

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ

**This meeting
will be filmed.***



**Central
Bedfordshire**

please ask for Leslie Manning

direct line 0300 300 4040

date 18 July 2017

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 19 July 2017 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT
COMMITTEE:

Cllrs K C Matthews (Chairman), R D Berry (Vice-Chairman), M C Blair,
Mrs S Clark, K M Collins, I Dalgarno, F Firth, E Ghent, C C Gomm, K Janes,
T Nicols, T Swain and J N Young

[Named Substitutes:

Cllrs D Bowater, A D Brown, Mrs C F Chapman MBE, Cllr S Dixon,
Ms C Maudlin, A Ryan and B J Spurr]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING***

**N.B. The running order of this agenda can change at the Chairman's
discretion. Items may not, therefore, be considered in the order listed.**

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AGENDA

Welcome

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

3. **Minutes**

To approve as a correct record the minutes of the meeting of the Development Management Committee held on 21 June 2017 (copy to follow).

4. **Members' Interests**

To receive from Members any declarations of interest, including membership of any Parish/Town Council consulted upon during the planning application process and the way in which a Member cast his/her vote.

Report

Item	Subject	Page Nos.
5.	Planning Enforcement Cases Where Formal Action Has Been Taken	7 - 14

To consider the report of the Director of Regeneration and Business which provides a monthly update of planning enforcement cases where action has been taken.

Planning and Related Applications

Prior to considering the planning applications contained in the following schedules Members will have received and noted any additional information relating to the applications as detailed in the Late Sheet for this meeting.

Item	Subject	Page Nos.
6.	<p>Planning Application No. CB/16/01389/FULL</p> <p>Address: Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG</p> <p>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.</p> <p>Applicant: Checkley Wood Energy Ltd</p>	15 - 216
7.	<p>Planning Application No. CB/17/01585/FULL</p> <p>Address: Land between Taylors Road and Astwick Road, north of 51 Astwick Road, Astwick Road, Stotfold (nearest postcode SG5 4AU)</p> <p>Residential development of 26 dwellings to include landscaping, access, parking and all ancillary works.</p> <p>Applicant: GPS Estates Ltd</p>	217 - 244
8.	<p>Planning Application No. CB/16/04555/OUT</p> <p>Address: 72 Hitchin Road, Henlow, SG16 6BB</p> <p>Outline application: Demolition of the existing dwelling and erection of 6 houses, and 6 flats with 19 parking spaces and associated landscaping.</p> <p>Applicant: Ask-Re The Property People Ltd</p>	245 - 262

9. **Planning Application No. CB/16/04918/OUT** 263 -
284
- Address:** The Paddock, New Road, Clifton, Shefford
(nearest postcode SG17 5RQ)
- Outline Application: Development of 20 dwellings, public open space, landscaping, parking and associated works. All matters to be reserved with the exception of access.
- Applicant:** High Street Homes Ltd
10. **Planning Application No. CB/17/01827/FULL** 285 -
298
- Address:** The Old Maltings, Church Street, Biggleswade,
SG18 0JS
- Change of use from former bar/restaurant and single dwelling to form 10no. new dwellings and B1 office.
- Applicant:** Mr J McCann
11. **Planning Application No. CB/17/01339/FULL** 299 -
312
- Address:** 24 Ickwell Green, Ickwell, Biggleswade, SG18 9EE
- Erection of one new dwelling.
- Applicant:** Mr J McGuinness
12. **Planning Application No. CB/17/02538/VOC** 313 -
324
- Address:** 21 Arlesey Road, Stotfold, Hitchin, SG5 4HB
- Variation of Condition No. 8 on planning application CB/15/02315/FULL dated 13/08/15. Slight adjustment to position of plots 1 & 2, slight adjustment to chimney design, removal of box window to plots 1 & 2, removal of side door and window to plots 1 & 2.
- Applicant:** Mr J McGuinness
13. **Late Sheet** 325-
340
- To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on **18 July 2017**.

14. **Site Inspection Appointment(s)**

Under the provisions of the Members' Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on **16 August 2017** and the Site Inspections will be undertaken on **14 August 2017**.

Meeting: Development Management Committee
Date: 19th July 2017
Subject: Planning Enforcement cases where formal action has been taken
Report of: Director of Regeneration and Business
Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken.

Advising Officer: Director of Regeneration and Business
Contact Officer: Sue Cawthra Planning Enforcement and Appeals Team Leader
(Tel: 0300 300 4369)
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

- 1. To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

Background

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

Appendices:

Appendix A – Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 19th July 2017)

Appendix A

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - Unauthorised encroachment onto field 2 - Unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Awaiting outcome of PFMT presentation.
2	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12			Not complied	Awaiting outcome of PFMT presentation.
3	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15			Not complied	Legal advice being sought as to next steps.
4	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16		04-Apr-17	Not complied	Revised planning application registered for alterations and modifications to existing building ref. CB/17/02434/FULL. Enforcement notice still in effect. Some minor demolition has been carried out on site. Discussions with Legal with regard to the options available now the Enforcement Notice compliance period has expired.
5	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Awaiting outcome of PFMT presentation.

Planning Enforcement formal action (DM Committee 19th July 2017)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
6	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeal dismissed.	02-May-17	Part complied	(Part Complied) Site inspection of building carried out on 28 June 2017. Residential use has ceased and furniture and appliances removed. Internal flooring, fittings, radiators and external paraphernalia remain. Lawful development application for erection of a dwelling house (CB/17/02161) and the proposed use of the dwelling house for residential purposes (CB/17/02162) for the building subject of enforcement notice awaiting to be determined.
7	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015	Not complied	Discussions to be held to consider options given progress to date.
8	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal decision - Enforcement Notice upheld	27/09/2016	Not complied	Further information forwarded to Legal as requested and await Court date for prosecution for non compliance with Notice
9	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings	06-May-16	08-Jun-16	08-Jul-16			Part complied	Part compliance with the Section 215 Notice. Tyres and scrap removed.
		Enforcement Notice - material change of use to a caravan site with the stationing of two static mobile homes	07-Apr-17	08-May-17	08-Jul-17 08-Aug-17	Appeal received 28/04/17			Enforcement Notice has been appealed even though the mobile homes have now been removed. Awaiting details from the Planning Inspectorate.
10	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site.							Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused.

Planning Enforcement formal action (DM Committee 19th July 2017)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
		Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16	Appeal dismissed	02-Mar-17 02-Jun-17	Not complied	Injunction remains in place to prevent further development. Enforcement Notice remains in effect. Waiting to hear from the Planning Court for the outcome of owner's application for permission to bring a judicial review claim in respect of the Council's refusal to consider the latest planning application. Once received Legal will advise how to proceed
11	Land at 13 Icknield Street, Dunstable, LU6 3AD	Enforcement Notice - the installation of a dormer	30-Nov-16	28-Dec-16	28-Jun-17				Application CB/17/01420/FULL now approved and awaiting works to commence.
12	47 Hitchin Road, Stotfold, SG5 4HP	Section 215 Notice - untidy land	31-Aug-16	30-Sep-16	30-Oct-16			Not complied	Section 215 Notice not complied with. Lawful use certificate application submitted for parking of vehicles and use of rear garage for car repairs (CB/17/02115/LDCE) awaiting to be determined. Prosecution file with Legal to consider whether to take formal action.
13	Land at Honeywicke Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10-Sep-16 10-Oct-16	Appeal dismissed	19-Jan-17	Not complied	Council challenge against Planning Appeal decision to allow the change of use has now been lodged. All action held in abeyance.
14	Grooms Cottage, 5 West Hill, Aspley Guise, MK17 8DP	S215 Notice - Building in state of disrepair	16-Nov-16	16-Dec-16	16-Mar-17			Not complied	Advised that works should be commencing on site early July in order to comply with the requirements of the S.215 Notice
15	Car Park, The Pack Horse Public House, Watling Street, Kensworth	Enforcement Notice - Material change of use of the land from car park to use for vehicle sales, storage, repairs and the siting of a touring caravan.	20-Apr-17	18-May-17	18-Jul-17				Check compliance 18/07/17

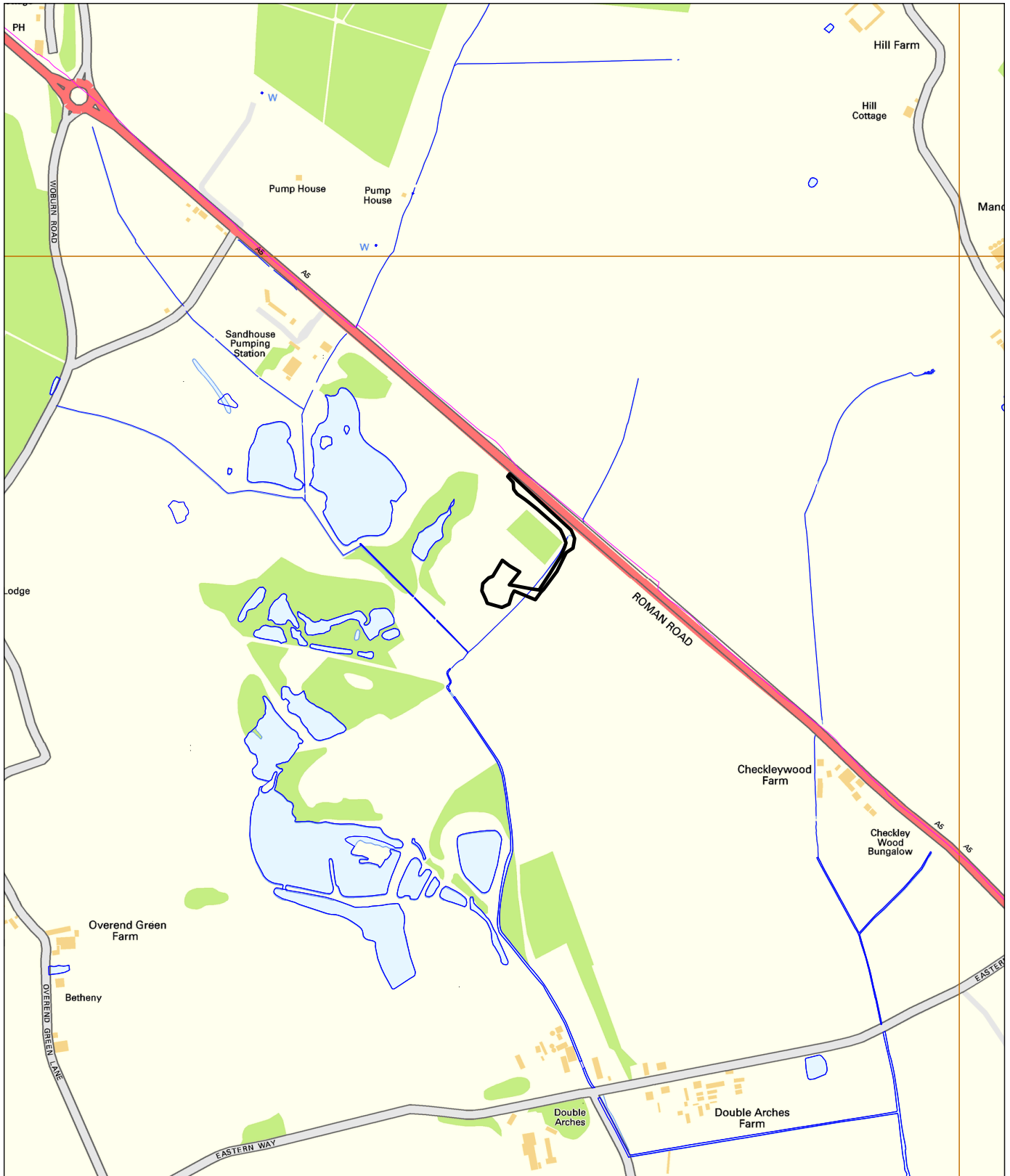
Planning Enforcement formal action (DM Committee 19th July 2017)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
16	Land at 81 The Rowlands, Biggleswade, SG18 8NZ	S215 Notice - Untidy land	02-Aug-16	02-Sep-16	02-Oct-16			Complied	Notice has now been complied with & the prosecution case has been discontinued. The case has now been closed.
17	Falcons Field, Lower Rads End, Eversholt, MK17 9EE	Enforcement Notice - Unauthorised construction of a tree house	08-Mar-17	08-Apr-17	08-May-17	Appeal received 28/03/17			Still awaiting details from The Planning Inspectorate with regard to the appeal against the Enforcement Notice
18	Four Winds Industrial Estate, West End, Haynes, MK45 3QT	Enforcement Notice - Material change of use for the stationing of mobile homes and caravans	15-May-17	15-Jun-17	15-Jul-17 Aug-17				Enforcement Notice now in effect. Will make a site visit following the compliance date of 15/07/2017 to see if the mobile homes/caravans have been removed from the land.
19	52 The Ridgeway, Flitwick, MK45 1DJ	Section 215 - Untidy Land	03-Oct-16	03-Nov-16	03-Dec-16		02-Jul-17	Not complied	LGSS have written to the owners to remind them that they still have to comply with the requirements of the S.215 Notice - they now have until 02/07/2017 to comply. Following this a site visit will be made to check for compliance.
20	7 Lovers Walk, Dunstable, LU5 4BG	Section 215 - Untidy Land	20-Oct-16	20-Nov-16	20-Dec-16			Complied	All waste has been removed and overgrown vegetation cut down. The S215 Notice has been complied with and the case will be closed
21	Lynmore House, Sharpentoe Road, Crawley	Breach of Condition x2	22-Jun-17	22-Jun-17	22-Jul-17				Check compliance 22/07/17
22	The Halt, Crawley Crossing, Bedford Road, Husborne Crawley, MK43 0UT	Breach of conditions - Condition 1 and 2 - Construction Traffic scheme and landscaping details.	16-Mar-17	16-Mar-17	15-Apr-17				Approval of details submitted for Condition 2 regarding wheel cleaning and an application has been received for the removal of Condition 1 regarding landscaping. No further action is required at this stage and the enforcement case will be closed.

Planning Enforcement formal action (DM Committee 19th July 2017)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
23	2 Hockliffe Road, Leighton Buzzard, LU7 3FN	Enforcement Notice - Unauthorised change of use, taxi business.	12-Jan-17	12-Feb-17	12-Mar-17	Appeal received 09/02/17			Appellant has now removed ground (a) appeal that planning permission should be granted and so will await decision from Planning Inspectorate
24	63 Katherine Drive, Dunstable, LU5 4NP	Enforcement Notice - Unauthorised change of use to gym	30-Jun-17	28-Jul-17	28-Aug-17				Check compliance 28/08/17

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	Date: 30:June:2017	
	Grid Ref: 494163; 229413	
Scale: 1:10000	Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG	

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Item No. 6

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

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 18th 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

noise limits for Mileway House, Checkley Wood Bungalow and Sandhouse Cottages
 Decision Variation of Condition Granted
 Decision Date 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]

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 CO₂ per Kwh. This needs to change from the present (2014) amount of 450g CO₂ 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 produced 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 Hout 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 Hout, 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 Hout 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 Hault 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 Hault 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, conservations 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 builds 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 onto 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 builds 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 Hault 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 Hault 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 Hault' 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 Hault 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 Hault, 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 8th 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.

CBC Archaeologist

The proposed development site is located within an area of 20th 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 Hault 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 20th 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 18th 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 omnidirectional 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)

I wish to state my objection to this application being approved, on behalf of my residents in Potsgrove, Battlesden and Milton Bryan.

My objections are:

- The proposed turbine is nearly 70% bigger than the existing one, which is only about 400m from this proposed one.
- The visual impact on my residents is already poor with the existing turbine, so the addition of the proposed larger one is totally unacceptable.
- 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.

- 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 bio-diversity, 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.

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.

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. Vitaly, 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.
- 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 gCO₂/kwh in 2014 to below 100 gCO₂/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/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 Totterhoe 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 Hault, 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 Hault, 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 it 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, calcereous 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 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 LA90,10 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 LA90,10 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).

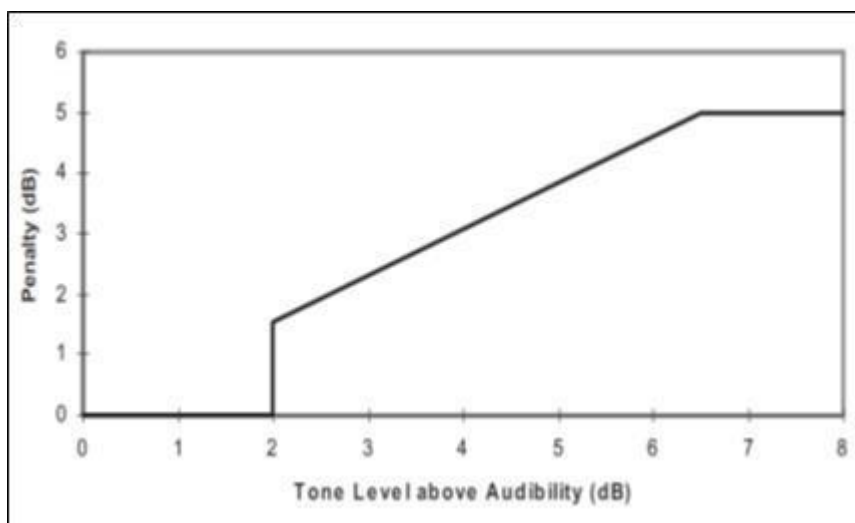
Guidance Note 2

- 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

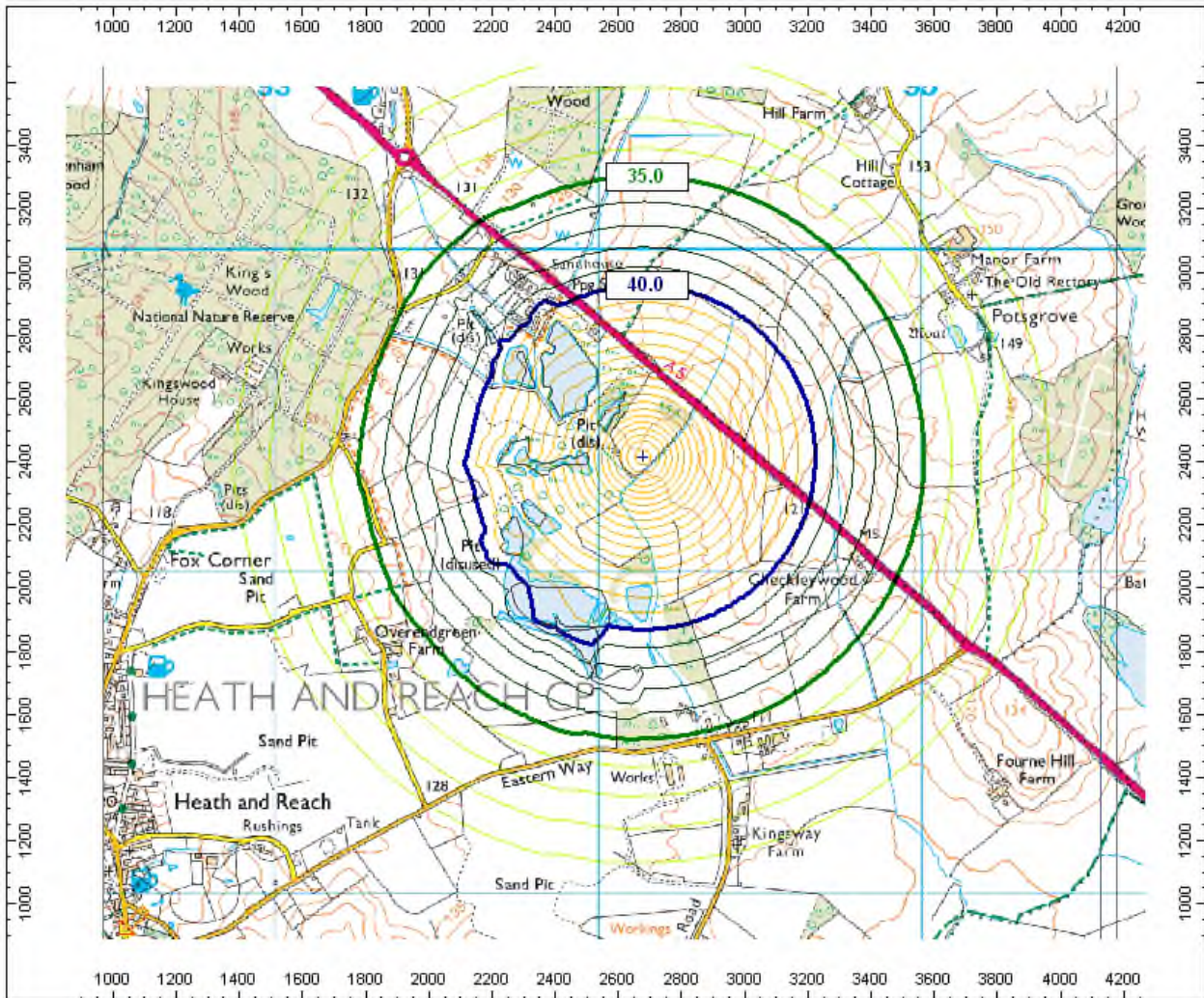
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Plan A - Cumulative predicted noise levels Double Arches and Checkley Wood



Plan – B Predicted noise levels Checkley Wood only



CHECKLEY WOOD

WIND TURBINE

APPLICATION CB/16/01389/FULL

OBJECTION DOCUMENT

INTRODUCTION

Bedfordshire is graced with some of the most picturesque and unspoilt countryside anywhere in Great Britain and the area between Woburn and the Buckinghamshire boundary is no exception. Wantonly defacing such natural beauty would be nothing short of criminal, even if the glaring failures in the planning case didn't exist.

It is initially important to understand that this Application for a second wind turbine **MUST** be considered in combination with the existing turbine. It is obvious that the Applicant wishes us to make decisions at the margin and consider one turbine, but **the impact is of the 2 turbines combined**. It is for that very reason they wish to separate them.

In essence, this development, if allowed, creates a wind farm of such a size and scale that it is an unacceptable development on the site proposed within the Green Belt. There are many material planning considerations which warrant refusal in the light of the harm caused and the impossibility of mitigation.

CBC has a public duty to weigh this evidence. The right of decision rests entirely with CBC as the democratically elected and accountable local government of our area.

Both the NPPF and the Localism Act mandate local authorities to attach great weight to the considered views of local people. As the Prime Minister put it: *"We're cutting the subsidy to onshore wind because I think it has been over-subsidised and wasteful of public money. The second thing we're doing is the Localism Act will give local communities a greater say over issues like wind turbines"* (Hansard: 29 February 2012). His sentiments have since been echoed in widely reported statements from respective Ministers of State for Energy, Environment and Planning.

Many wind farm developers have tried to argue that national Energy Policy trumps every other planning consideration. This is a misrepresentation of the truth. Moreover it is one that has been rejected in the High Court by its ruling that the planning process in the UK remains **"plan-led, that the Local Development Plan is not subordinated by National Policy,** and that it, therefore, remains the primary instrument for determination of such Applications.

The following Chapters consider in detail the impact this proposed development will have on our landscape, Heritage assets, ecology, homes, pastimes and Public Health.

We conclude that the evidence provided shows that the significant degree of harm inflicted on all of these assets, by the proposed development, results in the amount of dis-benefit exceeding that of the benefit.

Further, we only have so much capacity (in terms of money, space and impact) to build the structures necessary to transfer the energy we require into the form we need.

Consequentially, that capacity is a scarce resource which needs to be efficiently and effectively managed.

If you consider that our total energy requirements are relatively fixed, then in managing the scarce resource, we must ensure the maximum energy production from each unit of capacity consumed.

This means, in practice, locating our wind turbines on optimally selected sites, not sites selected because they are simply owned or available.

To do otherwise would be unrenewable, unsustainable and unjust.

We ask for your determination of refusal.

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1. QUANTUM OF ELECTRICITY PRODUCTION

We recognise that Central Bedfordshire Council (“CBC”) is constrained by National Policy directives from debating the viability and value of onshore wind policy per se, or the specific electricity output to be achieved by a particular wind farm. However, this does not absolve CBC from rigorously scrutinising the details of all evidence submitted, including that pertaining to the quantum of energy production. The LPA still has a legal duty to scrutinise thoroughly the veracity of the Applicant’s Application, irrespective of the national directive that it cannot discuss policy.

Since electricity generation is the only benefit proposed by the Applicant, it follows that its quantum must be accurately established as the basis for then evaluating the balance between benefit and dis-benefit in this determination. This is not only permitted by National Policy, it is mandated by it.

The comparison of benefit against dis-benefit was highlighted very recently by Hugh McNeal (CEO of Renewables UK, wind industries trade body). In an article published in The Telegraph (4 June 2016) Mr McNeal states *“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”* and concludes that new wind farms in England were *“very unlikely”* beyond those that have already secured subsidies and are awaiting construction as they would not be cost efficient enough.

These comments were supported by Keith Anderson, Chief Executive of Scottish Power Renewables, who said he agreed with Mr McNeal that new onshore wind in England would be *“incredibly challenging”*.

These comments highlight very clearly that the industry itself is questioning the amount of benefit produced in sub-optimal locations. However, in reaching their conclusions they are only focusing on the economics and not including the other dis-benefits of building massive wind turbines amongst local communities. These other dis-benefits are highlighted in the remainder of this document.

We contend that once these dis-benefits are added to their comments above, the result is clear that the total dis-benefit far exceeds the quoted benefit.

Furthermore, the turbine will be produced overseas and we understand there will be limited local input into construction work given the specialised nature of the erection of wind turbines.

Wind Speed

The output of electricity from a wind turbine is proportional to the cube of the wind speed. Variations in the available wind speed at any site due to topography, vegetation and built structures will, therefore, make a large difference in electricity generated and hence the benefits that can be claimed. The specific wind profile of a site determines the amount of the installed capacity of the wind farm that can be harvested.

A graphic example of just what difference topography can make is shown by the performance of two similar sized schemes a few kilometres apart near Workington. In 2011 the Siddick wind farm had a capacity factor of 15.9% while the Lowca wind farm achieved 33.8%. The reason was that the Lowca site is on top of a ridge while the Siddick wind farm is on the coastal plain.

Because the power output of a wind turbine is proportional to the cube of the wind speed, the annual energy production decreases disproportionately compared to the decrease in annual average wind speed. For example, a decrease in annual wind speed from 7m/s to 6.5m/s is a 7% decrease, but the corresponding fall in annual energy production is around 14%. This relationship results in 2 conclusions:-

- Wind turbines must be located in the windiest possible (optimal) locations. There is no evidence to suggest that the Applicant has considered other locations and, specifically, measured average wind speeds at these competing locations to assess benefit v dis-benefit.
- Data for wind speeds at 93.5m hub height must be accurately collected and quantified at the Checkley Wood site.

This relationship further enhances the comments by Hugh McNeal and Keith Anderson. We live in a world of scarce resources and it is vital that these scarce resources are used as efficiently as possible. This statement holds for all forms of energy and must include Renewable Energy.

Energy will be consumed and carbon footprints created in building and delivering the massive turbine. Given that we now understand the pure economics to be questionable, it is essential that we position the turbines responsibly and effectively.

We contend that the proposed site of the Checkley Wood wind turbine is sub-optimal. It has been chosen because it is available rather than because it provides the right solution.

National Planning Policy Framework (“NPPF”) Requirement

The National Planning Policy Framework states that Applications should be refused where *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”*. Thus it is vital that the benefits are accurately quantified to enable this balancing exercise to be effectively carried out.

By choosing a sub-optimal wind speed site, the Applicant has failed to mitigate the adverse impacts, because by selecting a site with higher wind speeds, they could reduce the environmental and social impacts through using smaller turbines to produce the same amount of electricity. The Applicant’s position is in direct conflict with national guidance as shown by:

“Our planning system must enable renewable deployment in appropriate places While ensuring that we continue to protect our environment and natural heritage and respond to the legitimate concerns of local communities”. (UK Renewable Energy Strategy July 2009).

“We are targeting only the most cost effective onshore wind farm deployment”. (Ministerial Foreword. Consultation on proposals for the levels of banded support under the Renewables Obligation).

“Support for wind through ROCs is based on generation, not capacity, in order to encourage efficient deployment”. (Section 3.7 RO Support. Consultation on proposals for the level of banded support under the Renewables Obligation).

Turbine Wake Separation

The amount of electricity produced is also impacted by the separation distances between the turbines as can be seen in an EON Application at Syderstone (Chiplow Wind Farm). In the ES in 4.1.2 one of the constraints quoted as important to the design of a wind farm was:

“To minimise the turbulent interaction between wind turbines (wake effect), which is a key factor in maximising the overall power generating capacity of a site, turbines were also separated by set distances both in line with the prevailing wind direction and perpendicular to it (in the case of Chiplow, this being 5 x 4 rotor diameters)”. This is reinforced by National Policy Statement EN.3 which stated 6 and 4 rotor diameters respectively.

The location of the second turbine does not meet this separation guidance as the developer quotes a separation of 410m with a rotor diameter of 112.5m and hence there will be a reduction in capacity factor due to array losses. The turbine manufacturer will only warrant the performance of the turbines in terms of both efficiency and noise, if they are satisfied that the turbine layout meets its required standards and criteria. There is no evidence from the Applicant that the manufacturer has been approached about the tight layout proposed here.

Quantum of Electricity Generated

The Applicant has estimated that the chosen turbine (Vensys VE112) could produce approximately 8,380,000Kwh of electricity annually. This figure has been calculated by applying a 10% loss factor to the theoretical capacity associated with turbine availability and electrical losses, and by estimating the average wind speed at the hub height of 93.5m.

The accuracy of these figures needs to be independently verified and specific allowance made for:-

- Unscheduled maintenance. The existing Double Arches turbine was not operational for in excess of 5 of the previous 12 months. During that period, no energy was produced.
- Wind speeds at hub height of 93.5m must be accurately compiled.
- The Applicant has confirmed that the cumulative effect of both turbines will result in an exceedance of the noise limits at 3-4m/s at certain locations. The recommended mitigation is that the proposed Checkley Wood turbine is only operated for wind speeds greater than 4.5m/s when the residential properties are down wind of the turbine (when the wind is blowing from the North-East). The impact of this must be accurately measured, specifically in regard to average wind speeds and average direction of prevailing wind and an adjustment calculated for energy production.
- The Applicant has confirmed that 22 properties will suffer the effects of Shadow Flicker, in total over 254 days of the year. The Applicant has confirmed “if effects are observed by the residents, to protect their amenity, control of the turbine would be used to turn the machine off during the brief periods identified where conditions are such that the effect may occur”. This can only be above the cut in wind speed of 3m/s and when the rotor is turning. Again, the impact of this on energy production must be accurately quantified.
- The calculation does not include any adjustment for turbine wake separation. We understand that the turbine manufacturer will only warrant the performance of the turbine in terms of both efficiency and noise, if they are satisfied that the turbine layout meets its required standards. The manufacturer must be approached with details of the specific site layout and asked to quantify energy production.

We have approached the turbine manufacturer (Vensys) by phone and email requesting more details of the energy production function and energy consumed by a Vensys VE112. At the date of this report, we have not received a response to our request for further data.

However, we understand that the daily operations of the turbine will consume power. These operations include blade pitch control, stop/start operations, cooling, magnetising the stator and other elements. In accurately calculating the potential benefit achieved, the manufacturer should provide to CBC details of the amount of power utilised by these daily operations such that the true net power capacity is quoted for the benefit.

Furthermore, the VE112 is quoted as having a power capacity of 3 megawatts. As the Applicant clearly states *"the turbine can produce this rated capacity at wind speeds of between 13.0m/s at hub height to its cut-out wind speed"*.

However, the Applicant estimates the average wind speed, at hub height at the proposed Checkley Wood site, to be 6.9m/s. This speed is 46% lower than the quoted capacity wind speed of 13m/s and given the cubic relationship between wind speed and power output, results in a significant impact on actual power capacity.

We have used the REUK (www.reuk.co.uk) wind turbine output calculator with the following variables:

Rotor Diameter: 112m

Cut-in Speed: 3m/s

Cut-out Speed: 25m/s

Turbine Efficiency: 35% (estimation based upon Applicant's figures)

Weibull Shape Parameter: 2 (mean estimation)

In this model, we are unable to use the wind speed of 13m/s and have had to use 12m/s as the closest available. We have therefore adjusted the observed wind speed to 6.4m/s to allow for a direct comparison to the Applicant's figures (13m/s and 6.9m/s).

The model results are:

At 12 m/s the predicted turbine annual output is 47,098,289 Kwh.

At 6.4m/s the predicted turbine annual output is 9,409,335 Kwh.

This model shows that the potential power output falls by 80% by moving from an area with average wind speeds of 13m/s to the chosen wind speeds site of average 6.9m/s.

Clearly, the model we have used is fairly basic, but it is provided by the industry and should therefore be representative of the relative numbers. We would have preferred to use data supplied by the manufacturer, but in the absence of any response have constructed this relatively crude estimation. We recommend that CBC perform a similar calculation using the manufacturer's data.

Another way of understanding this point is that 80% of potential capacity is being wasted due to site selection or, using the Applicant's preferred methodology and accepting that the average household uses 4,473Kwh of electricity per annum, this equates to wasted potential energy sufficient to fuel:

$$37,688,954 / 4,473$$

$$= 8,426 \text{ households}$$

Add to this figure the wastage created by the number of times the turbine has to be switched off due to either Shadow Flicker, excess noise or maintenance and the conclusions regarding the management of scarce resources are all too clear.

Conclusions

The cumulative impact of array losses, forced shutdown due to both Shadow Flicker and noise levels, average wind speeds at hub height and maintenance must be accurately quantified and an adjustment made to potential energy production in order to judge the balance of benefit v dis-benefit.

Based upon our (basic) calculations, the chosen site results in a 80% loss of potential energy production from the quoted capacity at 13m/s. In managing the Earth's scarce resources, it is imperative, given the cubic relationship between wind speed and power output, that turbines are located in optimally selected sites.

2. TURBINE WAKE SEPARATION

National Policy Statement EN3 recommended that turbines should be separated by a ratio of 6x4 Rotor Diameter to allow for Turbine Wake Separation. This separation is required to enable the turbines to operate safely and efficiently. The recommended 6 Rotor Diameters have to be in the direction of the prevailing wind and 4 rotor diameters perpendicular to the prevailing wind.

The developer's Application states that the Checkley Wood turbine will be only 410m North East of the original Double Arches turbine. This **DOES NOT** meet the requirements of National Policy Statement EN3.

In Appeal Decision APP/D2510/A/10/2121089 the inspector recorded that:

"It is also to be noted that "Planning for Renewable Energy: A Companion Guide to PS22", provides an illustration of a turbine layout based upon a spacing of 6 rotor diameters in the direction of prevailing wind and 4 rotor diameters across wind."

The Planning Inspector is therefore relying upon 6x4 Rotor diameters separation.

In order to accommodate 6x4 rotor diameters, the siting of the Checkley Wood turbine would have to move further North East, to a point where it would be sited far too close to the A5 trunk road to satisfy the Highways Agency and general public safety requirements.

If the Applicant had followed NPS EN3, the proposed site would have been rejected.

The size of the site simply DOES NOT provide sufficient space for 2 such huge turbines.

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:-

1. 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.

It is evident from the Applicant's own conclusions in 2010 that the impact of turbine wake separation would reduce energy production (decrease the benefit) and increase the dis-benefit.

We have already demonstrated, in the preceding Chapter, that 80% of potential output has been lost due to site selection (average wind speed). It is our understanding that the lack of separation distance between the proposed turbine and the existing Double Arches turbine will create array losses and further depreciate that potential output.

We further understand that the prevailing wind is predominantly from the South/South-West and given the proposed site is North-East of the existing turbine, these array losses are likely to be amplified.

We believe the Checkley Wood site is sub-optimal and has been chosen simply because it is available rather than by determination of optimum resource utilisation and efficiency.

3. HARMFUL IMPACTS ON LANDSCAPE CHARACTER

There can be no doubt that the introduction of industrial rotating turbines 150m high into a landscape will constitute a significant adverse impact on landscape character.

This is especially the case, within a rural area of high landscape value.

The developer states **this second wind turbine** will be the same size as the original turbine at Double Arches. This is evidently NOT the case. We contend that the main visual impact from a wind turbine is that of the rotor which when turning creates a circle within the zone of visual influence. The area of any circle is measured by πr^2 . The area occupied in the sky by the Double Arches turbine is 5,942m², **whereas the area occupied by the proposed Checkley Wood turbine will be 9,935m².**

This is an increase of 67%. The original turbine was the largest on land turbine when erected. This proposal is for a rotor size that will dwarf that in comparison. The impact on the landscape character will be immense. They will overlook the SSI's of Kingswood and Bakers Wood, the Greensand Ridge Path, Rushmere Country Park and will have a significant detrimental effect on all.

It should also be noted that **the combined size of the 2 rotors will be 15,877m²** or equivalent to almost 4 acres in area. The impact within the zone of visual influence on the landscape character will have a significant adverse effect.

"Landscape character" means the distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape and how these are perceived by people. It reflects particular combinations of geology, land form, soils, vegetation, land use and human settlement. It creates the particular sense of place of different areas of the landscape.

"Landscape capacity" refers to the degree to which a particular landscape character type or area is able to accommodate change without significant effects on its character, or overall change of landscape character type. Capacity is likely to vary according to the type and nature of change being proposed.

CBC's Policy document "Wind Energy Developments in Central Bedfordshire" states

"Cumulative impact relates to the combined impact of wind energy developments"; and

"The balance has to be made as to whether the new proposal will take development beyond the landscape capacity of the location".

The area around where the proposed Checkley Wood wind turbine is to be erected and the wider areas, from which the turbine will be visible, will be affected in both landscape character and landscape capacity.

We contend that the landscape capacity to accommodate change was fully utilised with the development of the Double Arches wind turbine.

Further development of the type proposed here would create an industrial zone within the Green Belt and completely change the landscape's character.

CBC's own Policy document serves to confirm this conclusion where in Section 7.11 it states:

“The Greensand Ridge (West) – a large single turbine (149m) has been permitted at Double Arches Quarry, near Heath and Reach. The extremely tall (149m) turbine permitted at Double Arches Quarry will dominate the local countryside, raising the issue of visual conflict if other more typical turbines are installed within a 10km radius”.

To reiterate, this Proposal is not for “a more typical turbine” it is for a turbine with height 150m and rotor area 67% greater and will clearly create a significant visual conflict.

CBC's own policy on wind energy quotes:

Areas requiring the greatest constraint

9.1 *The landscape sensitivity study has identified that there are only limited areas of countryside considered appropriate for wind energy development. Landscapes of increasing complexity, but with some potential for wind energy, have been mapped as having moderate sensitivity; these areas still contain constraining factors which would limit the size and scale of development. Areas of greatest constraint are mapped as having High Sensitivity and include The Chilterns Area of Outstanding Natural Beauty (AONB), The Greensand Ridge, River corridors – Ivel, Ouse, Flit and Ousel, Areas of significant cultural heritage, e.g. Parklands, farmland of historic interest and the settings of landmarks or special buildings.*

9.2 *The smaller scale and complexity of these landscapes is such that vertical features such as turbines would almost invariably be out of character.*

9.3 *Landscapes that are identified as being more sensitive to change have less capacity to accept wind energy. Sensitivity will vary depending on the location within the character area.*

9.4 *Tranquil landscapes: Central Bedfordshire is densely populated and has areas undergoing rapid change as a result of growth area pressures for housing and industry. The area has no truly remote countryside and yet there are locations close to the major towns that are appreciated for their tranquillity, are accessible and retain traditional features. It will be vital to conserve these areas from inappropriate development. These are arguably more precious than more extensive tranquil areas associated with open arable land.*

The proposed site is classified by CBC as within The Greensand Ridge (West), an area defined above as requiring the greatest constraint and an area that is vital to be conserved from inappropriate development.

Further CBC's retained policies state:

9.9 The landscape Sensitivity Study has identified there are only limited areas of countryside considered appropriate for wind energy without there being a significant loss of character and quality.

9.13 This factor reduces the scope for either a large wind farm in this area or the permission of dispersed single turbines as both scenarios would detract from tranquillity. Central Bedfordshire has experienced a marked loss of tranquillity over recent years, and peaceful countryside with open, uncluttered view is a precious resource.

9.15 The scale of development would be critical to acceptability as would satisfaction that the impacts on other sensitive receptors such as biodiversity and local communities were mitigated to an acceptable level.

We contend that the scale and visual intrusion of the proposed development of a second wind turbine would have a significant adverse impact on landscape character, visual amenity and tranquillity. Maintaining these precious resources is part of CBC's own policies and vital to the amenity value of local residents and tourists to the area.

Finally, within the Application specific "view-point" locations have been selected/used to assess the impact of the proposed development on the landscape character. We feel that the worst affected vantage points have been omitted from this analysis.

For a fair assessment of impact within the zone of visual influence, we believe that the "view-point" locations be increased to include views from:-

- The top of the ridge from Overend Green
- The communities at Potsgrove
- Stockgrove Park

To not include an assessment of the impact on the landscape from these "view-points" will result in a conclusion that bears no resemblance to the real impact.

We request that CBC, in discharge of its responsibilities, to ensure a fair and appropriate assessment on the impact of the landscape character, utilises the resources at its disposal to carry out appropriate "site visits" and assessment of impact. We will provide specific site locations upon your request.

4. DAMAGE TO HERITAGE ASSETS

“I would therefore suggest that in simple terms the insertion of a structure of the proposed size (101.5m!) cannot but have an adverse impact on the setting of the various historic assets in the immediate vicinity; it will not preserve the settings of listed structures ... If the definition of setting is widely drawn and a high level of significance is attributed to the nature of the undulating lowland countryside in this part of Aylesbury Vale, then this will be adversely affected by the proposal”. AVDC, Historic Buildings Officer. Report on single 101.5m high turbine at Ford and Dinton January 2013.

There would be significant adverse impact on the settings of the local parish churches, the local conservation areas and SSI's and the listed properties contained within the local villages. These are locally important and nationally designated structures and sites. They surround the proposed development site at Checkley Wood.

The adverse impacts are contrary to the general duty under Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, the Bedfordshire County Plan and Local Development Plans. Consequentially they provide a material planning consideration with no satisfactory mitigation available. CBC should, therefore, refuse this Application on the grounds of its adverse impact on scheduled cultural heritage monuments and their settings.

Both the protection of the setting of Heritage assets and of Conservation Areas are material planning considerations for CBC in determining the impact of development on Heritage assets. This was held to be a material planning consideration sufficient to require refusal of consent in the case of the Ford and Dinton Application for a much smaller (101.5m high) turbine.

We contend that CBC must also uphold these as material planning considerations leading to refusal of consent at Checkley Wood where the combined size of the existing and proposed 150m high turbine will impact directly on the setting of the area's designated churches, conservation areas and other listed buildings.

We submit that 2 wind turbines of up to 150m height with a maximum 112.5m diameter rotating blade will represent an unprecedented visual intrusion in the area with major adverse impacts up to at least 10km and beyond. By any definition this must self-evidently affect the setting of these designated assets.

The designated assets include:

Church of Saint Peter and All Saints, Battlesden (Grade I)

The Church of Saint Mary the Virgin, Potsgrove (Grade II*)

The Church of All Saints, Soulbury (Grade II)

The Church of St Leonards, Heath & Reach (Grade II)

Furthermore, the proposed wind turbine will have a harmful effect on the natural beauty of the rural landscape in this area and on the setting of the regional and local footpaths and bridleways which are in close proximity to the proposed wind turbine.

The significant harm caused to these Heritage assets that have been present for centuries is NOT outweighed by the benefit claimed.

5. DAMAGE TO BIODIVERSITY, ECOLOGY AND THE ENVIRONMENT

“Wind energy is NOT green: It destroys the landscape, it chops up birds, it chops up Bats”.
Professor David Bellamy.

“My concerns are many; however as a long term ornithologist I have noted the loss of many different birds since the implementation of the Double Arches turbine. Amongst others this has included the Buzzard pair, which had been nesting in Kings Wood for about 12 years, the Red Kites which started to regularly hunt around the area including the reserve and sandpits, Sand Martins that would engulf the fields beyond the house in their multitudes, now maybe 5 or 10 at most, the flocks of ducks, geese and swans that would fly during the morning and evening, the owl that utilised our fir tree many nights hunting over the field and, finally, the bats which we would watch in the evening flying around our garden and buzzing close over the decking all gone”. Resident of Sandhouse Cottages, June 2016.

The environmental impacts are literally a question of survival for the varied species of wildlife to be found at, or in close proximity to, Checkley Wood and the SSSI's/NNR that surround it.

Wanton destruction of our precious and highly protected ecology is simply unacceptable.

The Site of Special Scientific Interest (SSSI), Kings Wood is only 900m from the proposed turbine site and closer when allowing for the 112.5m rotor diameter.

Kings Wood is also classified as a National Nature Reserve (“NNR”). The grand flora includes a large number of species which are uncommon or rare in the Country. The lowland heath and acidic grassland represents a habitat that now has a very limited distribution, both in Bedfordshire and over its natural range in Southern Britain.

Kings Wood and Rushmere Park are home to many species of bat (including the nationally rare Barbastelle Bat), Red Kites (2016 may have seen a mating pair in the area for the first time), Buzzards, Badgers and Great Crested Newts.

Many of these species are afforded the highest degree of legal protection under Schedule 1 of The Wildlife and Countryside Act 1981.

“It is an offence to take, injure or kill Red Kite, or to take, damage or destroy its nest, eggs or young. It is also an offence to intentionally or recklessly disturb the birds close to their nest during the breeding season. Violation of the law can attract fines up to £5,000 per offence and/or a prison sentence of up to 6 months.”

There is published data on the carnage that wind turbines cause for Bat and avian populations. This is drawn from an authoritative study published in The Spectator. The data comes from actual field studies and the indisputable evidence of body parts of dead bats and birds found beneath turbines.

Bats

All bats are protected under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of The Conservation of Habitats and Species Regulations 2010. These include provisions making it an offence:-

- Deliberately to kill, injure or take (capture) bats;
- Deliberately to disturb bats in such a way as to be likely-
 - (a) to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or to hibernate; or
 - (b) to affect significantly the local distribution or abundance of the species concerned
- To damage or destroy any breeding or resting place used by bats;
- Intentionally or recklessly to obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

The words deliberately and intentionally include actions where a Court can infer that the defendant knew that the action taken would almost inevitably result in an offence, even if that were not the primary purpose of the act.

The offence of damaging or destroying a breeding site or resting place (which can be interpreted as making it worse for the bat), is an absolute offence. Such actions do not have to be deliberate for an offence to be committed.

Certain species of bat are listed on Annex II of the EC Habitats Directive (92/43/EEC). Areas of particular importance for these species can be designated as Special Areas of Conservation (SACS) under the Directive. This list includes the Barbastelle Bat (*Barbastella barbastellus*).

The Barbastelle Bat is resident in the area as identified by the Applicant's own survey results.

A radio tracking exercise for Barbastelles, centred on Kings Wood, was undertaken by Bedfordshire Bat Group in 2005. Three such bats were tagged as part of the study and recorded activity was found to be principally to the North and West of Kings Wood.

Bedfordshire Bat Group clarified that the three tagged bats all flew roughly South, each following slightly different flight lines. Notwithstanding the fact that small numbers of bats were tracked, this work is nevertheless significant in that it demonstrates that this Nationally rare species is active in the locality.

The maximum mean distance travelled by these three bats and two other bats observed in 2003 and 2004 was approximately 5km from their roosts. The maximum distance from a roost was recorded as 6.3km. Kings Wood is approximately only 0.87km to the North of the proposed turbine location, so this information is extremely relevant to the understanding of bat movements in the locality.

The conclusions must be that the nationally rare Barbastelle Bat, will be at times, using the Checkley Wood site for foraging and according to the Directive, the area should be given consideration for designation as a Special Area of Conservation.

Finally, the Applicant's report has been produced by Ecology Solutions. We can find no evidence of a review and independent assessment of the impact of the proposed development on the local bat population.

We believe that CBC, in discharge of their duties of protecting bats and, in particular, those on the EC Habitats Directive, MUST request that the Bedfordshire Bat Group provide an independent assessment of the local bat population, its movements and impact of the proposed development.

Birds

All birds, their nests and eggs are protected under The Wildlife and Countryside Act 1981 (as amended). It is an offence to:-

- Kill, injure or take any wild bird intentionally;
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- Take or destroy an egg of any wild bird.

For certain bird species listed on Schedule 1 of The Wildlife and Countryside Act 1981, it is an offence to intentionally or recklessly disturb any wild bird listed on the Schedule while it is nesting, or is at (or near) a nest with eggs or young, or disturb the dependent young of such a bird.

The report from Ecology Solutions, presented by the Applicant, notes that a Buzzard's nest is present in the South Eastern area of the copse on the site. No greater evidence can be provided that this site is being used by species on Schedule 1 that it is CBC's responsibility to protect.

Red Kites have recently moved into the area and as noted by Ecology Solutions use the site for foraging. A pair of Red Kites have been present in the Stockgrove area throughout this year's breeding season and we therefore have good reason to believe they have nested in the vicinity or will shortly do so. These birds are afforded the highest degree of legal protection and given their foraging habits, will be particularly at risk from the proposed development.

Nightjars and Owls are certainly present in the Kings Wood SSSI, only 900m North West of the proposed site.

CBC's own retained policies state that the impact of a wind turbine on bats and birds can be significant depending upon the proposed location. Specifically Section 13.15 quotes

“To minimise risk to bat populations, Natural England advice is to maintain a 50m buffer around any feature (trees, hedges) into which no part of the turbine should intrude. This 50m buffer should be measured from the rotor swept area (not the hub/base of the turbine) to the nearest point of the habitat feature.”

For the proposed Checkley Wood turbine, this buffer zone would equate to roughly 106.25m from the base of the turbine (50m plus 56.25m less allowance for the angle to the ground).

Ecology Solutions states that *“the adjusted position of the turbine is some 80m from the hedgerow to the West and at least 71m from the hedgerow to the South East”*.

We contend that neither distance meets the requirements of both Natural England and CBC's own policies and, we can therefore conclude, that the siting of the turbine is in direct contravention of these requirements.

The only possible solution is to move the location of the turbine, but as we know, due to the presence of the copse, the A5 and the existing Double Arches turbine, this is NOT possible without further compromising safety, noise or environmental amenity.

Furthermore, the protection of the local wildlife, ecology and biodiversity are key elements of CBC policies. Section 13.9 of CBC's own policies states:

“The National Policy Statement for Renewable Energy Infrastructure (EN-3) highlights that there is the potential for rotating blades of a wind turbine to strike birds and adversely affect bats resulting in death or injury.

Where appropriate, planning permission will not be granted for development that fails to enhance or create wildlife habitats or sites of geological interest. The Council will refuse planning permission for proposals that would result in harm to designated or proposed Sites of Special Scientific Interest (SSSI) or National Nature Reserves (NNR), unless the reasons for the development clearly outweigh the nature conservation value of the site and the National Policy to safeguard such sites. Where such development is permitted, measures will be required to mitigate or compensate for the effects of the development.”

We contend that with a separation distance of only 900m from the Kings Wood SSSI/NNR, the proposed development of a 150m high structure, with a 9,935m rotating turbine area, in conjunction with the existing 5,942m area of the Double Arches turbine, will harm the designated SSSI/NNR. That being said, this development could only be approved if CBC are able to clearly demonstrate that the reasons for the development outweigh the nature conservation value.

We contend that by any metric, this is NOT achievable.

6. HARMFUL IMPACTS ON RESIDENTIAL AMENITY

A further impact of the visual intrusion of this turbine (in conjunction with the original turbine) will be on the residential amenity of people living in close proximity to the site. In Planning Law, there is no right to a private view. However, at a Public Enquiry at North Downer the Inspector David Lavender established an important principle, now known as the “Lavender Effect” test when he said:

“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 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”.

In other words the issue is not whether the properties become “unliveable”, but whether they become significantly less attractive places to live. As we will show, this is undeniably the case in this Application.

This was reinforced in an Inquiry for the Wadlow wind farm where the Inspector quoted, almost verbatim, the same statement from David Lavender in confirming his decision for refusal.

This ‘*Lavender Test*’ has become accepted in Planning Appeals as the criterion against which to judge whether the loss of residential amenity in a given case can become determinative in a planning Application for a wind farm. We argue that this is undeniably the case here.

There are 3 groups of houses that are so seriously, adversely affected such that many of them would come to be regarded as an unattractive and, thus, unsatisfactory place in which to live. The Applicant provides a list of settlements within 4km of the proposed site and does admit that there will be a significant effect on the visual amenity of certain residents of some properties in Great Brickhill.

Conspicuously, the Applicant fails to mention the settlements of Potsgrove, Overend and properties on Sandhurst Lane/A5. The properties within these settlements will suffer the greatest visual impacts and yet they fail to receive any consideration.

Below we list the properties affected and the combined impact on them of the Double Arches and Checkley Wood wind turbines.

POTSGROVE

The settlement of Potsgrove was first recorded in the Domesday Book of 1086. It now comprises 8 homes that sit approximately 150m above sea level, some 50m above the base of the proposed turbine. The settlement lies approximately 1200m to the East of the proposed development site and sits upon a ridge, with the majority of houses sited along the road at a height substantially above the base of the proposed turbine. If this development were permitted, the topography would result in the properties facing directly into the **COMBINED EFFECT OF THE EXISTING DOUBLE ARCHES WIND TURBINE AND THE PROPOSED CHECKLEY WOOD TURBINE, OCCUPYING ALMOST 16,000M² OF SKYLINE**. The impact can only be truly assessed by standing in the gardens of the affected properties. Looking West and South West the entirety of the field of visual influence will be that of the 2 rotating turbines. By any objective assessment of visual impact, these properties will come to be regarded as an unattractive and thus unsatisfactory place in which to live and will **FAIL THE 'LAVENDER TEST'**.

The houses affected are:

Hill Farm
Hill Farm Cottage
The School House
The Old School
Two Farm Cottages

And from the North side of the lane:

Manor Farm
The Coach House
The Old Rectory

WE STRONGLY REQUEST THAT REPRESENTATIVES OF THE APPLICANT AND CBC OFFICERS AND COUNCILLORS VISIT THIS SITE AND ATTEND:

**MR K OCHILTREE & MISS S WADD
THE OLD SCHOOL
25 THE VILLAGE
POTSGROVE
WOBURN MK17 9HG**

TO ENABLE THEM TO RECOGNISE THE IMPACTS OF THIS PROPOSAL ON THE RESIDENTIAL AMENITY OF THE AFFECTED PROPERTIES.

Sandhouse Lane/A5

As for Potsgrove, the properties on the corner of Sandhouse Lane and the A5 are not mentioned. The properties are located approximately 700m to the North of the proposed development site. The properties are situated at roughly the same sea level as the base of the proposed turbine. The view from the rear garden, being the only one available to these properties will be that of the 2 combined Double Arches and Checkley Wood wind turbines. The vista will be that of both the turbine columns and almost 16,000m² of rotating turbine blade. By any objective assessment of visual impact, these properties will come to be regarded as an unattractive and thus unsatisfactory place in which to live and will **FAIL THE 'LAVENDER TEST'**.

The properties affected are:

1-7 Sandhouse Cottages
The Sandhouse Cottage
Sandhouse Cottage
Trellis Cottage
The Cottage

WE STRONGLY REQUEST THAT REPRESENTATIVES OF THE APPLICANT AND CBC OFFICERS AND COUNCILLORS VISIT THIS SITE AND ATTEND:

**Mr P Brackenbury
The Cottage
Watling Street
LU7 9RA**

TO ENABLE THEM TO RECOGNISE THE IMPACTS OF THIS PROPOSAL ON THE RESIDENTIAL AMENITY OF THE AFFECTED PROPERTIES.

Overend Green

The settlement of Overend Green sits on the ridge opposite Potsgrove to the South West of the proposed development site. Similar to Potsgrove, it sits at an altitude of approximately 150m above sea level and is only approximately 400m from the Double Arches site and 900m from the proposed Checkley Wood site. Once again, the Applicant fails to mention any visual impact on the properties located in this settlement. Consistent with Potsgrove, the affected properties sit along the ridge line with views into the valley below. That valley, if this Application is not refused, will be entirely dominated at site level by the presence of 16,000m² of rotating turbine blade. By any objective assessment of visual impact, these properties will come to be regarded as an unattractive and thus unsatisfactory place in which to live and will **FAIL THE 'LAVENDER TEST'**.

The properties affected are:

Overend Green House
Corn Mill Barn
Heatheredge
Overend Green Farm
Bethany

WE STRONGLY REQUEST THAT REPRESENTATIVES OF THE APPLICANT AND CBC OFFICERS AND COUNCILLORS VISIT THIS SITE AND ATTEND:

**MR J ADAMS
HEATHEREDGE
OVEREND GREEN
HEATH AND REACH LU7 9LD**

TO ENABLE THEM TO RECOGNISE THE IMPACTS OF THIS PROPOSAL ON THE RESIDENTIAL AMENITY OF THE AFFECTED PROPERTIES.

The visual impacts on all of the above mentioned properties are significantly magnified due to the fact that the Applicant is attempting to erect a turbine of such massive size that it is far too large for the site and is situated far too close to the existing Double Arches turbine in contravention of National Policy Recommendation.

The resulting impact for the aforementioned properties is of a continual vista of rotating turbine blade, further amplified by the relative height differences of 2 of the settlements to the proposed turbine base.

We contend that the properties noted will fail the 'Lavender Test' and that there are more on which the impact will be wholly unacceptable.

Additionally, the Applicant dismisses the impact on Stockgrove Park. The Applicant quotes Stockgrove Park House as being "a school". The school closed in 1995 and since then the house has been separated into 7 Grade II listed dwellings. The visual amenity of Stockgrove Park residents will be significantly, adversely affected by the combined impact of 16,000m² of rotating turbine blade directly in the line of sight when looking North East, across Stockgrove Park.

Finally, there is now substantial case evidence from the Appeal Tribunals of The Valuation Office Agency (VOA) that the value of houses located in proximity to wind farm developments are devalued by up to 25%. Rulings from such appeal proceedings are available on line.

In summary, we believe numerous houses fail the '**LAVENDER TEST**' and contend that there are more on which the impact will be wholly unacceptable. These are material planning considerations, they cause real harm, they cannot be properly mitigated and there is NO benefit here which can possibly be held to outweigh this damage.

7. HARMFUL IMPACTS ON RECREATIONAL AMENITY

The enjoyment of the unspoilt countryside is one of the key amenities available to both local residents and visitors alike. It is also a vital income generator for a number of local businesses and clubs. The removal of this enjoyment through the visual intrusion of a 150m high industrial development is an adverse impact on people's quality of life which CBC is pledged to prevent.

Significant visual impacts on the users of the countryside will occur up to 5km distance.

It is sometimes claimed by developers that people will have different views on how wind turbines will affect their ability to enjoy the countryside. This point was considered by an inspector in this decision for a wind farm near Oundle:

“Some would choose to view the turbines at close quarters and for them the Public Rights of Way would have considerable attraction. But that would not be so for local people who would be only too familiar with the turbines and would have lost the benefit of a rural tranquil network. Overall the proposed wind farm would have an adverse impact on the users of nearby Rights of Way”.

CBC's Policy document “Wind Energy Development in Central Bedfordshire” Section 2.12 states:

- *The need for renewable energy, does not automatically override environmental protections and the planning concerns of local communities;*
- *Decisions should take into account the cumulative impact of wind turbines and properly reflect the increasing impact on (a) the landscape and (b) local amenity as the number of turbines in the area increases;*
- *Local topography should be a factor in assessing whether wind turbines have a damaging impact on the landscape;*
- *Greater care should be taken to ensure Heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.*

The proposed 150m high turbine, in conjunction with the existing Double Arches turbine will be clearly visible from many public Rights of Way, including the Greensand Ridge Walk. The Greensand Ridge Walk is engaged by local residents and brings many visitors to the area each year. The Applicant notes that significant effects of the proposed development would be incurred by part of the wooded Greensand Ridge LCT.

CBC has identified The Greensand Ridge as highly sensitive and as an area requiring the greatest constraint.

That “constraint” would not be met by the significant effects of this proposed development.

The two turbines will also be clearly visible from public footpaths 1 and 2 in Heath and Reach, footpaths 3, 4 and 7 in Potsgrove and footpath 1 in Battlesden, clearly impacting the recreational amenity of using these routes.

Rushmere Park is also an important resource for local residents and attracts significant number of visitors. Again the view from the Stockgrove ridge will be particularly blighted by the combined effect of the turbines.

Of particular impact will be Jones Pit Fishing Lake owned by RK Leisure (a company that only recently commenced business). The proposed site of the turbine will be only 200m from the location of the property and the noise and visual impact of the turbine will have such a massive impact on the enjoyment of the facilities as to make the recreational enjoyment null and void.

Finally the village of Heath and Reach’s Sports Ground, which is enjoyed by so many of the local residents will suffer a severe adverse effect. The Grounds (which host football, cricket, tennis, basketball and other events) will be immediately under the shadow of the combined turbines. The recreational enjoyment of the users of this community space will be substantially impaired by the presence of 16,000m² of rotating turbine blade appearing to be immediately overhead.

CBC has an obligation to protect both the countryside and the community owned recreational spaces. **This development is in direct conflict with that obligation and on that basis will clearly cause harm that cannot be mitigated.**

8. HARMFUL IMPACTS FROM TURBINE NOISE

“Excessive noise is harmful to human health, particularly through adverse affects on sleep”.
WHO 2011, Burden of Disease from Environmental Noise.

Regulation of wind turbine noise is recognised as necessary to prevent adverse affects on the human population.

The assessment of noise and the harmful impacts on human health from wind farms are both complex and highly technical subjects.

ETSU-R-97

The Government realised early in the development of onshore wind that if the noise output was assessed under the existing methodology for industrial development (BS4142) which limits noise output to 5dB above background then, because most wind turbine sites were in rural locations with low background noise, it would mean that most wind farms would be refused. **Therefore they introduced a specific methodology – ETSU-R-97 – for assessment of noise from wind farms in 1997 which we contend is now seriously out-of-date.**

The compromise ETSU has adopted between not constraining onshore wind farm development and protecting the amenity of local residents means that it has adopted significantly less stringent noise requirements than are in place for other industrial developments.

ETSU states in its Executive Summary *“this document describes a framework for the measurement of wind farm noise and gives indicative noise levels to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developers or local authorities”.* It is reasonable to infer, therefore, that the authors’ had no certainty that their recommendations were adequate nor were they solely concerned with protecting the sleep and health of wind farm neighbours and, therefore, moderated their recommendations accordingly.

The acoustical shortcomings of ETSU have been discussed in detail in several publications (Bowdler 2005 and Cox, Unwin, Sherman 2012 are examples). Despite the growing evidence of harm and the authors’ caveats, no substantive review of the fundamental principles of ETSU has been conducted nor has any substantive research been conducted in the UK. The Hayes McKenzie Partnership conducted a small study on behalf of The DTI in 2006 as result of which they recommended reductions in night-time noise levels. These were removed from the final report, only emerging after the earlier drafts were obtained using Freedom of Information Requests (DTI 2006, The Measurement of Low Frequency Noise at 3 UK Wind Farms plus draft reports 2006 A,B,C).

Even after considering the potential shortcomings of ETSU-R-97, the Noise Impact Assessment provided by Hayes McKenzie contains many estimations/approximations. These may be summarised as:

1. In May 2013 the Institute of Acoustics (“IOA”) published “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise”. This was subsequently endorsed by The Secretary of State for Energy and Climate Change.

Within the document, additional guidance is provided on noise prediction and a preferred methodology for dealing with wind shear.

Wind shear is the rate at which wind speed increases with height above ground level. This has particular significance to wind turbine noise assessment where background noise measurements are referenced to measurements of wind speed at 10m height which is suggested as appropriate by ETSU-R-97, but which is not representative of wind at hub height, which is what affects the noise generated by the wind turbine.

The preferred method of accounting for wind shear in noise assessments is by referencing background noise measurements to hub height wind speed.

The Applicant’s noise impact assessment states “It is understood that the baseline noise survey to derive the noise limits in the Planning Conditions for the Double Arches wind turbine refers to a wind speed measurement height of 10m. In absence of hub height wind speed data, the GPG suggests a simplified method (Section 4.5 Wind Shear, Paragraph 4.5.4), which consists of subtracting a fixed value of 3m/s from the wind turbine’s wind speed reference for hub heights greater than 60m. This results in moving the predicted wind turbine noise levels to the left along the x axis (wind speed) by 3m/s.”

The Applicant has been able to calculate the average wind speed at hub height within the Energy Production section at 6.9m/s. Furthermore, the adjustment made is for hub heights above 60m. It is clearly open to question whether a further adjustment is necessary when the actual hub height is 93.5m or 50% higher.

Greater accuracy is required to fully assess the impact of wind shear on the turbine noise output.

2. The “predicted” noise levels assume that the wind turbine noise contains no audible tones. The ETSU-R-97 noise limits require a tonal correction to be applied to any derived turbine noise levels resulting from noise measurements of the operational turbine which depends upon the amount by which the tone exceeds the audibility threshold.

We can see no evidence that the manufacturer of the turbine has been approached regarding audible tones and that such a tonal correction is not required. CBC must ensure that any required tonal adjustment is made to the noise assessment figures.

3. Acoustic performance measurements have been taken from a turbine with hub height of 140m. Performance measurements must be taken from the actual turbine proposed with hub height 93.5m and not estimated.
4. Measured sound power levels were provided for Vensys 2.5mw turbine and not the 3mw turbine proposed in the Application.
5. Noise limits applied to the nearest residential properties to the proposed wind turbine are taken from Planning Condition 10 within Planning Permission CB/14/04463/VOC (Double Arches wind turbine).

CBC appointed MAS Environmental to review these noise conditions. Their Report was presented to CBC in February 2015. It is our understanding that the Report identifies concerns in how background noise levels were measured, the impact of wind shear and whether wind speeds were measured or standardised. Given the significant potential increase in noise from this subsequent proposal, these concerns now need further review and consideration.

Given the uncertainties inherent within the above estimations, it is vital that CBC in discharge of their responsibility to protect Public Health, commission MAS or other suitably qualified body to prepare an independent Noise Impact Assessment.

We would add that since this is a matter of Public Health, such a report should err on the side of caution.

Excess Noise Levels

Most importantly, even after the previous assumptions and potential omissions, the conclusion of the Noise Impact Assessment is that noise levels **will be in excess of adopted noise limits at H14-H17, H18 and H19 during daytime hours where the cumulative effect of both wind turbines would result in an exceedance of the noise limits at 3-4m/s wind speeds.**

The Noise Impact Assessment suggests *“Checkley Wood wind turbine is therefore only operated for wind speeds greater than (measured) 4.5m/s when the residential properties are downwind of the wind turbine (i.e. when the wind is blowing from the North East)”*.

The impact of this is to reduce energy production and, therefore, the amount of benefit.

In the original Application for the Double Arches turbine (CB/10/03034), the Applicant concluded that *“two turbines would be sited too closely thereby increasing noise levels”*.

This assessment has merely served to confirm this and that the conclusions reached in 2010 were correct The optimal solution was for 1 large turbine We already have that solution and it is therefore clear that CBC must agree with both this paper and the Applicant’s original planning approval (CB/10/03034) and refuse permission.

Amplitude Modulation

Wind turbine noise emissions are amplitude modulated (“AM”) as the turbine blades pass the tower and pass through areas of differing wind speeds. The effect may be increased if there is interaction between the emissions from nearby turbines (in this case the existing Double Arches turbine at only 410m distance), and from the diameter of the rotor (in this case 112.5m). The result is an impulsive noise character often described as “thumping” or “rumbling”. The degree of AM varies with a number of factors including wind speed and direction and blade configuration. Especially prominent modulation is deemed to be excessive amplitude modulation (“EAM”).

ETSU-R-97 makes some allowance for AM (3dB peak to trough) in the near field, but makes no allowance for far field modulation nor for lower frequency noise content.

Chris Heaton-Harris MP is sponsoring the Independent Noise Working Group (“INWG”) to produce a Wind Turbine Amplitude Modulation (“AM”) and Planning Control Study.

The initial reporting phase of the work is now available and the findings have been presented to the Minister of State at The Department of Energy and Climate Change (“DECC”) in October 2015. The Report was well received by the Minister who stated:

“DECC has recognised that Amplitude Modulation noise produced by wind turbines can be a cause of concern for some residents. DECC has appointed an external consultant to review the available evidence on AM with a view to recommending how excessive AM might be controlled through a planning condition. The INWG’s study will be considered alongside other evidence that is being gathered as part of that review”.

The INWG have now published their research and contend some dramatic and disturbing findings. These have been published and are summarised by the INWG as:

1. Excessive Amplitude Modulation (EAM) is a Significant Factor. Noise complaints from wind farms are primarily related to a phenomenon called Amplitude Modulation (AM). This is commonly described as a 'whoomp', 'swish' or 'beating' type noise. It is the character of the noise that tends to make AM wind farm noise most intrusive. A recent Scottish study found that at 1-2km from the wind farm, 72% of those suffering audible noise strongly disliked the noise. When it becomes intrusive to people we call it EAM, or Excessive Amplitude Modulation. These noise components are not covered by the ETSU guidelines and we know of only one wind farm planning decision in the UK where a planning condition has been imposed for AM noise (Den Brook, Devon).
2. There Have Been Decades of Deception. The wind industry has consistently denied the existence of EAM. Our research shows show that EAM is a frequent occurrence potentially affecting all industrial wind turbines, often for long periods of time and most frequently during the night time. A 2014 survey of Local Planning Authorities (LPAs), completed by Chris Heaton-Harris MP (Conservative, Daventry) and analysed by the INWG, shows that not only are incidents of EAM more frequent than the wind industry hitherto has claimed, the progress in resolving them is inconclusive and there are inconsistent approaches to dealing with it across the country. LPAs in the survey call for guidance on measuring and testing for EAM as well as nationally agreed standards that are consistently applied and provide effective mitigations for it. There is also anecdotal evidence of a ‘silent majority’ who suffer in silence without knowing how to complain, not wanting to get ‘involved’ or because of a fear of adverse implications; if, for example, they had to disclose any complaint should they wish to sell their house.

3. Existing Legal Remedies are Found Wanting. We have found that the remedies available for wind farm neighbours affected by turbine noise are not fit for purpose. Statutory Nuisance has been actively advocated by the wind industry and supported by Planning Inspectors. Evidence however suggests that an Abatement Notice is not an effective control to protect nearby residents from EAM. Others such as private nuisance and similar legal actions have been considered but these place too much risk and burden on residents for a problem not of their making with likely long term adverse financial implications. In addition, there has been a recent trend of secondary operators forming individual shell companies for each wind farm. The impact of this was highlighted in July 2015 when David Davis MP (Conservative, Haltemprice and Howden) introduced a Bill in Parliament with the purpose of requiring wind farm developers to obtain public liability insurance for any nuisance that they may cause to nearby residents. In particular this is aimed at noise nuisance. One of his constituents had a problem with noise from a local wind farm but had found it impossible to sue because the wind farm operator was purely a shell company with very limited assets.

Wind Turbine Noise Adversely Affects Sleep and Health. It is abundantly clear from the evidence examined by a world renowned expert in sleep medicine working with the INWG that wind turbine noise adversely affects sleep and health at the setback distances and noise levels permitted by ETSU. There is no reliable evidence that wind turbines are safe at these distances and noise levels, not a single study. In contrast there is an increasing volume of studies and evidence outlined to the contrary. There is particular concern for the health of children exposed to excessive wind turbine noise. The inadequate consideration of EAM is a major factor in the failure of ETSU to protect the human population. The denial of this by the wind industry is reminiscent of other health issues in the past. For example, the tobacco industry and the adverse effects of cigarette smoking.

4. ESTU is Not Fit for Purpose. We show irrefutable evidence to discredit wind industry and government claims that ETSU provides a robust noise assessment methodology. This conclusion is supported by the recent Northern Ireland Assembly report, January 2015, into wind energy where it recommends, *"Review the use of the ETSU-97 guidelines on an urgent basis with a view to adopting more modern and robust guidance for measurement of wind turbine noise, with particular reference to current guidelines from the World Health Organisation"*.
5. We Need an Effective Planning Condition for AM. The wind industry claims that an AM planning condition is not necessary and that the legal remedy of Statutory Nuisance provides adequate protection are thoroughly discredited by the evidence we have published. Without an AM planning condition there is no effective remedy for wind farm neighbours against excess noise. The relevance of EAM in causing noise complaints has driven the wind industry to ensure that an AM planning condition is not applied as standard planning practice. The Application of an AM planning condition to the Den Brook (Devon) wind farm planning consent during 2009 presented a serious risk to the wind industry of a similar planning condition becoming the standard for future wind farm consents. The wind farm developer for the Den Brook wind farm has gone to enormous effort, at enormous expense, over an 8 year period to ensure first that an AM planning condition is not applied, then to have the applied planning condition removed, and finally to have it sufficiently weakened presumably to ensure

it prioritises operation of the wind farm rather than provide the intended protection against EAM.

6. There is a Lack of True Independence. The wind industry strategy of obfuscation capitalising on the trusted position of the Institute of Acoustics (IoA) as a scientific institution is discussed in our research findings. *(And continues)*

What are the INWG Recommendations to National Government?

- Replace ETSU. Replace the use of ETSU, as recommended by the Northern Ireland Assembly report January 2015, with a procedure based on the principles of BS4142: 2014. This will bring wind turbine noise assessment into line with other industrial noise controls. New guidance of this type should be formulated in a Code of Practice that sets out a BS4142: 2014 type methodology that reflects noise character and relates impact to the actual background noise level and not an artificial average.
- Introduce an Effective AM Planning Condition. Based on the experience at Cotton Farm wind farm in Cambridgeshire, where there has been long term professional and independent noise monitoring, we recommend an effective AM planning condition should be part of every wind turbine planning approval unless there is clear evidence it is not needed. For assessing and controlling wind turbine noise AM, it is recommended that:
 - Where wind turbine noise level and character require simultaneous assessment then BS4142:2014 should be used. The rated wind farm noise level should not exceed +10dB above the background noise level.
 - Where only wind turbine noise AM requires assessment then a Den Brook type planning condition should be used.
- Continuous Noise Monitoring. Continuous noise monitoring of wind turbines should become a standard planning condition for all wind turbine planning approvals as recommended in the Northern Ireland Assembly report, January 2015. This should be funded by the wind turbine operator but controlled by the Local planning Authority (LPA) with the noise data made openly available to ensure transparency. The Cotton Farm community noise monitor describes an example of how this can be achieved. See: http://www.masenv.co.uk/~remote_data/
- Further Research into the Impact of Low Frequency Noise. There is a need to commission independent research to measure and determine the impact of low-frequency noise on those residents living in close proximity to individual turbines and wind farms as recommended in the Northern Ireland Assembly report, January 2015.

- Issues of Ethics, Conflict of Interest & Independence. The government should deal decisively with the ethical issues surrounding the Institute of Acoustics (IoA) wind turbine noise working groups. Government departments should disassociate themselves from the IoA until conflict of interest and ethics issues are resolved and full transparency is restored.

The full report and detailed working papers are available online at the Chris Heaton-Harris website, which as the Minister of State concluded, should be considered alongside other evidence, as part of CBC's review of this matter.

MAS Environmental Report February 2015

MAS were appointed by CBC to assess noise impacts for the existing wind turbine at Double Arches Quarry. The report produced by MAS addresses the Application (CB/14/04463) to vary condition 10 of the original planning approval which sets noise limits for dwellings around the wind turbine site. Sections 3.4 and 3.5 of the MAS report state:

“The second element relates to excess or enhanced AM Following research by MAS and the Japanese in 2013, the wind industry body Renewable UK released research confirming the existence of EAM as a problem and proposing a draft planning condition. It is evident from the individual publication dates of the Renewable UK research projects that lead researchers of the project accepted the need for an AM condition from around January 2013, though the formal publication of the study was not until December 2013. There are also cases where The Secretary of State has accepted the need for conditions to control EAM. The proposed Renewable UK condition has been shown to fail to prevent any EAM impact and a number of research groups are now attempting to develop an enforceable and workable condition that controls EAM. Despite the plethora of evidence regarding EAM impact, the IOA Working Group has not revised their guidance on AM.

The more extensive Japanese study based on 34 wind farms and conducted on behalf of the Japanese Government, concluded AM was a common problem at wind farms and caused serious annoyance. The extensive research at Cotton Farm in Cambridgeshire, which has developed the largest database of wind farm noise in the UK has shown that EAM is a very common problem causing widespread community complaints”.

MAS then went on to comment on the GTEAM (“Greater Than Expected AM”) and EAM with regards to the Double Arches Application. MAS stated within Section 4.5 of their report that:

- There is overwhelming International evidence to support that EAM is a common occurrence;
- That there is the need for EAM control; and
- That the condition is easy to implement and is workable.

Furthermore, in the Application Report by Hayes McKenzie they conclude:

“This has resulted in the inclusion of a mechanism to assess and regulate AM effects in the standard form of a condition frequently applied to wind farm developments as included in the IOA GPG. The IOA is currently reviewing this mechanism and recently released a discussion document which reviews several different methods for rating AM in wind turbine noise”.

They do not, however, state whether such a condition has been applied.

In conclusion:

- AM is a potential Public Health hazard.
- Levels of EAM/GTEAM must be controlled at the Double Arches/proposed Checkley Wood site.
- We contend that MAS Environmental or other suitably qualified body should be appointed by CBC to prepare an independent Noise Impact Assessment, taking into consideration the work of the various groups on AM and recommend a methodology for dealing with AM at the proposed site.

CBC has an overriding Public Health responsibility which obliges it to assess and recognise the issues raised above fully in advance of determining the Application.

9. HARMFUL IMPACTS FROM SHADOW FLICKER

Shadow Flicker is well described by the Applicant.

“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”.

Engena have compiled a Shadow Flicker Assessment. Within that Report they identified a zone of potential effects with a radius of 1,237.5m which includes 249 dwellings.

The Report identifies 22 dwellings that will suffer a Flicker effect with a maximum occurrence on 91 days a year (Checkley Wood Farm) and in total on 254 days a year.

The Shadow Flicker effect in these houses will provide a significant adverse effect to the residential amenity of the houses and will have a detrimental impact on the lives of the residents.

The Report then attempts to suggest certain features that have the “potential” to act as screening for the dwellings, but even this potential screening is described in many instances as :-

- Unlikely to provide significant screening
- Only provide low level screening
- Unlikely to provide screening
- Potentially screening To a minor extent

In summary, it clearly concludes that there is no screening for these properties and that the negative impact on the lives of the residents has not been mitigated.

The solution suggested by Engena is *“If effects are observed by the residents, to protect their amenity, control of the turbine would be used to turn the machine off during the brief periods identified when conditions are such that the effect may occur”.*

Given the Report demonstrably shows that effects will be observed, we do not understand why the word “if” is inserted in the above Statement Shadow Flicker effects will be present and, therefore, they will be observed.

Given the Applicant’s own report and conclusions, we understand that, this would mean switching the turbine off, at times, on 254 days out of every 365.

If there was ever an admission that this is the wrong location, this must be it.

The Shadow Flicker Assessment Report has confirmed that the proposed Checkley Wood wind turbine will:-

- Reduce the residential amenity of 22 dwellings
- That the impact cannot be mitigated through screening
- That the only possible mitigation is to switch the turbine off, at times, on up to 254 days a year
- That the potential benefits from energy production have been, once again, diminished

10. HARMFUL IMPACTS ON PUBLIC HEALTH

“Like the wind industry today, the tobacco industry denied for many ears that there were any adverse health effects from their products. Corporate denial of a health problem is generally a delaying tactic not in the best interest of the public”. Dr. Keith Stelling MA, NAIMH, Kip Phyt, MCPP (England)

We now turn to the crucial question of Public Health, where we believe more work is required and needs to be fully evaluated by CBC.

The potential impacts include:-

- Physiological disturbance from Shadow Flicker
- Impacts arising from noise levels above permitted limits
- Physiological effects from low frequency infra-sound
- Sleep deprivation and stress related illnesses

The level of understanding required to fully assess these risks is beyond our level of comprehension.

We could quote multitudes of research paper that suggest a causal link between the presence of wind turbines and damage to Public Health. Correspondingly we accept the Applicant can find research that suggests such a link is not present. However, we are talking here about Public Health and, as such, “probably” is not sufficient. We need to be certain.

We, therefore, believe that given there are 249 dwellings within 1,237m of the proposed turbine, CBC must review this area in detail and satisfy itself that the proposed development is NOT a risk to Public Health as part of its fundamental responsibility to protect Public Health.

11. RISKS TO AVIATION AND AIR SAFETY

“It is essential that wind energy developers form a relationship with the relevant service provider in order to deal with the harm that their development may cause, prior to making an Application. It is the responsibility of the developer to consult with the aviation stakeholder to discuss whether mitigation is possible and, if so, how it would best be implemented”. Civil Aviation Authority : CAP 764 Policy and Guidelines on Wind Turbines.

The Liaison Group of UK Airport Consultative Committees has reminded LPAs that they also have a role to ensure such consultation takes place in the case of wind farm Applications:

*“Where in a proposed development the height of a building or structure would exceed the level indicated on the safeguarding map for that area, the local planning authority is required to consult the Airport. Consultation is also required in any case within a 13 kilometre zone marked on the map were the proposed development is for other aviation uses or is likely to attract birds and to wind farm developments **within a 30 kilometre radius**”*

Air Safety is not an issue for which partial or selective evaluation by the Applicant or scrutiny by the LPA is acceptable. *“Good enough”* is not acceptable when public safety is being put at risk. Checkley Wood lies in very close proximity to special settlements, the A5 trunk road and the West Coast mainline railway, not to mention the major populations of Milton Keynes and Leighton Buzzard. **Any air safety incident involving collision between aircraft and turbines could well have catastrophic consequences and result in substantial loss of life.**

National Policy Statement EN 1 requires that:

“The Applicant should consult the MoD, CAA, NATS and any aerodrome – licensed or otherwise – likely to be affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests”.

So again, it is the responsibility of the Applicant to ensure that their consultation of all aerodromes, whether licensed or not, is comprehensive.

MOD

Under NPS EN-1 (DECC 2011a) developers are required to consult with Defence Estates (Ministry of Defence, MoD), Civil Aviation Authority (CAA), National Air Traffic Services (NATS) and any aerodrome likely to be affected by the proposed development to determine whether or not the proposal will conflict with their activities.

The Ministry of Defence have responded to the proposal and has stated that *“they may have concerns”*.

It should be noted that the response was made on the basis of 1 turbine at height of 143.5m and not based upon the current proposal of 149.8m. Given the additional height, we can only assume they will be even more likely to have concerns.

The MOD state that the proposed turbine will be 74.1km from, detectable by and may cause unacceptable interference to the ATC radar at RAF Wittering.

Wind turbines have been shown to have detrimental effects on the performance of MOD, ATC and Range Control radars. These effects include the desensitisation of radar in the vicinity of the turbines and the creation of false aircraft returns which Air Traffic Controllers must treat as real. The desensitisation of radar could result in aircraft not being detected by the radar and, therefore, not presented to Air Traffic Controllers.

The MOD also states that fixed wing, low flying training takes place throughout the UK to a height of 250ft above ground level and down to a height of 100ft above ground level in certain designated areas. A turbine development of the height and at the location proposed may have an impact on low flying operations.

It is essential that the MOD is consulted with the correct height/size of the proposed turbine and their response fully taken into consideration in the planning determination.

Gliding Activity

This is a known and popular area for gliding. London Gliding Club at Dunstable Downs and several others regularly use this area in order to avoid the controlled airspace of Luton Airport. On Wednesday, 22 August 2012 an incident involving two very near misses by gliders of the Met Mast (near Stoke Hammond) occurred due to sudden loss of lift. One pilot said he had not even seen the met mast before his unplanned landing.

Glider activity is already marked on the relevant Visual Flight Rules Chart. The London Gliding Club at Dunstable Downs has also been annotated on the Cranfield Instrument Approach Procedure charts.

Cranfield Airport

CAP 764, Chapter 5 Wind Turbine Development Planning Process of the CAA Policy Document provides guidance on the suitable distances to consult aerodromes according to the onsite facilities. The distances are:

- a) Unless otherwise specified by the aerodrome, or indicated on the aerodrome's published wind turbine consultation map, within 30km of an aerodrome with a surveillance radar facility.
- b) Within air space coincidental with any published instrument flight procedure to take into account the aerodrome's requirement to protect its IFP's.

- c) Within 17km of a non-radar equipped licenced aerodrome with a runway of 1100m or more.

Cranfield Airport is 12.7km North of the proposed site and has a maximum runway length of 1799m. We have contacted Cranfield Airport (May 2016) and they have confirmed they were not aware of the proposed Checkley Wood wind turbine.

Cranfield Airport is an airport in the process of expanding with the consequential socio-economic benefits this would bring to the region and CBC has responsibility to facilitate this.

Cranfield Airport must be informed of the proposed development and consulted with fully.

This area is also home to a large number of other low level manoeuvres. The same airspace is also being used for military and emergency service purposes. Cranfield Airport itself has one of the largest flight training schools in the country and RAF Halton uses the airspace for training purposes and gliding.

At the date of this report, we have not been able to find responses from:-

- MOD (as noted above)
- Cranfield Aerodrome (we contacted Cranfield Aerodrome Administration Team at the beginning of May 2016 who were unaware of the proposed Checkley Wood Turbine)
- Luton Airport
- The London Gliding Club at Dunstable Downs
- Met Office (as of April 2015 the Met Office became a statutory consultee for planning relating to their technical infrastructure)

Prior to determination, CBC must ensure that all these parties have fully considered the nature and details of the proposed Application and responded in full with any concerns they may have.

12. PUBLIC OPINION AND LOCAL OPPOSITION

“We have to work harder to find places where wind farms are acceptable to communities. Frankly we need to be prepared to bribe them”. Tim Yeo, MP, Chairman House of Commons Committee on Energy and Climate Change.

We close this submission by returning to the people involved.

Government spokesmen have lately been at pains to defend the rights and interests of local communities confronted by wind farms blighting their lives. This Action Group has been given a mandate by the majority of local people alongside their parish councils who unanimously recommend refusal, to contest this Application and secure CBC’s determination for refusal.

The National Planning Practice Guidance (“NPPG”) was published on 6 March 2014. Policy is provided by the NPPF whilst guidance on how to use it by the NPPG.

On 18 June 2015 a new section (reference ID: 5-033-150618) was added by The Secretary of State. This states:

“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.*

Whether the proposal has the backing of the affected local communities is a planning judgement for the Local Planning Authority.”

It is our clear and evidential understanding that:-

- **The proposed development site has not been identified as suitable for wind energy development;**
- **As demonstrated in this report, the planning impacts identified by the affected local communities have NOT been fully addressed;**
- **The proposal does NOT have the backing of the majority of local residents. Objections to this development amount to 96% (721) of comments lodged with CBC (due to administrative delays within CBC, we have had to rely partially on figures from the SCWT website, as agreed with D Hale, 22 June 2016); and**
- **All the locally affected Parish Councils have recommended on behalf of their Parishes, refusal of this Application. These parishes are Heath and Reach, Potsgrove, Aspley and Woburn, Great Brickhill, Hockliffe, Toddington and Soulbury**

(post the date of this Submission, SCWT will be consulting with the Parish Councils of Eggington, Stanbridge and Tilsworth and Billington).

Neither is there evidence to suggest that the Applicant has made any real efforts to mitigate the impact of this proposal on the local communities other than when no other option is available, simply switching the machine off and thereby terminating the benefits produced.

There is no evidence to suggest that the Applicant has considered other forms of renewable energy (solar panels for example).

There is no evidence to suggest that the Applicant has considered other more appropriate sites.

The greatest impact of this proposed development will be on thousands of local residents. The vast majority of those that attended public meetings fervently objected to this development and continue to do so with 96% of comments objecting to this Proposal.

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.

The people's right to be heard is reinforced in a statement to Parliament on 22 June 2015. Amber Rudd, The Secretary of State for Climate Change, confirmed to the MP for Wellingborough that if his borough Council *"turns down an Application for a wind farm, its decision cannot be overturned by the Planning Inspectorate"*.

In an article in Planning Magazine (26 June 2015) a spokesperson for The Department of Communities and Local Government clarified the Government's position to say *"that developers will retain the right to appeal decisions although they will have to take into account the clear requirement for local backing"* (Briefing Paper 04370, House of Commons Library).

That clear requirement for local backing is absent here and we expect to be empowered and heard and implore Central Bedfordshire Council's determination for refusal.

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16th November 2016

CB/16/01389/FUL – Checkley Wood Wind Turbine

Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m and rotor diameter 87.0m), substation, hardstanding area, access track, underground cabling and associated infrastructure.

Dear Debbie,

Mr Roberts of Stop Checkley Wood Turbine (SCWT) submitted an objection document on behalf of the group in June of this year. Reading through the document we are concerned that there are a number of inaccuracies which may be interpreted incorrectly especially given that approximately 610 objections submitted to the Council state that the SCWT document summarises their principle objections. As such, this letter seeks to address these inaccuracies.

May I request that this letter is kept with the SCWT document so that the reader can understand where we have concerns regarding the factual accuracy of the submission.

I appreciate that the situation has changed since SCWT submitted their objection document due to the amendment of the turbine dimensions. Some of their concerns have been addressed through this amendment.

I will deal with each of the topics separately, highlighting the key points raised for each.

Introduction

- It is claimed that the Applicant wishes Central Bedfordshire Council (CBC) to make decisions on the basis of the single Checkley Wood Wind Turbine, whilst the impact is of the two turbines combined. This is not the case. The application documentation considers the effects associated with the addition of the Checkley Wood Wind Turbine into the existing baseline (which includes the Double Arches machine). All reports consider the cumulative effects with a particular focus on the cumulative noise and landscape effects.
- SCWT state *'Many wind farm developers have tried to argue that national Energy Policy trumps every other planning consideration. This is a misrepresentation of the truth. Moreover it is one that has been rejected in the High Court by its ruling that the planning process in the UK remains "plan-led, that the Local Development Plan is not subordinated by National Policy.'*

No claim has been made within any part of the application document that national energy policy “trumps” every other planning consideration. We would like to highlight, however, Section 3 of the Planning Appraisal which discusses the Local Policy Framework (LP). Here, it is highlighted that the emerging Development Strategy (2014) was withdrawn in November 2015 and that to date there are no emerging policies to which weight can be given. There are also few saved policies from the former Bedfordshire Local Plan Review (2004) which remain relevant to the proposal.

Where local policies are absent, silent or out of date with the NPPF, paragraph 14 of the NPPF states that planning permission should be granted unless doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The absence of a specific policy relating to renewable energy indicates that the determination of the application should be in accordance with paragraph 14 of the NPPF, although other policies in the LP will have some influence on the decision depending on their consistency with the Framework. Paragraph 14 will be the overarching context of assessing this proposal.

Quantum of Electricity Production

- Comments from the CEO of RenewableUK, extracted from the Telegraph, were provided. I understand that Hugh McNeal, CEO of RenewableUK, has written to you separately to clarify his remarks.
- SCWT then state: *‘...the turbine will be produced overseas and we understand there will be limited local input into construction work given the specialised nature of the erection of wind turbines.’*
No evidence has been submitted by SCWT to confirm this statement. At Double Arches, over half the investment was spent with British firms, to include construction of the access tracks and foundation, the grid connection, the provision of security and professional consultants.
- SCWT state the importance of collecting wind data so that a production estimate can be accurately produced. They state that *‘there is no evidence to suggest that the Applicant has considered other locations and, specifically, measured average wind speeds at these competing locations to assess benefit v dis-benefit.’* It is also stated that *‘We contend that the proposed site of the Checkley Wood wind turbine is sub-optimal. It has been chosen because it is available rather than because it provides the right solution’.* We would like to stress that there is no obligation on the developer to test the wind speeds at alternative sites, or to consider alternative sites within the application. In addition, the wind speeds and corresponding output data at Double Arches have been monitored for 22 months, at the 100m hub height. There is nothing suboptimal about the data and no evidence has been presented to think otherwise.
- *‘Energy will be consumed and carbon footprint created in building and delivering the massive turbine’.* In response, please see Paragraph 604 of the Environmental Report. This found that the energy used in the entire life cycle of the turbine (manufacture, development, installation, operation and decommissioning) will be offset within 5 to 6 months of operation (Note: an amendment has been made to this figure following the change of turbine dimensions – please see below).

National Planning Policy Framework (NPPF) Requirement

- SCWT claim that the NPPF states that applications should be 'refused' where 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. As stated within our response above, Paragraph 14 of the NPPF actually states that planning permission should be granted unless doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- The group continue to make the claim that the site is 'sub-optimal' on the basis that the impacts would be better mitigated by installing the turbine at a windier location. Again, no evidence has been put forward to substantiate this claim. Unlike most wind turbine applications, we are able to draw from real production data from the neighbouring installation at Double Arches. Last year, the Double Arches was the most productive Vensys VE87 wind turbine in the world – as verified by the attached letter from the wind turbine manufacturer. SCWT therefore can make no valid claim with respect to turbine performance.
- SCWT then highlight statements made by Ministers, in particular the Government's aim to target only the most cost effective onshore wind development. Whilst economic return is clearly not a planning consideration, given the estimated production levels for Checkley Wood (based upon real data at Double Arches) we are pleased to say that this development does meet the Government's aims. We would also point out that this scheme will not be supported through the Renewables Obligation, which is now closed to new entrants (as stated in Paragraph 606 of the Environmental Report).

Turbine Wake Separation

- SCWT make several comments regarding the turbine wake separation and that the separation distance between the Double Arches and Checkley Wood Wind Turbines is "too tight". However, SCWT fail to quote the entirety of the relevant paragraph (2.7.7) of National Policy Strategy EN3. This actually states (underlining our emphasis):
'In order for wind turbines to generate electricity efficiently, the turbines must be placed at a sufficient distance from one another within the site. The spacing will depend on the prevailing wind direction and the physical characteristics of the site. A spacing of six rotor diameters is normally required in the direction of the prevailing wind direction, and four rotor diameters perpendicular to this. However, this is a matter for the applicant.'

This is because rather than based upon a rule of thumb, turbine siting is actually a complex balance between environmental constraints, technical constraints, the localised characteristics of the wind and terrain, and the turbine make and model. In order to fully address this concern, please find attached a letter from the turbine manufacturer, Vensys. This confirms that Vensys accept the turbine spacing and will provide the appropriate warranties for the turbine.

Quantum of Electricity Generated

In this section, SCWT have questioned the production estimate of the VE112 wind turbine. This was the candidate wind turbine at the time that the application was

submitted. The group claim that allowances should be made for unscheduled maintenance, noise mitigation and shadow flicker mitigation as well as wake separation (array losses) associated with the nearby Double Arches turbine.

- The energy prediction within the planning application conservatively reduced the predicted generation by 10% to account for overall losses. Vensys confirm in their attached letter that the loss of production associated with noise actually amounts to around 1.2% of annual production and shadow flicker effects were for only 44 hours at Double Arches last year.
- The wind turbine output calculations undertaken by the group are fundamentally flawed. For clarification, whilst the website address is similar, the online tool referred to in the SCWT document is not published by industry trade body RenewableUK. Nevertheless, the calculations themselves are based upon incorrect input data, and it is irrelevant to make comparisons between the average wind speed at Checkley Wood and those that are experienced on the highest parts of Orkney and Shetland (12m/s to 13m/s). The online tool also does not apply the manufacturers warranted power curve data to the wind speed distribution based upon average wind speed. No practical information or reliance can be placed on these calculations.
- The expected electricity production levels reported within the Environmental Report was based upon the Vensys VE112 wind turbine. Following the change of turbine, to match that installed at Double Arches and using the actual production data from the Double Arches Wind Turbine it is predicted that the Checkley Wood Wind Turbine will generate an annual average of 4,999,000kWh. The benefits of this renewable energy generated are as follows:

	Environmental Report Reference	Amended Figure
Electricity Production	Paragraphs 37, 587	4 999 000kWh
Annual Average Household Equivalent	Paragraph 38	4 999 000kWh/4 473kWh = 1 118 households/annum
Carbon Dioxide Offset	Paragraph 594	2 150 tonnes/annum
Equivalent to domestic emissions of	Paragraph 595	977 average Central Bedfordshire Residents
Energy Balance	Paragraphs 604, 605	0.73 yrs or 8.7 months

Turbine Wake Separation

This section of the SCWT document largely repeats the earlier discussion on turbine wake separation. Please see our response above and the attached letter from Vensys which confirms that the turbine separation between Double Arches and Checkley Wood is acceptable.

SCWT continue, stating that '*the size of the site simply DOES NOT provide sufficient space for 2 such huge turbines*' and cite the Environmental Statement for the Double Arches wind turbine as evidence that the applicant had previously ruled out two turbines on the site due to effects on productivity, noise, landscape and heritage. This statement is incorrect and misleading.

At the time of the Double Arches application a different, smaller, land area was available. Checkley Wood was not considered at this time as the applicant did not control the land at Checkley Wood.

Harmful Impacts on Landscape Character

Since SCWT drafted this section, the application has been amended such that the Checkley Wood Wind Turbine will have the same dimensions as that installed at Double Arches.

SCWT claim that the '*landscape capacity to accommodate change was fully utilised with the development of the Double Arches Wind Turbine*'. However, no professional assessment has been produced to support this statement.

The Environmental Report which accompanied the planning application for Checkley Wood contained a full Landscape and Visual Impact Assessment (LVIA). This considered the potential effects of the proposal on the character of the landscape, as well as the visual effects on receptors such as residents, motorists and walkers. The LVIA considered the effects of introducing Checkley Wood to the existing baseline, including for cumulative effects with Double Arches.

It should be noted, that the character of the landscape is not static. As stated within the LVIA, the surrounding quarry landscape is formed through a dynamic mosaic of continuous sand extraction to 2042, beyond the life of the turbine. Despite the size of the scheme, the LVIA found that significant effects of this proposed development on the character of the landscape of the site and surrounding area would be limited to approximately 1.5km to 2.0km from the turbine (Paragraph 437, Environmental Report).

The LVIA also considered CBC's Guidance Note 1 – Wind Energy Development in Central Bedfordshire. The Checkley Wood Wind Turbine is located within the Greensand Ridge LCT, however it is adjacent to the boundary with the Clay Hills LCT. As such, both LCTs are relevant when considering the proposed site in relation to Guidance Note 1.

As we point out in Paragraph 441 of the Environmental Report, this places Checkley Wood on the boundary between an area of high sensitivity to wind development and one of moderate sensitivity (for single or clusters of 1-3 turbines). The LVIA therefore concludes by stating:

'...it is important to note that the study does not consider extensions to existing wind farms where the main landscape and visual impacts have occurred as the result of the initial introduction of the turbine(s) to the area which was not partly characterised by wind development at the time. In essence, this proposed development would be seen as an extension to the existing Double Arches turbine, would be sited in association with the quarry workings and by the boundary of two LCTs. As this assessment discusses, the potential landscape and visual impacts of the proposed Checkley Wood turbine would be limited due to the existence of the adjacent Double Arches turbine, with the two turbines viewed as one development, resulting in very limited incremental effects on landscape character and visual amenity. This type of proposed wind energy development is not considered in detail within Guidance Note 1 and so many of the conclusions attributed to the capacity of the Greensand Ridge and the Clay Hills are assuming a standalone development and are not necessarily relevant.'

Damage to Heritage Assets

The SCWT document claims that there *'would be significant adverse impact on the setting of the local parish churches, the local conservation areas and SSI's and the listed properties contained within the local villages.'*

No evidence has been supplied to substantiate this claim, and I refer you to the independent professional assessment produced by Headland Archaeology provided as Appendix 7 of the Environmental Report. This considered all heritage assets within 5km and it is found that there would be no more than a negligible effect on the significance of heritage assets (i.e. not material to the determination of the proposal) in all cases. As such there are no material effects to take forward to the planning balance.

Following feedback from Historic England, this assessment was further refined with consideration of 36 requested viewpoints across the Woburn parkland, the Church of St Mary the Virgin at Potsgrove, the Hault, and a detailed assessment of the more distant assets at Tottenhoe, Battlesden, Maiden Bower as well as the surrounding Conservation Areas. This further assessment has confirmed that only the area around Stumps Cross is likely to have visibility of the turbine and that views of the turbine from this area would not impact on the significance of the park. Further fieldwork has provided more detail on the Conservation Areas, other designated heritage assets and their landscape settings. From the majority of these assets intervisibility with the proposed turbine will not occur or will be highly unlikely. Only at the Church of St Mary the Virgin at Potsgrove will the intervisibility be potentially greater but in all cases the degree of harm to the significance of the asset will be negligible (updated Heritage Assessment, September 2016).

As stated within the Planning Appraisal (Paragraph 6.94).

'I have had regard to the provisions of S66 and 72 of the PLBCA 1990 and attached considerable weight to the harm to the significance of heritage assets. However, the levels of material harm to the overall significance are small and, even allowing for the special weight attributed to this harm, such harm does not weigh heavily in the balance.'

Given the lack of evidence supplied by the group, their comments on heritage should not be considered further.

Note – within this section SCWT make an additional comment with respect to *'the setting of regional and local footpaths and bridleways which are in close proximity to the wind turbine.'* There are no footpaths or bridleways in close proximity. The effects on landscape character have already been discussed above. The visual effects on users of the footpaths and bridleways are considered within the LVIA.

Damage to Biodiversity, Ecology and the Environment

SCWT provide a quotation from a nearby resident who claims that since Double Arches was erected that the wildlife visiting the area has *'all gone'*.

Double Arches has been very closely monitored since first operation, as required through planning condition. In addition, the application site has also been closely monitored for the surveys undertaken as part of the application. Appendix 4 of the Environmental

Report contains the full set of ecological surveys and demonstrates an abundant range of wildlife on and around the sites.

The group raise concerns regarding the proximity of the turbine (900m) to the Kings Wood SSSI/NNR, but do not provide evidence to substantiate these concerns. Double Arches is 750m from the SSSI/NNR and no significant effects have been recorded. The Kings Wood SSSI/NNR is designated for the habitat that it provides and its floral interest. As stated in the Environmental Report, this SSSI/NNR is well separated from the proposed turbine location by the intervening fields, woodland and quarry, as well as Woburn Road. The Ecology study within Appendix 4 finds no significant effects are likely.

General statements are made by SCWT with respect to the potential for wind turbines to kill birds and bats, quoting from the Spectator magazine. The Spectator is not known as a scientific journal, so instead I wish to highlight the actual evidence submitted for Double Arches (where bat activity has been extensively monitored during turbine operation), as well as the guidance produced by Natural England and SNH which is referenced within our ecological studies. The bat work undertaken by Ecology Solutions was scoped in consultation with the Bedfordshire Bat Group.

No objections have been raised by Natural England or RSPB. The turbine separation distance from blade tip to hedgerow fully complies with the 50m separation required by Natural England's TIN051 bat guidance (see paragraph 298 of the Environmental Report).

The ecology report concluded stating '*on the basis of surveys undertaken and the background desk study, there is no evidence to suggest that the proposed development would have any significant adverse effect on any protected or notable species or habitats.*'

The author of the SCWT objection has presented no evidence to support his objection on damage to biodiversity, ecology and the environment.

Harmful Impacts on Residential Amenity

SCWT discuss the 'Lavender Test'. Since the public inquiry at Enifer Downs, the Lavender Test has become the accepted methodology for the assessment of impacts on residential amenity. Within the appeal decision, Inspector Lavender described a threshold for unacceptable effects (Paragraph 43):

'However, 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.'

The Landscape and Visual Assessment which formed Appendix 6 of the Environmental Report considered the potential effects on visual amenity within a study area of 15km from the proposed wind turbine.

The LVIA considered both the single and cumulative effect of the wind turbine with the existing Double Arches wind turbine. The LVIA considered the potential effects of the proposal on the visual amenity of residents in settlements and individual dwellings, and followed the assessment methodology 'Guidelines for Landscape and Visual Impact Assessment 3' (GLVIA 3) set by the Landscape Institute. It found that in terms of the Lavender Test that *'no overbearing impacts on residential views are expected.'*

Harmful Impacts on Recreational Amenity

SCWT raise concerns regarding the enjoyment of the countryside. Again, this was fully assessed within the Visual Amenity assessment of the LVIA in accordance with GLVIA 3. The limit of significance for high/medium sensitivity receptors such as users of the local public rights of way network was found to be where clear views are available within 1.5km of the turbine.

The group confuse visual effects with effects on the character of the landscape. In this case significant effects on the Wooded Greensand Ridge LCT and Clay Hills LCT are limited to within 1.5km to 2.0km from the wind turbine.

As stated within the LVIA:

'Where visible, the proposed turbine would consistently be viewed in association with the operational Double Arches turbine where the two turbines together would be viewed as one wind energy scheme. The introduction of the Checkley Wood turbine would have an incremental effect on landscape character and visual amenity, but this would be limited by the presence of the Double Arches turbine which currently characterises the local landscape and views within the vicinity of the site.'

Noise

SCWT question the validity of ETSU R-97, The Assessment and Rating of Noise from Wind Farms, and state that it is *'seriously out of date'*.

Unlike the noise standards before it, ETSU R-97 specifically addresses the dynamic noise environment and how that changes with wind speed. NPPG specifically requires developers and planning authorities to assess the noise impacts of wind turbines using a combination of ETSU R-97 and the more recent Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise:

Paragraph: 015 Reference ID:5-015-20140306

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

The noise assessment for Checkley Wood (presented as Appendix 5 to the Environmental Report) produced by leading wind farm acousticians Hayes McKenzie, correctly applies ETSU R-97 and the IoA GPG to the Checkley Wood site. This includes

for the wind shear correction required to reflect the difference between the height at which wind measurements were undertaken, and the hub height at 100m.

SCWT ask why the assessment assumes that no tonal correction is necessary. This is because the turbine noise levels are based upon noise levels established through independent noise test reports which form part of the wind turbines certification and warranty. There is no audible tone associated with the Vensys VE87. Guidance Note 3, which is attached to the sample planning conditions, provides a methodology for applying a tonal penalty to the turbine should a tone be measured during compliance tests. A warranty will therefore be sought from the manufacturer such that the wind turbine shall not produce an audible tone.

SCWT then make reference to the noise limits set for Double Arches within planning permission CB/14/04463/VOC. The limits within this consent were set through the proper application of ETSU R-97, accounting for the IoA Good Practice Guide. There have been no noise complaints associated with Double Arches, and these operational limits are therefore a success.

These limits remain for Double Arches, and also for the addition of Checkley Wood. However specific limits have been calculated for Checkley Wood in order to ensure that the overall cumulative limits are not exceeded and so that enforcement action can be taken against Checkley Wood if they are. These limits were established through the logarithmic subtraction of the Double Arches noise levels from the Double Arches limits to calculate the remaining noise budget. This is outlined in the explanatory note which accompanied the proposed noise condition.

In order to meet the daytime amenity limit, it is necessary to reduce the rotor speed of the turbine for wind speeds between 3 and 5m/s (referenced to 10m height) when the wind is blowing from the north-east sector. The excess noise levels asserted by SCWT do not, therefore, exist.

As with Double Arches, should the noise limits set by the proposed condition be breached, then the turbine would be switched off until the breach is remedied.

Through site design, and through the application of the proposed conditions, we have therefore demonstrated that this proposal is in full accordance with Paragraph 123 of the NPPF.

Amplitude Modulation

As stated within the Noise Impact Assessment submitted alongside the Environmental Report, research commissioned by RenewableUK has established that the predominant cause of Amplitude Modulation is likely to be from individual blades going in and out of stall as they pass through regions of higher wind speed at the top of their rotation under high wind shear conditions.

We have stated within our various responses to MAS that in the case of Checkley Wood, there is no identified need for an AM condition. AM has not been reported at the adjacent Double Arches turbine, which is the same wind turbine model as proposed for Checkley Wood. In addition, the Development Control Committee at CBC have considered the

request from MAS for an AM condition at Double Arches on two separate occasions and have concurred that such a condition was not necessary.

Shadow Flicker

SCWT comment on the Shadow Flicker report which is contained within Appendix 9 of the Environmental Report.

They recognise that where a dwelling is not screened by intervening vegetation that it will be necessary to turn off the turbine when the conditions for shadow flicker exist. As stated within the report these conditions 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 window of a property;
- the wind must be blowing sufficiently to turn the wind turbines; 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.

The original shadow flicker report, based upon the larger 112.5m rotor diameter, found 25 dwellings within ten rotor diameters of the turbine or 29 dwellings within ten rotor diameters plus 10%, not 249 dwellings (note this may have been picked up from a typographical error in the original assessment). Of these properties 24 had the potential to experience shadow flicker effects. Such effects would be for no more than 44 minutes in any one day. Potentially shadows would be cast for a maximum of 254 days over a year, or a maximum of 91 days at any one property. However the turbine would only shut down if the correct weather conditions (wind speed, wind direction, sunshine) exist at the time of the predicted effect.

An updated Shadow Flicker report was submitted for the amended scheme at Checkley Wood, based upon the 87m rotor diameter. We note that SCWT have not commented on this amended report. The number of dwellings within ten rotor diameters has decreased to 13, and shadows may be cast on a maximum of 152 days of the year, or a maximum of 79 days at any one property for no more than 34.2 minutes on any one day. This equates to a total of 89.6 hours per annum. Again, should the conditions above exist at the calculated time for shadow flicker to occur, then the turbine will be switched off.

A comparable assessment was produced for Double Arches, when the planning conditions were discharged. This predicted a maximum shutdown of 86 hours per year. The predicted times for shadow flicker events to occur were programmed into the turbine controller, along with the positions of all houses within 10 rotor diameters of the turbine where flicker was predicted to occur. The turbine at Double Arches automatically shuts down as proposed for Checkley Wood. As confirmed by the appended letter from Vensys, last year shut down was only actually required for a total of 44 hours across the year resulting in a very limited effect on turbine production.

Public Health

It is inappropriate to compare the effects of tobacco on human health with the effects of wind turbines. In addition, no evidence (scientific, peer reviewed) has been produced by SCWT to allow this comparison to be made.

SCWT reference 249 dwellings within 1,237m of the turbine. As stated above, the correct figure is 29. We have established within our assessments and application that there will be no effects from shadow flicker and no noise levels above the permitted limits. No evidence has been produced by SCWT regarding low frequency infrasound or sleep deprivation. However, work produced for the DTI by Hayes McKenzie in 2005 found that *'infrasound associated with modern wind turbines is not a source which will result in levels which may be injurious to the health of a wind farm neighbour.'*

Further to this, Paragraph 2.7.60 of National Policy Statement NPS EN3 (referred to within Footnote 17 of Paragraph 97 of the NPPF as the approach Planning Authorities should follow in assessing the likely impacts of potential wind energy development) states:

'There is no evidence that ground transmitted low frequency noise from wind turbines occurs at a sufficient level to be harmful to human health. Therefore, the IPC is unlikely to have to give any weight to claims of harm to human health as a result of ground transmitted low frequency noise.'

Aviation and Air Safety

No objections have been received from any aviation body to the proposed scheme. In addition, the site is adjacent to the operating Double Arches wind turbine.

As with Double Arches, Checkley Wood will be marked on aviation charts and fitted with a red or infrared (not visible to the naked eye) aviation light.

Public Opinion

SCWT state that they have been given a "mandate" by local people, through their Parish Councils, to oppose this proposal. As stated at the beginning of this response, given the inaccuracies in the SCWT document, we are concerned that objections based upon this document have been established against incorrect information.

We note, for example, that the text present in the SCWT document is also within the Woburn Parish Council objection, and the document is referred to within the Heath and Reach Parish Council objection.

It should also be recognised that a significant number of local people have expressed their support for the scheme through both our own consultation and also directly to Central Bedfordshire Council.

In June 2015, the Government issued a Written Ministerial Statement alongside changes to PPG. The changes to PPG are reproduced within Paragraph 75 of the Environmental Report. As stated within Paragraph 6.111 of the Planning Appraisal, the WMS did not

introduce any changes to the NPPF or NPS's and the provisions of the NPPF Paragraphs 97, 98, and 14 have primacy over the PPG.

In order to assist with its interpretation, the Environmental Report also contains a flow diagram (Plate 8 on Page 17). Paragraphs 77 to 93 of the Environmental Report discuss the flow diagram in the context of Checkley Wood. Through each consultation process the planning impacts identified by the local community have been fully addressed. This is further demonstrated in Table 15 of the Environmental Report.

As stated within the Planning Appraisal

...impacts relating to noise, shadow flicker, electro-magnetic interference (including TV reception) and aviation have all been fully addressed provided conditions are imposed on a planning permission. The studies relating to issues on nature conservation and cultural heritage have not identified any impacts that would be of sufficient scale to be material to the determination of the proposal. These matters must also be considered to be fully addressed.

This leaves the matter of landscape and visual amenity which are subjective judgements for each individual person. Some people strongly object to wind turbines, other people don't mind them and still others like them in the landscape. In this respect, it is pertinent to note that consultation exercises ensured that all residents within 2km of the proposed wind turbine were given the opportunity to comment. 10% of this "affected community" sought to raise concerns about the perceived impacts and a substantial proportion of these did not raise issues about landscape or visual amenity. This raises the question as to how to take into consideration the other 90% of the "affected community" in any assessment relating to the WMS.

In landscape and visual amenity terms it is important to note that the Council's own guidance (Guidance Note 1) on wind energy specifically states that extensions to existing wind energy development provide the least damaging option. Moreover, Table 2 of GN1 identifies a range of factors that are considered to be accommodating of wind energy development. The Checkley Wood proposal compares very well with these factors. In this respect, it is clear that this proposal provides one of the best options for wind energy development in the Council area. It must be concluded that the matter of landscape and visual amenity has also been fully addressed.

Further to this, three recent decisions have been issued by the Secretary of State, granting planning consent to wind turbine projects, despite acknowledged impacts on landscape character and the presence of objections. The Inspector to a Secretary of State decision relating to an appeal of a 77m to tip turbine near Liskeard, Cornwall (APP/D0840/W/15/3097706) concluded that '*... in the circumstances set out the proposal can be deemed to have the backing of the affected local community...*'

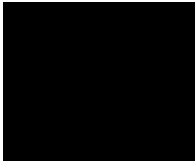
Last week, within a consent notice for a single wind turbine scheme in Cumbria (APP/H0928/W/15/3132909), the Secretary of State said:

'...while acknowledging that there would be some minor, localised harm to the character and appearance of the area he considers that this would be outweighed by the economic benefit to Low Abbey Farm and the contribution of the proposal to wider policy objectives to reduce reliance on non-renewable sources of energy. The Secretary of State agrees

with the Inspector that, notwithstanding the presence of objections to the proposal at application and appeal stages, in the circumstances set out the proposal can be deemed to have the backing of the affected local community.'

If you require any clarification on the points addressed above, then please do not hesitate to contact me.

Yours sincerely,



John Fairlie
Director
07977 252866
john.f@engena.co.uk

Enc: Letter from Wind Turbine Manufacturer Vensys



Checkley Wood Turbine

1/ Introduction

This report has been written to clarify some statements made and questions raised by members of the public as a result of the planning application for a new wind turbine at Checkley Wood Farm which will be identical to the existing turbine at Double Arches i.e. a Vensys 87, 1.5MW turbine.

Vensys have worked with AWE Renewables Ltd on two wind turbine projects, one at Quarrendon just north of Aylesbury and the other at Double Arches, Heath & Reach. In both cases, the chosen turbine is a Vensys 87, 1.5MW wind turbine.

Both projects were ordered, delivered and commissioned in 2014 and became the 2nd and 3rd turbines that Vensys had installed in the UK.

However, globally, Vensys is a significant company in the wind industry having installed over 14,000 turbines with Vensys technology worldwide, 2480 of which are the same Vensys 87, 1.5MW model. During 2015 and 2016, Vensys have installed another 12 turbines in the UK.

Analysis for the data for the Double Arches turbine has been carried out for a 12 month period from the 19th December 2014 to the 18th December 2015 being the 1st full operation year. It should be noted that the proposed Checkley Wood turbine will be located 410m north east of the existing turbine and therefore the actual performance data of Double Arches is an extremely useful and accurate guide to what can be expected from the Checkley Wood turbine should it be commissioned.

2/ Analysis of actual wind data ('scada data') for Double Arches

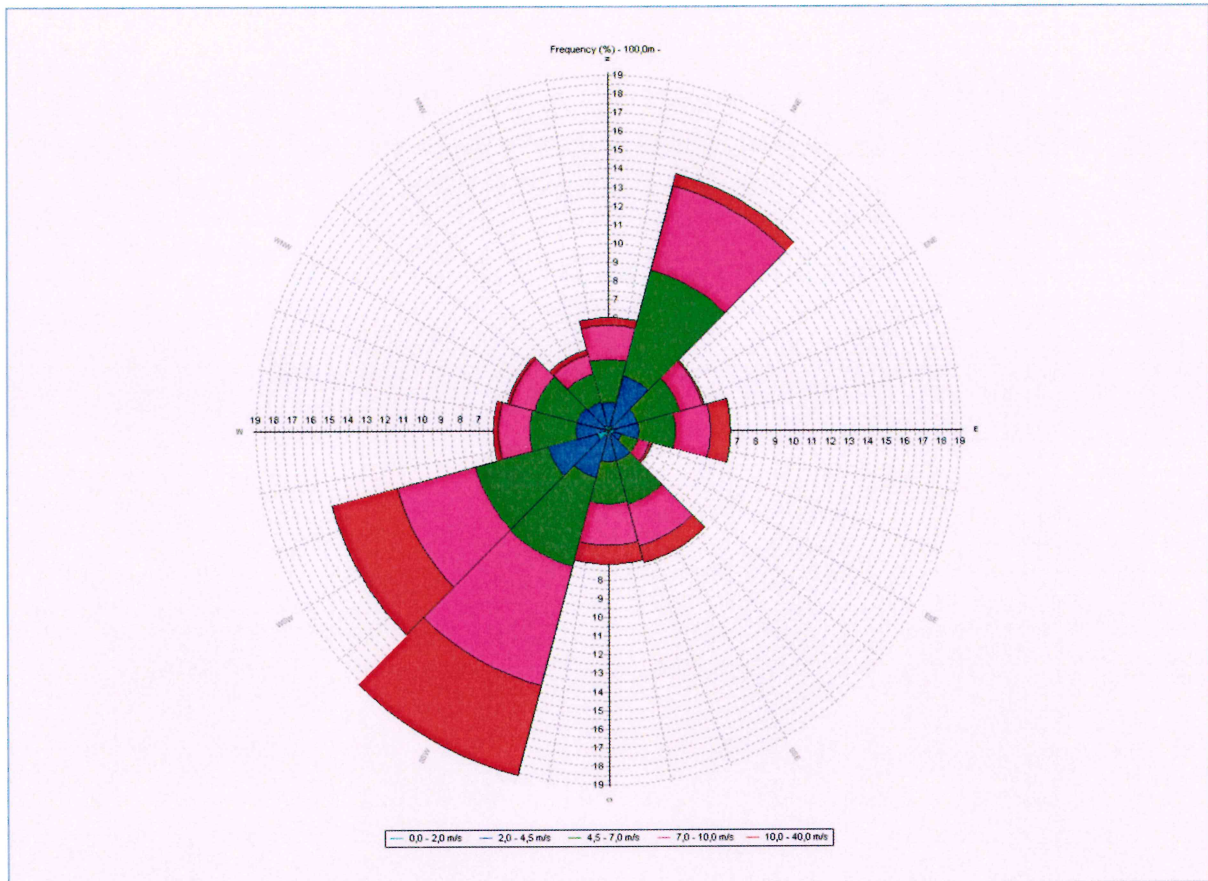
The turbine collects and transmits data live to Vensys in Germany and to the client's office. Every ten minutes, the data is recorded to show (amongst other things):

- the status of the turbine,
- average wind speed over the past 10 minutes,
- the highest recorded gust in the last 10 minutes,
- the direction of wind,
- the speed that the blades are rotating (revolutions per minute),
- the power output of the turbine and
- the actual energy generated during the 10 minute period.

This is known as the 'scada data' and it appears on the screen as shown below:

name		status	autostart	P [kW]	wind [m/s]	Gen [rpm]	nacelle north [°]	blade pos [°]	T ambient [°C]	Q [kVAr]	P limit [kW]	Gen limit [rpm]	blade limit [°]
WEA 1		power	0	112,93	4,25	8,97	234,62	0,56	21	-1,01	1500	17,3	0

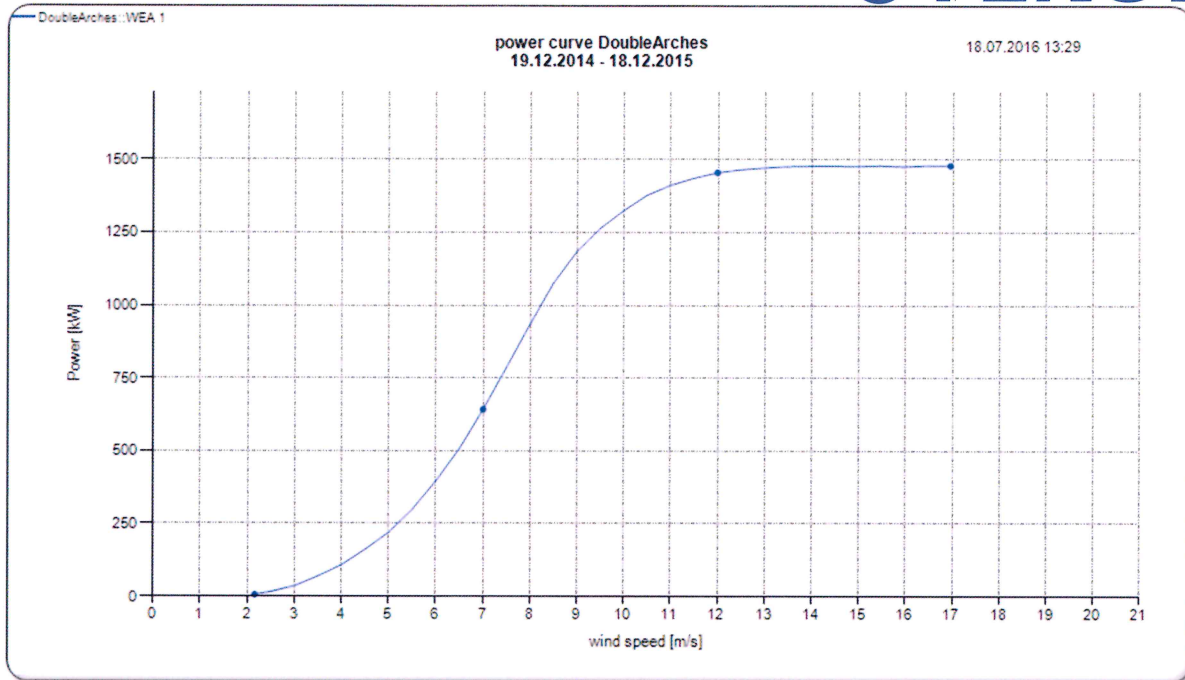
A review of the 'scada data' for the first 12 months of operations at Double Arches shows that the prevailing wind was from the south west. The prevailing wind and wind speeds are set out in the wind rose below:



It can be seen that the most productive and frequent wind is from the south west quarter of the compass amounting to 48% of all the wind between west to south. The second most frequent direction is north east accounting for 19% of all wind.

It is proposed that the Checkley Wood wind turbine will be switched off when the wind is in the north east quarter and when it is at a speed below 4.5m/s to protect property from noise thus ensuring compliance with ETSU-R-97. Analysis of the 'scada data' shows that this may occur 4.6% of the time being the equivalent of about 403 hours a year.

However, at wind speeds between 2 – 4.5m/s, the turbine generates small amounts of electricity. The amount of electricity generated rises with wind speed reaching peak output at just over 12 m/s. taking an average output (electricity generated) between the speeds of 2 and 4.5m/s of 150 kWh then the amount of electricity that won't be generated during the noise shutdown period will be about 60,450 kWh or 1.2% of total generation in a year. The power curve for Double Arches during the first 12 months of year is set out in the graph below:



Shadow flicker is something that the turbine is programmed to shut down when the specific conditions apply being; at the relevant time of year, time of day, when the light is strong enough for a shadow to be cast and the turbine is operating. It is possible to precisely calculate the theoretical maximum hours the turbine will shut down to avoid casting shadow flicker if all the conditions are fulfilled.

The existing Double Arches turbine has a theoretical maximum of 86 hours a year when shadow flicker may occur. During the first 12 months of operations, the actual shadow flicker shut down period was 44 hours. This is because not all the right conditions occur together.

The same calculation for maximum shut down for Checkley Wood turbine has been calculated at 89.6 i.e. 4 more hours than the theoretical maximum for Double Arches. So it is fair to assume that the actual shut down period is likely to be very similar to Double Arches.

The average wind speed recorded at Double Arches for its first full year of operation was 6.89m/s and given the proximity to Checkley Wind turbine, it is fair to use this data to calculate its likely performance.

3/ Analysis of generation data for Double Arches

Vensys have been asked to comment on the performance of the Double Arches turbine and compare it to the performance of its fleet of 2480 Vensys 87 turbines worldwide. Vensys does not have access to the output data of 100 of its Vensys 87 turbines which are operating in India and China.

However, of the remaining 2380 Vensys 87 turbines, Double Arches is the best performing turbine worldwide and it produced a total of 4,999,785 kWh in its first 12 months of operations. A table of best performing Vensys 87 turbines globally is set out below: (note the numbers are rounded down to the nearest MWh).

Country	Site	Output (MWh)
United Kingdom	Double Arches	4,999,000



USA	Otis	4,564,000
Germany	Bestwig	3,965,000
Poland	Unikowice	3,251,000
Cyprus	Alexigros	2,855,000

It should be noted that the performance of the Double Arches turbine is its actual performance over the first 12 months of operating and takes into account periods of actual shut down for servicing, repairs and shadow flicker. This is therefore a very good guide to the likely performance of Checkley Wood turbine.

There is every reason to expect that the Checkley Wood turbine is likely to be a very high performing turbine in terms of energy generated and is therefore an ideal location for an additional turbine based on the actual performance of Double Arches.

4/ Separation distance between Double Arches and the proposed Checkley Wood turbine

Vensys is aware of the planning guidance in the United Kingdom which recommends separation distances between wind turbines. It also acknowledges the key point in the guidance that ultimately, the decision on separation distance is a decision for the applicant.

However, Vensys needs to satisfy itself that the separation distance between Double Arches and the proposed Checkley Wood turbine will not compromise the performance or the integrity of either of the turbines.

Vensys can confirm that it is satisfied there will be no such compromise to performance and as such, Vensys will offer its usual warranties and long term service agreement for the Checkley Wood turbine which will guarantee power curve performance and availability for 15 years.

Vensys does not expect there to be an impact on the energy generation performance of either Double Arches or Checkley Wood turbine once commissioned.

5/ Current and future trends in wind turbine designs.

It may be helpful to put the dimensions of the Double Arches and Checkley Wood turbines into some context of current wind turbine design.

The key principals are to raise the nacelle (hub) for the turbine as high as possible where wind is stronger and more consistent and to fit large blades that will create a large swept path area.

In the United Kingdom, turbines have tended to be built at a smaller scale with Double Arches and Quarrendon being currently the tallest onshore turbines at 100m to hub height and 143.5m to tip.

In Germany, the most common wind turbine VENSYS build is the VENSYS 112. It has a rotor diameter of 112 m and a maximum hub height of 140 m with a rated power of 2.5 MW. In the last two years, VENSYS erected wind farms with up to eight VENSYS 112 turbines on a 140 m tower in Schiffweiler and Műnnerstadt (both Germany). Currently, another wind farm with five VENSYS 112 turbines on a 140 m tower in Priesberg (Germany) is under construction.



Our newest turbine is the VENSYS 120 with a rated power of 3 MW and a rotor diameter of 120 m with a maximum hub height of 140 m. Two prototypes (Grevenbroich and Janneby, both in Germany) with a hub height of 90 m have already been erected.

Currently, a wind farm in Denkingen (Germany) with three VENSYS 120 is in the planning phase. The turbines will have a rotor diameter of 120 m with a tower of 140 m and a rated power of 3 MW with the height to tip at 200m.

Therefore, in wind turbine design, it is wrong to think of the Vensys 87 as being exceptional or excessive in size.

6/ Conclusion

→ Vensys is very pleased to have established a new market in the United Kingdom and to supply and build a growing fleet of 1.5MW wind turbines. The scale of the Vensys 87 is not exceptional and the size of turbines in the future is likely to be much bigger as demonstrated by what is being built in Germany today.

The performance of Double Arches is exceptional making it the lead performer of the current fleet where Vensys has access to the generation data. Therefore, Checkley Wood is highly likely to be another high performance site.

Overall periods of shut down to protect property from shadow flicker and noise will make very little difference to overall performance.

→ The proximity of 410 metres between the Checkley Wood turbine and the existing Double Arches turbine is perfectly acceptable, will not compromise the performance of either turbine and Vensys will stand behind all its usual warranties and long term service standards that its customers enjoy.

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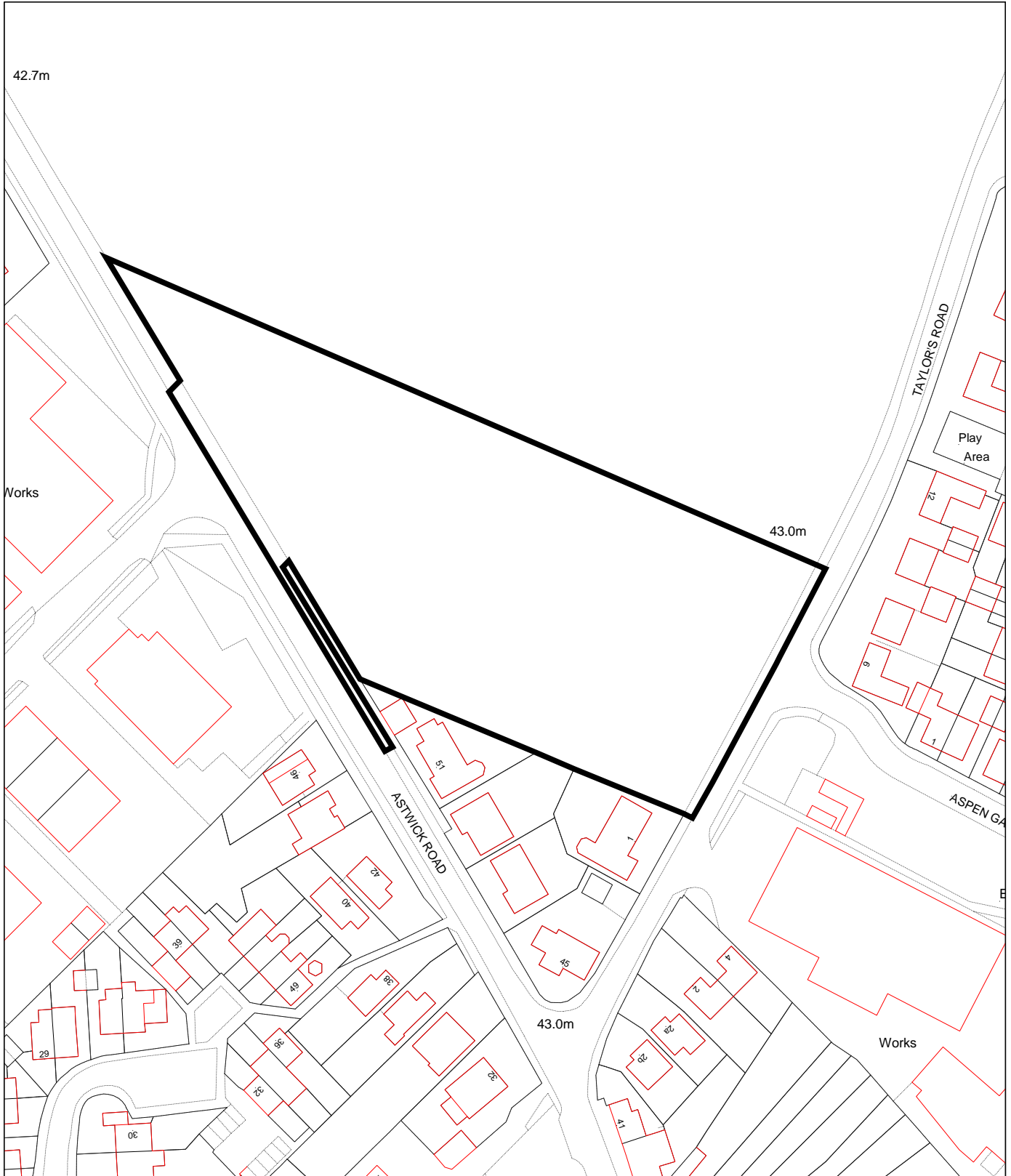
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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No CB/17/01585/FULL
	Date: 04:July:2017 Map Sheet No	
Scale: 1:1250	Land between Taylors Road and Astwick Road North of 51 Astwick Road, Stotfold	

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Item No. 7

APPLICATION NUMBER	CB/17/01585/FULL
LOCATION	Land between Taylors Road and Astwick Road North of 51 Astwick Road, Astwick Road, Stotfold
PROPOSAL	Residential development of 26 dwellings to include landscaping, access, parking and all ancillary works
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Nikolas Smith
DATE REGISTERED	31 March 2017
EXPIRY DATE	30 June 2017
APPLICANT	GPS Estates Ltd
AGENT	Woods Hardwick Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	This is a major application and the Town Council has objected
RECOMMENDED DECISION	Full Application - approve

Reason for Recommendation

Outline planning permission was granted for residential development at this site in 2016. That permission established the principle of development here as being acceptable. This is a full application, rather than an outline and the layout, design, landscaping and highways implications of the scheme would be acceptable. Planning permission should be granted, subject to conditions and a s106 agreement.

Site Location:

The application site forms a triangular parcel of arable land located at the northern extent of Stotfold. The site lies outside of the settlement envelope for the town but is adjacent its limits. It is regarded as an open countryside site. The site is adjacent to both Astwick and Taylors Road and abuts a small grouping of dwellings to the south. The northern side of the site sits adjacent arable farmland.

To the east of the site sits the recent redevelopment scheme known as Beauchamp Mill and a number of dwellings front Taylors Road and look onto the site. To the west is a mixture of residential properties and an employment area.

The Application:

Full planning permission is sought for the erection of 26 dwellings at the site. They would range from one and half to two and half storeys in height. Nine of the units (35%) would be affordable.

The main vehicular access would be from Taylor's Road. There would also be an

access to a car parking area from Astwick Road.

There are gaps in the footpaths running along the Astwick Road and Taylors Road boundaries of the site and it is proposed to install footways in those spaces.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS5 Providing Homes

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM10 Housing Mix

DM4 Development Within & Beyond the Settlement Envelopes

CS14 High Quality Development

DM3 High Quality Development

CS7 Affordable Housing

CS2 Developer Contributions

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.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

CB/15/04226/OUT Outline Application: Development of 0.84 hectares to provide bungalows and additional residential accommodation and other associated works

Approved: 8th August 2016

Consultees:

Stotfold Town Council Object – this is an opportunistic application, confirmed as falling outside of the recognised development envelope for Stotfold on previously undeveloped and predominantly high grade agricultural land. This would fail to qualify as making the most efficient use of land under NPPF.

It is not demonstrated in the application documents that this applicant has pursued other, more appropriate sites

within the defined Settlement Envelope. There are many outstanding identified potential development sites across that area and within development envelopes that would suffice without 'stretching' existing Central Beds Council guidelines.

The suggested density of development on that area of land would suggest an overdevelopment of the site, leading to insufficient road widths to accommodate realistic potential vehicle ownership with on-road parking and the associated problems this creates.

Below is an extract from the NPPF:

2.2 National Planning Policy Framework (NPPF) March 2012

The NPPF includes policy guidance on 'Conserving and Enhancing the Natural Environment' (Section 1.1). Paragraphs 109 (page 25) and 112 (page 26) are of relevance to this assessment of agricultural land quality and soil and state that:

'109 ...The planning system should contribute to and enhance the natural and local environment by ... protecting and enhancing valued landscapes, geological conservation interests and soils'... and

'112...Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of a higher quality ...

Sustainability

The entire access road system to this site in the form of Astwick Road, Taylors Road, Regent Street and Rook Tree Lane is already overloaded, narrow and dangerous. The junctions of both Astwick Road and Taylors Road with the A1 trunk road do not have adequate slip roads for safe joining of the road, and permit egress only in a northerly direction. Further loading without a major restructuring of the road pavement systems would create a dangerous and undesirable environment for residents.

Lower schools in Stotfold are at capacity with some children having to be accommodated in schools outside of Stotfold in recent times.

Health care is extremely stretched, the local surgery has difficulty in retaining sufficient doctors to meet the health care needs of an ever-expanding population.

NHS dentistry is limited in Stotfold.

There is no bank in Stotfold, simply ATM services in three places.

Some of the public houses shown have been demolished and replaced with housing.

The café has become a small shop.

The development will be at the further extremity of the town placing it some distance from the library, surgery the Co-op and other very limited shops, all of which is likely to induce travel by car rather than as a pedestrian.

Bus services for the most part are extremely sparse, stopping at most times when people would be unlikely to use them.

The list of amenities within Stotfold is very dated and needs to be readdressed – particularly as prospective residents are to be given a handbook – which will be inaccurate.

Neighbours

Press and site notices were displayed. Two letters of objection were received, commenting as follows:

- The site is greenfield and outside of the Settlement Envelope
- The site forms part of an important green corridor
- The development could result in flooding
- Stotfold does not have sufficient infrastructure
- The site is agricultural land
- The amenity value of the site would be lost
- There would be harm caused to biodiversity and ecology

SUDS

Although there are problems with the existing design, and our previous recommendations (23 November 2015) have not been addressed. We consider that planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the following recommendations and planning conditions are secured.

- There are drainage ditches along Astwick Road and Taylors Road that will need to be retained, this is not only a field drain but also serves the highway. Soakaways should not be within 5 metres of a watercourse. These ditches are not shown on the drawings and if modelled, and permissions granted, may be able to be used

as an outfall point.

- The soakaway design calculations are not easy to understand, it looks as though you are providing 9m of storage per property regardless of actual requirement, in individual soakaways. Though this is not a problem the proximity to footings and other soakaways is.
- The design of the soakaways could be changed, a shared trench style soakaway with access in each property could be utilised to move the soakaway further from footings and prevent a cluster problem.
- A better solution is likely to be to provide an area of open space (by, repositioning property or proposed parking area positions or reducing the number of properties.) that is designed to flood during heavy rainfall events rather than trying to utilise many separate soakaways that need to be large due to soakage rates and are likely to flood gardens and cause distress in larger rainfall events.
- Although there seems to be sufficient surface water storage, the connection and use of the storage needs more attention and detail on the drawing.
- Soakaway design BRE Digest 365 states soakaways should be a minimum of 5 metres from foundations, and adopted highways and goes on to suggest 5 meters from property boundary and 10 meters separation from other soakaways and water infiltration devices.
- Evidence to show foundations and soakaways are designed to take into account the close proximity and Justification for soakaways being only 3metres from footings is required. A geotechnologist report would be useful.
- The soakaway system is designed for a 1 in 10 rainfall event, in any larger event the entire garden area of these properties will flood, this is not good practice, and will cause distress to residents.

- Soakaways in permeable paving are shown on the drawing B01846-001 Rev P03. Are the soakaways deeper than the sub-base of the permeable paving? Are they separated by an impermeable membrane? If they are deeper, then the extra depth of storage can be utilised in calculations providing there is a 1 metre clearance between the base of the soakaway and the highest water table level however the entire volume can not be used as this will be double counted with the permeable storage.
- It is acceptable to use the storage under permeable paving for property roof water if the input/output calculations allow.
- There is no storage/collection shown from garage roofs.
- Drawing B01846-001 Rev P03 does not show any of the permeable paving to be connected to the swale or exceedance routes should the drainage fail.
- If the road is to be adopted Highways should be consulted on there design requirements as this may not be to an adoptable standard.
- Please note that Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water and details of this provided with the full detailed design. An easement should be provided on the developable side of the watercourse to allow for access for maintenance, this should be 9m but may depend on the maintenance requirements considered appropriate.
- We require detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;
- We will expect that any components that

require replacement and/or maintenance will be designed to be accessible without undue impact on the drainage system and adjacent structures or infrastructure.

- Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
- The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).
- To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.
- The Council does not, and is not required to, adopt any SuDS feature. It is the responsibility of the applicant to ensure that the surface water drainage system, in its entirety, will be effectively maintained in the long-term. We therefore expect confirmation of the proposed arrangements for maintenance to be provided with the final detailed design, including the future maintenance and operational needs and the responsible bodies for undertaking maintenance (for all public and private drainage

components).

Condition 1 : No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Surface Water Drainage Strategy (15 March 2017) and assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and QBar restricted run-off rates and a geotechnical report providing evidence that the foundations and soakaways will work as required given their close proximity. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included.

The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

To Discharge this condition recommendations 1 to 16 (above) must be addressed to an accepted standard.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

Condition 2: No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water

drainage scheme has been correctly and fully installed as per the final approved details.

To Discharge this condition recommendations 17 to 20 (above) must be addressed to an accepted standard.

Reason : To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

Pollution Control

In the planning supporting statement paragraph 6.46 the applicant has referred to a Listed Geo February 2017 Geo Environmental Investigation which it states identified a low risk of potential contaminants however the report does not appear to be available on the planning portal. The land is currently in agricultural use but no information has been provided on historic use. There may also be unforeseen contamination that is identified during the development. I would therefore ask that the condition below is attached to any approval to ensure that any contamination identified during the development phase is effectively remediated and no action is required under the contaminated land regime;

I note that close boarded timber fences are proposed along amenity area boundaries with Astwick Road presumably to minimise road traffic noise in these areas. It is not clear if these are acoustic fences or what noise reduction they will achieve. A previous application (outline application ref CB/16/03344) on this site submitted a Wardell Armstrong noise assessment , dated July 2016, Job no LEI334, report 2. The report concluded that road traffic noise is the dominant noise source affecting the site and monitoring had indicated that properties with habitable rooms facing or having line of sight to Astwick Road and Taylors road would require noise mitigation measures including glazing and acoustic ventilation. The report stated in section 6 that the requirement for glazing and ventilation would be confirmed on a plot by plot basis at the detailed reserved matters stage. I would therefore advise that the following conditions are attached to any permission granted;

1. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the

Management of Land Contamination, CLR 11'. written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

2. Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the local planning authority a scheme of noise attenuation measures which will ensure that internal noise levels from industrial and road traffic noise sources shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that external noise levels from industrial and road traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.

Reason: To protect the amenity of future occupiers.

Highways

The proposal shown on Planning Layout 17772/1003 is for full planning permission is for 26 dwelling, parking and garages and other ancillary development. It is to be served off Astwick Road and Taylors Road by four all movement accesses and one pedestrian only access. 19 dwellings are to be served off Taylors Road with the primary serving 16 dwellings, plots 3 to 11 and 18 to 25, with a further two plots, 1 and 2, served off a shared private drive at the north of the site and, another, plot 26, served off a driveway at the south adjacent no. 1. On Astwick Road, the remaining six plots, 12 to 17, will be served by a private drive. A pedestrian link passes by plots 18 to 20 towards the west. The main access is to be provided with 6.0m

radii and is to lead to a 5.5m cul-de-sac road with 2.0m footways, a turning head and will provide direct access to dwellings. Each of the accesses will have visibility splays with the primary access and that to the private drive having dimensions of 2.4 x 43.0m compliant with a 30mph speed limit. Outside the site, the existing footways are to be extended on both Astwick Road and Taylors Road by approximately 92m to the boundary with no. 51 and 25m to the boundary with no.1 respectively.

The site is subject to an outline consent CB/15/04226 with permission for two main accesses and a connecting road between Astwick Road and Taylors Road. This would be superseded should consent be granted for this proposal. The supporting information includes a Transport Statement and Travel Plan. The latter will be subject to a separate response by Strategic Transport.

At the site, both Astwick Road and Taylors Road are single carriageways with verge and hedgerows. Additionally, Astwick Road has a watercourse. There is street lighting, signs and utility apparatus within the highway boundary. Footways exist on the opposite side of the road and more limited on the side of the site serving the existing dwellings at the junction of these roads. Two speed limits apply with the start and terminating point of a 20 and 30mph restriction.

The layout is acceptable in the main and prevents through traffic which was a concern of the Highway Authority at outline stage and represents a betterment in one aspect of this proposal over the outline consent; although fewer accesses onto Taylors Road would be preferred for safety reasons to reduce the number of points where opposing movements occur. The private drive should be considered for adoption given six units are to be served. The primary street allows a waste collection vehicle of appropriate size to turn and to enter and leave the site in a forward gear. The amount of parking meets standards with 67 spaces to be provided. There are to be seven visitor bays placed throughout the development. A few plots have more than two tandem spaces when garages are considered, such as plot 7 which could give rise to some inconvenience from manoeuvres and , currently

is contrary to guidance. The size of parking bays is adequate as are garages. Cycle parking is incorporated in garages or elsewhere on plot. Waste collection points are considered necessary for the private drive and shared driveway.

The extension of footways is welcomed, but that on Taylors Road should be extended to the private drive by approximately 25m or a short section / hardstanding platform provided to facilitate crossing to the footway opposite. Consideration could have been given to further enhance safety by reducing the visibility splays on submission of a speed survey with an opportunity to extend the 20mph zone by a Traffic Regulation Order; although there would have been a likely requirement for additional physical speed control measures where there is need to access industrial units and such features would be incompatible with such use. The pedestrian link, shared driveway and drive would require 2.0 x 2.0m vision splays on joining the public highway.

The Transport Statement is satisfactory indicating that the development is well placed to access local services and that the amount of traffic generated by the proposal would be small during the traditional morning and evening peak hours adding 13 two-way trips in each period. The trip rates used are at the lower end of the range typically found in Central Bedfordshire, but it is still within tolerance levels suggesting that the proposal is unlikely to cause operational issues.

Should planning consent be granted works would be required in the existing highway and for the primary street and the private drive, potentially, to become adopted highway and further authorisations would be required from the Highway Authority under s278 and s38 respectively. Street furniture may require relocation and utility apparatus protection which would be at the developer's expense. It is considered prudent for a construction management plan with wheel wash and contractor parking to apply to protect roads on approach to the site.

The Highway Authority considers that there is unlikely to be adverse impacts to the adjacent highway and

transport networks and raises no objection subject to the condition and informatives being applied to any planning consent granted:

Conditions

Access Junctions, shared driveway and driveway, path

Before the development hereby authorised is brought into use the access facilities shall be laid out and constructed in accordance with the submitted details, including the visibility splays.

Reason – To ensure a satisfactory means of access is provided in the interests of highway safety

Estate Road – Primary - Taylors Road; Drive – Astwick Road

No development shall be commenced until full engineering, drainage, street lighting and constructional details of the street proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be laid out and constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority:

Reason – In interests of highway safety to ensure a satisfactory construction and appearance of highway infrastructure.

Streets surfacing prior to occupation

Before any dwelling is occupied the roads, footways, paths and any turning shall be laid out in accordance with the submitted plans and constructed to base course surfacing level from the dwelling to the adjoining adopted highway.

Reason – to ensure the approaches to dwellings are completed to a standard suitable for occupants of the dwellings in the interests of highway and public safety.

Parking

Before the development hereby authorised is brought into use the parking facilities shall be completed in all

respects in accordance with the submitted details and shall be retained thereafter for that purpose.

Reason – To ensure that adequate off-road parking is provided

Waste Collection Point for Drive, Astwick Road and shared driveway, Taylors Road

The proposed dwellings shall not be occupied until details of a waste collection point has been submitted to and approved by the LPA. The waste collection point shall be completed in all respects in accordance with those details and shall be retained as such thereafter.

Reason: In interests of highway safety

Footway Extensions

No works shall commence on site until a details of the footway extension along Astwick Road from the Drive to the existing footway at the boundary of no 51 and along Taylors Road from the shared driveway and existing footway at no.1 have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the existing carriageway is kerbed and a footway constructed in accordance with Central Bedfordshire design specifications.

Reason: To provide for pedestrian safety

Construction Management Plan, Wheel washing facilities and contractor parking

As per HP22 – 24

Informatives

- The involves works within the public highway that requires written permission of the Highway Authority at Central Bedfordshire Council. The Applicants / Developers should note that it is the Applicants' / Developers' responsibility to ensure that in addition to planning permission, any necessary consents or approvals under the Highways Act 1980, the New Roads and Streetworks Act 1991 and other related legislation as amended are obtained from the

Council. The Applicants / Developers, upon receipt of this Notice of Planning Approval, are advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049, to write to Central Bedfordshire Highways, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under s278 or other sections of the Highways Act, 1980 to be implemented.

- The Applicant is encouraged to offer the internal road for adoption as highway maintainable at public expense under S38 of the Highways Act, 1980 for which further technical approval and agreement is required. The Applicant is advised to contact Central Bedfordshire Council as per note 1.
- HN15 Non Adoption - The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed private drive, shared driveway, driveway and parking courts as areas for adoption as highway maintainable at public expense and a management company arrangement should be considered.
- Any repositioning of street furniture will be at the permission of the Highway Authority and public utility apparatus under the agreement of the service provider, and will be at the Applicants' / Developers' expense.

Housing Development

I support this application as it provides for 9 affordable homes which reflects the affordable housing policy requirement of 35% and complies with the S106 requirements (Dated 8th August, 2016). The supporting documentation indicates the application fully complies with the S106 requirements in terms of tenure of the affordable units with 73% affordable rent (6 units) and 27% shared ownership (3 units).

I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council. I am fully supportive of the application.

Trees	Detail changes to landscape scheme are acceptable.
MANOP	Our view is that the needs of older people should be considered as part of this proposal and, should approval be given, we would support a proportion of the dwellings in the scheme being suitable for older people, by incorporating some or all of the design features mentioned above.
Ecology	<p>Comments made on the outline application advised the benefits of positioning of SUDS to ensure multifunctionality and habitat enhancement for amphibians and the location of the planted infiltration basins on the northern boundary in this proposal is welcomed. The ecological report that accompanied the outline application made a number of recommendations that included bment proposal, these can easily be incorporated into the built fabric of the dwellings and should be provided on the 6 dwellings adjacent to the northern boundary.</p> <p>Whilst the 2015 ecological appraisal did not identify significant ecological sensitivities, during the intervening years since the survey, the site has been left uncultivated and given the known local interest of toads I would like an informative added advising the developer to be cautious when clearing the site to minimise harm to amphibians which may be using the vegetation for cover.</p>
Landscape	<p>Boundary hedge to north - this is not fully suitable for either housing boundary although I welcome the intention to use native species. I suggest a basic mix of 70 % hawthorn, 10% blackthorn, 10% field maple with a further 10% native shrubs including wild privet, hazel and dogwood. Dogrose will only bloom when allowed to grow tall with spays of branches, which is unlikely here.</p> <p>Hornbeam is welcomed as a domestic hedge - but needs to be maintained / allowed to grow to at least a metre high. It is hoped that ornamental evergreen hedges can be avoided as these urbanise a village edge location.</p> <p>A management plan will be required for the hedges - I am concerned about the longterm care of the Astwick Road boundary hedge as this is shown in private ownership as a back garden hedge. This hedge is important visually in terms of screening and also for landscape character. If sections were to be neglected or removed it would be damaging to the local setting.</p> <p>N.B. The applicant has sought to address these concerns through the submission of revised landscaping details.</p>

Sustainable Growth

This application is pursuant to the outline permission CB/15/04226 that has a sustainability condition attached. There is no information on how the proposed development will meet the requirements of the Condition 10. This application will not be supported unless evidence is presented that the development will meet the condition's requirements.

Condition 10

No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.

Reason: In the interests of sustainability.

Green Infrastructure

The proposals do not demonstrate a net gain in green infrastructure, as required by policy CS17. Comments made by environmental colleagues on the outline application (CB/15/04226/OUT) identified the potential for using SuDS to deliver biodiversity and green infrastructure gains.

However, proposals for surface water management are limited to permeable paving, soakaways, and piped conveyance to soakaways for the highway.

The plans show the potential for a swale with buffer planting along the edge of the site, but this is not reflected in the drainage strategy.

Currently, there is a lack of integrated design of the scheme, with a particular lack of clarity about how the potential swale has been designed in a co-ordinated way between flood, landscape and ecology specialists. The developer should be required to provide further information about the SuDS, to demonstrate compliance with CBC's adopted Sustainable Drainage SPD, and specifically demonstrating how the SuDS will contribute to a net green infrastructure gain across the site.

IDB

Details of surface water disposal required.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations
6. Sustainable Development and the Planning Balance.

Considerations

Principle of Development

Whilst the site lies outside of the Stotfold Settlement Envelope, outline planning permission was granted for a development of up to 26 dwellings at this site in 2016. That permission is extant and could be implemented, subject to the approval of Reserved Matters.

As a result, the principle of a residential development of the scale proposed would be acceptable.

35% (nine units) of the dwellings would be affordable housing, in accordance with the requirements of Policy CS7.

Affect on the Character and Appearance of the Area

It was acknowledged, when granting outline planning permission for the erection of up to 26 dwellings at the site that the appearance of the site would change significantly from a rural character to an urban one.

The site has a reasonably good relationship with the urban area of this part of Stotfold, located between the Fen End Industrial Estate on Astwick Road and the Beauchamp Mill, off Taylors Road. The development would extend northwards the small cluster of housing that is located to the north of the Astwick Road/Taylors Road junction.

The layout would be acceptable and would include a range of house types of styles, a number of which would be smaller dwellings at one-storey with accommodation in the roof space.

The landscaping scheme for the site has been updated in response to comments made by the Council's landscape Officer.

Not all elements of the layout would be ideal, with some large areas of car parking but overall, it would be of a satisfactorily high standard.

Materials would be controlled by condition.

Neighbouring Amenity

The most impacted neighbours of the site would be those to the south, which front Taylors Road and Astwick Road. These are bungalows and would be

sensitive to change.

The proposed units to the north of them would be one and half storeys in height, with no first floor rear facing windows (other than rooflights) and low eaves heights. In that context, the distances between proposed properties and those existing to the south of them would be acceptable. Plot 26 would be located to the side of No 1 Taylors Road and would have no side facing windows and that relationship would be an acceptable one.

Landscaping would assist in reducing the impact on existing neighbours and levels, and construction management would be controlled by condition.

Other neighbours, on the southwestern side of Astwick Road and to the east, on Beauchamp Mill would be far enough away from the development so as to mitigate any potential impacts.

Highway Considerations

The Council's Highways Officers are satisfied that the accesses to the site would be safe. The ability of the highways network to accommodate traffic associated with 26 dwellings was established when the outline planning application was approved at the site.

Sufficient car parking would be provided. Where more than two parking spaces would be provided in tandem, the third would not be counted towards the parking requirements for that plot.

A condition would ensure that footpaths were extended on Astwick and Taylors Roads to allow safe pedestrian movement to, from and around the site.

Cycle parking, construction management and waste storage and collection would be controlled by conditions.

Other Considerations

S106 agreement matters

The following contributions towards education provision would be secured:

- Early Years Contribution – £18,665.64
- Lower School Contribution – £62,218.80
- Middle School Contribution – £62,607.17
- Upper School Contribution – £76,772.97

Agricultural land

Whilst the development would result in the loss of agricultural land, which is discouraged by paragraph 112 of the National Planning policy Framework, there is an extant permission for residential development at this site and so the loss of agricultural land has been accepted in this instance.

Human Rights issues

Based on the information submitted there are no known issues raised in the context of Human Rights/equalities Act 2010 and as such there would be no relevant implications with this proposal.

Conclusions

The principle of a development of up to 26 dwellings at this site has been established as being acceptable.

The proposed layout, its design, impact on neighbours and its impacts on the highways network would be acceptable. As a result, planning permission should be granted.

Recommendation:

That Planning Permission be granted subject to the completion of a S106 agreement and the following conditions:

- 1 The development hereby permitted shall begin not later than three 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 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.**

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 3 **No development shall commence at the site before details of the existing and final ground, ridge and slab levels of the buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 4 **No development shall commence at the site before a timetable for the completion of landscaping at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and

Development Management Policies 2009.

- 5 **No development commence at the site before a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policy DM2 of the Core Strategy and Development Management Policies 2009.

- 6 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.**

Reason: In the interests of sustainability in accordance with Policies DM1 and DM2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 7 **No development shall commence at the site before a scheme of noise attenuation measures which will ensure that internal noise levels from industrial and road traffic noise sources shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that external noise levels from industrial and road traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason: To ensure suitable levels of amenity are provided for residents in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 8 **In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.**

Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 17772/1003, 17772/1004, 17772/100, 17772/101, 17772/102, 17772/104, 17772/105, 17772/106, 17772/107, 17772/108, 17772/109, 17772/110, 17772/111, 17772/112, 17772/113, 17772/114, 3115.LS rev A, Planning Supporting Statement, Flood Risk Assessment and Surface Water Drainage Strategy, Green Travel Plan, Transport Statement and Landscape Proposal, Specification and Maintenance Scheme rev A

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

- 10 **No development shall commence at the site before until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Surface Water Drainage Strategy (15 March 2017) and assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and QBar restricted run-off rates and a geotechnical report providing evidence that the foundations and soakaways will work as required given their close proximity. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included.**

The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 11 No building/dwelling shall be occupied before a 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities has been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be correctly and fully

installed as per the final approved details.

Reason : To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

12 No dwelling shall be occupied at the site before the following works have been completed in full accordance with the submitted details:

- access to the site, including the visibility splays
- car parking

Reason: To ensure a satisfactory means of access and sufficient car parking is provided in the interests of highway safety in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

13 **No development shall commence at the site before details of the footway extension along Astwick Road from the Drive to the existing footway at the boundary of no 51 and along Taylors Road from the shared driveway and existing footway at no.1 have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the existing carriageway is kerbed and a footway constructed in accordance with Central Bedfordshire design specifications.**

Reason: To provide for pedestrian safety in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

14 No dwelling shall be occupied at the site before details of waste storage and collection have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved prior to the occupation of any dwelling at the site.

Reason: To ensure that adequate waste and recycling facilities are provided for future residents in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

15 **No development shall commence at the site before details of materials to be used in the external surfaces of the buildings at the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the appearance of the development would be acceptable, in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 16 **No development shall commence at the site before details of cycle parking at the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of any dwelling at the site.**

Reason: To ensure that sustainable modes of transport are encouraged, in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

INFORMATIVE NOTES TO APPLICANT

1. 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.
2. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
4. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management

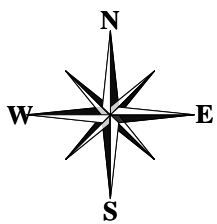
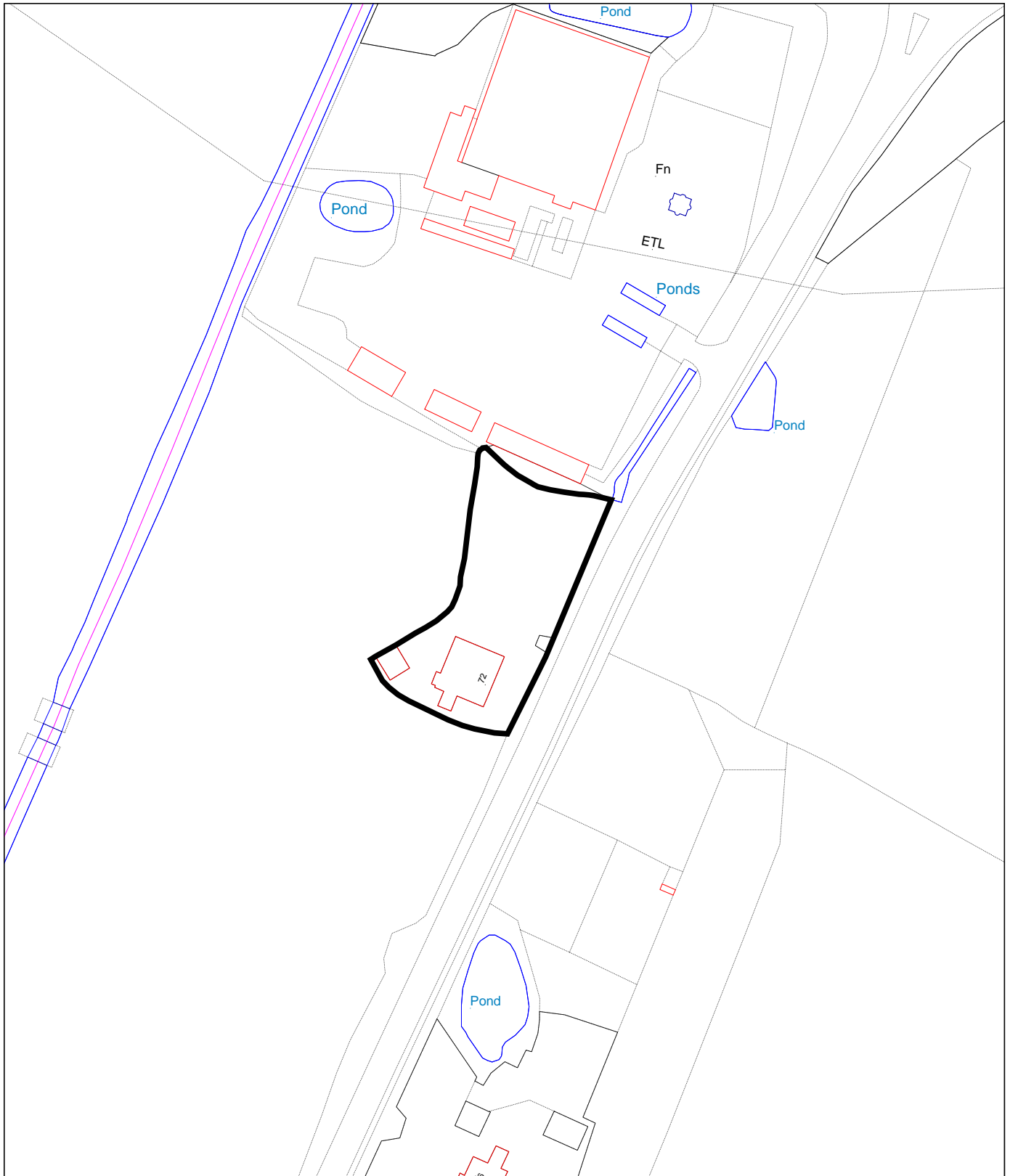
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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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Date: 04:July:2017

Map Sheet No

Application No:
CB/16/04555/OUT

Scale: 1:1250

72 Hitchin Road, Henlow, SG16 6BB

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Item No. 8

APPLICATION NUMBER CB/16/04555/OUT
LOCATION 72 Hitchin Road, Henlow, SG16 6BB
PROPOSAL Outline application: Demolition of the existing dwelling and erection of 6 houses, and 6 flats with 19 parking spaces and associated landscaping.

PARISH Henlow
WARD Arlesey
WARD COUNCILLORS Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER Nikolas Smith
DATE REGISTERED 18 October 2016
EXPIRY DATE 17 January 2017
APPLICANT Ask-Re The Property People Ltd
AGENT Optimis Consulting
REASON FOR COMMITTEE TO DETERMINE Cllr Wenham called the application in for the following reasons:

- Outside Settlement Envelope and no allocation for development
- Impact on rural location
- High density in the countryside
- Poor highways access
- Inappropriate development in the countryside
- Flooding

This is a major application to which the Parish Council objected.

RECOMMENDED DECISION Outline Application - approve

Reason for recommendation

Whilst the Council refused planning permission for this development at this site for a number of reasons, the Planning Inspectorate dismissed an appeal against that refusal for only one reason, relating to flood risk at the site. That appeal decision is appended to this report. The applicant has now overcome that concern, to the satisfaction of the Environment Agency. There have been no material changes in planning policy or in circumstances at the site since that appeal decision was issued, and so planning permission should now be approved.

Site Location:

The site is a parcel of land on the west side of Hitchin Road (B695), south of the (A507) with Henlow village centre to the north beyond this main road. To the north the site shares a boundary with an Aquatic Super store, the Japanese Koi Company. The part immediately adjacent currently serves as an associated car parking and storage area to the shop. To the east, south and west (beyond the B695) is undeveloped arable farmland.

The site sits outside of any defined settlement envelope and is therefore considered to lie within the open countryside.

The Environment Agency's Flood Maps shows that the site falls within Flood Zones 2 and 3.

The Application:

The application seeks outline planning permission (with landscaping reserved for subsequent approval) for the erection of 12 dwellings with 19 parking spaces following the demolition of an existing bungalow at the site.

The scheme would comprised of:

- Six affordable houses with two bedrooms; and
- Six affordable flats with one bedroom.

All six of the affordable rented dwellings would be for affordable rent, as would two of the two-bedroom houses. The remaining four houses would be for shared ownership.

There would be five two-storey blocks. Two would be on the northern boundary, one would be at the centre of the site adjacent to the western boundary and two would be positioned along the southern boundary of the site.

Vehicular and pedestrian access would be taken from Hitchin Road.

RELEVANT POLICIES:

National Guidance

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies (November 2009)

CS1	Development Strategy
CS2	Developer Contributions
CS3	Healthy and Sustainable Communities
CS5	Providing Homes
CS7	Affordable Housing
CS8	Exception schemes
CS13	Climate Change
CS14	High Quality Development
CS16	Landscape and Woodland
CS17	Green Infrastructure
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM10	Housing Mix

Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)

Planning History

CB/14/01917/OUT

Demolition of the existing dwelling and the erection of 6 houses and 6 flats with 19 parking spaces and associated landscaping

Refused: 15th May 2014

Appeal dismissed: 27th October 2015

Representations: (Parish & Neighbours)

Henlow Parish
Council

Objection for the following reasons:

- Not a sustainable location
- Overdevelopment of the site
- Risk of flooding
- Insufficient parking

Neighbours

A site and press notice were displayed. One response was received, commenting as follows:

- 12 is too many dwellings for this site
- There are sewerage problems in the area
- There is flooding in the area

Consultations/Publicity responses

Housing Development
Officer

In principle I support this application as it provides for 100% affordable housing through a rural exception scheme. Whilst the application proposes 12 affordable units, I do have some concern over the proposed split of the affordable in terms of 6x1 bed and 6x2 bed units. The proposed split does not specifically fit the identified need from the Housing Needs Survey undertaken in Henlow in June 2013. Typically we would see the mix of units derived from the identified needs. The survey identified a need for 12 units providing a mix of 1,2 and 3 bed properties required, with the 3 bed making up over 30% of the requirement. The proposed mix of 1&2 bed makes no provision for the remaining identified need. The tenure of

the units is also typically derived from the Housing Needs Survey. The application proposes a 50/50 split between affordable rent and shared ownership. This is not a true reflection of the need derived from the survey. The survey identifies approximately 66% affordable rent and 34% shared ownership.

To summarise, based on the housing needs survey, I feel there could be a more reflective mix of units proposed to truly meet the identified affordable housing need for the local people of Henlow. Based on the proposed mix of units, I would not want to be in a position of being unable to allocate the units through the Local Lettings Policy to those with a local connection if the units delivered through the scheme do not satisfy the requirements of those identified within the housing needs survey. In principal I am supportive of the scheme. However, I feel there could be a more appropriate mix of units.

Rural exception sites will be providing affordable housing for local people, which will remain as affordable in perpetuity. The affordable units will be allocated to eligible applicants through the Local Lettings Policy for exception sites.

Highways Authority

The proposal is for 6 one bedroom flats and 6 two bedroom houses to be served from a new court yard type access road. There are 19 parking spaces served from this courtyard which would be suitable for a refuse vehicle to turn, however this has not been proven.

While there is not a foot way on this side of Hitchin Road I suggest that it would be appropriate to install a foot way along the frontage of the site.

This section of Hitchin Road appears to be at a point where the speed limit is 50mph which would require a visibility splay of 2.4m by 160m and it is my understanding that this can be achieved.

I am concerned that the proposal would introduce 12 residential properties where there will be a need to cross the main bypass (A507). With that I believe that there should be an improvement to the pedestrian crossing facility and this should be dealt with by way of a contribution or commitment through a section 106 agreement.

I am concerned that the proposal does not meet the authority's parking standard of 21 spaces and that there is not an ability to extend the foot way from the shared surface to the frontage of the site.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

No dwelling shall be occupied until a 2m wide foot way has been constructed on the northern side of Hitchin Road between the entrance of the site and its northern boundary in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Such a scheme shall include an uncontrolled crossing point. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed foot way.

Reason: In the interests of road safety and pedestrian movement.

Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 160m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

Before an access onto estate road is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the foot way into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining foot way level.

No dwelling shall be occupied until all triangular vision splays are provided on each side of the all access on to the new road and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining foot way level.

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued :-

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O. Box 1395, Bedford, MK42 5AN.

The applicant is advised that if it is the intention to request the Central Bedfordshire County Council as Local Highway

Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, P.O. Box 1395, Bedford, MK42 5AN. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

The applicant is advised that in order to comply with Condition ... of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O. Box 1395, Bedford, MK42 5AN,

All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplement 10 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Street", or any amendment thereto.

Environment Agency

We are able to remove our objection to this application.

We strongly recommend that the measures outlined in the Hydraulic Modelling Report, Ref (1869 – Hydraulic Report Rev A), prepared by (MTC Engineering (Cambridge) Ltd.), dated (April 2017) are implemented in full.

Advice to LPA / Applicant

Hydraulic modelling undertaken by a third party has been used in support of this application and the Environment Agency has applied a risk based approach to the assessment of this model. In this instance a basic review has been carried out. We have not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model. Please note that if the applicant wishes to update the Flood Map they will need to submit an official Flood Map challenge.

We have reviewed the Hydraulic Modelling Report submitted and find the details acceptable. However, it should be noted that the Site Survey and 1 in 100 year plus

Climate Change Flood Lines drawing appears to hold inaccuracies for the 1 in 100 year + 35% flood line. In particular, the South West corner of the site records land levels which are not accurately reflected in the climate change outline. Although we would not usually find this acceptable, we are satisfied in this case that the mitigation measures proposed are sufficient and so therefore have no objection.

Advice to Applicant

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Internal Board	Drainage	Objection should the Environment Agency not be satisfied with the flood risk modelling work submitted.
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Anglian Water	No response received
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Determining Issues

The development has been assessed in the context of human rights issues and The Equalities Act (2010) and it is considered it would have no relevant implications. As such, from the consultation responses received and from an inspection of the application site and surrounding area the main considerations of the application are;

1. Principle of development
2. Character, context and design of external spaces and impact upon the open countryside
3. Residential amenity of prospective and neighbouring occupiers
4. Highway safety
5. Car Parking and cycle Parking
6. Refuse and recycling
7. Flood risk and sustainable drainage
8. S106

Considerations

1. Principle of development

The National Planning Policy Framework (2012) states that 'housing applications

should be considered in the context of the presumption in favour of sustainable development' (para. 49). In the local context, the site falls outside of the Henlow Settlement Envelope where Policy DM4 (Development within Settlement Envelopes) of the Central Bedfordshire Core Strategy and Development Management Policies (2009) states that residential development will normally be resisted. However, Policy CS8 (Exception Schemes) outlines that in some instances, development outside of the Settlement Envelope can be acceptable where it would consist of 100% affordable housing, as would be the case here.

In order that this proposed residential development scheme could be considered acceptable it should comply with the following criteria:

- the local need is demonstrated;
- the scheme is viable;
- the scheme will remain available in perpetuity to local people who demonstrate a need for affordable accommodation;
- the design and location of the scheme relates well to the built up area of the settlement;
- the mix of size and tenure will relate to the needs identified in that area.

The Inspector, when assessing an appeal against the refusal of the Council to grant permission for an identical application in 2015, found that the development would, in general terms, meet the objectives of Policy CS8 and that the development would constitute an Exception Scheme.

They found that the principle of the development would be acceptable and there have been no material changes in planning policy or circumstances at the site since that decision was made that would undermine that position.

2. Character, context and design of external spaces and impact upon the open countryside

Policy DM3 of the Council's Core Strategy and Development Management Policies (2009) states that all proposals for new development will contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.

The Inspector, when assessing the last application, where the layout and design were the same, found that the scheme would be acceptable.

There have been no material changes in planning policy or circumstances at the site since that decision was made that would undermine that position.

Planning conditions would secure details of materials and would limit Permitted Development Rights so as to prevent an overdevelopment of the site through extensions and outbuildings.

Details of landscaping would be a Reserved Matter.

3. Residential amenity of prospective and neighbouring occupiers

When the last application was considered, both the Local Planning Authority and

the Inspector found that the impact of the development on existing neighbours (the nearest of which is over 100m away) and the quality of accommodation provided would be acceptable.

There have been no material changes in planning policy or circumstances at the site since that decision was made that would undermine that position.

4. Highway safety

When the Inspector considered the appeal at the site, they found that the access to the site would be safe. There have been no material changes in planning policy or circumstances at the site since that decision was made that would undermine that position.

Conditions would control details of proposed access arrangements.

There is no footpath on the west side of Hitchin Road, which is subject to a 50mph speed limit. A condition would require the installation of a footpath along the front of part of the site (from the access to the northern boundary) and a crossing to the east side of the road, where there is a footpath. Such provision would prevent people leaving the site on foot from needing to wait at the access point, where there may be cars entering and leaving the site, to cross the road. It would also allow a safe opportunity to cross the road to the footpath on the east side where they might look to walk into the village.

5. Car and cycle parking

Whilst car parking at the site would be lower than the Council's standards suggest that it should be, it would be at the same level considered at the time of the last appeal at the site – which the Inspector found to be acceptable.

There have been no material changes in planning policy or circumstances at the site since that decision was made that would undermine that position.

The provision of cycle parking would be controlled by condition.

6. Refuse and recycling

The details of waste and recycling storage and collection were considered to be acceptable by the Local Planning Authority and the Inspector when the last appeal was determined.

There have been no material changes in planning policy or circumstances at the site since that decision was made that would undermine that position.

7. Flooding and drainage

The Environment Agency Flood Risk Maps shows the site to fall within Flood Zones 2 and 3 (a medium or high risk of fluvial flooding)

The National Planning Policy Framework states that in such locations, planning permission should not be granted unless both of the following steps have been taken.

- A Sequential Test
- The Exception Test

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding; the Exception Test can be applied if appropriate.

For the Exception Test to be passed: it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

When considering the last appeal, the Inspector found that these steps had not been taken and this formed the sole reason for the appeal being dismissed.

With this application, the applicant has submitted a comprehensive Sequential Test analysis, which reviews other sites within the parish which are shown on the Environment Agency Flood Map to be at lower risk of flooding. It demonstrates that there are no reasonable available sites suitable for the proposed development at a lower risk of flooding.

To address the Exception Test, the applicant has sought to demonstrate that the in fact, based on a Hydraulic modelling of the site, it should be categorised as falling within Flood Zone 1 (low risk), rather than 2 and 3. Given that low risk, the wider sustainability benefits provided by the development (as acknowledged by the Inspector), would outweigh that risk. The report demonstrates that the development would be safe in flood risk terms.

The Environment Agency has withdrawn its objection to the application based on these submissions and the application now overcomes the sole concern raised by the Inspector when assessing the last appeal.

The Internal Drainage Board has requested a condition relating to storm water which is recommended.

8. S106

The applicant has submitted a draft Unilateral Undertaking, which shows that all of the units would be affordable houses and that they would be subject to the Choice Based Lettings Scheme, which would prioritise eligible applicants with a local connection.

No financial contributions were considered by the Inspector to be required when

the last appeal was decided at the site and so none are sought now.

Recommendation

That Outline Planning Permission is approved, subject to the following conditions:

- 1 No development shall commence at the site before details of the landscaping, including boundary treatments associated with the development (hereinafter called "the reserved matter") have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

- 2 An application for approval of the reserved matter shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 **No development shall commence until such time as full details of the materials to be used for the external finishes of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.**

Reason: Details are required prior to the commencement of development to ensure the buildings are finished externally with materials appropriate to the locality and the context within the surrounding open countryside (Policies DM3 and DM4 Core Strategy and Development Management Policies 2009).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected in the curtilages of any residential units hereby approved other than those expressly authorised by this permission.

Reason: To prevent overdevelopment of the site and to protect the character of the area (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 6 **No development shall commence at the site before details of the junction between the proposed estate road and the highway have been**

submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

- 7 **No development shall commence at the site before details of a footway between the site and Hitchin Road from the access point to the site to the northern edge of the site and an uncontrolled crossing points between the west and east sides of Hitchin Road have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied at the site before the footpath and crossing have been completed in accordance with the approved details. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.**

Reason: In the interests of road safety and pedestrian movement in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 8 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 160m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 9 The car parking shown on the submitted plans shall be provided in full prior to the first occupation of any dwelling at the site and shall be permanently maintained and retained thereafter.

To ensure that sufficient car parking is provided at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 10 **No development shall commence at the site before full details of the following have been submitted to and approved in writing by the local planning authority:**

- **The construction of all on-site vehicle parking and manoeuvring areas;**
- **A Construction Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas;**
- **Materials Storage Areas;**

- **Wheel cleaning arrangements;**

Thereafter the development shall be carried out in accordance with the approved details.

Reason: These details are required prior to the commencement of development to ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times in the interests of highway safety (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 11 **No development shall commence at the site before details of cycle parking for future occupiers has been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in full prior to the occupation of the dwelling to which it relates.**

Reason: To ensure that adequate levels of cycle parking is provided in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies 2009.

- 12 **No development shall commence at the site before details of storm water design and construction for the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Internal Drainage Board. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that storm water is properly managed at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 13 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted documents: Un-numbered site location plan, CHQ.13.10562-11, CHQ.13.10562-12, CHQ.13.10562-13, CHQ.13.10562-14, CHQ.13.10562-15, 1689-06, Design, Access and Planning Statement dated October 2016, Flood Risk Assessment - Sequential Test dated February 2017 and MTC Engineering Hydraulic Modelling Report dated April 2017**

Reason: To identify the approved plan/s and to avoid doubt.

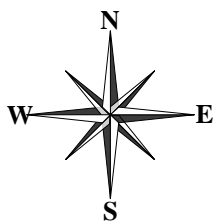
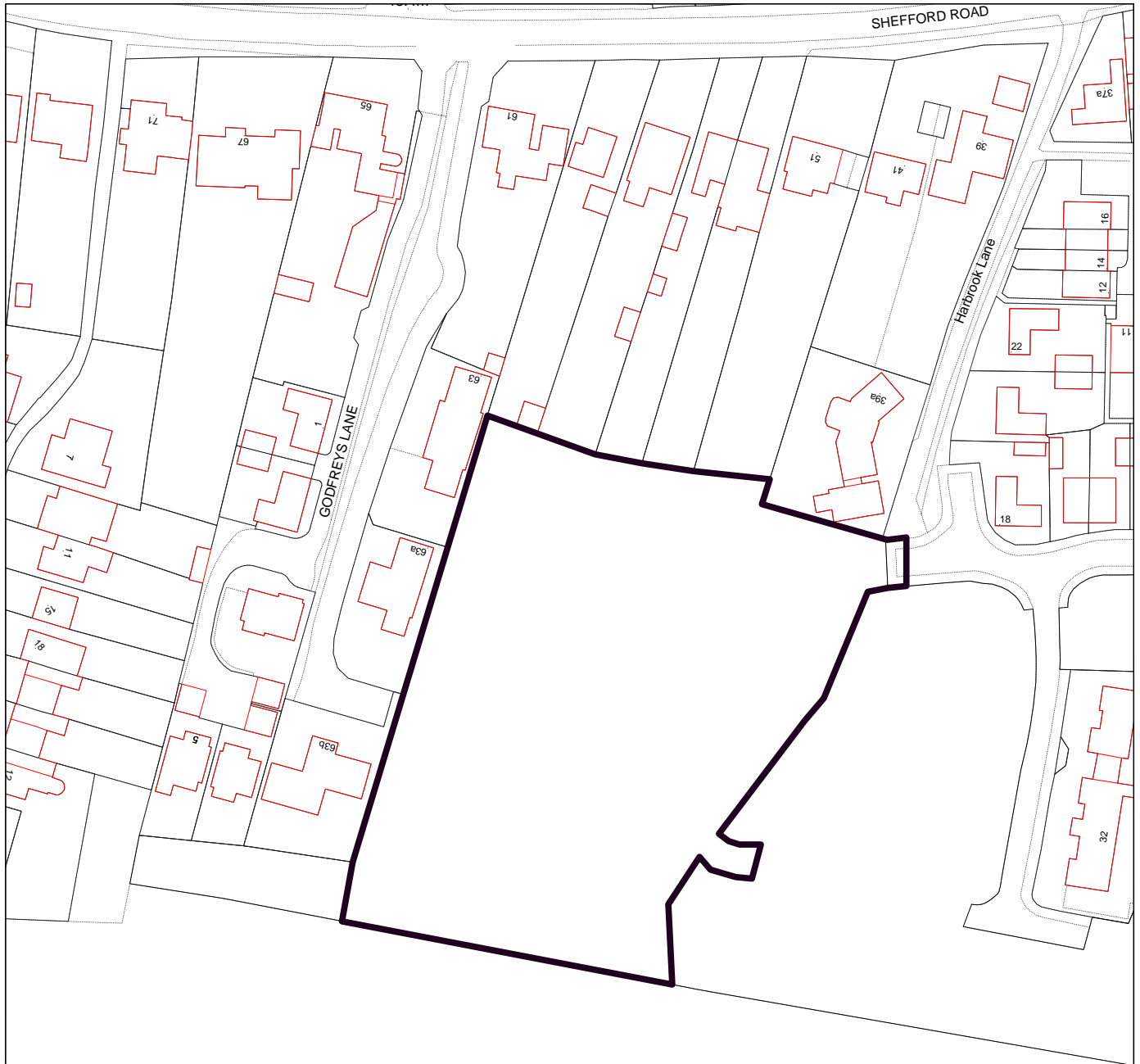
1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.
3. The applicant is advised that if it is the intention to request the Central Bedfordshire County Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
4. The applicant is advised that in order to comply with conditions attached to this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN.
5. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplement 10 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Street", or any amendment thereto.
6. Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be permanently closed.
7. The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 10).

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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Date: 04:July:2017

Map Sheet No

Application No:
CB/16/04918/OUT

Scale: 1:1250

The Paddock New Road, Clifton, Shefford

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Item No. 9

APPLICATION NUMBER	CB/16/04918/OUT
LOCATION	The Paddock New Road, Clifton,Shefford
PROPOSAL	Outline Application: Development of 20 dwellings, public open space, landscaping, parking and associated works. All matters to be reserved with the exception of access.
PARISH	
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Alex Harrison
DATE REGISTERED	25 October 2016
EXPIRY DATE	24 January 2017
APPLICANT	High Street Homes ltd
AGENT	David Coles Architects Ltd
REASON FOR COMMITTEE TO DETERMINE	The scheme is a departure from the development plan. Parish Council objection to a major application. Change in Council's 5 year housing land supply position.
RECOMMENDED DECISION	Full Application - Granted

Reason for Recommendation

The proposal for 20 dwellings is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document; however the application site is adjacent to the existing settlement boundary of Clifton on three sides and Clifton is considered to be a sustainable village location. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be significant and demonstrable given its relationship to surrounding development already in this area. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014).

Introduction

This application was resolved by Members to approve at the Development Management Committee meeting of 1 March 2017 subject to the completion of a S106 agreement which remains incomplete. On 18 April 2017 the Council published its quarterly housing monitoring statement which concluded that the Council is able to demonstrate a deliverable housing land supply in excess of 5 years (5.88 years). As a result the Council's housing supply policies are not considered to be out of date and the weight that is applied to schemes proposing housing development is affected. Prior to the April monitoring statement the Council was unable to

demonstrate a deliverable 5 year housing land supply and therefore in accordance with the National Planning Policy Framework (NPPF) significant weight was given to the provision of housing through applications that would otherwise be contrary to the Council's policies that determine the supply of housing.

This was the case with this application and the Council's ability to now demonstrate a deliverable 5 year housing land supply means that the weighting and material considerations have materially changed. As a result the previous resolution to grant, through giving significant weight to the supply of housing, is out of date and inaccurate given the current position. Any applications resolved to approve on this basis that have not had a decision therefore need to be reviewed and re-determined against the current material considerations.

This report will therefore assess and make a recommendation on the individual merits of the scheme and any other material considerations to reflect the current housing land supply position.

Site Location:

The application site is an undeveloped parcel of land located adjacent to, but outside of, the settlement envelope for Clifton. The site is defined on its southern, western and the majority of its northern boundary by established trees and hedgerows. The site is open to the east as it adjoins a new housing development currently being constructed. The site has been maintained as grassland with no agricultural activity evident.

The Application:

Outline planning permission is sought to develop the site to provide 20 dwellings. All matters are reserved aside form access which is proposed to join onto the existing access road constructed as part of the adjacent Taylor Wimpey development to the east which would join the highway at New Road.

Since the original application submission an amended indicative layout was submitted revising the location of plots indicated at numbers 17-20.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS2 Developer Contributions

CS3 Healthy and Sustainable Communities

CS4 Linking Communities - Accessibility and Transport

CS5 Providing Homes

CS6 Delivery and Timing of Housing Provision

CS7 Affordable Housing

CS13 Climate Change

CS14 High Quality Development
CS16 Landscape and Woodland
CS17 Green Infrastructure
CS18 Biodiversity and Geological Conservation
DM1 Renewable Energy
DM2 Sustainable Construction of New Buildings
DM3 High Quality Development
DM4 Development Within and Beyond Settlement Envelopes
DM10 Housing Mix
DM14 Landscape and Woodland
DM15 Biodiversity
DM16 Green Infrastructure
DM17 Accessible Green Spaces

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.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	CB/13/01208/FULL
Description	Erection of 73 dwelling including affordable housing, an equipped area of play, access and associated works.
Decision	Permit
Decision Date	06/06/2014

Consultees:

Clifton Parish Council Clifton Parish Council objects to this application since this area was specifically excluded from the LDF site that CBC put together because they specified their requirement was for just 80 houses on the site. What has changed?

If CBC is now minded to agree to this development access should not be allowed via Harbrook Lane which is totally unsuitable for such traffic and but taken from New Road (will exacerbate what is already a difficult situation but there is no other option)

The Parish Council remembers that the original outline plan for the New Road estate showed similar apparently well designed houses to the ones now shown on the plan in this application.

The final application was different and not as good.

If outline permission is granted it should specify that the density and good design now displayed should be adhered to in the final application.

Highways

The proposal is outline with all matters reserved apart from access, for 20 dwellings with associated access and parking provision. Access will be taken from the new development CB/13/01208/FULL which is not fully implemented or adopted as public highway.

To safeguard the means of access to the proposed site the red line plan needs to include a means of access from the public highway inclusive of the service margin either side of the access.

The applicant should also be aware that the indicative layout has several issues:

- The service margin should be 2.0m wide
- The refuse vehicle (11.5m length) and service vehicle (6.25m length) should not have to reverse more than 12.0m. Therefore a turning head should be provided between plots 16/17, 6/7 and 3/10. Tracking diagrams should be provided to show a refuse/service vehicle being able to turn and leave in forward gear
- Visitor parking should be provided at 1 space per 4 dwellings, and dispersed throughout the site
- Parking provision should be NO MORE than 2 tandem spaces , inclusive of a vehicle in the garage
- Tracking diagrams should show the refuse vehicle manoeuvring at any bends within the site

Please ask the applicant to provide a revised red line plan to show the means of access from the public highway, so that I am able to assess the proposal.

Following the submission of a revised red line plan.

The applicant has submitted a revised red line plan showing a means of access from the public highway but has not included the land required for a 2.0m service margin to continue from plot 23 and 24 at the adjacent development? I can not find the red line plan from the application no. CB/ 13/01208 to ascertain if the 2 sites abut with no ransom strip between them? I am assuming that they do, but if this is not the case a revised red line plan will be required to indicate the sites abut with no ransom strip.

A revised indicative internal layout has also been resubmitted but has not addressed the previous issues, which the applicant should be mindful of when submitting a reserved matters application:

- The service margin should be 2.0m wide along either side of the carriageway and around the turning head.
- The refuse vehicle (11.5m length) and service vehicle (6.25m length) should not have to reverse more than 12.0m. Therefore a turning head should be provided for a service size vehicle between plots 16/17, 6/7 and a refuse size vehicle at plots 3/10. Tracking diagrams should be provided to show a refuse/service vehicle being able to turn and leave in forward gear
- Visitor parking should be provided at 1 space per 4 dwellings, and dispersed throughout the site
- Parking provision should be NO MORE than 2 tandem spaces, (this includes a vehicle in the garage
- Tracking diagrams should show the refuse vehicle manoeuvring at any bends within the site

Trees and Landscape

Supplied with the application is a Tree Constraints Plan. This has insufficient detail and does not seem to have any schedule of trees included. As part of any full application we are going to require a detailed Arboricultural Impact Assessment and Method Statement which will accurately identify all trees and hedgelines on site and offsite that could be affected by the proposals. Colour Illustrative Masterplans seem to identify that the southern access point has a number of trees identified for removal, there is no mention on the Tree Constraints Plan of this.

SUDS area has potential for new additional tree planting and this should be utilised to the maximum to try and achieve the best planting possible.

Landscape detail will be conditioned and include a comprehensive planting scheme.

Ecology

I have read through the submitted documents and have no objections but would ask that further consideration is given to the inclusion of more integrated nest boxes, ideally on a 1:1 ratio. The NPPF calls for development to deliver a net gain for biodiversity and I acknowledge that species selected for landscaping will benefit biodiversity and that existing hedgerows are to be maintained. The adjacent site has delivered bat and bird boxes and I would ask that this provision is mirrored on The Paddock.

Housing Development Officer I support this application as it provides for 7 affordable homes which reflects the current affordable housing policy requirement of 35%. The supporting documentation however does not indicate the proposed tenure split of the affordable units. The Strategic Housing Market Assessment (SHMA) indicates the tenure requirement as being 73% rent and 27% intermediate tenure from sites meeting the affordable threshold. This would make a requirement of 5 units of affordable rent and 2 units of intermediate tenure (shared ownership) from this proposed development.

I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council.

Sustainable Drainage Urban We have no objection to the proposed development and consider that planning permission could be granted subject to condition.

Internal drainage Board Raised no objections.

Anglian Water Section 1 – Assets Affected

- Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Section 2 – Wastewater Treatment

2.1 The site is in the catchment of Clifton Water Recycling Centre which does not have the capacity available. A drainage strategy will need to be prepared in consultation with Anglian Water and the Environment Agency to determine whether additional flow can be discharged to watercourse and to cover temporary measures in the interim, if additional capacity can be provided at the STW.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. The proposed method of connection on the attached drawings is on a presently privately owned network. We have been in communication with the developer to advise of a manhole

connection point which we would wish to see confirmation of as a proposed connection point to the public network. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We will request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

4.1 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

4.2 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

We will request that the agreed strategy is reflected in the planning approval

Section 5 – Trade Effluent

5.1 Not applicable

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend a planning condition if the Local Planning Authority is mindful to grant planning approval.

Adult Social Care

The proposed development falls within the Ivel Valley locality and the Shefford ward. Ivel Valley has a total population of 84,900 and 5,800 of these residents are aged over 75 years. This is forecast to rise to 10,180 by 2030. Delivering accommodation suitable for older people

is therefore a priority for Central Bedfordshire Council.

In 2013 the Shefford ward had a population of 9,900 and 13% of this was over 65 years old. For the same area 10.6% of households consist of one person of 65 years of age and over and 7.3% of households have all occupants aged 65 and over. In 2011 10.7% of the population in this ward were retired, which is lower than average for Central Bedfordshire (13.5%) and England (13.7%).

The number of older residents in this ward and the substantial predicted rise in the people over 65 in the Ivel Valley area demonstrates that there is likely to be significant demand for mainstream housing that is specifically designed for older people and for specialist accommodation for older people, such as residential care homes and housing with care and support available such as extra care developments.

If older people live in accommodation that does not meet their needs it can have an adverse impact on their health and well-being. In 2011 in the ward of Shefford 5.4% of residents stated that their day to day activities were limited a lot due to a long term health condition or disability and 7.8% of residents were limited a little. This highlights the need to have more accommodation available for older people that enables them to live independently within the community.

It would therefore be beneficial that a proportion of the dwellings proposed were designed to be suitable for older people, taking into account their needs, expectations and aspirations.

Design and layout

With good design, mainstream housing can be suitable for older people at little or no additional cost to the developer. Indeed where housing is designed to be specifically for older people it may be acceptable to have reduced provision in some aspects such as outdoor amenity space.

The following design characteristics are based on national research and local practitioners' views and are what older residents look for in a new home:

- The ability to live on the ground floor and avoid the use of stairs. If stairs are unavoidable then residents need provision for a future stair lift or space for a platform lift.
- Smaller homes that are easy to manage, with a minimum of two bedrooms and outdoor amenity space that is accessible but small and easy to

maintain.

- En-suite bathrooms and/or an easy route from the main bedroom to the bathroom.
- Level access throughout the ground floor.
- Layout, width of doors and corridors to allow for wheelchair access and turning circles in living rooms.
- Walls able to take adaptations such as grab rails.
- Sockets, controls etc. at a convenient height.
- Low window sills to maximise natural light levels and so that people in bed or a wheelchair can see out.
- Sufficient sized parking space with the distance to the parking space kept to a minimum.
- Bathrooms to include easy access shower facilities.
- Level or gently sloping approach to the home and an accessible threshold.
- Energy efficient and economical heating system to help to keep energy costs as low as possible.

The applicant may be aware of developments in the field of accommodation for older people but we would draw their attention to a report published in October 2016 which provides a number of helpful design and layout examples in this area. The document “Designing with Downsizers” is published by DWELL5 at the University of Sheffield.

Summary

Our view is that the needs of older people should be considered as part of this proposal and, should approval be given, we would support a proportion of houses in the scheme being suitable for older people, by incorporating some or all of the design features mentioned above.

Pollution Team

Had no comments to make

Sustainable Growth

I welcome the commitment made in the Design and Access Statement to deliver energy and water efficient development that will comply with policy DM1 and DM2 requirements. The Statement proposes that the scheme will be designed to reduce energy demand, deliver 10% of its energy demand from renewable or low carbon sources and will achieve the higher water efficiency standard of 110 litres per person per day.

The sustainability section of the Statement doesn't include any information how risk of overheating in dwellings will be minimised and what measures will be incorporated. Risk of overheating can be minimised by

inclusion of measures such as limiting unwanted solar gains by providing shading or glazing with low g-value; specifying light colour materials and ensuring a sufficient rate of ventilation to prevent built up of heat.

To ensure that the above standards are achieved at the details design stage and the scheme complies with the policy requirements I request that the following conditions are attached:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve water standard of 110 litres per person per day;
- Development to include climate change adaptation measures to minimise risk of overheating in dwellings.

Other Representations:

Neighbours

Three letters have been received, two making comments and the other in favour of the development.

The comments made are summarised as follows:

- Question raised over the future maintenance of the conifer trees on the boundary with 55 Shefford road and other properties.
- Issues of difficulty to get appointments at doctors and developments will make this worse

The letter of support was raised with the additional comment raising concerns over the increase in traffic in the area and that there should be a no right turn arrangement onto the A507 junction to the south.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations
6. Sustainable Development and the Planning Balance.

Considerations

1. Principle of Development

- 1.1 The site lies outside of the settlement envelope of Clifton and is therefore located on land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing

development on unallocated sites to within settlement envelopes (Policy DM4). Clifton is designated as a large village where Policy DM4 limits new housing to small scale developments. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy

- 1.2 At the time of writing the Council is able to demonstrate a five year supply of housing land in excess of the 5 year requirement. Therefore the Council's policies concerned with the supply of housing are not considered to be out of date and can command significant weight when considering such proposals. Proposals should still be considered in the context of the presumption in favour of sustainable development. It is considered that Members are able to give significant weight of Policy DM4. Full weight cannot be given and DM4 is silent on the matter of exceptions where residential development in the open countryside is considered acceptable. This is outlined in para 55 of the NPPF. The application proposal does not form one of these exceptions.
- 1.3 Sustainability
Clifton is designated as a large village. Taken in isolation it is a settlement that contains a number of services including a village shops, petrol station, restaurant/pubs, school, local businesses, community halls and public transport availability via buses. In addition to this Clifton is very closely related to Shefford which is designated as a Minor Service Centre. Shefford has a range of additional and alternative services that can be accessed by residents of Clifton. Taking these points into account it is considered that, as a settlement, Clifton should be regarded as being sustainable.
- 1.4 Settlements that are classified as Large Villages are considered to be able to accommodate small scale housing and employment uses together with new facilities to serve the village. Although small scale development is not defined, the scale of the proposed development should reflect the scale of the settlement in which it is to be located. The scale of this proposal is considered to be reflective of the scale of development of the area, namely the recently constructed development immediately east of this application site.
- 1.5 Although it is acknowledged that the development is contrary to policy DM4 it is also considered that the individual merits of this site and its relationship to the existing settlement are such that the loss of open countryside in this instance is not considered to result in a significantly adverse impact on the character and appearance of the area. This is particularly apparent as the application site has a clear relationship with existing residential development on three of its sides.
- 1.6 Some weight can also be given to the benefit of the site providing what could be shown to strengthen the Council's housing land supply. This weight should be limited as the intention to deliver homes over a five year period is not a significant benefit that would outweigh adopted development plan policies.
- 1.7 It is therefore considered that while the proposal is directly contrary to policy DM4 the loss of open countryside and impact on the character of the area is not in this instance harmful to the extent that it would warrant a reason to

refuse planning permission. Therefore it is considered that the scheme can be considered acceptable in principle as an exception to policy DM4. Additional material planning considerations may contribute towards the benefits and the dis-benefits of the development and can impact of the final planning balance. These are considered in the report below.

2. Affect on the Character and Appearance of the Area

2.1 Development of the site will increase the built form in the area. Development results in a loss of open countryside and this is considered to be an adverse impact. However the site abuts residential development and curtilage to three of its four sides. It is a parcel of land that sits alone in relation to the village and the open countryside and does not form part of the arable fields to the south. This particular site has a clear relationship with the built form of the village and would not read as an isolated development. It can be regarded as a sympathetic extension of the village which would tie into the housing development currently under construction to the East. Therefore while there would be a loss of open countryside it is not considered that the impact would detrimentally harm the character and appearance of the area to the extent that it is regarded as significant and demonstrable in this instance.

2.2 With regards to the residential scheme, detailed design considerations will be left for any subsequent reserved matters layout. An indicative layout was submitted with the application which shows a development of mixed dwelling types within the site. This layout was amended over the course of the application to relocate an indicative garage following concerns raised by a neighbouring resident. Little weight is given to this layout with this outline application but it does indicate that the site could accommodate the quantum of development proposed. The current layout does not appear to provide suitable garden sizes that accord with the Council's Design guide. Any reserved matters proposed would expect to provide a high quality development that is designed in accordance with the Council's adopted design guide and this would likely affect the indicative layout as garden and parking standards are taken account of.

3. Neighbouring Amenity

3.1 The site does adjoins a number of residential curtilages on its northern, eastern and western boundaries. To the east the site abuts newly constructed dwellings forming part of an allocated development off New Road the indicative layout shows that there would be suitable distances between these dwellings, achieved largely by the presence of the access road and SUDs Open space area. As a result there would be no harmful impact on amenity to these new dwellings through either overlooking or loss of light. To the west the site abuts the curtilages of 63, 63a and 63b Shefford Road which are backland plots. The layout shows the retention of an existing established hedgerow on this boundary which acts as a screen from the development. Furthermore the amended layout shows dwellings to have a side-on relationship to these properties which would remove the principle of overlooking concerns and gaps are left to the boundary to reduce the prominence of the development. To the north the site abuts the longer gardens of dwellings on Shefford Road which is also subject to an established hedgerow, indicated for retention, which would screen any impact from the development. A single dwelling, 39a Shefford Road is located closer than the other dwellings to the north. The development would be visible from this

property but the indicative layout shows development could be proposed in a layout that would not result in direct overlooking and would not result in buildings being overbearing or causing a loss of light.

- 3.2 In terms of providing a suitable level of amenity for potential occupiers, any detailed scheme would be expected to be designed in accordance with the Council's adopted Design Guide and this guide includes recommendations to ensure suitable amenity levels are provided. Therefore it is considered that the adopted policy can ensure that a suitable level of amenity could be provided for new residents and it is already noted that the layout as shown would need to be changed to provide suitable garden areas.

4. Highway Considerations

- 4.1 The Highway Officer has considered the scheme and raised comments that the red line area did not adjoin the highway as the adjacent development to the east was under construction and the roads were not yet adopted. A revised plan showing the red line connecting to New Road was submitted and confirmation from Highways that this is acceptable is awaited at the time of drafting this report. The comments regarding increased traffic are noted however the access road has been constructed to an adoptable standard and it is considered that the increased flows can be accommodated. There are no capacity issues as a result of this scheme and consideration of the junction arrangements onto the bypass would not form part of this application.
- 4.2 In terms of parking the residential scheme will be required to meet the design guide parking standards for both residents and visitors but this is a design detail that would be considered at reserved matters stage. The indicative layout indicates that suitable parking arrangements can be achieved although there are instances of three car tandem parking arrangements which is not considered to be acceptable. A detailed design would be expected to omit this arrangement.
- 4.3 Subject to the confirmation that the access road onto New Road that serves the adjacent development is suitable enough to accommodate the additional 20 dwellings proposed here, there are no objections on the grounds of highway safety and convenience.

5. Other Considerations

5.1 Drainage

In terms of drainage, if a scheme were considered acceptable in principle it would be subject to ensuring details of suitable drainage systems are proposed and in place to accommodate drainage impacts. The application included details of sustainable urban drainage details and there are no objections to this in principle. It is necessary to condition the approval of drainage details on the outline consent to ensure the specifics of a scheme are acceptable in accordance with the Council's adopted Sustainable Drainage SPD and to ensure appropriate management and maintenance is secured.

5.2 Ecology

Concerns were raised over the future of landscaping features at the site. The recommendation includes conditions requiring the approval of landscaping and a management and maintenance scheme for the site and this would be

considered as part of this condition. It is preferable that prominent landscape features that contribute to the character of the site and provide screening are kept within public realm locations so that they can be maintained collectively rather than sectioned off within gardens however this is a detailed design matter and can be considered further at reserved matters stage.

5.3 S106 agreement

Spending Officers were consulted and comments returned from Education and Leisure. The following contributions are requested and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent.

Education:

Full Education contributions are requested from this development which amount to the following:

EY	£13,826.40
Lower	£46,088.00
Middle	£46,375.68
Upper	£56,868.86

Leisure

There is an identified project to upgrade existing sporting facilities at the village and as this scheme provide no public open space as per the indicative layout a contribution towards this would be sought.

Transport

A contribution will be sought towards the upgrading of existing bus stops in Clifton including but not limited to the installation of real time information.

Timetable for delivery of housing:

The heads of terms presented to DMC in March included the Build Rate Timetable – an obligation to provide all of the dwellings within a period of five years from the grant of permission. Given the change in housing land supply position, the Council would no longer require this obligation.

6. **Whether the scheme is Sustainable Development**

6.1 Although the Council has determined it is able to demonstrate a deliverable 5 year supply of housing land Paragraph 14 of the NPPF still applies and states that the presumption in favour of sustainable development is at the heart of the NPPF, for decision-making 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:*
- *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*
- *specific policies in this Framework indicate development should be restricted*

The wording of policy DM4 limiting residential development to small schemes

within the settlement envelope should be given weight as the Council's housing land supply position is such that this policy is no longer considered out of date. This has been considered and in this instance the scale of development and its relationship with the existing settlement are such that although it is contrary to this policy the impact is not significant and demonstrable to the extent that harm outweighs the benefits

6.2 Consideration should still be given to the individual merits of the scheme in light of the presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development; economic, social and environmental. The scheme should therefore be considered in light of these.

6.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. However the impact is not considered to be of such significance that it would warrant a reason to refuse planning permission. It will sit adjacent to existing residential properties on three of its four sides and is not used for agricultural purposes. While materially altering the character of the area will not appear isolated, relating well to the existing settlement, and it is considered that this is an instance where the impact of developing adjacent the settlement envelope does not result in significant and demonstrable harm.

6.4 Social

The provision of housing is a benefit to the scheme which should be given weight. As is the provision of affordable housing. Both of these considerations are regarded as benefits of the scheme.

The site is within walking distance to an existing bus route and village services and the village is well served by existing footways making the site accessible to the village core. The report has detailed that Clifton is regarded as a sustainable settlement and it is considered that it offers the services and facilities that can accommodate the growth from this scheme. Impacts on local infrastructure can be appropriately offset

6.5 Economic

The economic benefits of construction employment are noted. As mentioned above financial contributions will be secured for education projects at schools in the catchment area of the site to help accommodate the level of growth anticipated from this scheme which is considered to be a benefit.

7. Planning balance.

7.1 In this case, the provision of housing and the provision of policy compliant affordable housing units would be a benefit by contributing to strengthening the 5 year housing land supply. The site is considered to relate to the existing settlement and represents a modest and appropriate extension to the village. The loss of open countryside is considered to be an adverse impact but is not significant. It is considered that the benefits continue to outweigh the adverse impact on the character of the area that would occur from developing land in the open countryside. In light of the comments made above it is considered even though the development is contrary to policy DM4 of the Core Strategy and

Development Management Policies 2009 the individual merits of this scheme are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and no significant and demonstrable impacts have been identified. As such the application is recommended for approval.

Recommendation:

That Planning Permission be granted subject to the completion of a S106 agreement and the following:

RECOMMENDED CONDITIONS / REASONS

- 1 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended)

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 **No development shall take place until details of the existing and final ground, ridge and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 **No development shall take place until details of hard and soft landscaping (including details of retained and enhanced planting schemes at the southern, western and northern boundaries, boundary treatments and public amenity open space) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 6 **No development shall take place shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 5 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 5.**

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 7 The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 8 **No development shall commence until a revised wastewater strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the wastewater strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems.

- 9 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from

flooding.

- 10 **No development shall take place until a detailed design and associated management and maintenance plan for the proposed surface water drainage for the site, based on sustainable drainage principles and a site specific assessment of the hydrological and hydrogeological conditions, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall then be implemented in accordance with the approved detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason : To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance.

- 11 **No development shall commence at the site before details of the type and location of bat and bird boxes to be located at the site have been submitted and approved in writing by the Local Planning Authority. the details shall the carried out as approved before any unit at the site is occupied.**

Reason: To ensure that the impact of the development on the ecological value of the site is reduced.

- 12 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Councils's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 13 No development shall take place until the access and junction and visibility splay for 'Herberts Meadow' shall be constructed in accordance with the approved plans for the permission CB/13/01208/FULL.

Reason: To provide adequate access from the public highway to the development in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

- 14 Any subsequent reserved matters application shall include the following;
- The road designed and constructed to a standard appropriate for adoption as public highway
 - Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission
 - Cycle parking and storage in accordance with the councils standards applicable at the time of submission
 - Vehicle turning area(s) where applicable and in accordance with the councils standards for reversing vehicle distance applicable at the time of submission

- Driver/driver intervisibility and pedestrian visibility from the residential access within the site, and forward visibility at any bends in the road layout
- Replacement parking provision, if lost, for planning permission CB/13/01208/FULL where the proposal joins with the existing carriageway
- Pedestrian linkages to existing routes
- Materials storage area
- Wheel cleaning arrangements
- Construction worker on site parking and loading/unloading areas

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

- 15 Details of a refuse collection point located at the property frontages and outside of the public highway and any visibility splays, and a collection point as close to the public highway for non adoptable highway area shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15151 (B) 004 Rev A.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. 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.

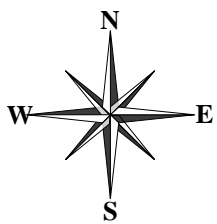
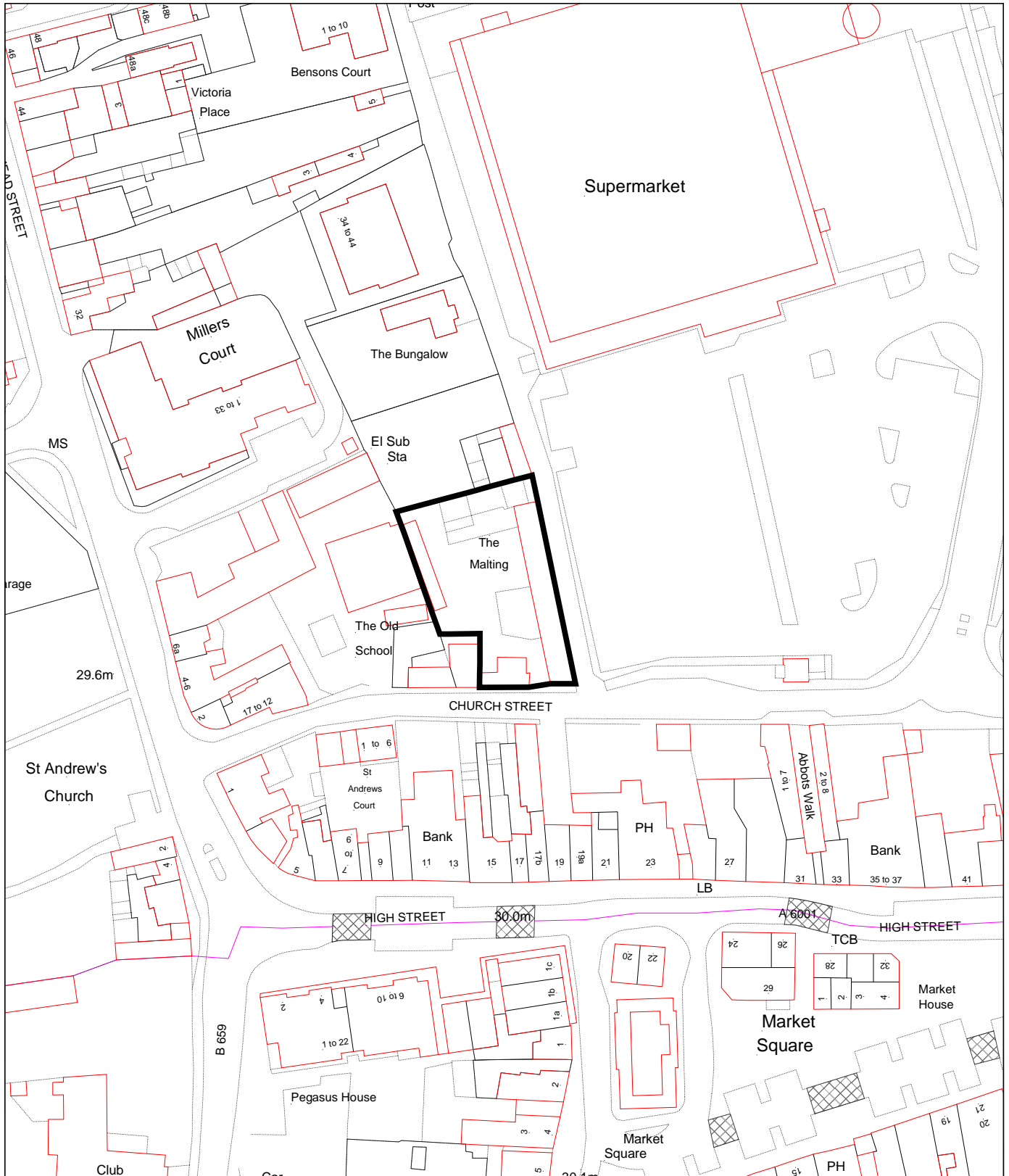
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 04:July:2017
Map Sheet No

Application No.
CB/17/01827

Scale: 1:1250

The Old Maltings, Church Street, Biggleswade, SG18 0JS

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Item No. 10

APPLICATION NUMBER	CB/17/01827/FULL
LOCATION	The Old Maltings, Church Street, Biggleswade, SG18 0JS
PROPOSAL	Change of use from former bar/ restaurant and single dwelling to form 10no. New dwellings and B1 office.
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Michael Huntington
DATE REGISTERED	15 May 2017
EXPIRY DATE	14 August 2017
APPLICANT	Mr J McCann
AGENT	Gary Johns Architects
REASON FOR COMMITTEE TO DETERMINE	Town Council objection to a major development
RECOMMENDED DECISION	Approval

Reason for recommendation:

The proposal for a change of use from restaurant / pub to residential development is considered to be acceptable in light of the Core Strategy and Development Management Policies Document 2009. The site is in a sustainable location and the development would enhance the character and appearance of the conservation area. There would be no material amenity harm to existing residents. The scheme proposes a shortfall in on plot parking but in this instance this is not considered to be significant and demonstrable harm from this given its town centre location.

Site Location:

The site is located along Church Street, within the centre of Biggleswade and within the town centre conservation area. The site is accessed off Church Street, which runs alongside the site to the south. A footpath / cycleway known as Chapel Fields runs alongside the eastern boundary of the site, beyond which lies a car park serving an ASDA superstore. To the north and west lie other relatively old buildings which have changed their uses over time and are mostly currently in B1 employment use.

A Weatherspoon's pub is currently being renovated on the other side of Church Street from the site, and this is due to open this summer.

The building is currently unoccupied, but was formally a bar and restaurant.

The Application:

The application is made for a change of use from a former bar/restaurant and a single dwelling to form 10 new dwellings and a B1 office.

The application is accompanied by:-
Design and Access Statement
Heritage Asset Impact Assessment
Noise Impact Assessment
Structural Appraisal

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Section 6 – delivering a wide choice of high quality homes
Section 7 – requiring good design
Section 12 – conserving and enhancing the historic environment

Core Strategy and Development Management Policies - North 2009

CS3: Healthy and Sustainable Communities
CS5: Providing Homes
CS14: High Quality Development
CS15: Heritage
DM3: High Quality Development
DM4: Development Within and Beyond Settlement Envelopes
DM13: Heritage in Development

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.

Supplementary Planning Guidance/Other Documents

Biggleswade Masterplan (July 2011)
Central Bedfordshire Design Guide (March 2014)
Central Bedfordshire Sustainable Drainage Guidance (updated May 2015)

Relevant Planning History:

Application Number	CB/09/00786/FULL
Description	Change of use to mixed A3 (Restaurant and café) and A4 (drinking establishment)
Decision	Granted
Decision Date	9th June 2009

Consultees:

Town Council It was **RESOLVED** that the Town Council **OBJECT** on the grounds of insufficient parking.

CBC Archaeology

No objection

The site contains an important, if altered, industrial building and has the potential to contain archaeological deposits relating to the origins and development of the town of Biggleswade. The proposed development will have a negative and irreversible impact upon the historic buildings at the site and any surviving archaeological deposits present, and therefore upon the significance of the heritage assets they represent. 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 and historic built environment heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the historic buildings at the site; the post-excavation or post-recording analysis of any archive material generated and the publication of a report on the works. Planning conditions will be required to secure this.

CBC Ecology

No objection

The NPPF looks for development to deliver net gains for biodiversity and the design & access statement shows the scheme to include planting which would support such gains but further enhancements should include integrated bird bricks at a rate of 1 per dwelling.

CBC Highways

No objection

The design will allow for improved levels of visibility for both vehicles and pedestrians.

The proposed parking equates to one space for the proposed office, one space per dwelling and one visitor space. Such provision is therefore below the Council's usual standards for two bedroom residential dwellings.

The site is well located however in terms of the range of shops, amenities and facilities available in the town centre; it is within easy walking distance of a number of bus stops which provide routes to Bedford, Hitchin, Milton Keynes and surrounding towns; and is only some 560m (i.e. less than 9 minutes' walk) from the Rail Station which provides ready access to Peterborough and points north and London to the south.

The site is therefore well-located to discourage car use in favour of other modes and the size and type of dwelling is suited to those who do not have access to a car or who choose not to own a car.

Refuse stores are shown to be located under the office building on either side of the relocated access. This will enable kerb-side collection to take place and hence the refuse vehicle does not need to enter the site.

The proposed development has the potential to result in a net increase in traffic movements to/from the site particularly in the traditional peak periods. However such increases are likely to be small and not severe enough to result in an adverse impact on the local road network.

CBC Pollution

Object to the application

Notwithstanding the findings of the submitted Noise Assessment the Pollution team wishes to object to this application on the grounds that the submitted noise assessment does not persuade us that internal amenity will be protected with openable bedroom windows in view of the soon to be reopened Public House adjacent to the application site which has the benefit of operating hours to 0130 three days a week and a beer garden backing on to the Church St. boundary (now to be bounded by a new kitchen structure, albeit single storey). The noise modelling of the likely impact of pub noise may be inadequate and that given there will soon be an opportunity to measure the actual impact when the pub reopens in the summer.

If permission is granted against the recommendations of Public Protection the conditions are requested to be inserted on any permission.

CBC Drainage

No objection

Concerns regarding the proposed drainage discharge method and require that details be provided to demonstrate that infiltration system is viable and that any infiltration system has been designed based on the site specific ground conditions and will operate sufficiently to manage surface water up to and including for the 1 in 100 year event (plus +40 climate change allowance).

Should infiltration not prove to be viable, a connection to the foul or combined system should be avoided. Storage of surface water run off to achieve the proposed discharge rate must be provided and must be sufficient for the likely impacts of climate change and incorporate sustainable drainage principles. This is to ensure capacity of the receiving network is not put under increased pressure as a result of the development going ahead.

There is scope to improve the design of the proposed drainage system to incorporate additional sustainable principles (SuDS). We strongly advise that the proposed drainage system be revised to maximise the opportunities for landscaped / vegetated SuDS. This is in keeping with the adopted standards in the Central Bedfordshire Sustainable Drainage Guidance (updated May 2015).

Further details will need to be provided to demonstrate the final detailed design of the surface water scheme and its future management, as well as the concerns highlighted above. This can be achieved through applying an appropriately worded condition.

CBC Sustainable Construction

Policy CS13: Climate Change requires all new development to consider impacts of climate change (e.g. increase in temperatures and rainfall insensitivity). Dwellings should be design to reduce risk of summer overheating and flooding.

For more information on sustainability design issues please refer to the Central Bedfordshire Design Guide.

Other Representations:

Neighbours and others

One letter of objection received, and comments are summarised below:-

Entrance to site not wide enough or major enough to cope with 10 dwellings.

Parking issues will be worsened in the town

Heritage and fabric of building will be harmed

Restaurant should be kept in use

Determining Issues:

The main considerations of the application are;

1. Principle
2. Effect on the Character and Appearance of the Area and the Historic Environment
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle of development

- 1.1 The scheme proposes re-use of an existing developed site for residential development and policy DM4 of the CSDMP states that, within the settlement envelope of Major

Service Centres such as Biggleswade, residential development of appropriate scales are considered to be acceptable in principle.

- 1.2 The provision of 10 dwellings will make a limited contribution to the Council's housing land supply. A site within the settlement envelope and within the town centre, close to services and transport links is considered to be a sustainable location.
 - 1.3 The Biggleswade Town centre masterplan was approved in 2011. Its purpose was to identify, promote and guide new retail and housing led development opportunities in the town centre. While this site was not specifically identified in the masterplan, the proposals are generally in accordance with those purposes identified within the masterplan, and by ensuring more residential units within the town centre, this will contribute to making the town centre a more vibrant place in accordance with the aims of the NPPF.
- 2. Effect on the Character and Appearance of the Area and the Historic Environment**
- 2.1 The site lies within the Biggleswade Conservation Area. In terms of the historic context, policy CS15 states that the Council will protect, conserve and enhance the district's heritage including its Conservation Areas and their setting and policy DM13 states that applications within Conservation Areas will be assessed against the relevant Conservation Area Appraisal and inappropriate development will be refused.
 - 2.2 The Old Maltings have been adapted over time as they have changed their uses, and it is considered that the proposal to change its use again, adding new windows and doors, and closing up others, is a continuation of that process of adaptation, adding interest to the buildings' history. The upgrading of the building as part of this proposal will enhance the conservation area. Conditions will be required to ensure that high quality materials appropriate to the conservation area will be used.
- 3. Neighbouring amenity and of future residents**
- 3.1 The site does not abut any residential properties. The nearest properties are all commercial uses and there would be no significant harmful impact on any existing neighbouring residential amenity.
 - 3.2 All the proposed dwellings have been provided with small private outdoor spaces, and this is considered to be a benefit for the future residents in this town centre location.
 - 3.3 The Pollution Officer has raised objection on the grounds that there is insufficient detail to assess the noise from the nearby Weatherspoon's pub that is soon to open. It is considered however, that in this location, town centre living is compatible with other town centre uses such as pubs and restaurants. The Pollution Officer has recommended that a condition requiring appropriate noise mitigation can be included on any approval to address this matter.
- 4. Highway Considerations**
- 4.1 The proposal sees vehicles enter from Church Street. The access can be considered acceptable and will not lead to congestion on the site.
 - 4.2 The proposal shows an under-provision of parking and the Town Council have objected to this. Under the Design Guide standards the development would necessitate 2 on plot

parking spaces per unit and 3 visitor spaces, 23 in total. The application proposes 14 spaces, one per dwelling, one for the office and one visitor space. Justification was provided by the applicant for the shortfall citing the sustainable location of the site in the town centre reducing the need for the private car. The justification provided is considered to be appropriate. The site is in a wholly sustainable location close to public transport links. The under-provision is unlikely to lead to problems of on street parking as the immediate roads in the area are subject to parking controls. There are nearby car parks available for short term visitor car parking.

4.3 It is considered in this instance that the application is acceptable in spite of an under-provision of parking spaces. The town centre location is wholly sustainable and reliance on the car is lessened. The proposal is therefore considered acceptable in highway terms.

5. Other Considerations

5.1 Human Rights issues:

No issues have arisen in relation to the Human Rights Act or Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

1 The development hereby permitted shall begin not later than three 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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers

- 16-345 G001 Site plan
- 16-345 G011 Block Plan
- 16-345 G020B Proposed ground floor (01 of 02)
- 16-345 G021C Proposed ground floor (02 of 02)
- 16-345 G022C Proposed first floor (01 of 02)
- 16-345 G023C Proposed first floor (02 of 02)
- 16-345 G024C Proposed second floor (01 of 02)
- 16-345 G025C Proposed second floor (02 of 02)
- 16-345 G030C Proposed elevations
- 16-345 G031 Proposed alterations
- 16-345 G040 GA Sections

Reason: To identify the approved plan/s and to avoid doubt.

3 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls, roofs, eaves, windows, doors and rainwater goods of the development hereby**

approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality and to ensure that the development is carried out in a manner that safeguards the historic character and appearance of the Conservation Area. This is a pre-commencement condition as it is important to agree materials before development begins.
(Section 7 and 12, NPPF)

- 4 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles storage for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place and retained thereafter.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 5 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building(s) hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the area.
(Section 7, NPPF)

- 6 The development shall not be occupied until a noise attenuation scheme including fixed bedroom windows for protection of the proposed dwellings from noise associated with the nearby Licensed Premises has been submitted and approved in writing by the local planning authority. None of the approved new dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details. The scheme shall be retained in accordance with those details thereafter.

Reason: To ensure that suitable levels of amenity are provided for future residents.
(Policy DM3 Core Strategy Development Management Policies)

- 7 The development shall not be occupied until a scheme for ecological enhancement of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development provides for a net increase in biodiversity.
(Section 11, NPPF)

- 8 Notwithstanding the submitted details no development shall take place above base course level until a landscaping scheme to include all hard and soft landscaping, boundary treatment, public art, and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have 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 completion and/or first use of any separate part of the

development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

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

- 9 **No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall include provision of attenuation and a restriction in run-off rates as outlined in the FRA. The scheme shall be implemented in accordance with the approved final details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF. This is a pre-commencement condition as the detailed design of the drainage systems needs to be approved prior to construction of the dwellings and then installed accordingly.

- 10 **No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:**

- a) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- b) **Details of site compounds, offices and areas to be used for the storage of materials;**
- c) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**

Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

The development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To safeguard the amenity of existing and future residents. This is a pre-commencement condition as this detail needs to be agreed before the start of construction. (Section 7, NPPF)

- 11 **No development shall take place until a written scheme of archaeological investigation; that includes provision for 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**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development. 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 developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development. (Section 12, NPPF)

- 12 **No development or demolition of any buildings or shall take place until a written scheme of historic building recording; that includes post recording analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved historic building recording scheme.**

Reason: To record and advance understanding of the archaeological and historic resource which will be unavoidably destroyed as a consequence of the development. 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 developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development. (Section 12, NPPF)

- 13 The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway. (Section 7, NPPF)

- 14 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at the vehicular site exit and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period. This is a pre-commencement condition as this detail needs to be agreed before the start of construction. (Section 7, NPPF)

INFORMATIVE NOTES TO APPLICANT

1. 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.

- 2.
 - The applicant is advised that in order to comply with conditions within this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated footway improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contracts team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
 - The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
 - The applicant is advised that parking for contractors vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Councils Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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

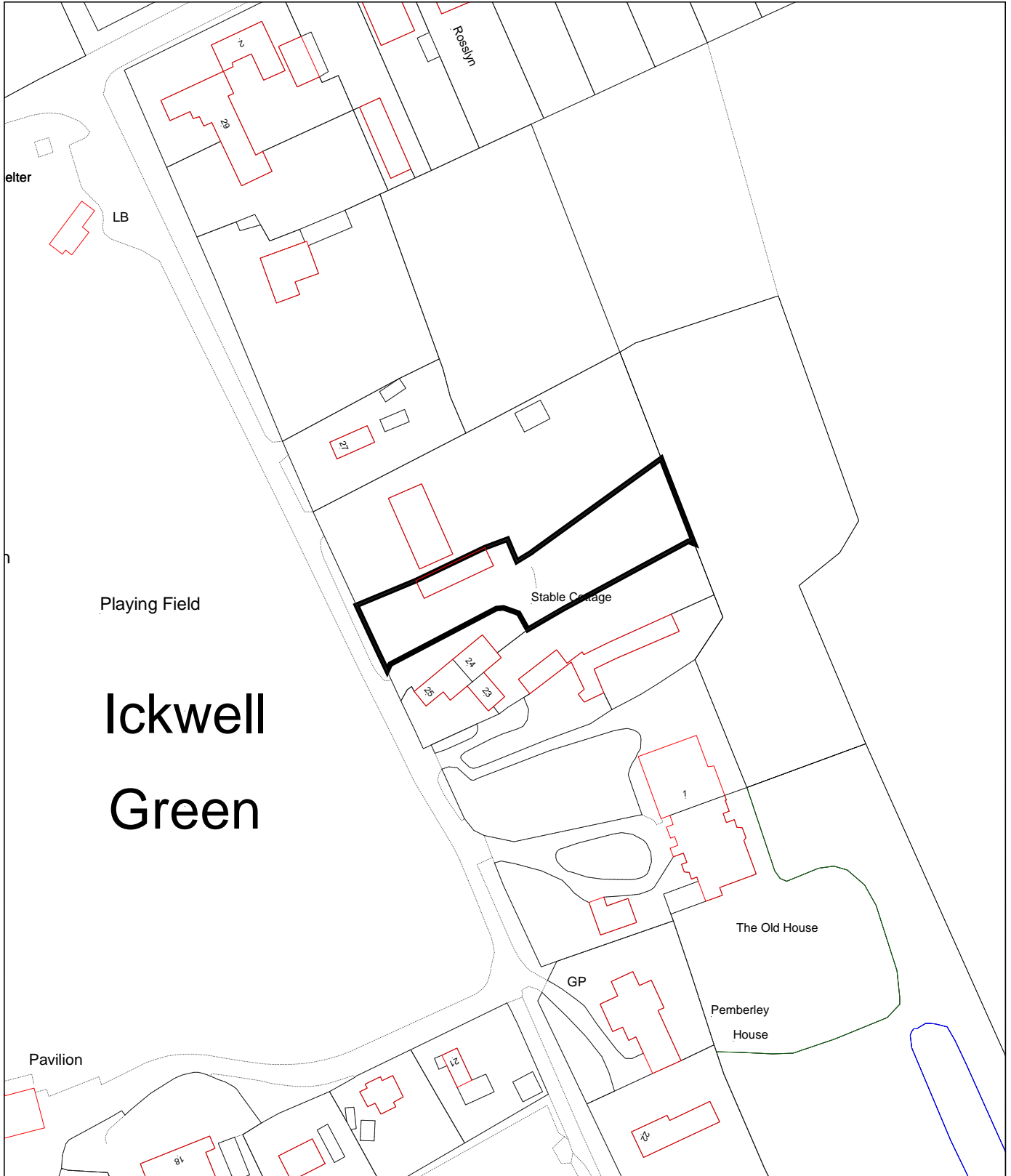
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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/17/01339/FULL
	Date: 04:July:2017	
	Map Sheet No	
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Item No. 11

APPLICATION NUMBER CB/17/01339/FULL
LOCATION 24 Ickwell Green, Ickwell, Biggleswade, SG18 9EE
PROPOSAL Erection of one new dwelling
PARISH Northhill
WARD Northhill
WARD COUNCILLORS Cllr Mr Firth
CASE OFFICER Michael Huntington
DATE REGISTERED 04 April 2017
EXPIRY DATE 30 May 2017
APPLICANT Mr J McGuinness
AGENT
REASON FOR COMMITTEE TO DETERMINE Ward member call-in
Reason for call-in

CS15/DM13 - Heritage. Impact upon the character of the Conservation Area

CS16 - Landscape. Effect upon the local distinctiveness of the village green.

Would impact upon the character and appearance of the rural character at the centre of the village.

Inappropriate development within the conservation area.

RECOMMENDED DECISION **Approve**

Reason for recommendation:

The proposal for residential development is considered to be acceptable in light of the Core Strategy and Development Management Policies Document 2009. The harm to the character and appearance of the conservation area would be less than substantial. There would be no materially significant amenity harm to existing residents and the proposal would provide an adequate form of access and parking provision.

Site Location:

The site is located along Ickwell Green, facing onto the village green to the south west, which is the heart and focal point of the village. The site is bordered to the north-west by an existing detached house at 26 The Green, and to the south-east by existing dwellings at 23, 24 and 25 The Green. Garden land that is categorised as being beyond the settlement envelope is located to the rear of the site, to the north east.

The scale of the housing alongside the village green is predominantly 1 ½ storey in height with some 2 storey and some single storey elements.

The site is located within the Ickwell conservation area.

The site shares an access with nos. 23, 24 and 25 The Green. Nos. 24 and 25 form a single dwelling.

The site is generally flat, although there is a slight rise in levels to the rear of the site.

The Application:

The application is made in full for one new three bedroom dwelling.

The application is accompanied by:-

Design and access statement

Heritage statement

Tree survey

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Section 6 – delivering a wide choice of high quality homes

Section 7 – requiring good design

Section 11 - conserving and enhancing the historic environment

Core Strategy and Development Management Policies - North 2009

CS3: Healthy and Sustainable Communities

CS5: Providing Homes

CS14: High Quality Development

DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

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.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	CB/16/05666/FULL
Description	Erection of 1 dwelling on vacant plot between no.26 and no.24 The Green with associated car parking, utilising an existing highways access used by no.23 and no.24 The Green.
Decision	Application withdrawn
Decision Date	6 th February 2017
Application Number	CB/00559/FULL
Description	Alterations to driveway and landscaping
Decision	Full application – granted
Decision Date	2 nd June 2016

asset would also be negligible to low, and this is an appropriate conclusion.

CBC Conservation

No objection

The proposed amended approach sits more comfortably within the long site and follows the grain of nearby similar linear buildings.

Close attention to architectural detail and in the selection of conservation standard materials will be required.

A small number of proper conservation roof lights might be acceptable, although high level windows tucked under the eaves might be a less assertive alternative to roof lights.

CBC Highways

No objection

The amended Block Plan shown on drawing no. 17195-10 Rev A is satisfactory showing sufficient parking at three spaces for the proposed new dwelling, an additional three spaces for no. 24 and unobstructed access retained for no. 23. There is no change to the access at the interface with the public highway. It is adequate to cater for movements associated with the proposal and existing uses. Additionally, the proposal is unlikely to cause significant adverse highway impacts.

A condition will be required ensuring that the parking will be provided as per the submitted details for the proposed and existing dwellings, and that those spaces will be retained thereafter.

Internal Drainage Board
Other Representations:

No comments

Neighbours and others

There are 56 objections, and their comments are summarised below:-

Amphill

Lodge Piece Farm

- Principle – does not meet criteria set out in policy DM4
- Precedent

Biggleswade

6 Sherrington Close

- Impact upon conservation area, imposing, overbearing and dominant, will not protect, conserve or enhance the conservation area. Cramped on site.

Gamlingay

41 Cinques Road
1 Crab Apple Way

- Impact upon neighbours, overlooking from rear balcony to gardens of neighbours, and to habitable rooms and private gardens to Smithy Cottage and no.26. Galleried landing reduce privacy of neighbours

Great Barford

32 High Street
4 Roxton Road

- Insufficient car parking
- Elevational detail, barn style design not in keeping with surrounding cottages

Ickwell

- Scale

Well Cottage, Bedford Rd
2, 11, 32 Caldecote Road
5 Colemoreham Court
Oak Tree Cottage,
Pemberley House, Shyre
Cottage, 1, 3, 17, 17a, 20,
21 24 The Green
10 Northhill Road
Stepping Stones, 2, 3
Warden Road
11 Thorncote Road

- Finished floor levels
- Photograph does not accurately represent proposal
- Flooding

Keysoe

4 Elmtree Grove

London

15 Eustace Road

Luton

4 Hewlett Road

Northill

24 Sand Lane
Woodcote Corner

Sandy

7 Brook End
13 Georgetown

Upper Caldecote

2 Ashby Drive
27 Shakespeare Drive

Upper Winchendon

Waddesdon Hill Farm

Determining Issues:

The main considerations of the application are;

1. Principle
2. Effect on the Character and Appearance of the Area and the Historic Environment
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle of development

- 1.1 Ickwell is classified as a 'Small Village' within Policy CS1 of the Council's Core Strategy

and Development Management Policies Development Plan Document (CS) and Policy DM4 notes that, 'Within Small Villages, development will be limited to infill residential development'.

- 1.2 Paragraph 11.1.7 of the Core Strategy defines infill development as small-scale development utilising a vacant plot which should continue to complement the surrounding pattern of development.
- 1.3 The application site forms part of the garden curtilage serving No. 24 and is within the Settlement Envelope boundary. It is adjacent to residential garden land to the south east and north west.
- 1.4 In terms of the infill definition as set out in Policy DM4, the proposal can be considered as small scale development appropriate for the size of the village within a vacant plot, and so the principle of development could be considered to be acceptable, subject to an assessment of the effect of the proposal on the character and appearance of the area.

The site is not located within the flood plain.

- 1.5 The previous application 15/03841/FULL was refused due to the harm the proposal would have had on the character and appearance of the area by being located to the rear of the site, outside the settlement envelope, and this decision was upheld at appeal.

- 1.6 A more recent application 16/05666/FULL was withdrawn earlier this year. That application proposed a building located further forward within the site, closer to the village green, and in the approximate location of the current proposal. Although the location of the building in that application was considered to be acceptable, its overall form, that of a more 'standard' conventional 4 bedroom detached dwelling, did not reflect the character and general pattern of development in this location, and this resulted in the application being withdrawn.

2. **Effect on the Character and Appearance of the Area and the Historic Environment**

- 2.1 The application site is situated within the Ickwell Conservation Area boundary. In terms of the historic context, policy CS15 states that the Council will protect, conserve and enhance the district's heritage including its Conservation Areas and their setting and policy DM13 states that applications within Conservation Areas will be assessed against the relevant Conservation Area Appraisal and inappropriate development will be refused.
- 2.2 The NPPF states in paragraph 132 "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." and Paragraph 134 of the NPPF goes on to say "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal." A designated heritage asset in this context is the Conservation Area and any Listed Buildings.
- 2.3 The buildings facing out on to the green consist of a mixture of house types in terms of

age, style and scale, although the character of the place predominantly comes from older houses, which tend to be mostly 1 ½ storeys in height. Many of the older houses are listed, and those that are, are all at grade II. The nearest listed buildings are the Old House and no. 27 Ickwell Green. The Old House at 1 and 2 Ickwell Green has medieval origins with 16th, 18th and 19th century alterations. 27 Ickwell Green, which is close to the application site, is a 17th century house with 20th century additions.

- 2.4 Almost all of the houses that face the green have been extended and adapted throughout the 20th and 21st century, without altering the essential character of the village green. More recent infill development has taken place on the southern side of the green, near to the cricket clubhouse. There is a generally loose grain of building form but there is no defined standard width of gap between each of the buildings facing out onto the green, indeed this variety of gap size is part of its character. There are some buildings close to the edge of the green, there are some that are set back, there are some buildings close to each other and there are some with more significant gaps. Some buildings are narrow in span and present their gable to the green, and some have a deeper span and some are square in form. There is no policy provision that prevents additional buildings being developed within the Ickwell Conservation Area, and adding another building in this location, so long as the overall massing, form, scale and design is acceptable, should not be an unacceptable approach to development in this location.
- 2.5 The shared access between nos. 23 and 24 means that the proposed building needs to be set back from the street, running along a similar building line to the adjacent Stable Cottage. By setting back the building, its impact on the street scene will be less significant and will have the visual effect of the building receding into the background when viewed from the green. By presenting its gable to the green, this will also help to blend in the development with the prevailing character of built form in this part of the green, which predominantly consists of buildings gable end on. The form, scale and architectural character of the building is an appropriate response to the site's location.
- 2.6 Concern has been raised by the scale of the proposed dwelling. The proposal is for a building which will have the eaves slightly lower than for a conventional 2 storey dwelling, and for a steeply pitched roof that will complement the character of the area when presenting the gable to the green. The scale of the proposal is considered to be an acceptable approach in this location.
- 2.7 Concern has been expressed about the barn like design of the building. It is considered that, by designing the building so that its form is long and narrow with its gable presented to the green, then the design will not be inappropriate to the conservation area, and its elevational treatment is an acceptable design approach in this location. A condition will require high quality materials and architectural detailing that befits its location within the conservation area.
- 2.8 Concern has also been raised regarding the quality of the photograph of the site showing the location of the proposal in context, and that it may not have been taken by a qualified architect or surveyor. When assessing the merits of the planning application, reference to the photograph has to be taken together with the submitted plans and elevations that have been drawn by an architect, and which are all to scale in

accordance with the requirements of the planning application. Should the application be approved, a planning condition will be required showing the proposed finished floor levels of the proposal in context with the neighbouring dwellings, particularly nos. 24 and 25, to ensure that the proposal is at the same finished floor levels of these buildings.

- 2.9 The Councils Conservation Officer has raised no objection to the development in terms of harm to the significance of the nearby heritage assets or the historic environment.

The NPPF states that less than substantial harm should be balanced against the benefits of the proposal which in this case is limited to the small scale provision of additional housing for the village. In terms of the impact on heritage assets the proposal is considered to be in compliance with the NPPF and the adopted Core Strategy and Development Management Policies DM13 and CS15.

The proposal, by virtue of its siting, form and scale, will have a less than significantly harmful effect upon the character and appearance of the conservation area.

3. Neighbouring Amenity

- 3.1 Concern has been expressed by neighbours that the proposal will harm their privacy. The overall design has been created to ensure that there will be no materially significant issues in relation to overlooking. The first floor windows looking out over the garden to the neighbour (no. 26) to the north west consist of high level conservation roof lights which serve the three bathrooms. The proposed building is set back at an oblique angle to the existing dwellings at nos. 23 and 26, and together with the building being set back in the plot will result in a building that is not considered to be overbearing to those neighbouring properties. The main 1st floor windows consist of a feature window to the master bedroom looking out over the rear garden which will not give rise to any material privacy issues with neighbours, and there will be another window to the front gable to bedroom 1. This will provide architectural interest to the gable when viewed from the village green. Bedroom 3 will have high level conservation roof lights on the side elevation facing the garden to the neighbour to the south east.

There is a 17m side to side distance with Stable Cottage to the south east, which does not have any windows to habitable rooms on this elevation, is separated by existing landscaping, and this is considered to be an acceptable distance in this location.

- 3.2 The land rises slightly to the rear of the site, and as discussed earlier in the report, a planning condition will be required to ensure that the proposed dwelling's finished floor level will be the same as the adjacent houses.
- 3.3 It is concluded that there will be no materially significant harmful effects upon the amenity of the neighbours arising from this proposal. In terms of the impact on neighbouring amenity, the proposal is considered to be acceptable and in compliance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

4. Highway Considerations

- 4.1 The proposal provides the appropriate number of car parking spaces as defined in the Design Guide. This requires that for a 3 bedroom house, the number of car parking

spaces that should be provided is a minimum of 2 and a suggested number of 3. The application is proposing 3 car parking spaces and the shared access drive is sufficiently wide to enable a considerable number of additional informal car parking spaces, should they be needed.

There is no change to the access at the interface with the public highway. It is adequate to cater for movements associated with the proposal and existing uses.

5. Other Considerations

- 5.1 Concern has been expressed that granting planning permission for this proposal would set a precedent. Precedent is not a planning consideration, and every planning application is considered on its own merits.
- 5.2 Concern has been expressed that the proposed roof lights on bedroom 2 do not meet current building regulations, specifically relating to fire safety. However, the building regulations are covered by separate legislation, and the granting of planning permission does not confer a granting of building regulations approval.

Approved document B, volume 1, is the document which refers to fire safety. The document sets out provisions for the means of escape from the upper floors of 2 storey dwellings with rooms not more than 4.5m above ground level. The document states on para 2.4 of that document that except for kitchens, all habitable rooms in the upper storey of a dwelling house should be provided with an escape window or direct access to a protected stairway. In this instance, the high level velux windows would not be accessible as a fire escape, however, a stairway with direct access is located immediately adjacent to the bedroom.

5.3 Human Rights issues:

No issues have arisen in relation to the Human Rights Act or Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three 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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers
17195-10A - Layout

17195-11A - Floor plans and sections
17195-12A - Sections

Reason: To identify the approved plan/s and to avoid doubt.

- 3 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls, roofs, windows, doors and eaves of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the building in the interests of the visual amenities of the locality. This is a pre-commencement condition as it is important to agree materials in this sensitive location before construction begins.

(Section 7, NPPF)

- 4 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas. This is a pre-commencement condition as it is important to agree the finished floor levels in relation to neighbouring properties before construction begins.

(Section 7, NPPF)

- 5 **No development shall take place beyond slab level until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have 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 completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping.

(Sections 7 & 11, NPPF)

- 6 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained trees has been submitted to and approved in writing by the Local Planning Authority. The approved**

fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

**Reason: To safeguard existing trees and hedgerows. This is a pre-commencement condition because tree protection measures must be implemented before construction takes place.
(Sections 7 & 11, NPPF)**

- 7 Before the dwelling is occupied a scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the building is occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Section 7, NPPF)

- 8 The proposed dwelling shall not be occupied until the means of access and parking areas shown on drawing number 17195-10 Rev A have been laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose.

Reason: To provide a satisfactory means of access and to enable vehicles to draw off and park clear of the access road to minimise conditions of danger, obstruction and inconvenience to users of the adjoining access road.
(Section 7, NPPF)

INFORMATIVE NOTES TO APPLICANT

1. 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.

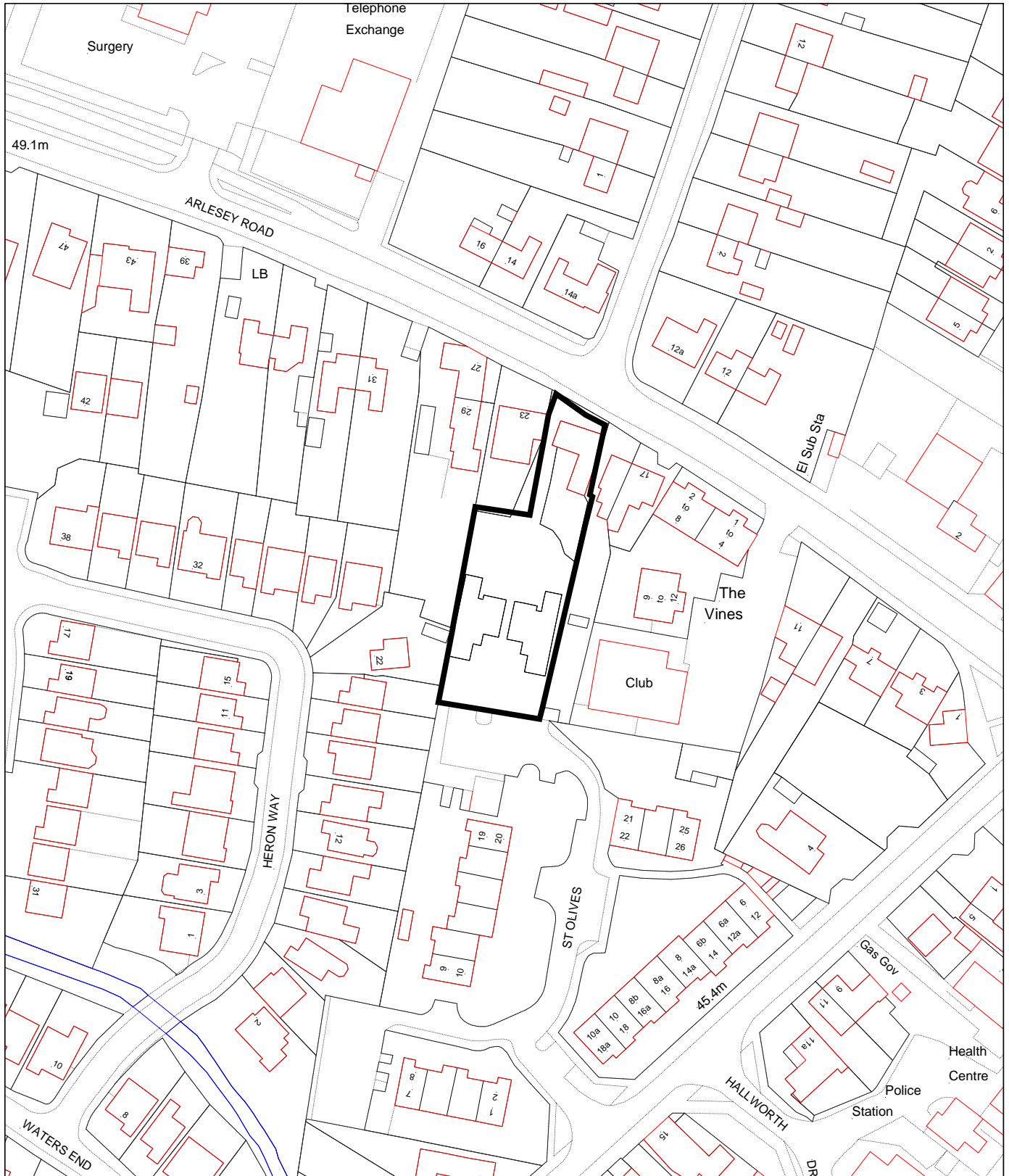
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

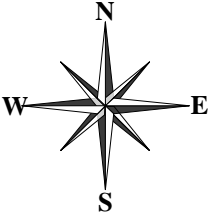
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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	Date: 04:July:2017 Map Sheet No	
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Item No. 12

APPLICATION NUMBER	CB/17/02538/VOC
LOCATION	21 Arlesey Road, Stotfold, Hitchin, SG5 4HB
PROPOSAL	Variation of Condition No. 8 on planning application CB/15/02315/FULL dated 13/08/15. Slight adjustment to position of plots 1 & 2, slight adjustment to chimney design, removal of box window to plots 1 & 2, removal of side door and window to plots 1 & 2.
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Thomas Mead
DATE REGISTERED	24 May 2017
EXPIRY DATE	19 July 2017
APPLICANT	Mr J McGuinness
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Cllr Saunders - Location of adjusted foot print too close to neighbouring property and the gable end of the second plot is too intrusive on the adjacent property
RECOMMENDED DECISION	Variation of Condition - Granted

Reason for Recommendation:

Planning approval has already been granted for two bungalows on the site and the principle of the erection of two dwellings is acceptable. The development would not result in an unacceptable impact on the character of the area, an adverse impact on the residential amenity of neighbouring properties or highway safety. Therefore subject to conditions, the proposed development is in conformity with Policy DM3 of the Core Strategy and Development Management Policies (2009); and The National Planning Policy Framework.

Site Location:

The application site, No. 21 Arlesey Road is a detached, two-storey house on the South side of the road, opposite the junction with Vaughan Road. The house has been extended to the rear and there are outbuildings to the rear of the house, on the Eastern boundary of the site. To the west of the house is a vehicular access that leads to the site, which is currently under construction. There are a number of trees on the site, most significantly a mature Yew near to the rear of the house.

To the West of the house is No 23 Arlesey Road, a detached, modern bungalow with a defined, albeit open rear garden area. Further to the South of the site, where the site opens up to outdoor space associated with No 21, rear gardens serving No 29 Arlesey Road and No's 20 and 22 Heron Way share its Western boundary. Houses on Heron Way are detached and two-storey with relatively shallow rear gardens. The nearest point from the rear of No 22 to the site boundary is 8m away and the rear of No 20 is 12m. Both houses have ground and first floor rear facing

windows.

To the south of the site is a car parking area associated with St. Olives, a flatted development beyond the southern boundary of the land.

To the East of the site is No 19 Arlesey Road, a two-storey, semi-detached house with a long, narrow rear garden and beyond this is a two storey large building located to the rear of the existing housing fronting Arlesey Road. This building is known as Stotfold Social Club. The Arlesey Road street scene is quite varied with a number of different building types, including bungalows.

The site falls within the designated Settlement Envelope of Stotfold.

The Application:

The application seeks to vary condition 8 of the planning approval reference CB/15/02315/FULL dated 13/08/2015 which defines the approved plans for the development and seeks to adjust the positions of plot 1 by 0.2 metres to the east, and plot 2 by 0.4 metres to the west and proposes an amendment to the chimney design, and the removal of a box window and side door and windows in both plots 1&2.

As the dwellings previously permitted have not been built in the positions approved under application reference CB/15/02315/FULL, the applicant has provided an explanation as to why the buildings were built in the wrong position:

Planning consent for two new bungalows to be built behind 21 Arlesey Road (ref CB/15/02315/FULL) was approved on 17 August 2015.

- *Boundaries difficult to establish with broken and old fences.*
- *Building Regulations required wider cavities and resulted in the properties being positioned approximately 0-26cm closer to the East and West boundaries than the approved drawings.*
- *The new position of the dwelling lead to the removal of external features to mitigate the effect on No. 22 Heron Way.*
- *The side doors to the East and West elevations were removed and repositioned to open onto the circulation spaces between the two bungalows.*
- *In doing so, pedestrian activity such as bin movements, cycles etc. between the sides of the bungalows and the boundaries will be all but eliminated, resulting in a much quieter environment in the rear garden of 22 Heron Way.*

This application therefore is for an amendment to the drawings that formed part of condition 8 of the original approval and can be briefly summarised as follows:

- 1. Both front box windows to bedroom 3 have been removed.*
- 2. The side doors and 1 window have been removed.*
- 3. The velux roof lights to the kitchen have been removed.*
- 4. Access to the side and rear of the new properties has been relocated to the area between the two properties which has been increased in width. The gap between the properties being 2 x 96cm instead of the originally approved 2 x 78cm.*
- 5. Bin store relocated.*

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

- CS1 Development Strategy
- CS7 Affordable Housing
- CS14 High quality Development
- CS16 Landscape and Woodland
- DM3 High quality Development
- DM4 Development Within and Beyond Settlement Envelopes
- DM14 Landscape and Woodland

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.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

- Section 1 Placemaking in Central Bedfordshire
- Section 5 Residential Development

Relevant Planning History:

Case Reference	CB/15/02315/FULL
Location	21 Arlesey Road, Stotfold, Hitchin, SG5 4HB
Proposal	Erection of 2 No. three bedroom single storey dwellings with detached garages.
Decision	Full Application - Granted
Decision Date	17/08/2015

Case Reference	CB/14/02697/FULL
Location	21 Arlesey Road, Stotfold, Hitchin, SG5 4HB
Proposal	Erection of two dwellings and detached garages.
Decision	Full Application - Granted
Decision Date	10/09/2014

Case Reference	CB/13/00096/FULL
Location	21 Arlesey Road, Stotfold, Hitchin, SG5 4HB
Proposal	Erection of 3 x 2 bedroom bungalows and 1 x 1 bedroom bungalow with associated access, parking and landscaping after the demolition of No 21 Arlesey Road.
Decision	Full Application - Refused
Decision Date	18/03/2013
Appeal Decision Date	30/10/2013
Appeal Decision	Planning Appeal Dismissed

Case Reference	CB/11/03601/FULL
Location	21 Arlesey Road, Stotfold, Hitchin, SG5 4HB
Proposal	Erection of 4 no. 2 bedroom bungalows with associated parking and landscaping
Decision	Full Application - Refused
Decision Date	15/12/2011
Appeal Decision Date	06/07/2012
Appeal Decision	Planning Appeal Dismissed

Consultees:

Stotfold Town Council	Object – the already permitted development was very congested relative to the size of the site. The actual construction to date is not in accordance with those original approved plans, making the proximity of the new buildings to each other and to neighbouring properties much closer than originally indicated. Planning guidelines require suitably wide access to the rear of the properties for conveying wheelie bins, bicycles or general access and this is prevented by the external chimney stacks and incorrect positioning of the actual buildings within the site. We therefore request that suitable enforcement action is taken to ensure original plans are adhered to.
Pollution Officer	No Comment Received
Highways Officer	No Objection
Trees and Landscape Officer	I would suggest that we do not agree additional parking beneath this tree because of likely impact on the rooting system of this tree in addition to issues of leaf litter/berry/bird fouling on parked cars

Other Representations:

Neighbours	2 Objections received, based on the following points: <ul style="list-style-type: none"> • Plans incorrect • Chimney is overbearing • Loss of Privacy • Loss of Sunlight • Chimney is dominating due to height • Cannot get bin or bike down the side of the house
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Considerations

1. Principle of Development

1.1 Stotfold is identified by Policy CS1 of the Core Strategy and Development Management Policies (2009) as a Minor Service Centre. Policy DM4 of the CSDMP (2009) also states that within the settlement envelopes of minor service centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking into account its role as a local service sector, and in compliance with any other relevant development plan policy.

- 1.2 Therefore, given the above and the existing planning permission on the land, the principle of two dwellings in this location is acceptable, subject to the development not causing harm to the character and appearance of the area, not causing harm to the amenity and living conditions of neighbouring dwellings, providing an acceptable standard of amenity and acceptable living conditions for the future occupants of the dwelling, and not causing a negative impact upon highway safety and providing an acceptable provision of car parking, in accordance with Policies DM3 and DM4 of the Core Strategy and Development Management Policies (2009).

2. Character and Appearance of the Area

- 2.1 The proposed site is located to the rear of Nos. 19 and 21 Arleseey Road, which would be tucked away from the public realm reducing the prominence of the proposed dwellings. The planning permission CB/15/02315/FULL granted planning permission for two dwellings, which are the same scale and size as what is being proposed under this application, with an amended siting and layout, and external features.
- 2.2 The construction of the two dwellings is substantially completed, however, plots 1 & 2 are built out of position compared with the approved siting, and have moved closer to the boundary to the east of plot 1 and to the west of plot 2. Whilst the repositioning of the plots closer to the boundary would reduce the space surrounding the dwellings, the properties are single storey in nature with a modest height and scale. It is considered that whilst the relocation of the development would reduce the amount of space around the boundaries of the bungalows as plot 2 would be moved by 0.40m closer to the western boundary, and plot 1 would be moved 0.20m from the eastern boundary, due to the scale and design of the dwellings with roofs sloping away from the boundaries with a modest height the impact caused would not be to an unacceptable degree.
- 2.3 Both plots would still fit well within the site, and would still allow for space between the dwellings and would not be considered an overdevelopment of the site, and therefore, for reasons outlined above, it is considered that the proposed development would not cause additional harm to the character and appearance of the area, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Amenity and Living Conditions of Occupiers of Neighbouring Dwellings

- 3.1 There are a number of residential dwellings surrounding the site on all boundaries. The nearest neighbouring dwelling to the site would be No. 22 Heron Way, which is located to the southwest of Plot 2. No. 22, is partly screened from plot 2 by its own detached garage to northeast of the site. Therefore, the change in siting of 0.4m would result in an additional impact, however, due to the scale and modest height of the new bungalow, and due to the minor movement of the development, that the additional impact caused to the dwelling would not be to an unacceptable degree, particularly as much of the development is screened by this neighbour's detached garage. The resiting of plot 2 would also not result in an unacceptable loss of light, outlook or privacy to No. 22 Heron Way.
- 3.2 The redesign of the chimney for plot 2 would be on the boundary of No. 22 Heron Way. The difference between the design approved under reference

CB/15/02315/FULL and the design submitted under this application is the depth of the chimney, which would appear wider to No. 22. However, the siting of the chimney is just beyond the detached garage, and would reduce the impact of the chimney on No. 22, and therefore it is considered that the change in design and depth of the chimney would cause an impact, but this impact would not be to an unacceptable degree or materially add to any, loss of light or outlook upon this neighbouring dwelling.

- 3.3 Due to the scale and modest height of the dwelling and chimney, in relation to the separation between plot 2 and any surrounding dwellings, it is considered that the change in siting and external design would not result in an adverse impact upon any other neighbouring dwelling.
- 3.4 To the east of the site is the rear garden of No. 19 Arlesey Road, and the Stotfold Social club would be located beyond that. The garden space impacted by the resiting and redesign of the plot 1 would not be considered as immediate private amenity space, and therefore it is considered that the amendments and alterations to plot 1 would not impact No. 19.
- 3.5 Nos. 9 to 12 The Vines would be sited 18 metres from plot 1, and located to the north of the Social Club. Due to the single storey nature and scale of the dwelling, it is considered that there would be no unacceptable loss of light, outlook, privacy or overbearing impact caused by plot 1 to these neighbouring dwellings.
- 3.6 Nos. 19 and 21 to the north of the site would be separated from plots 1 and 2 by 23 metres and 27 metres, and for this reason, and due to the single storey nature and modest height and design of the proposed new dwellings, it is considered that there would be no unacceptable adverse impact cause to these neighbouring dwellings, in relation to a loss of light, outlook, privacy or overbearing impact.
- 3.7 Therefore, for reasons outlined above, it is considered that the proposed development would not cause harm to the amenity and living conditions of neighbouring dwellings through the resiting and alteration to the external appearance, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

4. Amenity and Living Conditions of future occupiers of Neighbouring Dwellings

- 4.1 The two proposed detached bungalows would contain three bedrooms each, and garden space to the rear of the dwelling. Paragraph 17 of the NPPF states that all new development should seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and the space provided must be a useable and liveable space. The bedrooms provided as part of the scheme would be considered to be useable and liveable, with a window serving each bedroom allowing an acceptable amount of light to each room, and therefore would provide an acceptable living standard for the future occupiers. The habitable rooms on the ground floor of the proposed dwellings would also provide a sufficient amount of useable and habitable space to create an acceptable living and amenity standard for the future residents.
- 4.2 The Central Bedfordshire Design Guide (2014) states that for a three bedroom

development, that the dwelling must be provided with 60 square metres of garden space, with a depth of 12 metres. Whilst the depth of the garden would be less than 12 metres in places and with the retention of protected trees it would fall short in sections, however, the overall space provided for amenity for plot 1 would be 140 square metres, and plot 2 would provide 155 square metres, and therefore the space provided for garden space would well exceed the requirements of the Design Guide (2014) and would be acceptable.

- 4.3 Therefore, for reasons outlined above, it is considered that the proposed development would provide sufficient amenity and living conditions for the future occupiers of the dwelling, and therefore would be acceptable, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Car Parking and Highway Safety

- 5.1 The proposal would take access from Arlesey Road. To ensure the access is wide enough to accommodate vehicles the nearest corner of the existing dwelling is to be chamfered at ground floor level to allow additional width. This is considered to be acceptable from a highways point of view and formed part of the extant consented scheme on the site.
- 5.2 The dwellings would both benefit from two on site parking spaces in front of the dwelling on the hardstanding, and in the detached garages provided, and for a three bedroom dwellinghouse, this would satisfy the Councils Car Parking Standards outlined within the Central Bedfordshire Design Guide (2014). The scheme would also provide two parking spaces for No. 21 Arlesey Road, just beyond the initial access, which would also satisfy the parking standards and therefore the scheme is acceptable in relation to car parking.
- 5.3 Therefore, it is considered that the proposed development would be acceptable in relation to car parking and highway safety, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and would further accord with design principles outlined within the Central Bedfordshire Design Guide (2014).

6. Equality and Human Rights

- 6.1 Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That a Variation of Condition 8 of the planning permission CB/15/02315/FULL be **GRANTED**

RECOMMENDED CONDITIONS / REASONS

- 1 **Within 3 months of the date of this planning permission, details of the existing and final ground levels for the external areas of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter**

the site shall be developed in full accordance with the approved details.

**Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.
(Policy DM3 of the Core Strategy and Development Management Policies (2009) and Section 7 of the NPPF)**

- 2 Notwithstanding the details in the approved plans, none of the dwellings hereby approved shall be occupied until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have 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 completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

- 3 None of the dwellings hereby approved shall be occupied until a scheme has been submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected which shall include acoustic fencing on the western boundary of the site. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the amenities of the neighbouring occupants and the future occupiers of the buildings.

- 4 The alterations to the corner of the existing property at No 21 Arlesey Road shall be carried out in accordance with the approved plans prior to the first occupation of the development hereby approved.

Reason: In the interest of highway safety.

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 13157-22 Rev A and 13157-20 Rev B

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

INFORMATIVE NOTES TO APPLICANT

1. 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 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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Amended Development Strategy Policy Note for all applications

The Council is currently consulting on its Regulation 18 Draft Local Plan for a period of eight weeks until 5pm Tuesday 29th August. The Draft Local Plan sets out how Central Bedfordshire will develop over the period to 2035. It identifies a range of homes and jobs to be provided, outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. Taken together the Draft Local Plan will ensure that the growth we need is delivered in the right place, is of the right character and quality, and is delivered with the supporting roads, schools and services such as health, as well as retail, leisure and community facilities. Although the Plan itself is still at a relatively early stage of preparation and therefore the weight which can be attributed to individual policies is limited, it would be prudent to have regard to the Council's emerging strategy, and in particular the direction of travel of the Local Plan.

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Item 6 (Pages 15-216) – CB/16/01389/FULL – Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG

It is recommended that consideration of the application be deferred for up to two committee cycles.

Legal advice from Counsel has been received in respect of the construction of the report with particular regard to Green Belt issues and consequently Counsel advises that consideration of the application be deferred.

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Item 7 (Pages 217-244) – CB/17/01585/FULL – Land between Taylors Road and Astwick Road, north of 51 Astwick Road, Astwick Road, Stotfold

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

Any planning permission would be subject to a s106 obligation requiring that all of the dwellings were built within a five year period from the date of a permission (the 'Build Rate Timetable').

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***Item 8 (Pages 245-262) – CB/16/04555/OUT – 72 Hitchin Road,
Henlow, SG16 6BB***

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

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***Item 9 (Pages 263-284) – CB/16/04918/OUT – The Paddock,
New Road, Clifton, Shefford***

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

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Item 10 (Pages 285-298) – CB/17/01827/FULL – The Old Maltings, Church Street, Biggleswade, SG18 0JS

Additional Consultation/Publicity Responses

Conservation Officer – No objection.

This application should also include in its description ‘the demolition of the timber outbuilding and its reconstruction as a gatehouse.’

Additional Comments

Ward member details are incorrectly written in the report. Cllr Jones has been replaced by Cllr Watkins.

Additional/Amended Conditions

None.

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***Item 11 (Pages 299-312) – CB/17/01339/FULL – 24 Ickwell
Green, Ickwell, Biggleswade, SG18 9EE***

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

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Item 12 (Pages 313-324) – CB/17/02538/VOC – 21 Arlesey Road, Stotfold, Hitchin, SG5 4HB

Additional Consultation/Publicity Responses

None.

Additional Comments

Site plan No. 13157-20 Rev C has been amended to show the boundary treatment on the southwestern boundary between plot 2 and No. 22 Heron Way is now a 2 metre fence, in accordance with plan No. 13157-30.

Additional/Amended Conditions

Applicant has submitted acceptable on site levels to discharge condition 3 of planning permission CB/15/02315/FULL, and also to satisfy recommended condition 1 of this application, and therefore condition 1 is deleted, and recommended condition 5 now states:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 13157-22 Rev A, 13157-30 and 13157-20 Rev C.

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

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