ensure that the blade tip would not come within 50m of any vegetation feature to prevent bats from being discouraged from using their normal foraging and commuting routes. The subsequent adaptation to the design of the turbine has increased the separation distance as the turbine blade would now be a minimum of 56.5m above the ground, rather than the originally proposed 37.5m. This alteration to the proposal has also raised the blades above the 50m from the ground which is the normal maximum foraging height for Noctules.

- 6.9 Utilising evidence from the surveys and guidance from Natural England the Assessment concluded that the proposal would be unlikely to cause a significant risk to populations of any of the identified species of Bats seen within the study area as no roosts were identified within the immediate proximity of the site and the turbine has been sited away from commuting and foraging landscape features in accordance with Natural England guidance. The Assessment proposes the provision of 20 bat boxes of varying designs to be provided for installation off-site at a location to be agreed with Bedfordshire Bat Group to allow enhancement for bats.
- 6.10 The two bat surveys which were carried out on the Double Arches in 2015 and 2016 included 12 corpse searches between March and October 2015 and 7 corpse searches between June and October 2016 (the turbine was not working between March - June 2016). No bat corpses were discovered and no bats were observed colliding with the turbine or flying through the blade area. In both years the numbers of bat species were found to be higher than the pre-construction surveys carried out in 2009, although the number of bat records was lower in 2016 than in 2015. However, it should be noted that flooding prevented access to part of the site in 2016 where previously high levels of activity were recorded. Bats were more frequently detected at the base of the turbine rather than the nacelle. These surveys concluded that the Double Arches turbine does not appear to be having a significant effect on local bat populations, including those in the high risk category.
- 6.11 The methodology followed for the bird survey was as agreed with Natural England and the Council for the Double Arches application, with a 200m study area and a target list of the following species: raptors (including Buzzard and Red Kite), Night Jar, Golden Plover, Lapwing and Barn Owl and a secondary list of Skylark, Tree Pipit, Cuckoo, Fieldfare, Yellowhammer, Lesser Spotted Woodpecker and Sand Martin.
- 6.12 The Breeding Bird survey identified little activity by target species within the site, although Buzzards may be breeding within the plantation to the north east of the site. The distance from the site and the probability of Buzzards being hit, calculated in accordance with guidance provided by Scottish Natural Heritage indicates that the location of the nest would not result in a high probability of Buzzard collision.
- 6.13 Vantage point surveys discovered low to moderate numbers of target and secondary species in the study area, which would equate to relatively few bird passes through the turbine area. The assessment concluded there would be a low risk of bird strike for these species.

- 6.14 Results from the Double Arches Bird Monitoring survey found only one corpse over the two years which is likely to have died from bird strike, a Herring Gull. The monitoring work found that species numbers, individual bird numbers and the number of confirmed or potential breeders had all increased within the study area from 2009 survey to 2016 survey. This suggests that the presence of the Double Arches turbine is not resulting in significant levels of bird mortality, or reducing the numbers of species utilising the site and its surroundings. The evidence also indicates that target species are not avoiding the site.
- 6.15 The Council's Ecologist has carefully considered the evidence submitted and she does not dispute the findings of any of the reports. She has recommended a condition to include bat and bird mortality monitoring and ecological enhancements.
- 6.16 Subject to the imposition of the recommended condition, it is considered that the proposal would not have a significant effect on biodiversity in the area, including on habitats or protected species, and the proposal is therefore considered to comply with the requirements of Section 11 of the National Planning Policy Framework.

## **7. Noise**

- 7.1 The NPPF states that when determining planning applications for wind energy, local planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy (EN-3).
- 7.2 EN-3 explains: The method of assessing the impact of noise from a wind farm on nearby residents is described in the report, 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). This was produced by the Working Group on Noise from Wind Turbines Final Report, September 1996 and the report recommends noise limits that seek to protect the amenity of wind farm neighbours. The noise levels recommended by ETSU-R-97 are determined by a combination of absolute noise limits and noise limits relative to the existing background noise levels around the site at different wind speeds.
- 7.3 EN-3 goes on to state: "Where the correct methodology has been followed and a wind farm is shown to comply with ETSU-R-97 recommended noise limits, the (decision maker) may conclude that it will give little or no weight to adverse noise impacts from the operation of the wind turbines."
- 7.4 The National Planning Practice Guidance states: "The report, ETSU-R-97: The assessment and rating of noise from wind farms 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."
- 7.5 Wind turbines result in the creation of two different types of noise, the first being mechanical noise from the internal machinery such as the gearbox and the generator and the second being aerodynamic noise generated by the blades rotating in the air.

- 7.6 Discussions have been ongoing throughout the application process between the applicants' noise consultants (Hayes McKenzie) and the Council's noise consultants (MAS Environmental) which have covered several areas, including the methodology used to carry out the noise assessment, the use of mitigation, the cumulative impact of the existing Double Arches turbine and the proposed turbine, the cumulative impact of turbine noise and road noise and whether there is a requirement to protect neighbouring occupiers from the possible impacts of Excess Amplitude Modulation (EAM).
- 7.7 It is now acknowledged by all parties that the recommended conditions which have been agreed between MAS Environmental, Hayes McKenzie, the Council and the applicant would ensure that the cumulative impact of the proposed turbine and the existing Double Arches turbine would not breach the ETSU-R-97 recommended limits for any neighbouring property and, as such, the proposal is considered to meet the requirements regarding turbine noise in accordance with relevant guidance.
- 7.8 Given the planning history of Double Arches, it is considered appropriate to expand on the matter of EAM. Amplitude Modulation is also known as blade swish, and ETSU-R-97 does make some allowance for the effects of Amplitude Modulation. However, Excess Amplitude Modulation (EAM) has been identified as a problem that occurs at some wind developments above the expected level allowed for within ETSU-R-97.
- 7.9 When planning permission was granted in 2011 for the Double Arches turbine, a condition to control the effects of EAM was imposed. This condition was removed under planning permission reference no. CB/13/02037/VOC in September 2013 on the basis that there was insufficient evidence to show that it was reasonable and enforceable, which is considered to be a reasonable decision based on the available evidence at the time.
- 7.10 However, since then, the government has commissioned a research team lead by WSP Parsons Brinkerhoff to explore the impacts on Amplitude Modulation in relation to wind turbines. The report was completed in July 2016. The Department for Business, Energy and Industrial Strategy encourages planning authorities to consider this research when determining if an EAM condition would be appropriate.
- 7.11 The Parsons Brinkerhoff report found significant evidence that where EAM occurs, the adverse affects can be significant. It states that it is impossible to predict at the planning stage whether or not a project is likely to lead to EAM and therefore a condition should always be imposed. During the application process the applicant originally argued that the existing Double Arches turbine does not produce EAM and therefore the current proposal would not result in EAM. However, this argument was considered to be flawed in two factors, firstly, some of the respondents to the consultation on this planning application have reported a noise impact from the Double Arches turbine which could equate to EAM (although no formal noise complaints have ever been received in regards to the Double Arches turbine) and it is therefore possible that the Double Arches turbine does occasionally generate EAM; and secondly, that the interaction between the existing and proposed turbines may

cause EAM, and that the relationship between the two turbines would be more likely to result in EAM than an individual turbine.

- 7.12 In addition, it is noted that the Institute of Acoustics Noise Working Group, in 2016, produced a document called “A Method Rating Amplitude Modulation in Wind Turbine Noise” which provides a method to measure EAM and therefore EAM controlling conditions are now more enforceable.
- 7.13 As such, it is considered that the proposed EAM conditions, which have been agreed with the applicant, would meet the six tests for planning conditions and would provide an adequate protection for neighbouring residents in regards to the potential impacts of EAM.
- 7.14 MAS Environmental raised concerns about the levels of mitigation, stating that they did not consider that the applicant had sufficiently complied with Section 11 of the NPPF, which requires planning decisions to “mitigate and reduce to a minimum” adverse impacts on health and quality of life. The applicant has pointed out that the site design was heavily influenced by a requirement to reduce noise impacts on neighbours to a minimum, and this was acknowledged by MAS as a mitigating factor as the siting means that downwind impact from both turbines would occur in similar directions. Furthermore, the agreed conditions would mitigate the impact to levels deemed acceptable by government guidance. MAS acknowledges that, other than switching the turbine off, there are no other real mitigation options available. It is therefore considered that the proposal complies with Section 11 of the NPPF as it applies to noise impacts.
- 7.15 The final point of contention is the cumulative impact of turbine noise and road noise for properties along the A5. MAS are concerned that these properties would be likely to experience night time noise levels that would exceed World Health Organisation recommended levels for night time noise. They are also concerned that there would be a loss of respite and a significant increase for these dwellings, which already experience high levels of road noise.
- 7.16 The applicant has argued that the submitted data shows that for those dwellings likely to be most affected by traffic noise, the proposed cumulative impact from turbine noise would be significantly below ETSU-R-97 limits. Neither party has conducted modelling assessments to assess how likely it is that WHO night-time noise limits would be breached by the proposal, or the likelihood of cumulative road and turbine noise breaching the limits set out in ETSU-R-97.
- 7.17 Nevertheless, both MAS and the Council’s Environmental Health Officer have conceded that, as the proposal with the recommended conditions would meet the limits within ETSU-R-97 and the current national planning policies and guidance in relation to noise impacts of wind turbines, a refusal of the application on this basis would be unlikely to be successfully defended in an appeal situation. As such, it is noted that the proposal, in this aspect, is fully policy compliant and the noise impacts are deemed to be acceptable.



**8. Impact on Neighbouring Amenity including Visual Impact and Shadow Flicker**

8.1 In addition to noise, it is considered that the proposed turbine would have the potential to have an adverse impact on the amenity of neighbouring residents, having regard to visual impact and shadow flicker.

**8.2 Visual Impact**

The right to a view is not a material planning consideration and the disruption of individual views would not be an appropriate reason to refuse an application. However, if the proposal would give rise to an oppressive or overwhelming impact to an individual property or properties, then this would be a material consideration in the determination of this application.

8.3 This was established in a public enquiry for wind development at Enifer Downs, when the Inspector, David Lavender stated: "when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live. It is not in the public interest to create such living conditions where they did not exist before." This has come to be known as the Lavender Test.

8.4 The submitted Landscape and Visual Impact Assessment (LVIA) concluded that dwellings within towns and villages within the area would not be subject to unbearable overwhelming views from the main views from the house or garden, through a combination of factors including separation distance and the screening of views through topography, vegetation and / or other buildings. It does identify potential significant visual impact to a small number of dwellings on the eastern edge of Great Brickhill, but not to the extent of breaching the Lavender Test. Officers agree with these conclusions.

8.5 However, the LVIA does not deal in detail with the individual properties and small settlements which are in closer proximity to the turbine, including Overend, Potsgrove and Sandhouse Lane. The LVIA briefly summarises the impact on individual residential properties, by saying that views are likely to be screened or partially screened by buildings, landform or vegetation and therefore not all views of the proposed turbine within 4km would be significantly affected. This is not considered to be sufficiently representative of the situation for individual dwellings in these three locations.

8.6 Individual assessments on properties in Overend, Potsgrove and Sandhouse Lane have been carried out by the case officer as follows.

8.7 Overend is a small cluster of dwellings located approximately 950m from the application site. Dwellings on the north east of the road would have direct and significant views of the proposed turbine from their rear windows and rear gardens. It is noted that the existing Double Arches turbine is located approximately 550m from the dwellings on the north east side of Overend on a similar line of sight (less than 10 degree angle).

- 8.8 At the time the Double Arches turbine planning application was considered, officers recommended refusal on the basis that that turbine would be overbearing to occupiers at Overend Green Farm. However, it was determined by the Development Management Committee that the environmental benefits outweighed the harm that would be caused to neighbouring occupiers.
- 8.9 The proposed turbine would be set further away from dwellings in Overend than Double Arches, and as it would be on a similar line of sight, it would not have such an encroachment on wider views from the windows and garden than if the angle of sight between the two turbines from the dwellings were greater. As such, the proposal on its own would not have a substantially greater impact on the occupiers of dwellings in Overend than the existing turbine. The cumulative impact of the two turbines would be significantly adverse on the amenities of the occupiers of dwellings on the north east side of Overend, but in the interests of consistency, it is considered that the impact on the occupiers of dwellings in Overend would be outweighed by the public benefits of the scheme.
- 8.10 Potsgrove is located to the north east of the application site, some 1.05km from the turbine. In this case, the proposed turbine would be closer to the site than the existing Double Arches turbine and would therefore have a greater visual impact on occupiers of Potsgrove than occupiers of Overend. However, from dwellings in Potsgrove the angle of sight between Double Arches and the proposed turbine would be even less (under 6 degrees) than from Overend, which would slightly reduce the level of impact. The cumulative impact of the existing and proposed turbines would again be significant and adverse, but it is noted that the separation distance from Potsgrove to this turbine would be almost twice that from Overend and so again, to ensure consistency, it is considered that the impact of the proposal on the occupiers of dwellings in Potsgrove would be outweighed by the public benefits of the scheme.
- 8.11 Dwellings in Sandhouse Close and Sandhouse Lane are located to the north west of the site, with a minimum separation distance of approximately 550m. The side elevation of the dwellings would face the turbine and therefore only oblique views of the turbine would be visible from the rear windows of the dwellings and none at all from the front windows. The turbine would be visible from some of the rear gardens (depending on the individual levels of landscape screening) and where it would be visible it would be a significant feature in views to the south east. However, views directly behind the gardens and to the west and north would be unaffected. It is considered that the level of impact on these dwellings, even taken cumulatively with the Double Arches turbine would not be sufficient to present an overwhelming or unavoidable presence in main views from the houses or associated gardens.
- 8.12 Concerns were also raised about the impact of the proposal on the occupiers of Stockgrove Park, a converted school comprising 7 flats. Stockgrove Park is located some 2.5km from the application site and the turbine would be viewed in the middle distance over a rolling landscape comprising woodlands, fields and a quarry. At this distance and in this context it is not considered that the turbine would appear unduly dominant.

- 8.13 In conclusion, it is considered that the impact of the turbine on the visual amenities of individual neighbours at Overend and Potsgrove would be significant, but would be outweighed by the public benefits of the scheme. Other local residents would experience a lower impact on their visual amenities.
- 8.14 Shadow Flicker  
A wind turbine can cast long shadows, when the sun is low in the sky. When the sun is specifically positioned in the sky with respect to a turbine and the window of a neighbouring dwelling, this shadow may pass over the window, potentially causing a drop in light levels which comes and goes with each pass of a blade. This is known as shadow flicker.
- 8.15 National Policy Statement EN-3 advises that the impact of shadow flicker on occupied properties within 10 rotor diameters of the proposed turbine should be assessed. It states that the intensity of the shadow of the rotating blades from turbines at distances from such buildings of 10 rotor diameters and beyond is sufficiently diminished so as to have no significant impact on occupied buildings.
- 8.16 Furthermore, dwellings located to the south of the proposed turbine would not be affected by shadow flicker as the sun will never be in the north in the UK. For UK latitudes only properties located in a zone 130 degrees either side of north may be affected by shadow flicker.
- 8.17 Shadow flicker will only occur if a combination of certain factors exist concurrently, which are:
- clear skies and good visibility;
  - the sun needs to be low in the sky and in a specific position with respect to a turbine and the windows of a property;
  - the wind must be blowing sufficiently to turn the wind turbine; and
  - the wind must be blowing in a direction such that the rotor is rotating in a plane perpendicular to an imaginary line drawn between the wind turbine, the sun and the property window.
- 8.18 A revised shadow flicker assessment was provided when the application was amended to provide a smaller turbine. The assessment identified 8 properties within 10 rotor blades of the proposed turbine within 130 degrees of north, but took a precautionary approach by increasing the study area by a further 10%, resulting in 13 properties being identified for assessment.
- 8.19 The assessment looked at screening around the dwellings and determined that none of them were sufficiently screened that no mitigation would be required. As such, assessment has been carried out on the "bare earth" principle.
- 8.20 The assessment noted that, in total, there is a maximum of 152 days when shadow flicker would be experienced at any property, with the maximum for an individual property being at Checkley Wood Farm, which has the potential to experience shadow flicker on 79 days.

8.21 The longest potential experience of shadow flicker on any one day was 34.2 minutes at 1 Sandhouse Cottages. In total, there is a maximum of 88 hours per annum at which a property or group of properties would potentially be affected by shadow flicker, if the other conditions were present. This is 1% of the potential hours in a year. This is comparable to the Double Arches, which predicted a maximum 86 hours per annum when shadow flicker could be caused.

8.22 National Planning Practice Guidance states:

"Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at a specific property or group of properties on sunny days, for specific times of the day and on specific times of the year. Where the possibility of shadow flicker exists, mitigation can be secured by condition."

8.23 A sensor to detect sunlight in combination with an automatic reading of wind direction can be used along with a programme to automatically switch off the turbine when the conditions for shadow flicker exist. This is the approach which has been taken at Double Arches. It was noted that in 2015, the Double Arches turbine only had to shut down for 44 hours as this was the only time when conditions existed. It is considered that a similar condition as that imposed on the Double Arches permission would adequately protect neighbouring residents from shadow flicker impacts.

8.24 A number of concerns were raised by local residents regarding the impact of the proposal on house prices in the area. It is noted that this is not a material planning consideration and can have no impact on the determination of this application.

## **9. Electromagnetic Interference including Aviation and Television Reception**

### **9.1 Aviation and MOD Radar**

Wind turbines can have an impact on aviation operations, either as a result of being a physical hazard during the landing or take off of aircraft by interrupting an aerodrome's 'protected airspace' or as a result of being visible on a radar used for the guidance of aircraft in flight.

9.2 Consultation has confirmed that there is no objection from the Ministry of Defence who have requested a condition that the turbine be fitted with MoD accredited 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. Such a condition is recommended. A condition is also recommended that would oblige the developer to provide the notifications requested by the MOD at construction stage.

9.3 In respect of civil aviation, no safeguarding concerns were raised by the National Air Traffic Services (NATS). The Civil Aviation Authority did not specifically comment on the application, instead providing advice on consultation with NATS, MOD and local aerodromes. London Luton Airport did not object to the application and Cranfield Airport and the London Gliding

Club at Dunstable Downs did not respond to either of the Council consultations that were sent to them. It is therefore considered that, subject to the recommended conditions, the proposal would not have any impact on aviation safety or radar operation associated with aviation.

9.4 Telecommunications

The National Planning Practice Guidance advises that wind turbines can potentially affect electromagnetic transmissions (e.g. radio, television and phone signals). Specialist organisations responsible for the operation of electromagnetic links typically require 100m clearance either side of a line of sight link from the swept area of turbine blades. Ofcom acts as a central point of contact for identifying specific consultees relevant to a site.

- 9.5 Ofcom confirmed in response to consultation that no links were found within the search area (500m of the turbine). The MET Office raised no objections to the proposal and the Joint Radio Company confirmed that the proposal would not have a harmful impact with respect of radio link infrastructure operated by Southern Gas Networks. Anglian Water did not reply to Council consultation, but confirmed in writing to the applicant that they have no links in the area that would potentially be affected by the proposed turbine.

Television Reception

- 9.6 Television interference as a result of the turbine is one of the most often cited causes for concern in individual objection letters both to the Council and to the applicant's pre-consultation response. Forty four individual objection letters to the Council raised concerns about television interference. It has also been raised as a concern by Heath and Reach and Potsgrove Parish Councils.
- 9.7 Section 5 of the NPPF confirms that broadcast interference is a material planning consideration. Paragraph 44 states that local planning authorities should, when considering applications for new development, consider the possibility of the construction of new structures interfering with broadcast and telecommunications services. No further advice is given as to how much weight should be given to this matter, either in the NPPF or the National Planning Practice Guidance and it is therefore considered that this is a matter of planning judgement for decision makers.
- 9.8 The operation of the Double Arches turbine has resulted in television problems for a number of occupants in Heath and Reach and Leighton Buzzard. 147 complaints were received by the applicant, who sent engineers out to each property to resolve the problems. Of these, 10% were found not to be related to the turbine, with problems attributed to issues such as disconnected leads or faulty receivers.
- 9.9 The other 90% of cases were attributed to the turbine and various solutions were implemented, including aerials being turned from the Sandy Heath transmitter to Oxford or Crystal Palace transmitters (44%), the replacement of aerials and/or amplifiers (41%) and the installation of satellite dishes and/or Freesat boxes (5%).
- 9.10 Some residents whose aerials were redirected have expressed dissatisfaction with the solution, explaining that it means that they no longer have access to

local news services.

- 9.11 A study has been carried out using guidance produced by Ofcom to determine the potential impacts of the proposed turbine on television reception. The study includes the cumulative impacts of both Double Arches and the proposed turbine. It is noted that the area at risk from cumulative impacts is not significantly extended beyond the predicted impact of Double Arches.
- 9.12 It appears possible that properties to the north east of the turbine would lose access to television services from the Oxford transmitter, as far afield as Flitwick, however, aerials in these locations are likely to be currently turned to the Sandy Heath transmitter, which provides the strongest signal and the most local news service (Look East, western sub-region for BBC and Anglia West for ITV) so the loss of signal from the Oxford transmitter would be unlikely to cause inconvenience or disruption to occupiers to the north east of the turbine.
- 9.13 Occupiers to the south west of the turbine (including Heath and Reach and the northern part of Leighton Buzzard) would be at risk of losing signal from the Sandy Heath transmitter as a result of the proposed turbine. It is noted that Leighton Buzzard and Heath and Reach sit on a three way boundary of television signal availability between the Sandy Heath, Oxford and Crystal Palace and some properties in these settlements already struggle to access an acceptable quality of signal from Sandy Heath (excluding the impacts from the Double Arches turbine). A survey has been carried out and it was determined that 31% of Heath and Reach residents (154 households) 96% of the Leighton Buzzard residents within the area at risk (1,907 households) and 56% of households around Rushmere (166) have aerials turned towards Sandy Heath.
- 9.14 It is noted that the only television services that would be affected are those which are transmitted to aerials. Satellite dishes and cabled television services would not be affected by the proposal. Data is not available on the number of households which rely on television services transmitted to aerials, but it is likely to be a notable proportion of the households identified to be at risk. It is also noted that the figures represent the worst case scenario. Double Arches, with only a slightly smaller area of risk has only resulted in 147 complaints to the applicant.
- 9.15 Ofcom provided advice in 2009 in regards to the impact of tall structures on broadcast services, which includes an appendix on the impact on wind development. It suggests that appropriate remedial measures include improvements to existing aerials or the installation of new aerials, turning aerials to alternative transmitters or the provision of satellite or cabled television services. It acknowledges that regional variations in coverage may not always match the preferences of local viewers.
- 9.16 The applicant has suggested a condition which would allow mitigation of any possible television impacts felt by local residents as a result of the proposed turbine. This would require the submission and approval in writing by the Local Planning Authority for a mitigation scheme which would require the applicant, at their cost, to investigate any claims made within 12 months of the

operation of the turbine and to resolve them if it should be found that they are a result of the turbine. It is considered this is adequate to ensure that no residents would lose access to high quality television services.

- 9.17 Details of the scheme would be resolved at approval of details stage, but it is likely that the mitigation would involve the turning of more transmitters away from Sandy Heath towards Oxford or Crystal Palace, which do not provide local news services. This is likely to result in some inconvenience to affected households. However, considering the numbers of households likely to be affected, the availability of local news services on the BBC iPlayer website and the lack of consistency in television signal from Sandy Heath already experienced in the community, it is considered that the impact of this would be outweighed by the identified public benefits of the proposal.

## **10. Impact on Recreational Amenity**

- 10.1 There are a number of local footpaths, long-distance routes, sporting facilities and visitor attractions within the vicinity of the application site which would potentially be affected by the proposed turbine.
- 10.2 In terms of visitors' attractions, the only two within 4km of the site which would have the potential for significant effects are Rushmere Country Park (which includes Stockgrove Park) and Woburn Abbey.
- 10.3 Rushmere Park is a heavily wooded country park set in a rolling landscape, and from most areas of the park the turbine would be wholly screened from views by woodland and / or the topography of the land. Whilst some views of the turbine would be available in higher and more exposed areas of the park it is considered that these would not be dominant, unavoidable or oppressive and would not have a significant impact on the experience of the country park.
- 10.4 Woburn Abbey gardens and deer park, whilst more open are still well wooded and situated further away from the site. Again, a mixture of topography and vegetation would limit views of the turbine to very small areas of the park and those views are likely to be intermittent and contained to the tips of the blades. It is therefore not considered that the proposal would have a materially harmful impact of the experience of Woburn Abbey and its grounds.
- 10.5 Long distance routes which cross within 4km of the turbine (the limit at which significant impacts to viewpoints are predicted) are the Greensand Ridge Walk, the National Byway, Milton Keynes Boundary Walk, Grand Union Canal Walk and Sustrans Route 6. The Grand Union Canal Walk and Sustrans Route 6 follow the canal through most of the study area and is low lying with consistently high levels of vegetation and few views out. The proposed turbine would therefore have a very limited impact on users of these two routes.
- 10.6 The Greensand Ridge Walk, the National Byway and the Milton Keynes Boundary Walk follow similar routes within 5km of the turbine. The Greensand Ridge Walk is the closest and most likely to be affected by the turbine. There will be parts of the walks, in elevated and open locations

where the turbine would be clearly visible, and mostly seen in conjunction with the Double Arches turbine. However, these routes also follow lower land and travel through woodland and other locations with tree boundaries which would either screen views completely or limit views to intermittent and/or partial views. As such, it is considered that the proposal would not have a material detrimental impact on the enjoyment of these long distance routes.

- 10.7 Local rights of way, particularly footpaths 1, 6 & 7 and Bridleway 7 around Potsgrove and Battlesden and Footpaths 1, 2 and 10 and Bridleway 12 around Overend and Heath and Reach would be significantly affected by the proposal for large parts of the routes. Whilst some views would be screened by topography and vegetation, these would not be the majority of views and the proximity of the turbine to the routes means that it would be a significant feature within these views. This would be exacerbated as it would be read in conjunction with the existing Double Arches turbine, which would also feature prominently in most views on these routes.
- 10.8 It is accepted that for some people the turbines would be a point of interest, which would attract them to these routes, whilst for others the turbines would be a detrimental feature, which would deter them from using the routes. However, it is considered that, for those who would be deterred from using the routes by the presence of the proposed turbine, it is likely that the presence of Double Arches has already acted as a deterrent. The routes cannot currently be described as a rural tranquil network as the baseline includes the existing turbine and whilst the proposed turbine would incrementally add to the impact of the existing Double Arches, there would be very few locations where the proposed turbine would be visible and Double Arches would not. It is considered that the cumulative impact of the two turbines on the enjoyment of the local rights-of-way network would not be significantly greater than the impact of the Double Arches turbine. Therefore, any harm caused to the local rights-of-way network is considered to be outweighed by the public benefits of the scheme.
- 10.9 Concerns have been raised about the impact of the proposal on the Heath and Reach Sports Ground. However, the land rises steeply behind the sports ground and the submitted zones of theoretical visibility demonstrates that no part of the turbine would be visible from the sports ground.
- 10.10 Concerns have also been raised about the impact on the Jones Pit Fishing Lakes. The turbine would be located some 220m away from the closest part of the lakes and would therefore be a dominant feature in most locations around the lake complex (albeit the vegetation around the lakes would provide a small number of locations on the south east bank where views would be screened). It is also likely that users of the lakes would experience noise from the turbine under certain wind conditions.
- 10.11 However, it is noted that no noise complaints have been received in regards to the existing Double Arches turbine, which is located only 430m away to the south of the lakes. The proximity of the existing turbine indicates that it is also a significant feature in certain views from the lakes and part of the current experience of fishing within the complex. Whilst it is acknowledged that the proposal may have a detrimental impact on the tranquillity of the site,



it is not considered that the level of impact of the proposed turbine would be significant enough to substantially impair the recreational value of the facility. The level of impact is considered to be outweighed by the public benefits of the scheme.

- 10.12 In conclusion, the impacts on recreation would predominantly be limited, with the only more significant impacts being on the local rights-of-way network and the Jones Pit Fishing Lakes. Having regard to the existing baseline of the Double Arches turbine and the significant public benefits that would accrue from the scheme, it is considered that the likely impact on recreational amenity would be outweighed by those public benefits.

## **11. Highways Implications and Access**

- 11.1 The turbine would be located some 205m from the A5, which is a trunk road managed by Highways England. Highways England published guidance in 2013 which states that turbines should be set back from highways by a minimum of height plus 50m. In this case, that would be 193.5m, which is less than the proposed set back.
- 11.2 It is noted that a number of respondents have raised concerns about driver distraction. The Highways England guidance advises that distraction should be minimised by the provision of a clear, continuous view of the turbine that develops over the maximum possible length of approach carriageway. They should be sited away from the immediate vicinity of road junctions and crossings. Attention should be given to accident statistics in the area.
- 11.3 It is noted that the turbine would be 800m away from the nearest road junction and would be located on a stretch of road that is relative straight and provides clear continuous views from over 1km away. It is also noted that Highways England raised no objections to the proposal and nor did the Council's Highways Officer. It is therefore considered that the proposal would be unlikely to lead to accidents as a result of distraction.
- 11.4 Access would predominantly utilise the existing access which was used for the Double Arches turbine and is therefore likely to be acceptable, subject to the recommended conditions from Highways England, which are recommended to be imposed.
- 11.5 It is therefore considered that the highways impacts of the proposal are likely to be acceptable and in this respect the proposal complies with Section 4 of the National Planning Policy Framework.

## **12. Hydrology, Geology, Flood Risk, Contamination**

- 12.1 The site lies wholly within Flood Zone 1 (including the area for the access track) and no objections have been received from either the Environment Agency or local water management bodies. It is therefore considered that there is unlikely to be any increase in flood risk as a result of the proposal.
- 12.2 The Environment Agency has also raised no objections to potential contamination, although two informatives are recommended to ensure the risk of any contamination from cabling is minimised.

- 12.3 The site is located on land that is underlain by the Woburn Sands Formation of Principal Aquifer status. However, the site comprises made up ground, of a likely depth of 22m and is unlikely to result in any impact to the water table or the underlying aquifer. Mitigation measures are outlined within the submitted Hydrological Assessment to ensure that any risk of contamination or disruption is minimised and, if planning permission is granted a condition is recommended to ensure the implementation of the proposed mitigation measures.

### **13. Minerals and Waste**

- 13.1 The application site lies within a designated Minerals Safeguarding Area and is part of the Churchways Quarry Complex. However, sufficient evidence in the form of historic aerial imagery has demonstrated that the site has previously been quarried and restored and, as such, the Council's Minerals and Waste Team consider that it is unlikely that the proposal would result in any unnecessary sterilisation of mineral resources. The proposal is therefore considered to be in accordance with policies MSP11 and MSP12 of the Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014).

- 13.2 The submitted environmental report states that any soils excavated during construction would be stored in accordance with MAFF 2000 Good Practice Guidelines and would be used, wherever possible in the restoration of the site. Any excess stored materials would be disposed of in accordance with Environment Agency guidance. This is considered to be acceptable.

### **14. Decommissioning**

- 14.1 An important feature to note in terms of wind energy developments is their general reversibility (in terms of landscape). The wind turbine would operate for a maximum period of 25 years.
- 14.2 Following this period, the applicant has indicated that the turbine would be decommissioned by the operator, which would involve the removal of all above ground elements to below plough depth and restoration of the site to its current condition, with the exception of the access track.
- 14.3 It is important that, once the turbine is no longer in use, that it is decommissioned in an appropriate and timely manner and a condition is recommended to secure this. This would ensure that there would be no risk of a derelict turbine being left on the site.

### **15. Planning Balance and Conclusion**

- 15.1 As noted above, the development plan is relatively silent in regards to renewable energy policy and therefore significant weight is given to the policies within the NPPF and other national policy which places substantial weight on the environmental benefits of renewable energy projects. The NPPF advises that renewable energy projects should be approved where the impacts are, or can be made acceptable.
- 15.2 Recent appeal decisions (referred to in Section 2, above) indicate that the Written Ministerial Statement of 18 June 2015 should be read alongside the NPPF and not as a replacement and that a conclusion that impacts are, or can be made acceptable, equates with a finding that impacts identified by the

local community have been addressed and therefore the scheme is considered to have the backing of the local community.

- 15.3 In this case, the application has resulted in a significant response from the local community. Whilst the responses of the local community are predominantly of objection to the proposal, around 25% of responses have been in support of the proposal.
- 15.4 The consultation with the community has identified a large number of issues, which have been set out above. It is considered that many of the issues raised, including impacts relating to noise, shadow flicker, biodiversity, highways, aviation and radar and television interference are made acceptable by the imposition of the recommended planning conditions.
- 15.5 Other issues raised include harm to landscape character, residential amenity and recreational amenity and in each of these aspects a detailed analysis has taken place and it has been concluded that, although there would be a certain level of harm, this would be within acceptable limits, having due regard to national and local planning policy and guidance.
- 15.6 Substantial weight has been given to the identified harm to the Green Belt, however, having regard to paragraphs 88 and 91 of NPPF, it has been determined that very special circumstances, including the significant environmental and moderate economic benefits, when taken together with the context of the site, do clearly outweigh the identified harm to the Green Belt, and as such the proposal is in accordance with Section 9 of the NPPF.
- 15.7 Significant weight is also given to the less than substantial harm that would result to the setting of Listed Buildings. However, it is considered that the public benefits of the scheme, including the mitigation offered by the recommended condition, which would allow the historic significance of Battlesden church to be better revealed, clearly outweigh the identified harm to surrounding heritage assets and therefore the proposal conforms with Section 12 of the NPPF.
- 15.8 It is considered that, overall, the significant contribution that the proposal would make towards local and national renewable energy and carbon emission reduction targets and the other identified benefits of the scheme, including the economic benefits, the enhancement in historical significance of Battlesden Church, the community benefits which the applicant provides to the local community and farm diversification would comprise very special circumstances which would, on balance, outweigh all aspects of harm that have been identified, including harm to Green Belt and Heritage Assets and including harm which has been identified through representations from the local community. Also weighing in favour of the application are the context of the site, the appropriateness of consistency with the decision on the Double Arches turbine and the use of planning conditions to provide acceptable levels of mitigation against various aspects of harm. As such, it is considered that the issues raised by the local community have been satisfactorily addressed and the proposal is considered to accord with Sections 9, 10 & 12 of the NPPF, and the NPPF when read as a whole, National Policy Statements EN1 and EN3, Policy BE8 of the South Bedfordshire Local Plan

Review and Guidance Note No. 1: Wind Energy Development in Central Bedfordshire. It is also considered to have met the requirements of the Written Ministerial Statement of 18th June 2015.

**16. Other Considerations**

16.1 The applicant has requested that, should planning permission be granted, that the time period for commencing the installation be extended from the standard 3 years to 5 years to allow the developer sufficient time to secure the construction of the scheme and to secure a long term power purchase agreement.

16.2 It is noted that the Double Arches permission was granted with a condition requiring commencement within 5 years instead of the standard 3 years. It is also noted that the Council has the discretion to vary the time scale where this is considered to be reasonable.

16.3 Having regard to the previous decision to allow Double Arches to be delivered within 5 years, it is considered that the request is reasonable, and as such a condition requiring the commencement of development within 5 years is recommended.

**16.4 Environmental Impact Assessment**

A number of representations have been received raising concerns that the application was not accompanied by a formal Environmental Impact Assessment. A screening opinion was sought and issued in 2015, which stated that the Council determined that an Environmental Impact Assessment was not required for the proposal.

16.5 Following receipt of the letter from Richard Buxton Environmental and Public Law, legal advice was sought by the Council. The legal advice received noted the error regarding which category of Schedule 2 of the Regulations the project would fall within and advised that the applicant submit a request for a revised screening opinion. This was done and a revised screening opinion was issued (CB/16/05205/SCN) which corrected the error and enlarged on the reasoning for determining that an Environmental Impact Assessment was not required.

16.6 The legal advice given concluded that, other than the error noted in regards to the correct category within Schedule 2, the Council did not appear to have erred in law in reaching its conclusion that an Environmental Impact Assessment was not required.

16.7 The reference to "significant effects" in the submitted Planning Appraisal is clarified in paragraph 6.8 of that document, which states *"it should be noted that in this assessment and those contained within the ER (Environmental Report), the phrase "significant effects" does not imply significant in EIA terms. It is a mechanism for distinguishing between effects that are material to the determination of a planning application and those that are sufficiently small as to be given no weight in the planning balance."*

16.8 In reference to mitigation measures, the legal advice stated that it is lawful for a screening assessment to take mitigation measures into account, especially

where those measures are commonly used and it is therefore easy to assess the impact that they would have on the likelihood of significant effects.

- 16.9 Having regard to consistency with the Double Arches application, the legal advice stated the following: "as the Screening Opinion notes, the Double Arches Application was treated as EIA Development because AWE submitted an environmental statement in respect of it, and not because the Council considered it to be EIA Development. In accordance with Regulation 4(2) (a), the submission by the applicant of an environmental statement renders that development EIA Development. That is the case no matter how insignificant that development may be and no matter what the local planning authority's view may be of the likelihood of significant effects. Therefore, in my view, it is legitimate for the Screening Opinion to observe that the Double Arches Application was treated as EIA Development following submission of an environmental statement, as opposed to a positive screening opinion of direction, and this provides sufficient explanation to justify the different approach." It was also noted that a request for a Screening Opinion for a 66m high wind turbine near Woburn, submitted by the Bedford Estates, resulted in a Screening Opinion that an EIA was not required. This indicates consistency in the Council's position that single wind turbines may not be EIA development.
- 16.10 Also in relation to this point, for clarification, the proposed turbine is not located on the site which was the subject of the 2008 Scoping Opinion. The second turbine in that application was located in much closer proximity to the Double Arches turbine than the current proposal.
- 16.11 In relation to cumulative impacts, the legal advice noted that the Screening Opinion specifically considered the cumulative impact of the proposed turbine and the Double Arches turbine and therefore properly took cumulative impacts into account.
- 16.12 The Planning Practice Guidance states that only a very small proportion of Schedule 2 development will require an EIA. The revised Screening Opinion notes that the Planning Practice Guidance states that a scheme is more likely to require an Environmental Impact Assessment if the proposed development is for commercial development of more than 5 wind turbines or more than 5MW of new generating capacity. In this case, even considered cumulatively with the Double Arches turbine, the scheme would fall well below the threshold both in terms of numbers of turbines and level of generating capacity (2 turbines with a 3MW generating capacity).
- 16.13 The revised Screening Opinion also provided more detailed assessment of the impact on Heritage Assets, including Woburn and Battlesden Parks and concluded that the proposal does not require an Environmental Impact Assessment.
- 16.14 **Human Rights issues:**  
The proposal raises no Human Rights issues.
- 16.15 **Equality Act 2010:**  
The proposal raises no issues under the Equality Act 2010.

## **Recommendation:**

That Planning Permission be APPROVED subject to the following:

### **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The make and model of the turbine hereby permitted shall be a Vensys 87, with a maximum height of 143.5 metres and a maximum rotor diameter no greater than 87m.

Reason: The acceptability of the proposal is based on the turbine matching in dimensions (including rotor cell), appearance, performance, and impact in terms of noise and shadow flicker, the existing turbine at Double Arches, which is a Vensys 87 turbine.

(Policy BE8, SBLPR and Sections 7 & 11, NPPF)

- 3 **No development shall take place until details of the colour finishes of the turbine and the substation hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.**

Reason: To protect the visual amenities of the area.

(Policy BE8, SBLPR and Sections 7 & 11, NPPF)

- 4 **No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority and Highways England. Development shall be carried out in accordance with the approved Construction Method Statement. The CMS shall identify:**

- i) **Areas on site designated for the storage of heavy duty plant and equipment, including vehicles, and car parking facilities for construction site operatives and visitors;**
- ii) **Activities like earth moving, aggregate mixing, crushing, screening, and piling and on-site storage and transportation of raw material;**
- iii) **Working practices to control emissions of dust and mud arising from on-site activities, including details of wheel-wash facilities;**
- iv) **Working practices for protecting nearby dwellings, including measures to control noise and vibration arising from on-site activities as set out in British Standard 5228:2009 Noise and Vibration Control on Construction and Open Sites;**
- v) **Details of bunded facilities for any storage of oils, fuels or chemicals;**
- vi) **Details of the temporary construction compound; and**
- vii) **A programme for the construction works.**

**Reason: The condition must be discharged prior to commencement to protect the amenities of the neighbouring residential properties and highway safety.**

**(Policy BE8, SBLPR and Sections 4 & 11, NPPF)**

- 5 The temporary construction compound shall be removed no later than three months from the date of commissioning of the turbine and the ground restored to its previous condition within six months of such removal, unless otherwise agreed in writing by the Local Planning Authority.

**Reason: To protect the character and appearance of the surrounding area and to ensure that the compound is removed within an acceptable timeframe as the structure is temporary.**

**(Policy BE8, SBLPR and Sections 7 & 11, NPPF)**

- 6 **No development shall take place until a traffic management plan, as set out in the Transport Assessment accompanying the application, for the implementation of the permission has been submitted to, and approved in writing by the Local Planning Authority and Highways England. The scheme shall include arrangements for exceptional loads and appropriate temporary signage and shall be implemented in accordance with the approved details.**

**Reason: The condition must be discharged prior to commencement in the interests of highway safety.**

**(Section 4, NPPF)**

- 7 **No development shall take place until a scheme of foul drainage for the constructional and operational phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: The condition must be discharged prior to commencement to ensure appropriate drainage during the construction phase.**

**(Section 10, NPPF)**

- 8 **A Biodiversity Management Plan (BMP), to include details of bat and bird mortality monitoring and ecological enhancements, shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development. The BMP shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.**

**Reason: The condition must be discharged prior to commencement to ensure that biodiversity interests are protected, including during the construction period.**

**(Section 11, NPPF)**

- 9 The turbine hereby permitted shall not be first brought into use until a landscaping scheme to include the replacement or reinforcement of damaged or removed sections of hedgerow has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the first use of the turbine (a full planting season means the period from October to March). The planting and any hedgerow shall subsequently be maintained and any which die or are destroyed during the lifetime of the development shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.  
(Policy BE8, SBLPR and Sections 7 & 11, NPPF)

- 10 The rating level of noise emissions from the Checkley Wood wind turbine in isolation and, if operational, in combination with the Double Arches wind turbine (Planning Ref CB/10/03034/FULL)(including the application of any tonal penalty to the single or combined sound), as determined in accordance with the attached Guidance Notes, which form part of this condition, shall not exceed the decibel value identified for the relevant integer wind speed in relation to the relevant dwellings identified in the tables attached to this condition, provided when assessing noise impact in combination, the noise emissions from the Double Arches turbine does not also exceed the limits in isolation. In the case of any dwelling not identified in the tables which lawfully exists or has planning permission at the date of this permission, the rating level of noise immission shall not exceed the levels as derived in accordance with this condition, provided when assessing noise impact in combination, the noise emissions from the Double Arches turbine does not also exceed the limits in isolation.

Furthermore:

- a. The wind turbine operator shall continuously log power production, nacelle wind speed, orientation and wind direction, any cap or limitation provided on power generated, the rotational speed as RPM, blade pitch and any settings applied controlling blade pitch and turbine RPM, and ensure data of such elements is available in accordance with Guidance Note 1(d). The wind turbine operator shall also continuously log 10 metre height wind speeds, wind direction and ground level rainfall all of which must be arithmetically averaged over 10 minute periods, measured at locations approved in writing by the local planning authority during any checks for compliance with this condition after being so required by the local planning authority. All the data must correlate with measured noise levels throughout the duration of any noise measurements. These data shall be obtained for any compliance checks and retained by the operator for the life of the planning permission. The wind turbine operator shall provide this information in the format set out in Guidance Note 1(d) to the Local Planning Authority on its request, within 28 days of receipt in writing of such a request.
- b. No electricity shall be exported until the wind turbine operator has submitted to the Local Planning Authority for written approval, and such approval has been given, a list of proposed independent consultants who may undertake compliance measurements on behalf of the operator in accordance with this condition. Amendments to the list of approved



consultants shall be made only with the prior written approval of the Local Planning Authority.

- c. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an owner or occupier of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's dwelling in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date or some dates, time and location that the complaint relates to and where known any identified atmospheric conditions, including wind direction as well as a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
- d. The assessment of the rating level of noise emissions from the Checkley Wood wind turbine in isolation and, if operational, in combination with the Double Arches wind turbine shall be undertaken in accordance with an assessment protocol that shall, prior to the commencement of any measurements, have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location or locations identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions along with a reasoned assessment as to whether the noise giving rise to complaint contains or is likely to contain a tonal component. The proposed range of conditions shall include those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant or local planning authority consider likely to result in a breach of the noise limits. The data analysis shall exclude periods unlikely to contribute to the complaint in relation to the decibel level of noise.
- e. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions and any part of its dwelling building is within the 35dBA contour identified in Plan A or B as attached to this permission, the wind turbine operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits shall be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. In the event noise limits are not approved within 42 days of the operator being notified of the complaint, the limits at each 10 metre height wind speed shall be the lowest of any of those properties which are listed in the tables.

- f. In the case of wind turbine noise from the Checkley Wood turbine in isolation at any dwelling building located further than the predicted 35dBA contour shown in Plan A, attached to this permission and used for identification purposes only to which a complaint is related, a limit of 35dB LA90(10 minutes) shall apply at all times and for all wind speeds up to 12m/s as a 10 minute arithmetic average value when measured in accordance with this condition. In the case of wind turbine noise from the Checkley Wood turbine in combination with wind turbine noise from the Double Arches turbine at any dwelling building located further than the predicted 35dBA contour shown in Plan B, attached to this permission and used for identification purposes only to which a complaint is related, a limit of 35dB LA90(10 minutes) shall apply at all times and for all wind speeds up to 12m/s as a 10 minute arithmetic average value when measured in accordance with this condition, provided when assessing noise impact in combination, the noise emissions from the Double Arches turbine does not also exceed the limits in isolation.
- g. The wind turbine operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the assessment shall be accompanied by all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in paragraph 1(d) of the Guidance Notes with the exception of audio data which shall be supplied in the format in which it is recorded. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.
- h. Where a further assessment of the rating level of noise emissions from the wind turbine is required pursuant to Guidance Note 4(c), the wind turbine operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.
- i. Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings and the Local Planning Authority is satisfied of an established breach of the noise limit, then upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall mitigate to prevent future recurrence of the said breach and within 28 days of the notification, shall propose a mitigation scheme in writing for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the existence or likely recurrence of a breach. The scheme shall specify the timescales for implementation. The approved scheme including any caveats or controls on it applied by the Local Planning Authority as part of

its approval shall be implemented as approved and thereafter retained unless otherwise agreed by the Local Planning Authority, in writing.

**Table 1 – Noise Limits 0700 - 2300 (dB L<sub>A90,10</sub> minutes)**

| Location  | Measured wind speed at 10 metre height (m/s) at the location approved by the local planning authority averaged over 10-minute periods |      |      |      |      |      |      |      |      |      |      |      |
|---|---|------|------|------|------|------|------|------|------|------|------|------|
|   | 1   | 2    | 3    | 4    | 5    | 6    | 7    | 8    | 9    | 10   | 11   | 12   |
| The dwellings identified as H14-H17, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3 | 35.0  | 35.0 | 37.0 | 39.0 | 41.0 | 43.0 | 45.0 | 47.0 | 49.0 | 51.0 | 53.0 | 55.0 |
| H18 – Overend Green   | 35.0  | 35.0 | 37.0 | 39.0 | 41.0 | 43.0 | 45.0 | 47.0 | 49.0 | 51.0 | 53.0 | 55.0 |
| H19 – Bethney   | 35.0  | 35.0 | 37.0 | 39.0 | 41.0 | 43.0 | 45.0 | 47.0 | 49.0 | 51.0 | 53.0 | 55.0 |
| Checkley Wood Bungalow  | 50.0  | 50.0 | 50.0 | 50.6 | 51.3 | 51.7 | 51.5 | 51.5 | 51.5 | 51.5 | 51.5 | 51.5 |
| Sandhouse Cottages  | 46.4  | 46.4 | 46.4 | 47.5 | 48.8 | 49.8 | 49.8 | 49.8 | 49.8 | 49.8 | 49.8 | 49.8 |
| The Poplars   | 43.6  | 43.6 | 43.6 | 44.0 | 44.9 | 45.9 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 |
| Potsgrove   | 35.0  | 35.0 | 37.0 | 39.0 | 41.0 | 43.0 | 45.0 | 47.0 | 49.0 | 51.0 | 53.0 | 55.0 |
| H1  | 46.4  | 46.4 | 46.4 | 47.5 | 48.8 | 49.8 | 49.8 | 49.8 | 49.8 | 49.8 | 49.8 | 49.8 |
| Kingsway Bungalow   | 43.6  | 43.6 | 43.6 | 44.0 | 44.9 | 45.9 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 |
| Mileway House   | 43.6  | 43.6 | 43.6 | 44.0 | 44.9 | 45.9 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 |

**Table 2 – Noise Limits 2300-0700 (dB L<sub>A90,10</sub> minutes)**

| Location  | Measured wind speed at 10 metre height (m/s) at the location approved by the local planning authority over 10-minute period |      |      |      |      |      |      |      |      |      |      |      |
|---|---|------|------|------|------|------|------|------|------|------|------|------|
|   | 1   | 2    | 3    | 4    | 5    | 6    | 7    | 8    | 9    | 10   | 11   | 12   |
| The dwellings identified as H14-H17, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3 | 43.0  | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 44.0 | 45.0 | 47.0 | 49.0 | 50.0 | 52.0 |
| H18 – Overend Green   | 43.0  | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 44.0 | 45.0 | 47.0 | 49.0 | 50.0 | 52.0 |
| H19 – Bethney   | 43.0  | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 44.0 | 45.0 | 47.0 | 49.0 | 50.0 | 52.0 |

|                        |      |      |      |      |      |      |      |      |      |      |      |      |
|------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Checkley Wood Bungalow | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |
| Sandhouse Cottages     | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |
| The Poplars            | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |
| Potsgrove              | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |
| H1                     | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |
| Kingsway Bungalow      | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |
| Mileway House          | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |

**Table 3: Coordinate locations of the dwellings listed in Tables 1 and 2**

| Dwelling  | Easting | Northing |
|---|---------|----------|
| The dwellings identified as H14-H17, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3 | 493263  | 228805   |
| H18 – Overend Green   | 493357  | 228722   |
| H19 - Bethney   | 493374  | 228685   |
| Checkley Wood Bungalow  | 494822  | 229040   |
| Sandhouse Cottages  | 493794  | 229866   |
| The Poplars   | 494413  | 228520   |
| Potsgrove   | 495042  | 229840   |
| H1  | 493649  | 230022   |
| Kingsway Bungalow   | 494433  | 228220   |
| Mileway House   | 494425  | 228472   |

**Note to Table 3:** The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

**Note:** For the purposes of this condition, a “dwelling” is a building within Use Class C3 & C4 of the Town and Country Planning (Use Classes) Order 1987 which lawfully exists or had planning permission at the date of this consent.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.  
(Policy BE8, SBLPR and Section 11. NPPF)

- 11 The wind turbine shall not emit greater than expected amplitude modulation (EAM). Amplitude modulation is the modulation of the level of broadband noise emitted by a turbine at blade passing frequency. These will be deemed greater than expected if the following characteristics apply:

- a. A change in the measured LAeq 100 milliseconds turbine noise level of more than 3dB (represented as a rise and fall in sound energy levels each of more than 3dB) occurring within a 2 second period.
- b. The change identified in (a) above shall not occur less than 5 times in any one minute period provided that the LAeq, 1 minute turbine sound energy level for that minute is not below 28dB.
- c. The changes identified in (a) and (b) above shall not occur for fewer than 6 minutes in any hour.

Noise emissions shall be measured at a complainant's dwelling not further than 35m from the relevant dwelling building, and not closer than 3.5m of any reflective building or surface other than the ground, or within 1.2m of the ground.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.

(Policy BE8, SBLPR and Section 11, NPPF)

- 12 Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling which relates to amplitude modulation, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority in writing, to assess whether there is greater than expected amplitude modulation from the wind farm at the complainant's property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this condition, the wind farm operator shall provide the information logged in accordance with this condition to the Local Planning Authority in the format set out in the Guidance Notes.

- a. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with this condition, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location or locations approved in writing by the Local Planning Authority.
- b. Prior to the submission of the independent consultant's assessment of the noise emissions in accordance with the requirements of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, turbine power generation and where available, rotational speed and blade pitch settings and also the times of day) to determine the assessment of noise emissions.
- c. The proposed range of meteorological conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, or are identified as causing greater than expected amplitude modulation, having regard to the written request of the Local Planning

Authority, and such other conditions as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

- d. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of greater than expected amplitude modulation within 2 months of the date of the written request of the Local Planning Authority unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in the Guidance Note to this condition where that guidance is provided on that data type.
- e. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine and where available, blade pitch and revolutions per minute, expressed as 10 minute averages. 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in the Guidance Note to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- f. Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.

(Policy BE8, SBLPR and Section 11, NPPF)

- 13 The turbine shall not be first brought into use until a mitigation scheme setting out details of works necessary to mitigate any adverse effects to domestic television signals in the area caused by the development, which shall include a provision for the investigation and resolution of any claim by any person for loss or interference of their domestic television signal at their household within 12 months of the final commissioning of the wind turbine, has been submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall be based upon the baseline television signal measurements carried out by

GTech Surveys (Reference: Household Viewing Preference Survey – Checkley Wood Wind Turbine Development), as submitted to the Local Planning Authority.

Reason: In the interests of ensuring that surrounding residents continue to receive an adequate standard of domestic television reception.  
(Section 5, NPPF)

- 14 The wind turbine hereby approved shall operate in accordance with a shadow flicker mitigation scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first operation of the wind turbine unless a survey carried out on behalf of the developer in accordance with a methodology approved in advance by the Local Planning Authority confirms that shadow flicker effects would not be experienced within habitable rooms within any dwelling.

Reason: To ensure shadow flicker is adequately mitigated.  
(Policy BE8, SBLPR and Sections 7 & 11, NPPF)

- 15 The planning permission is for a period from the date of the installation until the date occurring 25 years after the date of first export of electricity. Written confirmation of the date of the first export of electricity shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason: In the interests of visual amenity and landscape protection and the location of the turbine in the Green Belt.  
(Policy BE8, SBLPR and Sections 7, 9 & 11, NPPF)

- 16 Not later than 3 months from the date that the planning permission hereby granted expires, or if the turbine ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing with the Local Planning Authority, it shall be dismantled and removed from the site and the land reinstated to its former condition.

Reason: To ensure that the turbine is removed at the end of its operational life and to safeguard the character of the locality and the Green Belt.  
(Policy BE8, SBLPR and Sections 7, 9 & 11, NPPF)

- 17 All electrical cabling on site shall be buried underground unless otherwise approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

- 18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the quality of controlled waters in accordance with Groundwater Protection, Policy and Practice (GP3) P9-6 and Planning Policy Statement 23 (PPS23). The nature of soil and groundwater contamination is

such that even where comprehensive site investigation is undertaken, some unsuspected contamination may exist between sample locations. This condition allows a reactive mechanism for the control of the way in which such contamination is treated, should it be discovered.

(Section 11, NPPF)

- 19 Upon installation, the turbine shall be fitted with MoD accredited 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point and this shall be retained for the lifetime of the turbine.

Reason: In the interests of air safety.

(Section 11, NPPF)

- 20 **No development shall take place until a scheme for a project that will better reveal the historic significance of Saint Peter and All Saints Church at Battlesden (Grade I Listed) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for the delivery of the agreed project. The agreed scheme shall subsequently be delivered in accordance with the agreed timescales.**

**Reason: The proposal would result in less than substantial harm to the setting of the Grade I Listed Church and the project is in line with paragraph 137 of the NPPF as it would mitigate that impact.**

**(Section 12, NPPF)**

- 21 The development shall be carried out and operated in accordance with the mitigation measures set out in the Hydrological Assessment prepared by Wallingford HydroSolutions Limited dated January 2016.

Reason: To ensure that no contamination of waters under and around the site takes place.

(Section 11, NPPF)

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Figure 2A (received 27/06/2016), Figures 4 & 7 of the "Revised Figures and Visualisations - 87m Rotor Diameter" document dated June 2016 and Figures 6 & 8 of the "Checkley Wood Single Wind Turbine: Environmental Report Figures" dated March 2016

Reason: To identify the approved plans and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).



2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. Guidance Notes for Noise Condition 10

These notes are to be read with and form part of condition 10 of this planning permission. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind turbine and cumulatively with the Double Arches turbine. The rating level at each integer wind speed is the arithmetic sum of the wind turbine noise level whether singularly from the Checkley Wood wind turbine and, if operational, cumulatively with the Double Arches wind turbine, provided the Double Arches noise emissions do not exceed the limits applied in this condition in isolation of the operation of the Checkley Wood turbine. The rating level is determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

#### Guidance Note 1

- a. Values of the LA90, 10minutes noise statistic should be measured at the complainant's dwelling, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 2014 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- b. The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two- layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her dwelling to undertake compliance measurements is withheld, the wind turbine operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

- c. The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic average wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind turbine and meteorological data recorded for the purposes of compliance testing.
- d. Data provided to the Local Planning Authority in accordance with this noise condition shall be provided in comma separated values in electronic format, except descriptions of any other controls applied to turbine operation such as any cap on power output and audio data. The latter shall be provided in the form originally recorded.
- e. A data logging rain gauge shall be installed in the course of the assessment of the levels of noise emissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(c).

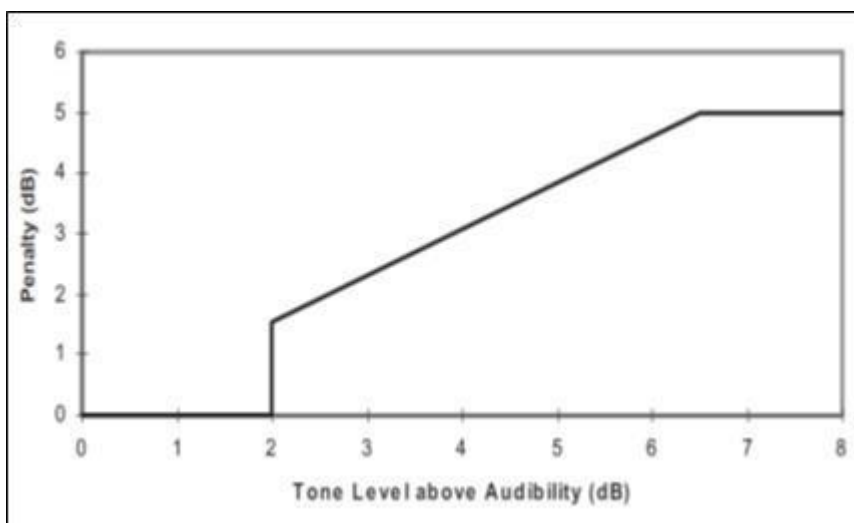
#### Guidance Note 2

- a. The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b) and the data separated into periods chronologically occurring within the conditions identified as relevant for those leading to complaint with each assessed data set including not more than 40 valid data points each.
- b. Valid data points are those measured in the conditions specified in the approved written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured at the location approved under paragraph (a) of the condition in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1.
- c. For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10-minute noise measurements and corresponding values of the 10- minute measured 10 m height wind speed, shall be plotted on an XY chart with noise level on the Y-axis and the mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) in the case of measurements undertaken on behalf of the operator should be fitted to the data points and define the wind turbine noise level at each integer speed.

#### Guidance Note 3

- a. Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

- b. For each 10-minute interval for which LA90 data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10-minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- c. For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- d. The average tone level above audibility shall be calculated for each wind speed bin, each bin being 1 metre per second wide and centred on integer wind speeds. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- e. The tonal penalty for each wind speed bin is derived from the margin above audibility of the tone according to the figure below.



#### Guidance Note 4

- a. If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise whether singularly for Checkley Wood turbine or in combination with Double Arches turbine, at each wind speed, is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in protocol under paragraph (d) of the noise condition.

- b. If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- c. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
- d. The wind turbine operator shall carry out measurements for such period as the independent consultant requires undertaking any further noise measurements required under Guidance Note 4(c). Where it is not possible to obtain measurements of noise that are absent sound contribution from the Double Arches turbine and the Checkley Wood turbine, the background noise levels obtained from the assessment of compliance with the Double Arches turbine noise which is also absent noise from Checkley Wood turbine shall be used as the background noise level for determination of background noise contribution to the rated wind turbine noise whether assessing noise from Checkley Wood turbine in isolation or in combination with noise from Double Arches turbine at each integer wind speed. Where measurements of background noise levels absent any turbine operational noise are not obtainable for the purposes of determining its contribution to measured noise as part of the operator's compliance checks, the independent consultant shall submit a method for determining the background noise contribution. This method shall be subject to the prior written approval of the Local Planning Authority, which shall be subject to any controls or caveats of that approval as required by the Local Planning Authority.
- e. The steps in Guidance Note 2 shall be repeated with the turbine shut-down in accordance with Guidance Note 4(d), in order to determine the background noise level at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition. The operators of Checkley Wood turbine shall also cause the turbine to cease operation for any period required by the Local Planning Authority for the purpose of its own assessment of background noise levels absent its turbine noise.
- f. The wind turbine noise at each integer wind speed shall then be calculated in line with best practice.
- g. The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind turbine noise at that integer wind speed.
- h. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with Guidance Note 3 above) at any integer wind speed lies at or below the values set out in the

Tables attached to the conditions or at or below the noise limits as defined by paragraph 1(e) or 1(f) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or as defined in paragraph 1(e) or 1(f) of the noise condition then the development fails to comply with the condition.

4. Guidance Note in relation to condition 11

Amplitude Modulation (AM) is the regular variation of the broadband aerodynamic noise caused by the passage of the blades through the air at the rate at which the blades pass the turbine tower.

Where the local planning authority considers the level of AM may be at a level exceeding that envisaged by the condition, they may require the operator to appoint an approved independent consultant to carry out an assessment of this feature under this condition. In such circumstances, the sound level meter provided for assessment should include a switchable noise recording system (unless permanently recording all parameters and audio) which can be activated by the complainant, the independent consultant appointed by the operator or the local planning authority. The independent consultant shall initiate recordings of the turbine noise at times and locations when significant amplitude modulation is considered to occur. Such recordings shall allow for analysis of the noise in decibels using one-third octave bands from 20 Hz up to 10kHz and 'A' weighted decibel levels both at intervals of 100ms (milliseconds). It shall also record audio at a standard of not less than 16 bit, 44KHz rate.

5. The Environment Agency has provided the following advice:

Appropriate protection (which should allow for inspection of joints) should be afforded to any oil-filled underground cabling and regular leak testing should be carried out, to minimise the risk of pollution to groundwater and surface waters.

As part of the decommissioning of this wind turbine, all below ground cables should be removed as electrical cables contain insulation oils which, if left to degrade within the ground, could lead to localised contamination of soils and potential leaching to surface water drains in the area.

6. The applicant is advised that they must notify the Defence Infrastructure Organisation Safeguarding within the Ministry of Defence of the following;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of the turbine.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with

the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **DECISION**

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