

**Application Ref:** 13/01541/FUL

**Proposal:** The erection, 25 year operation and subsequent decommissioning of a single wind turbine (including micro-siting) with a maximum overall tip height of 90m, with associated infrastructure including turbine transformer, hardstanding, control building and cabling

**Site:** Dogsthorpe Landfill Site, Welland Road, Dogsthorpe, Peterborough

**Applicant:** FCC Environment Ltd

**Agent:** FCC Environment

**Referred by:** Head of Service

**Reason:** Significant development

**Site visit:** 29.10.2013

**Case officer:** Mrs T J Nicholl

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**Recommendation:** Permit subject to conditions

## 1 Description of the site and surroundings and Summary of the proposal

### Description of Site and Surroundings

The site lies within the boundary of Dogsthorpe landfill site on a parcel of presently unused brownfield land to the north of the existing area being landfilled and immediately adjacent and to the east of the Mick George Ltd Waste recycling site. To the east and adjacent to the proposed location of the turbine is an area that was a former pit but is now given over to scrub, trees and grass. The most notable buildings in the vicinity (in terms of scale) are the Whitworth's flour mill and grain stores which are located to the west of the site between the proposed access and the A15 Paston Parkway.

In terms of wider site context, the site is located on the edge of the urban area of Peterborough. Dogsthorpe and Gunthorpe lie to the west beyond the A15 Paston Parkway. To the north is the A47 and beyond that open land containing sporadic houses and farm buildings. This area is allocated as an urban extension (Paston and Norwood – Site Allocations DPD SA1.2 and SA 1.5). Development has commenced in the Paston area to the northwest off Manor Drive. Norwood (immediately to the north of the site) has yet to secure planning permission. To the northeast and beyond the A47 is the Star Pit Site of Special Scientific Interest (SSSI). The edge of Eye village lies approximately 1.65 km to the east. Car Dyke Roman canal, a scheduled monument lies approximately 1.1 km to the north and runs alongside the northern boundary of the urban extension allocations. To the north of the site and over the other side of the A47 is footpath/bridleway Peterborough 70 which links Newborough Road to Whitepost Road. This route runs along the northern edge of Dog Star Pit SSSI.

Taking a 5km radius around the site, the south-western half of the radius is almost all filled with the urban area of Peterborough, including the city centre. The other part of the area of the 5km radius is open land containing the villages of Eye, Eye Green and Newborough and dotted with individual properties and farms located in open countryside. The site lies at the interface between the two (discussed further in the landscape and visual section of this report).

### Description of Proposal

The application is for the erection, 25 year operation and subsequent decommissioning of a single wind turbine (including micro-siting) to a maximum height to blade tip of 90 metres, together with

associated infrastructure including turbine transformer, hardstanding areas, control building and cabling.

The proposed access to the site is off Welland Road via the existing access to the landfill site. All of the land in the site boundary is in the control of the applicant.

The turbine would generate an output power of up to 500kW which the applicant states could power approximately 285 homes. The electricity generated by the turbine would be fed into the national grid.

The application is accompanied by an Environmental Statement ("ES") following the issue of a screening opinion (11/00002/SCREEN) by the Local Planning Authority (LPA) which confirmed that the development proposed is Environmental Impact Assessment (EIA) development. The topic areas to be covered in the EIA were agreed with the LPA through a Scoping Opinion (11/00003/SCOP).

## **2 Planning History**

12/01236/MMFUL "Eco Park" approved 25 March 2013

Many applications approved in connection with the landfill operations

## **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

### **Planning (Listed Building and Conservation Areas) Act 1990**

#### **Section 66 - General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

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

#### **Section 4 - Assessment of Transport Implications**

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

#### **Section 7 - Good Design**

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

#### **Section 10 - Renewable Energy Development**

Applications for energy development should not be required to demonstrate the overall need for renewable or low carbon energy. Applications should be approved (unless material considerations indicate otherwise) if the impacts are or can be made acceptable.

#### **Section 10 - Development and Flood Risk**

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without

increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and, if required, the Exception Test.

### **Section 10 - Adapting and Mitigating Climate Change**

Energy efficiency improvements to existing buildings should be supported. New development should comply with local policies for decentralised energy supply unless it can be demonstrated that this is not feasible or viable. Account should be taken of the landform, layout, building orientation, massing and landscaping to minimise energy consumption.

### **Section 11 - Natural and Local Environment**

Should be enhanced through the protection and enhancement of valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity. New and existing development should not contribute to or be put at unacceptable risk by unacceptable levels of soil, air, water or noise pollution and land instability.

### **Section 11 - Biodiversity**

Development resulting in significant harm to biodiversity or in the loss of/deterioration of irreplaceable habitats should be refused if the impact cannot be adequately mitigated, or compensated. Proposals to conserve or enhance biodiversity should be permitted and opportunities to incorporate biodiversity into new development encouraged.

Development within or outside a Site of Special Scientific Interest or other specified sites should not normally be permitted where an adverse effect on the site's notified special interest features is likely. An exception should only be made where the benefits clearly outweigh the impacts.

The presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered or determined.

### **Section 11 - Contamination**

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

### **Section 11 - Noise**

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

### **Section 11 - Light Pollution**

Lighting should be designed to limit pollution on local amenity, intrinsically dark landscapes and areas of nature conservation.

### **Section 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

## **Section 12 - Development Affecting Non-Designated Heritage Assets**

A balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. Where the assets is demonstrably of equivalent significance to a Scheduled Monuments it should be subject to the policies for designated heritage assets.

## **Section 13 - Unacceptable Adverse Impacts**

Should be avoided on the natural and historic environment, human health and aviation safety. The cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality must be taken into account.

### **Peterborough Core Strategy DPD (2011)**

#### **CS11 - Renewable Energy**

Opportunities to deliver on site or decentralised renewable or low carbon energy systems will be supported on appropriate sites where there are no unacceptable impacts.

#### **CS14 - Transport**

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

#### **CS16 - Urban Design and the Public Realm**

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

#### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

#### **CS20 - Landscape Character**

New development should be sensitive to the open countryside. Within the Landscape Character Areas development will only be permitted where specified criteria are met.

#### **CS21 - Biodiversity and Geological Conservation**

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

#### **CS22 - Flood Risk**

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

### **Peterborough Site Allocations DPD (2012)**

#### **SA01 - Urban Extensions**

Confirms the location of the urban extensions in accordance with Core Strategy policy CS5 and any planning permissions in place at the time of adoption.

### **Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)**

#### **MW30 - Waste Consultation Areas**

Waste Consultation Areas will be identified through the Core Strategy and Site Specific Proposals Plan and development will only be permitted in these areas where it is demonstrated it will not prejudice future or existing planned waste management operations.

## **Cambridgeshire & Peterborough Mineral and Waste Site Specific Proposals DPD (2012)**

### **SSP W1 – Allocations for waste recycling and recovery facilities**

Dogsthorpe Former Brickworks allocated for a variety of waste recycling and recovery facilities

## **Peterborough Planning Policies DPD (2012)**

### **PP01 - Presumption in Favour of Sustainable Development**

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

### **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

### **PP03 - Impacts of New Development**

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

### **PP17 - Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

### **PP19 - Habitats and Species of Principal Importance**

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

### **PP20 - Development on Land affected by Contamination**

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

## **4 Consultations/Representations**

### **English Heritage**

There will be no harm to designated assets with the exception of Car Dyke Scheduled Monument where the harm will be less than substantial. It is recommended that the harm caused to the setting of Car Dyke should be weighed against any public benefits of the proposals in accordance with paragraph 134 of the NPPF

**Environment Agency**

No objections subject to conditions to deal with contaminated land.

**Highways Agency**

No objections

**Defence Infrastructure Organisation (MOD - Wind)**

No objections subject to the imposition of conditions relating to submission of an Air Traffic Control Radar Mitigation Scheme and aviation lighting

**Natural England**

No objections following the submission of the further ecological information

**PCC Conservation Officer**

No objections

**PCC Transport & Engineering Services**

No objections subject to conditions about highway surveys, works within the highway and wheel cleaning

**PCC Tree Officer**

No objections

**PCC Drainage Team**

No objections

**Landscape Architect**

No objections

**PCC Wildlife Officer**

No objection subject to conditions concerning implementation of the updated ecological scheme, bat and bird protective measures and eradication of Japanese Knotweed

**PCC Pollution Team**

No objections subject to imposition of noise conditions

**PCC Minerals and Waste Officer (Policy)**

Objects on the grounds that the proposal lies within a site allocated in the Cambridgeshire and Peterborough Minerals and Waste Site Allocations DPD for a waste use and the proposals may prejudice future waste development, including that permitted for the "eco park"

**Joint Radio Company**

No objections

**NATS - CTC**

No objections

**Wind Farm Enquiries (Spectrum Licensing)**

No objections

**Civil Aviation Authority**

No objections

**Police Architectural Liaison Officer**

No objections

**Eye Parish Council**

No objections

## **Newborough & Borough Fen Parish Council**

Recommend refusal regarding visual impact on residents in outlying areas of the Parish

### **Local Residents/Interested Parties**

Initial consultations: 1058

Total number of responses: 13

Total number of objections: 9

Total number in support: 2

Representations have been received from 9 individuals. Of these, 8 raised objections, one raised no objections subject to issued being dealt with.

In summary, the objections are as follows;

- Object to the proposal being so close to residential properties
- Would like the Db level clearly stated
- It will destroy the look of the area for at least 25 years
- Turbines damage the ozone and interfere with TVs and telephones
- It will overshadow the view from my garden (it's a "hideous monstrosity")
- It will devalue my property
- It's outrageous the City Council could spend money on such a project
- The foundations would have to be deep and there are concerns given this is a landfill site
- Additional information should be submitted to demonstrate the visual impact on the areas of the NNR at Ailsworth Heath
- Greater consideration should be given to the impact on the setting of Milton Hall (Grade I listed) and Milton Hall Park (listed Park and Garden). The lack of intrusion into the skyline at Milton Hall Park is something to be treasured.
- Concerned about noise generated by the turbine
- Concern about increased traffic on Welland Road
- Object on the grounds of its sheer size and impact on the surrounding landscape
- It is too high and will affect the view from my bedroom/garden

## **5 Assessment of the planning issues**

### **Principle of Development**

The UK government is committed to tackling climate change. Following the adoption of energy and climate change objectives by the EU in 2007, the target for the UK with regard to proportion of energy consumption from renewable resources has been set at 15% by 2020 (which equates to 30% of electricity). At the end of 2012, approximately 11.7% of electricity in the UK was provided by renewable energy sources. The Climate Change Act 2008 established a legal requirement for the UK to reduce greenhouse gas emissions by 2050 to at least 80% below 1990 levels. There have been a number of policy statements which underpin the government's commitments to tackling climate change and which support renewable energy as one of the means of achieving these targets.

Paragraph 93 of the National Planning Policy Framework (NPPF) states that "planning plays a key role in helping shape places to secure radical reductions in greenhouse gases.....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."

Paragraph 98 states that when determining planning applications LPAs should "not require applicants for energy production to demonstrate the overall need for renewable or low carbon energy and to recognise that even small scale projects provide a valuable contribution to cutting

greenhouse gas submissions.” Applications should be approved if the impacts are or can be made acceptable.

At the heart of the NPPF is a presumption in favour of development which means that when determining planning applications, approving applications that accord with the development plan without delay or where the development plan is absent, silent or policies out of date, determining applications in accordance with the NPPF.

The adopted Peterborough Core Strategy DPD contains policy CS11 which is specific to renewable energy. In summary the policy states that renewable energy development will be supported provided there are no unacceptable impacts and that proposals comply with other policies in the development plan (e.g. landscape, heritage etc.).

It is considered that although the Core Strategy pre-dates the publication of the NPPF, policy CS11 accords with the policy of the NPPF. The application should therefore be determined in accordance with the provisions of the development plan.

The site is allocated as part of the larger allocation for waste recycling and recovery facility under policy W1 of the Cambridgeshire and Peterborough Minerals and Waste Site Allocations DPD (MW Site Allocations DPD). The allocation site, described as the former brickworks, Dogsthorpe sets out that the site is suitable for all recycling and recovery processes (listed at policy W1) except for a use as an energy from waste facility. The allocation and the landfill site are covered by a waste consultation area under policy W8 of the MW Site Allocations DPD. This policy states that development will only be permitted where it is demonstrated that this will not prejudice existing or future waste management operations. Planning permission was granted under 12/01236/MMFUL for an “eco park” which would comprise a materials recovery and recycling facility, household waste recycling centre, anaerobic digester (“AD”) and associated infrastructure. This permission has not been commenced and expires on 25<sup>th</sup> March 2016. If the turbine is approved and goes ahead, the digestate tanks associated with the approved AD could not be built (as they are on the site of the proposed turbine), accordingly the AD would not be able to be constructed. It would be possible for the remainder of the “eco-park” to be developed, if the developer chose to pursue this development.

The proposed access road would be necessary to serve any waste development within the site allocation and so the current proposal does not prejudice this aspect of the allocation or extant permission. It is estimated that the area that would be developed to provide the turbine, new access track and crane pad and the associated infrastructure would account for less than 10 percent of the total area in the site allocation.

The Minerals and Waste Authority has raised objections on the basis that the proposal has not been adequately justified and it will prejudice an allocated waste recycling site and extant waste planning permission. The applicant was asked to provide further information on this matter. The applicant responded and has stated that the site is allocated for a number of potential waste uses. Whilst the proposed turbine would result in the AD element of the extant planning permission being not implementable, all the other parts of the “eco-park” proposals could be developed. Additionally, the applicant states that the AD is not financially viable at least for the next 5 years because the Council’s food waste contract has been awarded to another operator. There is no business case to support investment in the consented AD facility at Dogsthorpe in its current form. The applicant does not consider the consented scheme to represent a “fall back” position in planning terms.

With regard to the consented “eco park” scheme, it is considered that the position of the applicant is a reasonable one to take. The development of the scheme relies on sufficient demand for its component parts and if that is not available from a relatively local and reliable source, the up-front investment needed to construct the facility would not be forthcoming. It is not therefore considered that the approved scheme can be relied upon in terms of a fallback position. The proposed turbine will, however, use land that is part of a current waste recycling allocation, therefore that land will



not be available for future waste development. The area required for the turbine is a relatively small part of the allocation and will not prevent the rest of the site from being developed. Also, since the site allocation was adopted, permissions have been granted on unallocated sites for waste recycling uses. In summary, it is considered that the loss of the part of the site allocation to locate the turbine is contrary to policy W8 of the MW Site Allocations DPD but in terms of provision of adequate waste recycling in Peterborough over the plan period, the loss of this area will not prejudice waste recycling delivery in Peterborough.

With regard to the principle of development, the proposal meets with the aims of national policy and policy CS11 of the Peterborough Core Strategy subject to other relevant policies of the DPD being complied with. The issues to consider, therefore, are whether the proposal meets national and local policies with regard to the detailed considerations, which are set out below.

### **Landscape and Visual Impact Assessment (LVIA)**

Paragraph 98 of the NPPF states that applications for energy development should be approved (unless material considerations indicate otherwise) where impacts are or can be made acceptable. The (NPPF) National Planning Practice Guidance sets out particular planning considerations relating to wind turbines including the information needed to assess the cumulative landscape and visual impacts of wind turbines and how this should then be assessed.

The applicant has submitted a LVIA as part of the Environmental Assessment. The level and detail of information provided was considered acceptable for the scale of development proposed, except in relation to anticipated views of the turbine from individual residential properties or groups of properties. The applicant was requested to provide further information in this regard (via a Regulation 22 request under the Town and Country Planning (Assessment of Environmental Effects) Regulations 2011). Such information was submitted on 2<sup>nd</sup> February 2015 and a further round of public consultation was undertaken by the LPA.

Since the application was submitted (on 17 October 2013) a further application has been received for 5 turbines with a height of 130 metres to blade tip, at Willow Hall Farm; this application remains undetermined. The application for 7 turbines to a height of 126.5 metres at Gores farm also remains undetermined. The application for an additional 4 turbines at French Farm was called in for determination by the Secretary of State but remains undetermined. The exclusion of the proposals at Willow Hall Farm from the LVIA is noted. It is considered that the LPA can consider the cumulative impact of this proposal from information already in the LPA's possession. If both Gores Farm and Willow Hall Farm applications were approved and implemented, in our opinion, these would be seen from most viewpoints even at modest distances away, as a single homogenous cluster of turbines.

The submitted LVIA ("the Assessment") has been undertaken in accordance with the relevant parts of Guidelines for Landscape and Visual Impact Assessment, Second Edition (Landscape Institute and IEMA, 2002), and other guidelines produced by national heritage and landscape national bodies.

The Assessment is separated into "landscape effects" and "visual effects." The former is concerned with the intrinsic quality of the landscape character and the impact the proposal would have on the landscape and the latter is concerned with predicted impacts on views available from a variety of public areas as well as residential dwellings. Cumulative impacts with other turbines (implemented, consented and proposed) is taken into account for both assessments.

Policy CS20 of the Peterborough Core Strategy is relevant with regard to landscape character, policy CS16 is relevant in relation to public realm and design and policy PP3 of the Peterborough Planning Policies DPD is relevant to visual impact and impact on peoples' amenity (especially regarding residential property). The Peterborough Landscape Character Assessment 2007 (PLCA) is a material consideration to the determination of the application and has been used by the applicant to inform their LVIA.

## Landscape Effects

With regard to “landscape effects” the LVIA has addressed impact of the development (construction, operational and decommissioning phase) with regard to landscape designated sites within a 20km radius of the site and potentially affected landscape character areas (defined in the Peterborough Landscape Character Assessment). The designated sites are as follows;

### Registered Parks and Gardens

- Peterborough Cathedral Precincts
- Thorpe Hall
- Milton Hall
- Elton Hall
- Burghley House
- Ashton Wold
- Apethorpe Hall

### Country Parks

- Nene Park
- Crown Lakes

With regard to the registered parks and gardens, due to factors of distance and lack of intervisibility (due mainly to the intervening urban areas), the proposal will result in a “not significant” landscape effect for each area.

The same conclusions are reached in respect of the Country Parks. Potential impacts of the cumulative turbine sites have been considered and due to intervening screening have found to be not significant.

Mr Dagleish of Milton Park Estate has objected to the proposals on the grounds that additional information should have been sought on the impact upon the National Nature Reserve at Ailsworth heath and impact upon the setting of Milton Park and Grade 1 listed Milton Hall. In response, it is considered that Ailsworth NNR is designated for its ecological rather than landscape value (this is not to say that it has no landscape value) and this area has been covered in the assessment of the landscape character areas. Impact upon Milton Hall as a Registered Park and Garden has been considered and found to be acceptable. Issues in relation to heritage assets will be considered separately. Milton Hall is 5km away from the site and the intervening area is urban in nature. It is considered that the assessment has been carried out in a proper manner and that any views of the turbine are of minimal effect.

## Landscape Character

Within the Peterborough Landscape Character Assessment (“PLCA”) the proposed development is situated on the boundary of the landscape character area, (LCA) 5 Peterborough Fen Fringe (sub area 5A Norwood Fen Fringe) and the urban area of Peterborough. The PLCA summarises the character of the area as being a transitional area between urban Peterborough and the Fens. The strength of character in the area is described as moderate but unusual with a range of land uses occurring in a relatively small area. The area is elevated when contrasted with the surrounding fens. On the whole, with the exception of the Star Pit SSSI, the condition of the sub area is poor and “widespread changes have occurred within the area and much of its cultural pattern has been destroyed, leaving an incoherent and jumbled landscape.” It can be noted that the PLCA takes no account of the Paston and Norwood urban extension site allocations to the north of the site which when developed will further urbanise sub area 5A.

The ES concludes that there will be a slight change to the character of the overall Dogsthorpe site and also a slight/moderate change to the character of LCA 5A but that with an area of low

sensitivity, as referenced in the PLCA, these are not significant. This does, means that the character of the area and the surrounding character areas are such that they can absorb this development without significant detriment. That the proposal is for a single turbine rather than a cluster is obviously beneficial. It is considered that the proposal is sufficiently separate from other implemented or proposed turbines such that the cumulative impact will not significantly affect landscape character.

The ES has evaluated the impact of the proposal upon the other landscape character areas within Peterborough and up to a radius of 30km. The conclusions are that the nearest character areas will not be significantly affected by the proposal in terms of character and for those furthest away the proposal will be barely affected.

### Visual Effects

The LVIA sets out the methodology for assessing visual effects of development. In summary the aim of the visual assessment is to quantify the likely perception of the development within the landscape from peoples' views when at static viewpoints or when travelling along key routes. The study area is a 5km radius around the site and the viewpoint locations (called key receptors), include settlements, visitors to registered parks and gardens, scheduled monuments and country parks, users of cycleways and footpaths and recreational facilities etc. The residential areas covered by the visual assessment were;

- Dogsthorpe
- Newborough Road properties
- Paston
- Newark
- Eye
- Eastfield
- Millfield
- New England
- Gunthorpe
- Eye Green
- Walton
- Newborough Fen
- Newborough
- Housing allocations/consented sites at Paston and Norwood

The assessment concluded that there would be moderate – substantial visual effects in Dogsthorpe (properties on the edge facing the A15), Newborough Road properties, Paston (small number of properties on southern edge) and Eye (properties with westerly views) and that for a small number of properties these would be potentially significant. In practice the impact is significantly reduced by intervening vegetation

Specific viewpoints were considered at Hodney Road, Peterborough Road, Eye, Willow Hall Lane, Middle Road, Newborough, Flag Fen and Norwood Lane Dogsthorpe.

### Additional consideration of Visual Effects

The case officer visited the assessment areas with the submitted wireframes/photo-montages of the predicted views of the turbine and concluded that some photographs were taken from inappropriate positions. Some residential locations (within the areas above closest to the proposal) required further analysis and generally a more “realistic” set of photomontages needed to be submitted to enable the case officer and consultees/residents to make informed judgement. The further viewpoints are at the following locations (these will be shown at the Committee meeting);

- Furze Rise (outside No. 1)

- Welland Road (outside No. 289)
- Lombardy Drive (opposite No. 41)
- Dogsthorpe Community Centre car park
- Rear of 16 Belvoir Way
- Tilton Court (outside No. 16)
- Ulverston Close (outside No. 289)
- Bridleway junction near Leeds Cottage
- Newborough Road
- End of Beech Lane
- Belvoir Way (outside No. 42)

The recent appeal decision relating to proposed turbines at Treading Farm on the South Holland/Fenland border (Appeal references APP/D0515/A/12/2181777 and APP/A2525A/12/2184954) sets out that it is not possible to protect views of occupants that would be adversely affected by development. However, turbines can (due to size, number and proximity) present such an overwhelming presence to main views from properties, so as to render them unattractive and thus unsatisfactory places in which to live thereby resulting in a coincidence of public and private interests. The case officer judgements applied to visual impacts on the nearest and most affected residential properties have therefore been made with this “test” in mind.

#### Furze Rise (outside No. 1) – Viewpoint 1

The front of the first “block” of properties in Furze Rise faces the site. The viewpoint shows that the proposed turbine would be clearly visible from ground floor windows in No. 1 and possibly No. 3 and more visible from upstairs windows. Beyond the first properties in Furze Rise, the proposal is screened by properties in Welland Road (as shown in the viewpoint). Although the turbine would be visible it is partially screened by trees and in terms of scale viewed alongside the neighbouring properties and the flour mill in a broken skyline. In the officer’s opinion it does not present an overwhelming presence in the main views from these properties.

#### Welland Road (outside No. 289) – Viewpoint 2

This group of 4 terraced dwellings faces the site and in terms of distance from the proposal are amongst the nearest dwellings at approximately 440 metres away. Viewpoint 2 shows that the top of the turbine including all of the rotor blades will be visible from these properties, although partially screened by vegetation (note the viewpoint photographs have been taken in the winter). The scale of the proposal as viewed against the flour mill can be seen through the bare trees. It is not considered that the turbine presents an overwhelming presence in the main views from these properties. It will not be seen from these rear gardens.

#### Lombardy Drive (opposite No. 41) – Viewpoint 3

The rear of properties in this section of Lombardy Drive face the proposed turbine. The properties are a mix of bungalows and houses. This viewpoint shows the turbine as clearly visible and set between the two clusters of flour mill/grainstore buildings. As one moves further along Lombardy Drive in either direction the proposal will be viewed slightly differently against the other buildings but the rotor blades are clearly visible. The turbine will be more visible from the rear first floor windows of the houses and also visible from the rear gardens albeit the levels here are slightly lower than the viewpoint position (so slightly less of the turbine will be visible). The proposal is approximately 500 metres away from this viewpoint. Although highly visible it does not make these properties unattractive and unsatisfactory places in which to live.

The land between Lombardy Drive and Paston Parkway is allocated under SA3.41 for residential development but at present there is no planning permission. The views from this site to the turbine will be similar to those set out above. The turbine will be closer but as the land levels drop towards the Parkway, the potential for screening will be better. The site could also be designed and laid out

to minimise impact. It is not considered that the proposal would prejudice the future development of this site.

#### Dogsthorpe Community Centre Car Park – Viewpoint 4

From this location the rotor blades of the proposal can be seen above the nearby residential properties but the scale of the turbine at this distance is set amongst the nearby residential blocks and trees and very much against a broken skyline. It is not considered that the proposal will significantly impact upon public views at this location or make those properties set further back from the viewpoint unattractive and unsatisfactory places to live because the turbine would not present an overwhelming presence in the main views from properties (or public places).

#### Rear of 16 Belvoir Way – Viewpoint 5

The property on Belvoir Way is the closest to the proposed site at approximately 400 metres away. These properties are adjacent to Paston Parkway. The viewpoints shows that although this area is closer the proximity to the shelter belts/embankments of the Parkway and the presence of the flour mill/grainstore buildings, help to reduce the potential impact of the turbine at this location. In this context, the proposal is not an overwhelming presence here and does not render the properties as unsatisfactory places to live.

#### Tilton Court (outside No. 16) – Viewpoint 6

Properties in Tilton Court are orientated “side on” to the proposed turbine although the turbine blades will be seen from some windows and from gardens and communal spaces. The shelter belt of the Paston Parkway provides some screening/softening effect even in the winter. Again the proposal does not present an overwhelming presence to main views and does not render the properties in this location as unattractive and unsatisfactory places in which to live.

#### Ulverstone Close (outside No. 14) – Viewpoint 7

This viewpoint is representative of properties on the other side of the Soke Parkway off Paston Ridings. The direct view to the turbine is interrupted here by the elevated junction on Paston Parkway (to Soke Parkway to the west and the A47 to the east). The shelter belts here also provide screening. It is likely that the turbine will be seen from first floor windows facing the site but the turbine will be over 600 metres away from Ulverstone Close and will not present an overwhelming presence to main views from properties in this location

#### Bridleway Junction near Leeds Cottage – Viewpoint 8

This viewpoint is the nearest representation of views from both Slate Farm and Leeds Cottage. Slate Farm is located to the west side of Newborough Road. It is a two storey house and the rear faces indirectly towards the site. Views from the ground floor and garden will be interrupted by existing vegetation and screening around the rear garden but views from the upstairs windows will be similar to that shown in viewpoint 8. Leeds Cottage is located on the east side of Newborough Road, is a bungalow and is “side on” to the side. It is also located to the other side of an existing pallet business and group of commercial sheds. Views from main windows in this property will not directly look onto the proposal but it will be visible from the garden and area around the property. This location provides for some of the most uninterrupted views of the proposed turbine, which is approximately 500 metres away. The skyline is interrupted only by some groups of trees, street furniture and traffic on the A47.

Prior to the further viewpoints being submitted, the case officer had concerns about the proximity coupled with quite uninterrupted views from Slate Farm in particular. However, the viewpoint shows that although the turbine can be clearly seen practically in its entirety, it cannot be said to be an overwhelming presence to main views from the properties and does not make them unattractive

places to live. Additionally, the properties are located within the Paston/Norwood site allocations and therefore over the coming years the uninterrupted/open nature of the views is likely to change.

#### Newborough Road – Viewpoint 9

This viewpoint is taken approximately 200 metres further north along Newborough Road, to the front of a group of four detached properties located to the west of Newborough Road. The properties do not face the proposed turbine and so views from main windows to the front will be oblique at best. Views from rear gardens will be obscured also by screening. The photograph shows that views are likely to be screened by existing hedgerows with the tip of the rotor blades only just visible. It is considered that the proposal will not make these properties unattractive places in which to live.

Paston and Norwood site allocations (SA1.2 and SA1.5) could potentially result in housing development being closer to the proposed turbine than any existing property. However, it is likely that a substantial buffer will be required between the housing and the A47. It is unlikely that housing would be located hard up against the A47. No plans are approved for this area closest to the turbine site. The proposal will not make the allocations un-developable and housing layouts could be designed to take account of views across the A47 towards the turbine.

#### End of Beech Lane, Eye - Viewpoint 10

Views from properties in Beech Lane, Chancery Lane and Peterborough Road, Eye, are interrupted by the close proximity of the embankment to Car Dyke and Eye Landfill (including screening around the edge of the landfill site). Views from ground level to the west towards the proposed turbine will be restricted. The turbine will be visible from some first floor windows but is between 1.3 and 1.5 km away. It is not considered the turbine will so affect properties in Eye as to make them unattractive properties in which to live because the turbine is located too far away and is interrupted by the landfill site.

#### Belvoir Way (outside No. 42) – Viewpoint 11

As stated above, the properties on Belvoir Way are close to the proposal. However, this also results in the shelter belts to the Parkway and the flour mill buildings being much closer and therefore dominating the views towards the proposed turbine site. From these locations the turbine will not be an overwhelming presence in main views from properties because of their close proximity to the Parkway.

It is considered that cumulatively, other turbines are sufficiently distant from the above locations (including Gores Farm and Willow Hall Lane if these were approved). Where main windows of properties in the above location face the proposed turbine site, in the majority of cases the other turbines will not be in the same line of sight (or will be obscured). It is therefore considered that this proposal does not tip a balance in terms of cumulative impact of other turbines within the 30km study zone or indeed other development.

There are other places where views of the proposed turbine will be significant such as the approach to Peterborough along the A47, public footpaths in the vicinity of the site and employment sites, notably the landfill, and the Mick George Ltd recycling site immediately adjacent. The turbine is so close to this site in particular that employees would be looking up to see it and obviously it will appear very large being so close. We have consulted these businesses and none have raised an objection to the proposal. The impact upon nearby workers and people travelling along roads and footpaths has been considered in terms of visual amenity. It is not considered that these circumstances would warrant such a high test as set out in the Treading case above with regards to residential properties. It is considered that the proposal is acceptable in this regard due to the nature of the locations concerned.

Four residents (Harebell Close, Dogsthorpe, Peterborough Road, Eye (two residents) and Chancery Lane, Eye) have raised objections relating to visual amenity, commenting that the proposal “will destroy the look of the area”, “the view from the garden will be overshadowed” (Eye), “the proposal is too high and will affect the view from the bedroom and garden” (Chancery Lane, Eye) and “it will be imposing on the surrounding landscape and consequently devalue property”.

Eye Parish Council made no comments. Newborough Parish Council recommend refusal because of visual impact upon outlying areas of the Parish.

The Landscape Architect consulted by the Council, advised that the methodology used in the ES was in accordance with best practice and provided a comprehensive assessment of impact upon landscape character and visual amenity. He agreed with the basic conclusions of the assessments and raised no objection to the proposal.

The fact that the turbine will be seen (as will all turbines) is not reason to refuse the application. It is considered that the submitted LVIA and particularly the further information demonstrates that the proposal does not have such a significant impact on landscape character or views to warrant refusal of the application. It is considered that the proposal complies with policy CS11 of the Core Strategy.

The MOD have withdrawn their objections subject to a condition requiring an MOD accredited aviation light on the highest practicable point of the turbine. This would be visible at all times but more so during the night. Consideration has been given as to whether such a light would tip the balance against the visual impact of the proposal being acceptable, especially with regards to residential properties. It is considered that such a light will not make the development unacceptable.

### **Shadow Flicker**

Shadow flicker has the potential to occur at properties to the south-west, north and north-west of the development site, including a small area of the consented Paston Reserve development and the allocated Norwood urban extension. The ES states that once the turbine is operational, should shadow flicker occur, mitigation might include fitting shutters or screens to windows and planting or constructing garden screening in the first instance. If these measures are not suitable then automatic turbine control systems can be programmed and activated to fully mitigate any shadow flicker.

The “theoretical” zone of shadow flicker (submitted on a map at Figure 13.1) shows that there is a possibility that properties in Dogsthorpe (Furze Ride, Harebell Close, Welland Road, Lombardy Drive and Poplar Avenue areas) and Newborough Road (Slate Farm and Leeds Cottage) being affected. The methodology used to make this assessment is desk based and so the actual impact won't be known for certain until the turbine is operational.

It should not fall to any residents to have to provide mitigation to make the proposal acceptable if such shadow flicker issues occur. It is considered that this issue can be covered by condition (same as that proposed on the “called-in” French Farm application) which required the developer to submit a scheme setting out how the developer will assess any complaints from occupiers of existing property. The scheme shall also set out the mitigation measures to be implemented by the developer if reasonable complaint is found. If a solution could not be agreed between developer and complainant for an “at dwelling” resolution, then the turbine may be required to shut down during the periods where shadow flicker nuisance is caused. It is considered that such a condition would ensure that residential amenity is preserved in this particular regard in accordance with policies CS11 and CS16 of the Peterborough Core Strategy and policy PP3 of the Planning Policies DPD.

### **Noise**

The applicant has submitted a noise assessment within the ES. The assessment is based on the representative turbine model – a Gamesa G58 with a hub height of 60 metres. Guaranteed sound

power levels (the actual sound levels emitted from the machinery at the source) at a hub height of 65 metres. The applicant has used The Assessment and Rating of Noise from Windfarms (ETSU – R- 97) as the method of assessing noise impact from windfarms and this was agreed with the Council's Principal Pollution Control Officer. Background noise level assessments were undertaken in 2011 and additionally at the site allocation for Norwood and at Slate Farm in 2013. The locations of nearest noise sensitive receptor sites, agreed with PCC are at the following locations;

- R1 – Belvoir Way/Saxby Gardens
- R2 – Furze Ride/Harebell Close
- R3 – Slate Farm
- R4 – SA1.2 (Paston Reserve) land consented for residential
- R5 – SA1.5 (Norwood) land allocated as an urban extension

Assessments have been carried out for the construction period, operational period and decommissioning period. Taking into account variables including an allowance for wind shear and extreme atmospheric conditions, it was concluded that at no time both day and evening do the predicted noise levels exceed the existing background levels at all sensitive receptor sites. This assumes that the properties are downwind of the turbine and so when this is not the case the difference between background levels and predicted turbine noise will be greater i.e. lesser impact. Thus the noise levels comply with the accepted guidance ETSU –R-97.

PCC's Pollution Control Officer states that the applicant does not believe that a lower fixed noise limit (as set out in ETSU-R-97) is necessary in this instance as the noise emission from the turbine is likely to be well below the established background noise level. Pollution Control are prepared to accept the information provided subject to relevant noise conditions being imposed. Such conditions are based on the good practice guidance produced on behalf of the Institute of Acoustics. The applicant is prepared to accept the suggested conditions.

Three residents have objected to the proposal on the grounds of likely noise impact. A resident at Harebell Close, Dogsthorpe states that Db levels should be clearly stated taking account of wind direction and that he already suffers noise nuisance from the flour mill. The other two residents (Hallaton Road, Dogsthorpe and Peterborough Road, Eye) are also concerned about noise. A further resident at Lombardy Road states he has no objections to the turbine subject to assurances about noise.

It is considered that the noise assessment demonstrates that the likelihood of the noise emitted from the turbine giving rise to complaints from residential properties is low. In the event that a complaint is received, the condition imposed will require the developer to undertake assessments and enable PCC to enforce a suitable remedy if the complaint is upheld. Therefore the proposal is considered to comply with policies CS11 and CS16 of the Peterborough Core Strategy and policy PP3 of the Planning Policies DPD.

#### **Cultural Heritage (including Archaeology)**

The NPPF sets out how the LPA should consider the impact of development upon heritage assets. Great weight should be given to the asset's preservation and the more important the asset the greater that weight should be. Significance is determined by the designation afforded the asset (paragraph 132 of the NPPF). Paragraph 133 states that were a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, planning permission should be refused unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits. Where a development will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal (paragraph 134).

However, LPA's have a legal duty under Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a building or its setting, or any feature of special architectural or historic interest which it possesses.



The difference between the national policy requirements and the statutory duty was set out in the High Court decision of March 2013 between East Northamptonshire District Council, English Heritage and the National Trust (the Claimants) and the Secretary of State for Communities and Local Government and Barnwell Manor Wind Energy Ltd (the defendants). The policy set out in the NPPF and within Local Plans does not “trump” the duty set out within the Act and all these considerations have to be afforded appropriate weight in the decision making process. However, the duty imposed under the Act set out above, does not include Scheduled Monuments as these are designated under separate legislation, namely the Ancient Monuments and Archaeological Areas Act 1979. The applicant states that by legal definition, scheduled monuments are considered as being of national importance and therefore a high heritage significance.

The relevant development plan policies are CS11 and CS17 of the Core Strategy and PP17 of the Planning Policies DPD.

The applicant has considered all designated heritage assets within a 5km radius of the site. Within this area, 12 scheduled monuments, 3 registered parks and gardens (including the Cathedral Precincts, Thorpe Hall and Milton Hall) and almost 200 listed buildings have been identified. Of these 45 are grade I or grade II\* or fall within 2km of the development site. These heritage assets are listed in Appendix A to this report as extracted from the ES. The applicant states that the majority of the remaining listed buildings lie in this historic core of Peterborough and close range views will not be affected.

English Heritage have commented as follows (in summary);

“Having considered the supporting documentation submitted with the application and visited the site, English Heritage has been able to satisfactorily assess the potential impact of the proposed 90m high wind turbine on designated heritage with the vicinity, notably on the significance and setting of the Scheduled Monument Car Dyke. The proposed turbine would be visible on the skyline from Car Dyke causing a degree of harm to its setting, but we do not consider it would significantly alter the landscape setting of the monument. We have also assessed the impact of the proposed turbine on the setting of Grade I and II\* buildings and conservation areas within a 3km radius and are satisfied that it would not cause harm. We therefore recommend that in determining the application the harm that would be caused to the setting of Car Dyke should be weighed against any public benefits of the proposal.”

The advice from English Heritage goes on to say that the harm caused to the setting of Car Dyke by the visibility of the proposed turbine would be mitigated by hedgerows and trees along the route of the dyke, including those extending along the A16 and edge of the claypits to the northeast of the application site. English Heritage recommends that the harm caused to the setting of Car Dyke should be weighed against any public benefits of the proposals, in accordance with Paragraph 134 of the NPPF.

Notably, English Heritage has raised no concerns with impact upon other designated heritage assets other than Car Dyke. There is no evidence within the submission, from other consultees or from the case officer’s own assessment to dispute the opinions of English Heritage as the statutory consultee in this respect.

The Council’s Conservation Officer advises that the conclusions of the ES can be supported and that there will be no incidents of substantial harm being caused. He notes that the tips of the blades may be visible from some places within Eye Conservation Area.

Car Dyke is the largest of the known Roman canals. The survival varies but in this locality it survives well as a water filled channel. The heritage significance of the Car Dyke derives essentially from its archaeological interest. The setting contributes to this heritage significance and this still largely demarcates the western edge of the fens. It marks the transition between the wetter and open ground of the fens to the east and the drier ground to the west. Coincidentally it

now occupies a setting of transition between the open flat and large field landscape of the fens to the urban edge of Peterborough. The section of Car Dyke to the north of the application site is still largely set in an open setting, although this setting is changing with the construction of part of Paston Reserve off Manor Drive. This setting will change further over the plan period due to the site allocations for urban extensions at Paston and Norwood. The urban extensions, once built out, fill the open areas between the A47 up to the edge of Car Dyke. Thus views from parts of Car Dyke towards the turbine will, over the coming years, be interrupted by built development.

Presently, the proposal will affect the setting to Car Dyke and cause less than substantial harm. Less than substantial harm does not necessarily mean the proposal is acceptable. English Heritage refers the Council to paragraph 134 of the NPPF, which states;

“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, including securing its optimum viable use.”

The public benefits of renewable energy projects are accepted and as set out above (Principle of Development), even small scale projects can help to reduce greenhouse gas emissions. There is no issue of the scheduled monument itself being disturbed by the proposal. Consideration is therefore whether the benefits of the proposal outweigh the harm to setting. It is considered that the proposal will be seen against the other development forming the edge of the urban expanse of Peterborough. Although it will be viewed from parts of the Car Dyke, such views will over time be diminished by other development on land immediately adjacent the Dyke which is becoming increasingly a firm demarcation between open fen to the north and northeast and urban to the west and south. It is considered that the public benefits of providing a renewable energy project, albeit small scale, do in this instance outweigh the less than substantial harm caused to the setting of Car Dyke. The proposal is therefore considered to be acceptable with regard to the policies of the NPPF.

Mr Dalgleish of Milton Park Estates raised objections on the grounds of the impact of the proposal upon the setting of the listed Milton Park and the Grade I listed Milton Hall and that the lack of intrusions on the skyline of Milton Park is something to be treasured.

The edge of Milton Park lies approximately 4.7km to the west (as the crow flies) of the application site. Between lies the urban area of Peterborough. Milton Hall sits within the park. It is considered that the proposed turbine is of sufficient distance from Milton Hall and Park as well as being interspersed with urban development, not to have any significant impact upon setting. Neither English Heritage nor the Council's Conservation Officer have raised issues in this regard.

With regard to the Council's legal duty to have special regard to the desirability of preserving a building or its setting, or any feature of special architectural or historic interest which it possesses, the proposal does not have any significant impact upon listed buildings, conservation areas or their settings. Therefore they are considered to be preserved.

It is considered that the proposal complies with policies CS11 and CS17 of the Core Strategy and policy PP17 of the Planning Policies DPD, except with regard to Car Dyke Scheduled Monument where the setting is not preserved. However, as set out above, the benefits of the proposal outweigh the less than substantial harm caused to the setting of the Scheduled Monument.

The site is located on previously disturbed land (brickworks and clay extraction) and so an archaeological assessment of the site will not be required.

### **Geology, Hydrology and Hydrogeology**

The site lies within Flood Zone 1 (lowest probability of flooding) although a small part of the site has been identified in the ES as being at risk of pluvial flooding. There are no historic records of flooding at the site.

The site is situated on “made up” ground which was part of the former brickworks and clay pits. The larger area under the control of the applicant is currently in use as a landfill site. The applicant recommends that a detailed and intrusive site investigation is carried out at detailed design stage (post consent) to confirm the depth, extent and chemical nature of the soils underlying the site.

The relevant development plan policies are; Core Strategy policy CS22 - Flood Risk and policy PP20 of the Planning Policies DPD – Development on Land affected by Contamination.

The Environment Agency has raised no objections to the proposal subject to the imposition of conditions relating to surface water drainage and a land contamination. The Council's Drainage Team has not objected but comments that any soakaways would be expected to be built in line with BRE365.

As the site does not lie within Flood Zones 2 or 3 there is no need to apply the exceptions test or sequential tests set out within the National Planning Practice Guidance.

Subject to the imposition of conditions the proposal is acceptable and in accordance with the above development plan policies.

### **Ecology (including Ornithology)**

Policy CS21 of the Core Strategy sets out that Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Ramsar sites and Sites of Special Scientific Interest (SSSIs) are afforded statutory protection. Development will only be permitted where it might have an adverse effect on a locally designated site where it can be demonstrated that the reasons for allowing the development outweigh the harm. In such circumstances mitigation will be sought and where possible a net gain for biodiversity/geological conservation.

Policy PP19 of the Planning Policies DPD states that any development likely to have an impact on habitat or species of principal importance for the conservation of nature should include measures to maintain and where possible enhance the status of the habitat or species. Planning permission will not be granted where it would cause demonstrable harm to such habitat or species unless the need for and benefits of the development clearly outweigh the harm.

These policies are largely in line with Section 11 of the NPPF.

The ES originally submitted contained surveys of great crested newts (“GCN”), bats, reptiles and water voles. It also contained an assessment of the habitat within the site area including flora. The ES also sets out the statutory sites as follows;

Within 10km of the site;

- Nene Washes SAC, SPA, RAMSAR and SSSI (4.2km away)
- Orton Pit SAC (7.6km away)
- Dogsthorpe Star Pit SSSI and Local Nature Reserve (LNR) (230 metres away)
- Eye Gravel Pit SSSI (2.6km away) – although this is designated on geological grounds

There are also two country wildlife sites within a kilometre of the site.

Records indicate that no European protected species are present within the site, however water vole, GCN and common pipistrelle bat have been recorded within 2km of the site.

Natural England provided comments and requested further information with regards to the micro-siting of the turbine and its impact on ecology. Also, the ES should clearly demonstrate that the ecological mitigation and enhancement work agreed as part of the planning permission granted for the eco-park should not be compromised.

Natural England were satisfied that the results of the ecological survey and assessment, including analysis of displacement and collision risk to birds that the proposal does not pose a significant risk to notified interest features of designated sites including the Nene Washes SSSI, SAC, SPA and Ramsar site and Dogsthorpe Star Pit SSSI. In this regard it is considered that the proposal satisfies policy CS21 of the Core Strategy and PP19 of the Planning Policies DPD and well as the requirements of the NPPF.

The case officer requested further information (a Regulation 22 request under the EIA regulations) in relation to micro siting, bat buffer zones (and possible removal of habitat and pond areas in relation to GCN habitat).

The applicant submitted further information in March 2014, including;

- Letter and new mitigation strategy (by Abigail Bridge Ecological Services) dated 26 February 2014.
- Accompanying drawings showing micro-siting; development site location, survey area and ponds; impacts; habitat creation and enhancement measures; bat buffer zone

In summary, this further information confirms that the area for micro-siting will be restricted to that outside the boundary of the ecological mitigation and enhancement area (and outside of land in third party ownership); creation of a bat buffer zone by removing scrub within a 50 metre radius and cutting turbine operation times during peak bat activity as well as undertaking bat monitoring; designing a sensitive lighting scheme for the site; providing mitigation and additional GCN habitat to compensate for the removal of potential GCN habitat within the turbine site boundaries. The proposed habitat creation and enhancement areas are outside the site boundary on adjacent land within the ownership of the applicant.

Further consultation was undertaken regarding the new information. Natural England commented that it is now satisfied with the measures proposed in the submissions and plans from Abigail Bridge and that given the revised mitigation strategy consider that mitigation already agreed as part of the eco-park development will not be compromised. Natural England notes the exclusion of micro-siting within the ecological enhancement area and confirms that final siting of the turbine would need to be agreed with them through the relevant license application (works affecting protected species or habitats – in this instance GCN).

The Council's Wildlife Officer has commented that he is now satisfied with the revised micro-siting and ecological enhancement and mitigation proposals as detailed above. He has carried out an assessment of protected species and is satisfied with the information submitted subject to the imposition of conditions. With regard to ornithology, various mitigation measures have been proposed including measures to prevent birds from perching on turbine hubs and maintaining a 10m area around the turbine free of vegetation. These should be secured by condition. No mention is made of bird monitoring, however a bird monitoring programme following best practice guidelines should be produced the details of which should be secured by condition. Japanese Knotweed was found growing on the site and its eradication is required. This could be dealt with by condition. Subject to these recommendations being fully incorporated into the approved scheme the development will result in no net loss of biodiversity.

With regard to ecology and ornithology, the application is in accordance with policies CS11 and CS21 of the Core Strategy and policy PP19 of the Planning Policies DPD subject to the imposition of conditions should permission be granted.

### **Traffic and Transport**

The ES sets out that the traffic impacts of the proposal will be apparent only during the construction and decommissioning phases of the proposal. During the operational phase only ad-hoc maintenance visits will be necessary. During the construction phase, expected to last about 4 months, a total of approximately 160 HGV deliveries will need to be made, including 7 abnormal loads of turbine components. The applicant considers this volume of traffic can be accommodated

on the main routes to the site. The turbine transporter route would be along the A47 (from the A1). Swept path analysis shows that the delivery vehicles can be accommodated but that some minor upgrade works will be required for the access tracks off Welland Road, which is within the adopted highway boundary.

The relevant development plan policies are CS11 and CS14 of the Core Strategy and PP12 and PP13 of the Planning Policies DPD.

The Highways Agency raises no objection to the proposal. The Agency notes that the turbine should be at least 140 metres from the trunk road and the location of the turbine shows it will be in excess of this measurement. Abnormal load movements will need to be notified to the Highways Agency.

The Local Highway Authority (PCC) raises no objections subject to conditions relating to pre and post condition surveys of the proposed construction route from the A16/A47 roundabout to the site, wheel cleansing and construction plans regarding works within the highway.

It is considered that there is enough space within the site for lorries to turn. Once operational, there is adequate parking space to accommodate the occasional vehicle(s) visiting the site for maintenance.

The proposal is considered acceptable in terms of traffic and transport and is in compliance with the above development plan policies.

### **Aviation Safety**

The Ministry of Defence Infrastructure Organisation Safeguarding team (MOD), the Civil Aviation Authority (CAA) and the National Air Traffic Services En Route Ltd (NERL) have all been consulted in relation to the proposal.

Neither the CAA nor NERL have raised objections to the proposal.

Initially the MOD raised objections on the grounds that the proposal would affect both the Precision Approach Radar (PAR) and the Air Traffic Control (ATC) radar at RAF Wittering. The applicant employed their own expert advisors in relation to aviation safety and these consultants have dealt directly with the MOD during the period the application has been lodged with the LPA. On 4 August 2014, the MOD confirmed it was withdrawing its objections with regard to the ATC radar and that suitable conditions had been agreed with the applicant. These conditions relate to the submission of an ATC radar mitigation scheme to the LPA; no development can commence until this plan has been approved and installation of MOD-accredited warning lighting.

On 3 October 2014, the MOD withdrew its objection relating to the PAR at RAF Wittering and therefore all the MOD objections are withdrawn subject to the imposition of the conditions set out in the August 2014 response relating to the ATC radar.

The suggested conditions are required for public safety and military operational issues, both of which are material planning considerations. The conditions meet the tests set out in the NPPG. As such there are no aviation safety issues which would warrant refusal of the application and the proposal complies with policy CS11 of the Core Strategy in this regard.

### **Interference with television reception and other electromagnetic interference**

The LPA requested further information from the applicant with regard to potential for television reception interference. The applicant confirmed that it is unlikely that a single turbine would impact upon TV reception but it is possible. A condition is suggested which requires the developer to submit a scheme for the investigation and rectification of any electromagnetic interference to terrestrial TV caused by the turbine operation. Such a scheme would need to be approved by the LPA. This is considered acceptable and complies with policy CS 11 of the Core Strategy and Planning Practice Guidance for Renewable and Low Carbon Energy (2013).

Spectrum Licensing (who operate for Ofcom) and the Joint Radio Company Ltd who assess proposals for wind farms on behalf of the UK Fuel and Power Industry have raised no objections with regard to interference with other systems. It will be for the developer to ensure compliance with other regulations regarding private operators including telecommunications operators.

### **Other Issues**

#### Odour/Air Quality

The proposal does not produce emissions in itself. An assessment was carried out to determine if the turbine would affect the way in which other airborne emissions disperse and whether any potential receptors would be within a slipstream. It was concluded that this would not be the case. The Pollution Control Officer raised no issues in this regard.

#### Crime and Disorder

Cambridgeshire Police raise no objections but comment that the only risk to crime is potential of cable theft. They recommend that cables are buried to at least 1.8 metres deep.

## **6 Conclusions**

The key development plan policy in relation to renewable energy is CS11 of the adopted Peterborough Core Strategy. This policy sets out that permission will be granted if the developer has satisfactorily addressed the following issues on a case by case basis;

- Use of most appropriate technology for site
- Impact on air traffic operations, radar etc.
- Measures to mitigate any adverse effects on amenities of occupiers of nearby properties during construction, operation and decommissioning
- Provision for the protection, preservation and/or mitigation for any features of strategic, cultural, agricultural, ecological, historic/archaeological importance, including landscape character, where relevant

It is considered that the applicant has satisfactorily demonstrated that the proposal can meet these criteria with the imposition of conditions. None of the statutory consultees have objected to the proposal. Given that over 1000 letters were sent to nearby residents notifying them of the proposals (as well as site notices and newspaper notices), few objections have been received. Naturally, given that the proposal is a wind turbine, it will be highly visible but the submission and comments received do not suggest that its impact will be unacceptable with regard to any of the issues/criteria referred to in policy CS11.

Account has also been taken of national policy advice, particularly the NPPF and NPPG as well as other relevant development plan policies. Special regard has been had to the desirability of preserving a building or its setting, or any feature of special architectural or historic interest which it possesses.

The original submission was considered to be deficient in terms of content and clarity regarding aviation, visual amenity, micro-siting, substation/control building, TV interference, ecology and the approved eco-park development/waste allocation. These matters have been satisfactorily addressed. As such it is recommended that that planning permission be granted subject to conditions.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is granted subject to the following conditions;

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 The development shall not take place except in accordance with the following plans and documents;
- |                 |                                                                                                     |
|-----------------|-----------------------------------------------------------------------------------------------------|
| Figure 3.2      | Planning application site boundary                                                                  |
| Figure 3.3      | Site layout (except for micro-siting which is superseded by drawing 468A228 dated 10 February 2014) |
| Figure 3.4      | Typical wind turbine                                                                                |
| Figure 3.5      | Typical turbine foundation design and construction                                                  |
| Figure 3.6      | Typical internal access track design                                                                |
| Figure 3.7      | Typical control building                                                                            |
| Drawing 468A228 | Proposed wind turbine micro-siting                                                                  |
| Figure E3.1     | Drawing 468A226 – Habitat Creation and Enhancement Measures                                         |
| Drawing 468A229 | Bat Buffer Zone                                                                                     |
- Letter and new mitigation strategy from Abigail Bridge dated 26 February 2014
- Reason: In the interests of clarifying what is hereby approved.
- C3 Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority setting out a protocol for the assessment of shadow flicker in the event of any complaint from the owner/occupier of a residential dwelling (defined as a building within Use Class C3 or C4 of the Town and Country Planning (Use Classes) Order (as amended) which lawfully exists or had planning permission at the date of this permission. The scheme shall include remedial measures and operation of the turbine shall be in accordance with the approved measures.
- Reason: In order to preserve the amenities of neighbouring residents in accordance with policies CS11 and CS16 of the Peterborough Core Strategy DPD and policy PP3 of the Peterborough Planning Policies DPD.
- C4 Construction work shall only take place between the hours of 07:30 – 19:30 hours on Monday to Friday inclusive and 07:30 – 13:00 hours on Saturdays, with no construction work on a Sunday or public holidays. Outside these hours, works at the site shall be limited to emergency works, erection of turbine, dust suppression, and the testing/maintenance of plant and equipment, or construction work that is not audible from any noise sensitive property outside the site, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority shall be informed in writing of emergency works within three working days of occurrence.
- Reason: In order to preserve the amenities of neighbouring residents in accordance with policies CS11 and CS16 of the Peterborough Core Strategy DPD and policy PP3 of the Peterborough Planning Policies DPD.
- C5 The rating level of noise emissions from the wind turbine (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, those in table 1 at any dwelling which is lawfully existing or has planning permission at the date of this permission and:
- a) The applicant/developer shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
  - b) No electricity shall be exported until the applicant/developer has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the

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

- c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, The applicant/developer shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include 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 shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, 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. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- e) Where a dwelling to which a complaint is related does not lawfully exist or have planning permission at the date of this permission, the applicant/developer shall apply the limits given in Table 1, unless these are unsuitable due to proximity or other reason. Any deviations from the limits given must be agreed with the Local Planning Authority in writing. The rating level of noise emissions resulting from the wind turbine when determined in accordance with the attached Guidance Notes shall not exceed the noise limits in table 1 or those approved in writing by the Local Planning Authority for the complainant's dwelling.
- f) The applicant/developer 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. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.
- g) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), The applicant/developer 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.

**Table 1 Noise limits expressed in dB  $L_{A90,10 \text{ minute}}$  as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.**

	Standardised wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods									
	4	5	6	7	8	9	10	11	12	
Daytime (07:00 – 23:00)	56	57	58	59	61	62	62	62	62	



Night time (23:00 – 07:00)	48	49	50	53	55	59	59	59	59
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**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: In order to preserve the amenities of neighbouring residents in accordance with policies CS11 and CS16 of the Peterborough Core Strategy DPD and policy PP3 of the Peterborough Planning Policies DPD.

C6 No infiltration of surface water drainage into the ground is permitted unless details have been submitted to and approved in writing by the Local Planning Authority which demonstrate that there is no resultant unacceptable risk to controlled waters. The development shall not be carried out other than in accordance with the approved details. (see Environment Agency response dated 15/11/13 appended to this decision)  
Reason: To protect and prevent the pollution of controlled waters in accordance with policy PP20 of the Peterborough Planning Policies DPD.

C7 No development shall take place until a scheme carried out by a competent person, in accordance with current government and Environment Agency Guidance and Approved Codes of Practice, that includes the following components to deal with risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority;

1. A preliminary risk assessment which has identified:
  - All previous uses;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating sources, pathways and receptors; and
  - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall not take place except in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters in accordance with policy PP20 of the Peterborough Planning Policies DPD.

C8 Prior to the commencement of the development an update to the mitigation strategy (by Abigail Bridge dated 26<sup>th</sup> February 2014) and the Habitat Creation and Enhancement Measures drawing shall be submitted to and approved in writing by the Local Planning Authority, The update shall include (but not necessarily be limited to); details of the seed mix, hibernacular and pond scrapes, details of the 50m bat protection zone, details of how the habitat areas are to be maintained (including bat protection zone and a revised timetable setting out when the mitigation strategy and habitat creation and enhancement measures shall be undertaken in relation to the works to erect and operate the turbine and associated development. The development shall not take place except in accordance with the approved plans and details.

Reason: To ensure that that there is no net loss of biodiversity because of the development and to ensure that protected species are properly preserved in accordance with policies CS11 and CS 21 of the Peterborough Core Strategy and policy PP19 of the Peterborough Planning Policies DPD.

- C9 The operation of the turbine shall cease during the months of August to October (inclusive) from sunset to sunrise when the 10 minute wind speed does not exceed 5.5 m/s at hub height. Bat fatality surveys shall be undertaken during the period from August to October (inclusive) for the first three seasons following first operation of the turbine. The results of the surveys shall be submitted to the Local Planning Authority within 6 weeks of their completion together with changes to turbine use to reflect the outcome of the surveys. The turbine shall thereafter be operated in accordance with the approved details.

Reason: To ensure that protected species are properly preserved in accordance with policies CS11 and CS 21 of the Peterborough Core Strategy and policy PP19 of the Peterborough Planning Policies DPD.

- C10 The mitigation measures to help reduce bird fatalities as set out on page 258 of the submitted Environmental Statement (Chapter 9: Ornithology) shall be carried out during the construction, operation and de-commissioning phases of the development.

Reason: To ensure that protected species are properly preserved in accordance with policies CS11 and CS 21 of the Peterborough Core Strategy and policy PP19 of the Peterborough Planning Policies DPD.

- C11 No development shall commence unless and until an Air Traffic Control Radar Mitigation Scheme to address the impact of the wind turbine upon air safety has been submitted to and approved in writing by the Local Planning Authority.

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

The turbine shall not become operational unless and until all those measures required by the approved Air Traffic Control Radar Mitigation Scheme have been implemented. Thereafter, the development shall only operate in complete accordance with the approved Air Traffic Control Radar Mitigation Scheme.

Reason: In order to ensure the proposal does not adversely affect air traffic operations, radar and air navigational installations in accordance with policy CS11 of the Peterborough Core Strategy.

- C12 Ministry of Defence accredited 25 candela omni-directional aviation lighting OR infra-red warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration shall be installed on the nacelle of the turbine. The turbine shall be erected with this lighting installed and the lighting shall remain operational until such time as the turbine is removed.

Reason: In order to ensure the proposal does not adversely affect air traffic operations, radar and air navigational installations in accordance with policy CS11 of the Peterborough Core Strategy.

- C13 Prior to the commencement of the development, a scheme to secure the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the wind turbine hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of the amenity of nearby residents, in accordance with policy CS11 of the Peterborough Core Strategy.

- C14 Prior to the commencement of the development a full assessment of the existing carriageway and associated structures (if applicable) along the proposed construction route from the third exit of the A47/A16 roundabout onto Welland Road to the site entrance shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the construction phase deliveries, a further survey of the same route shall be undertaken. The surveys shall consist of fully detailed written and photographic reports of the condition of the highway and highway furniture. The post construction report shall also identify any remedial works required to the route as a result of damage caused by construction vehicles. The turbine shall not become operational until the post construction report has been submitted to and approved in writing by the Local Planning Authority. The approved remedial works to the highway shall be undertaken by the developer within 9 months of the date the Local Planning Authority approve the post construction report.  
Reason: In the interests of highway safety in accordance with policy CS14 of the Peterborough Core Strategy and policy PP12 of the Peterborough Planning Policies DPD.
- C15 Prior to the commencement of development, detailed geometric and construction plans for a scheme of highway works to ensure that all vehicles to be used in the construction period can access the site shall be submitted to and approved in writing by the Local Planning Authority. Such details are likely to include the following;  
Details of works to the highway including tying in of kerbs and edgings  
Provision of new kerbs, edgings, drainage, signs and lining  
Details of strengthening of existing embankments (if applicable)  
Removal and re-instatement of any highways structures and signs.  
(See informative about Section 278 agreement)  
The approved scheme of highway works shall be carried out prior to the delivery of any parts via abnormal loads to the site.  
Reason: In the interests of highway safety in accordance with policy CS14 of the Peterborough Core Strategy and policy PP12 of the Peterborough Planning Policies DPD.
- C16 Development shall not commence before operational vehicle cleaning equipment has been installed to a specification and in a position to be submitted to and approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative and equally effective method of cleaning vehicles is operational on the site. The vehicle cleaning equipment shall remain on site and operational throughout the construction phase of the development and throughout the decommissioning phase of the development.  
Reason: To prevent mud and debris being brought onto the highway in the interests of highway safety in accordance with policy CS14 of the Peterborough Core Strategy and policy PP12 of the Peterborough Planning Policies DPD.
- C17 This planning permission is for a period not exceeding 25 years from the date when electricity is first exported to the electricity grid network from the turbine (first export date). Written confirmation of the first export date shall be provided to the Local Planning Authority within 28 days of the first export date.  
Reason: The application has been assessed on the basis that the turbine will only be in position for 25 years and that the site will then be restored in the interests of the visual appearance of the area and residential amenity in accordance with policy CS11 of the Peterborough Core Strategy.
- C18 No later than 24 months before the expiry date of this permission, a Decommissioning and Site Restoration Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:  
a. The removal of all surface elements and turbine bases, to a depth to be agreed below ground level of the development

- b. Confirmation of the management and timing of works so as to achieve completion within 18 months of the expiry date of this permission
- c. A traffic management plan to fully address any highway and/or public rights of way issues during the period of decommissioning works
- d. An environmental management plan to cover the decommissioning process providing details of the means of avoidance and mitigation of any impacts on biodiversity recorded within the development site and pollution prevention measures
- e. Any works of restoration and aftercare necessary

The Scheme shall be fully implemented as approved.

Reason: In order to preserve and protect the visual appearance and amenity of the surrounding area and residents; and ecology, in accordance with policies CS11 and CS21 of the Peterborough Core Strategy and policies PP3, PP16 and PP19 of the Peterborough Planning Policies DPD.

C19 If the turbine hereby approved ceases to produce electricity to the grid for a continuous period of 12 months (unless such a cessation is due to the turbine being under repair or like for like replacement of parts), it shall be dismantled and removed from site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted no later than 30 days following the period of the 12 months cessation. The scheme shall include;

- f. The removal of all surface elements and turbine bases, to a depth to be agreed below ground level of the development
- g. Confirmation of the management and timing of works so as to achieve completion within 18 months of the expiry date of this permission
- h. A traffic management plan to fully address any highway and/or public rights of way issues during the period of decommissioning works
- i. An environmental management plan to cover the decommissioning process providing details of the means of avoidance and mitigation of any impacts on biodiversity recorded within the development site and pollution prevention measures
- j. Any works of restoration and aftercare necessary

The Scheme shall be fully implemented as approved.

Reason: In order to preserve and protect the visual appearance and amenity of the surrounding area and residents; and ecology, in accordance with policies CS11 and CS21 of the Peterborough Core Strategy and policies PP3, PP16 and PP19 of the Peterborough Planning Policies DPD.

C20 Prior to the installation of any lighting on site, except the MOD accredited safety lighting, a detailed scheme of lighting, including lux levels and measures to prevent light spillage, shall be submitted to and approved in writing by the Local Planning Authority. No lighting (except the MOD accredited safety lighting) shall be erected on site except in accordance with the approved details.

Reason: In the interests of preservation of protected species, particularly bats and with regard to visual amenity in accordance with policies CS11 and CS21 of the Peterborough Core Strategy and policies PP3, PP16 and PP19 of the Peterborough Planning Policies DPD.

## **Informatives**

### **Guidance Notes for Noise Condition**

*These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as 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  $L_{A90,10 \text{ minute}}$  noise statistic should be measured at the complainant's property, 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: 1997 (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 property to undertake compliance measurements is withheld, The Company 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  $L_{A90,10 \text{ minute}}$  measurements should be synchronised with measurements of the 10-minute arithmetic mean 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 farm.

(d) To enable compliance with the conditions to be evaluated, The Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) 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(d).

### **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)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured 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  $L_{A90,10 \text{ minute}}$  noise measurements and corresponding values of the 10- minute wind speed, as

derived from the standardised ten metre height wind speed shall be plotted on an XY chart with noise level on the Y-axis and the standardised 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) should be fitted to the data points and define the wind farm 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.

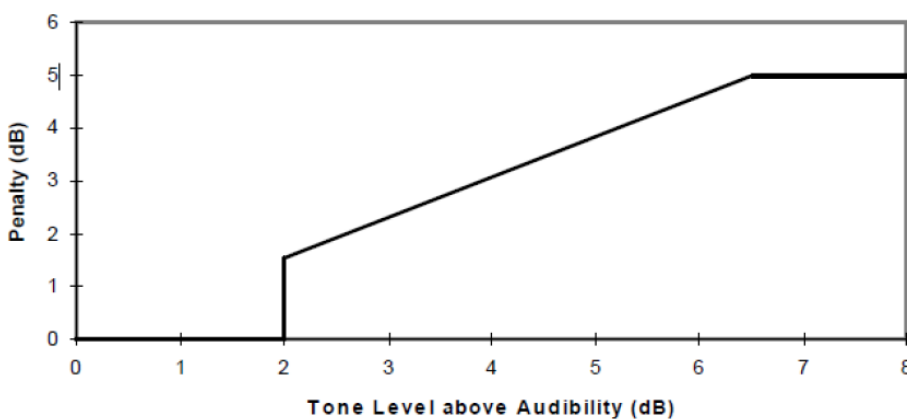
(b) For each 10 minute interval for which  $L_{A90,10 \text{ minute}}$  data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals 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 tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares “best fit” linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty 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 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 its written 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 Table attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (d) 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.

(e) The Company shall ensure that the wind turbine is turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(f) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise ( $L_3$ ) 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.

(g) The wind farm noise ( $L_1$ ) at this speed shall then be calculated as follows where  $L_2$  is the measured level with the turbine running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

(h) 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 farm noise  $L_1$  at that integer wind speed.

(i) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with 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 approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) 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 the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

### **Invasive Plants**

Japanese knotweed was found growing on the site. It is an invasive non-native species, listed on Schedule 9 of the Wildlife and Countryside Act and it is an offence to cause it to spread. Therefore, measures should be put in place to secure its eradication.

### **Section 278 Agreement**

The development involves works within the public highway. Such works must be the subject of an agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development process for approval by the Council of the designer, main contractor and sub-contractors, technical vetting, safety audits, approval of temporary traffic management, booking or road space for off-site highway and service works and the completion of a legal agreement. Application forms for S278 agreements are available from Transport and Engineering - Development Team on 01733 453421.

### **Nesting Birds**

It is an offence to take, damage or destroy the nest of any wild bird while it is being built or in use. Trees, scrub and/or structures likely to contain nesting birds between 1st March and 31st August are present on the application site. You should assume that they contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. Planning consent for a development does not provide a defence against prosecution. The

protection of nesting wild birds remains unchanged even when planning permission is granted. For further information on surveys contact Peterborough City Council's Wildlife Officer ([wildlife@peterborough.gov.uk](mailto:wildlife@peterborough.gov.uk))

Copies to Councillor: D A Sanders, R Brown