

Item No. 11

APPLICATION NUMBER	CB/14/04463/VOC
LOCATION	Double Arches Quarry, Eastern Way, Heath And Reach, Leighton Buzzard, LU7 9LF
PROPOSAL	Table 1 and Table 2 of existing Condition 10 of application reference 13/02037/FULL to be amended to add derived noise limits for Mileway House, Checkley Wood Bungalow and Sandhouse Cottages.
PARISH	Heath & Reach
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Abel Bunu
DATE REGISTERED	14 November 2014
EXPIRY DATE	13 February 2015
APPLICANT	AWE Renewables Ltd
AGENT	Engena Limited
REASON FOR COMMITTEE TO DETERMINE	Major application which is a departure from the Development Plan
RECOMMENDED DECISION	Variation of Condition - Recommended for approval

Reasons for Granting

The principle of the development on this site is established following the grant of planning permission, reference **CB/10/03034/FULL** and the subsequent installation of the wind turbine which has been in operation for about a year. The change in circumstances in the intervening period relating mainly to the withdrawal of the emerging Development Strategy for Central Bedfordshire does not change this established principle. Having regard to the noise assessment carried out on the closest properties to the wind turbine, the proposed variation of Condition 10 attached to planning permission reference **CB/13/02037/VOC** would not result in adverse harm to residential amenity thereby conforming to the development plan comprising Policies BE8 and SD1, of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the Central Bedfordshire Renewable Energy Guidance (2013).

Site Location:

The application site lies within the boundaries of Double Arches Quarry, an active sand processing plant that comprises part of a larger operational minerals extraction area. The site lies to the north-east of Leighton Linslade, on Eastern Way, within the

Parish of Heath and Reach.

The site is a raised area of land located in the north eastern part of the quarry, adjacent to the settling ponds. Although, it is within the existing boundary of the quarry, it lies outside of the permitted and future working area of the quarry.

The quarry sits within a larger complex of sand quarries, which alongside Nine Acres and Churchways Quarries, is identified as a County Wildlife Site (CWS) and includes a number of waterbodies. 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.

Approximately 0.2km to the west of the site is Double Arches Pit Site of Special 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 0.7km 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, Stanbridge, Billington, Soulbury, Stoke Hammond and Great Brickhill.

The Application:

seeks planning permission to vary Condition 10 attached to planning permission reference **CB/13/02037** in respect of noise limits at the nearest dwellings to the site. The dwellings affected are:

- 6 properties at Overend Green located approximately 610 metres to the south west of the installed wind turbine. Condition 10 provides noise limits for these properties in accordance with ETSU R-97. However, noise limits are not set for the other dwellings close to the site so the lower fixed limit of 35db(A) applies;
- Sandhouse Cottages, located approximately 837 metres to the north of the turbine and to the south west of the A5 Trunk Road;
- Mileway House, situated approximately 770 metres south east of the turbine and Eastern Way; and
- Checkleywood Farm, approximately 952 east of the turbine and situated to the south west of the A5 Trunk Road.

Purpose of application

To standardise the noise limits based on ETSU- R-97 for all the properties. The applicant considers that the lower fixed limit applied to Sandhouse Cottages, Mileway House and Checkleywood Farm are too restrictive based on existing background noise. In order to derive noise limits at these three properties, noise

measurements were carried out by Hayes Mckenzie Partnership Limited and the results submitted with this application. The application therefore seeks to amend Tables 1 and 2 of Condition 10 to reflect the results of the noise measurements. It is however not proposed to amend the explanatory text preceding these tables.

RELEVANT POLICIES:

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and

replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant :

Section 1 : Building a strong, competitive economy

Section 3 ; Supporting a prosperous rural economy

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 historic environment

South Bedfordshire Local Plan Review

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 policies are broadly consistent with the Framework and significant weight should be attached to them.

SD1 Keynote Policy

BE7 Conservation and Enhancement of Historic Parks and Gardens;

BE8 Design Considerations

NE3 Control of Development in the AGLV

R15 Retention of Rights of Way Network

Development Strategy

At the meeting of Full Council on 19 November 2015 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 website as material considerations which may inform further development management decisions.

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

M4: Protection of Mineral resources within mineral consultation areas;

G3: Proposals within the Greensand Trust area to support the aims and objectives of the Greensand Trust;

GE26: Restoration of Mineral sites.

Supplementary Planning Guidance

- South Bedfordshire Landscape Character Assessment
- Central Bedfordshire and Luton Borough Councils Joint Committee Sustainable Development and Adaptation and Mitigation of Climate
- Change Study (Parsons Brinckerhoff, 2010)
- Central Bedfordshire Renewable Energy Guidance (2013).

Planning History

- CB/14/00556/FULL Permission. Construction of additional access road from the A5 to the Double Arches wind turbine including improvements to existing farm access on the A5.
- CB/13/02037/VOC Permission. 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.
- CB/10/03034/FULL Permission. 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.
- SB/08/01073/SCO Request for scoping opinion of the Local Planning Authority – regulation 5 of the Environmental Impact Assessment Regulations for the installation of two wind turbines.

Representations: (Parish & Neighbours)

Parish Council

The technical details of this application are such that it is not possible for this Parish Council to give its considered opinion within the time constraints. The Parish Council, therefore, objects to the application on these grounds.

Neighbours

59 Linslade Road, 5
Sandhouse Cottages,
Kingsway Bungalow,
Miletree Road

- The turbine was commissioned on Thursday 18th. December 2014 and ever since Freeview digital television and radio reception is appalling. Pixelation and audio disruption make viewing impossible; in fact it causes our equipment to crash, which could cause hardware damage. The turbine is in direct line of sight between our aerial and Sandy Heath transmitter. We are not the only affected household in the village. The problem has been reported to the BBC.
- The turbine needs be shut down until such time the electromagnetic noise is eliminated.
- The original application stated that the decibel level

should not exceed 35db. It is obviously higher and with the amendment to add derived noise limits, this will significantly increase the original approved noise limits.

- Since the turbine has been running, apart from the ugly site, it has not been too much of a nuisance. However, there have been occasions when the wind has been in a certain direction when the noise of the turning blades does cause a very noticeable thump thump sound. This is always at night when the ambient noise has been at its lowest. It appears to be when the wind is coming from the north west and the turbine has rotated so that the blades are nearest to Kingsway Bungalow. Bearing this in mind, the amendment to the condition which would allow a greater noise level is strongly objected to.

Consultations/Publicity responses

Public Protection

With respect to the information from MAS consultants, I do not believe that there is a reasonable chance of defending any further action despite risks remaining. Likewise I also believe that given the history it would be impossible to seek an appropriate condition on Amplitude Modulation (AM) and therefore the application to discharge the condition is supported.

The response from MAS Consultants is included below:

The response provided by Engena Limited ("Engena"), dated 23rd October 2015, (**Included as an appendix**) has now addressed the majority of issues raised by MAS and the information requested has been provided.

There are comments in the Engena response that MAS disagree with; however, in the interest of resolving the noise issues with the application, in this response I have focused only on the issues pertinent to approval or refusal of the application.

Background noise level data.

There are no outstanding issues with the noise monitoring location at Sandhouse Cottages. The use of measured noise levels, and associated noise limits, at Checkleywood Bungalow only for this location and as a proxy location for Checkleywood Farm, as proposed by Hayes McKenzie Partnership Limited (HMP), is agreed. MAS uphold concerns raised with background noise levels measured at Mileway House. However, with reference to figures 17 and 18 appended to the 23rd October Engena response the predicted turbine noise is 6dB or more below the derived noise limit. As such it is

likely that predicted turbine noise would meet ETSU-R-97 limits at this location if slightly lower limits were derived. The potential noise impact at this location is discussed further below.

Missing information.

The majority of these issues have now been addressed. The Engena response confirms that road traffic noise has been filtered from the data during peak hour morning traffic periods. However, the concern arises with wind direction filtering as in the prevailing wind direction the locations at Sandhouse Cottages and Checkleywood Bungalow are located downwind of the turbine whilst upwind of road traffic noise. If directional filtering did show an impact on measured noise levels the worst case situation, in terms of adverse turbine noise impact, would relate to a comparison of the predicted turbine noise against the lower range of measured background noise levels.

At Checkleywood Bungalow measured background noise levels during daytime are significantly higher in the majority of cases than the turbine noise and as such there is unlikely to be any impact from directional filtering. At night, turbine noise could be in the region of 5-10dB above the background noise environment for some periods. However, it is likely that ETSU-R-97 limits would still be met. At Sandhouse Cottages, again it is likely that ETSU-R-97 noise limits would be met. However, during night time turbine noise could be in the region of 5-10dB above the existing noise environment.

Amplitude modulation (AM).

MAS consider that AM remains an issue for consideration and a likely adverse impact if the development is approved.

Summary.

The majority of outstanding issues raised regarding missing information and assessment of noise impact have now been addressed. There is the potential for adverse impact and this is a relevant consideration for determining the acceptability of the application. Turbine noise is predicted in the region of 5-10dB above the background noise environment in some locations at night time.

This level of impact combined with the character of AM is likely to cause a level of adverse impact. It is further noted that the predicted noise at H18 meets the derived noise limit at 3-4m/s during daytime hours. This leaves no headroom and as such presents a level of uncertainty for

compliance with the noise limit. However, notwithstanding the issues raised above regarding adverse noise impact, the applicant's assessment does indicate that ETSU-R-97 limits are likely to be met by the development.

Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Impact on residential amenity
3. Other matters

Considerations

1.0 Principle of the development

- 1.1 The principle of erecting a wind turbine on the application site was established with the grant of planning permission, reference **CB/10/03034** and subsequently with the removal of Condition 11 which sought to regulate amplitude modulation through application reference, **CB/13/02037/VOC**. The wind turbine has since been installed and has been in operation for about a year. Section 73 of the Town and Country Planning Act provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. In determining such an application under section 73, the decision maker should take into account any changes in circumstances since the parent permission was issued. In this case, the withdrawal of the emerging Development Strategy for Central Bedfordshire on the 19th November 2015 is a material change in circumstances. However, there has not been any change in the relevant policies of the South Bedfordshire Local Plan Review and the National Planning Policy Framework in the same period such that the principle of the development is still acceptable.
- 1.2 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73 and to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application, (paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue. In this case, given that the wind turbine is already in operation, it is recommended that the conditions from the previous permission be amended accordingly.

1.3 Having regard to the established principle of the development, consideration of the application therefore turns on to examining the impact of the proposed variation of Condition 10 of permission reference **CB/13/02037/FULL** on residential amenity.

2.0 Impact on residential amenity

2.1 As detailed in the MAS report regarding adverse noise impact, the applicant's assessment does indicate that ETSU-R-97 limits are likely to be met by the development notwithstanding some variations especially at night. It is therefore considered that the proposed variation of Condition 10 in order to adopt the derived noise limits at the Sandhouse Cottages, Checkleywood Bungalow and Mileway House would not result in adverse harm to residential amenity. Furthermore, for the period that the turbine has been in operation, there are no recorded complaints regarding noise at the closest residential properties and the Public Protection Officer raises no objections to the application. The proposal would therefore not conflict with Policy BE8 of the South Bedfordshire Local Plan Review and national advice within the NPPF.

3.0 Other Matters

3.1 Representations

The objection raised on the basis of interference with telecommunications apparatus is noted. However, a condition is already in place from the original permission which requires such matters to be investigated and resolved. It is our understanding that the developer is complying with that requirement.

With regards the increase in noise limits, this underlines the essence of this application and the matter is addressed above at paragraph 2.1.

3.2 Human Rights issues

No human rights concerns are raised.

3.3 Equality Act 2010

The application raises no equality issues.

Recommendation

That Planning Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The maximum height of the turbine hereby permitted, when measured from the turbine base to the blade tip in the vertical position, shall be no greater than 149 metres.

Reason: For the avoidance of doubt and in the interest of visual amenity.
(Policy BE8 S.B.L.P.R & NPPF section 7)

- 2 The details of the installed wind turbine relating to the make, model, design, power rating, sound power levels and tonal assessment shall not be changed without the prior express permission of the Local Planning Authority.

Reason: To protect the amenities of the neighbouring residential properties.
(Policy BE8 S.B.L.P.R & NPPF section 7)

- 3 The approved details of the external appearance and colour finishes of the wind turbine shall be permanently retained as such and no alterations shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To protect the visual amenities of the area.
(Policy BE8 S.B.L.P.R & NPPF section 7)

- 4 The development shall be operated in accordance with the approved scheme of foul drainage and no variation shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure appropriate drainage.
(Policy BE8 S.B.L.P.R)

- 5 The development shall only be carried out in accordance with the approved scheme of ecological mitigation which includes :
- i) Details of the management programme controlling the habitats and vegetation in the immediate vicinity of the turbine;
 - ii) The position of 20 Schwegler 1FF bat boxes to be agreed in consultation with the Bedfordshire Bat Group;
 - iii) A scheme of post-implementation monitoring to be agreed with Natural England;
 - iv) Techniques such as Anabat recording at turbine height, bat transects on site and corpse searches, as well as monitoring bird strike mortality.

Reason: To ensure that biodiversity interests are protected.
(Policy BE8 S.B.L.P.R and section 11, NPPF)

- 6 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, 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 Guidance Note 1(e).
- i) 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 condition 2 shall be undertaken at the measurement location or locations approved in writing by the Local Planning Authority.

- ii) Prior to the submission of the independent consultant's assessment of the level of amplitude modulation 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, power generation and times of day) to determine the assessment of the amplitude modulation.
- iii) The proposed range of 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 immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.
- iv) 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 Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the amplitude modulation noise immissions.
- v) The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 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 Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- vi) 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 condition 2, 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 by the Local Planning Authority.

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

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 7 Mitigation measures to alleviate the interference to telecommunication links caused by the wind turbine shall be implemented during the operational period of the turbine following investigation through consultation with the appropriate telecommunication providers and the affected properties.

Reason: To ensure that the impact of the turbine on telecommunications links is adequately mitigated.

(Policy BE8 S.B.L.P.R and section 5, NPPF)

- 8 During the operational life of the wind turbine on site, any reported shadow flicker effects shall be investigated and resolved within a reasonable period of time agreed in writing with the Local Planning Authority.

Reason: To ensure shadow flicker is adequately mitigated.

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 9 The planning permission is for a period from the date of the installation until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of commissioning of the development 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.

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 10 The rating level of noise immissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any dwelling except those identified in the table below for any relevant 10m height 10 minute mean above ground level measured integer wind speed between 1-10m/s. In the case of the six dwellings identified in the tables attached to this condition, the rating level of noise immissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the decibel value identified for the relevant integer 10m measured wind speed set out in the tables and:

A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

- B. 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, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the 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 paragraph (B), the wind farm operator shall provide the information logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).
- C. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.
- D. Prior to the submission of the independent consultant's assessment of the rating level of noise immissions in accordance with paragraph (E), the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:
- i. the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions; and
 - ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (B), and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.
- E. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) 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 Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local

Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

- F. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.
- G. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 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 Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- H. 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.

For the purposes of this condition, a "dwelling" is a building which is lawfully used as a dwelling house and which exists or had planning permission at the date of this consent.

Table 1 - Between 07:00 and 23:00 - Noise level dB LA90, 10-minute

Location	Measured wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
The dwellings identified as H14-H19, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3	35	35	37	39	41	43	45	47	49	51	53	55

National Grid Ref H14-H17 = 493263 228805 H18 = 493357 228735 H19 = 493365 228682													
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	46.8
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	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	49.8

Table 2 - Between 23:00 and 07:00 - Noise level dB LA90, 10-minute

Location	Measured wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods												
	1	2	3	4	5	6	7	8	9	10	11	12	
The dwellings identified as H14-H19, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3	43	43	43	43	43	43	44	45	47	49	50	52	
National Grid Ref H14-H17 = 493263 228805 H18 = 493357 228735 H19 = 493365 228682													
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	43.0
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	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	43.0

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

(Policy BE8 S.B.L.P.R and section 7, NPPF)

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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.

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 12 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 and in the interests of visual amenity.
(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 13 Piling or any other foundations designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

- 14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

- 15 The turbine shall be fitted with 25 candela omni-directional red lighting at the highest practicable point and this shall be retained for the lifetime of the turbine.

Reason: In the interests of air safety.
(Policy BE8 S.B.L.P.R and section 5, NPPF)

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details contained in the Background Noise Measurements and Derivation of Noise Limits Report HM:2865/R01 dated 08 October 2014 and on the submitted plans, numbers 3100.013; Technical Information contained within Environmental Statement dated July 2010 Volumes 1-4 (inclusive) and Transport Assessment dated July 2010 submitted with application reference CB/10/03034/FULL.

Reason: For the avoidance of 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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.