



Appeal Decision

Inquiry held on 22-25 June and
29 June 2010

Site visit made on 30 June 2010

by **Paul Jackson** B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
20 July 2010

Appeal Ref: APP/Y2810/A/10/2120332

Land near Glebe Farm, Yelvertoft, Northamptonshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Yelvertoft Wind Farm Ltd against the decision of Daventry District Council.
- The application Ref DA/2009/0350, dated 8 April 2009, was refused by notice dated 25 November 2009.
- The development proposed is a windfarm comprising of eight wind turbines up to 125m high, access tracks including access off public highways, a control building, crane hardstandings, cable trenches (for a period of 25 years) and a temporary construction compound.

Decision

1. I allow the appeal, and grant planning permission for a windfarm comprising of eight wind turbines up to 125m high, access tracks including access off public highways, a control building, crane hardstandings, cable trenches (for a period of 25 years) and a temporary construction compound on land near Glebe Farm, Yelvertoft, Northamptonshire in accordance with the terms of the application, Ref DA/2009/0350, dated 8 April 2009, subject to the conditions in the schedule at the end of this decision.

Preliminary matters

2. The above description is that which appears on the application form. The development also includes an anemometer mast. The Council considered it on that basis and I consider that no-one's interests would be prejudiced if I do likewise.
 3. Subsequent to the Council's decision, at the request of the landowner, the appellants submitted revised plans showing alterations to the layout of the access tracks (Plan No. YO0140003A drawing titled *Planning Application Boundary (main site and access track)* dated April 10). The alterations have been the subject of consultation. I have taken account of the extent of the alterations and the comments made. No interests would be prejudiced if the revised layout formed part of the proposal and I have considered it on that basis.
 4. Since the Inquiry closed, Regional Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. The cancellation of regional
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policy had been foreshadowed by earlier announcements and the implications of the revocation of the East Midlands Regional Plan were discussed at the Inquiry. I do not consider that any prejudice has been caused to any party as a result.

5. Planning Policy Statement (PPS) 5 *Planning for the Historic Environment* was issued in March 2010, superseding Planning Policy Guidance (PPG) Note 15 *Planning and the Historic Environment*. I have considered the proposal in the light of the national policies contained in PPS5 and the accompanying Practice Guide.
6. I carried out a day of accompanied site visits on 30 June and unaccompanied site visits on 21, 23, 28 and 29 June 2010.
7. Individual turbines are referred to in this decision as T1- T8.

Main issues

8. Having regard to the reasons for refusal and all the other matters raised, I consider that the main issues in determining this appeal relate to cultural assets, as follows:
 - The effect of the proposed development on the setting of Stanford Hall, a listed building at Grade I; and
 - The effect on the setting and character of the Stanford Hall Registered Park and Garden, listed grade II.

Reasons

Policy considerations

9. The development plan consists of the saved policies of the Daventry District Local Plan (LP) adopted in 1997. Most relevant and referred to in the reasons for refusal is saved policy GN2, a general planning policy which indicates that planning permission will normally be granted for development providing that, amongst other things, it will not adversely affect a building listed as being of architectural or historic interest and its setting. The LP is to be replaced but there are no replacement policies that can be ascribed any significant weight.
10. National guidance in PPS5 (and PPG15 before it) places emphasis on the need to protect the historic environment but makes provision in certain circumstances, exceptionally, for development to be permitted which may adversely affect a listed building or its setting. This approach is in conformance with the statutory duty in Section 66 of the Listed Buildings and Conservation Areas Act 1990 which requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
11. The regional policy objectives of seeking energy reduction and efficiency; and setting out regional priorities for low carbon energy generation, are now revoked. The Government nevertheless intends that planning authorities should contribute to the move to a low carbon economy, cut greenhouse gas emissions, help secure more renewable and low carbon energy to meet national targets, and adapt to the impacts arising from climate change.

National planning advice on renewable energy development is set out in the supplement to PPS1 *Planning and Climate Change* and PPS22 *Renewable Energy*. Notwithstanding that the regional targets are no longer applicable, the Government has a target of generating 10% of UK electricity from renewable energy sources by 2010 and aspires to double this by 2020. Paragraph 3 of PPS22 says that reaching a target should not in itself be a reason to refuse planning permission for further renewable energy projects. It is common ground that the proposal would contribute to the national objective of promoting renewable energy technologies.

The proposal

12. The 8 turbines would be located in a shallow dish of mixed arable/pastoral farmland between the village of Yelvertoft and the M1 motorway. Access would be achieved from a lay-by outside the village of Crick to the south via existing farm access tracks and new tracks that follow existing hedges and field margins. A line of electricity pylons crosses the site from north to south, passing approximately through the centre of the group of turbines. A public bridleway passes from east to west, crossing the motorway at Shenley Farm. To the west on the opposite side of the motorway, a complex of vertical radio masts forms the Rugby Radio Station. To the south about 2 kilometres (km) away lies the Daventry International Rail Freight Terminal (DIRFT) together with a group of large distribution warehouses that are prominent horizontal features in the landscape. Two wind turbines have been granted planning permission in this area, at DIRFT and at the Tesco Distribution Centre (henceforth referred to as the Crick development). Other warehousing and industrial development is taking place on the site of a former abattoir between Crick and Yelvertoft.
13. The landscape further to the east of the appeal site becomes more undulating and varied in character and is designated a Special Landscape Area (SLA). An arm of the SLA extends westwards towards Yelvertoft following the Grand Union Canal. It is agreed between the main parties that the potential effects on landscape character, visual amenity, the visual component of residential amenity, recreational amenity and noise would not justify refusal of planning permission. Other objectors have raised these matters and I consider them in the decision.

The effect on the setting of Stanford Hall

14. Stanford Hall is an important example of a Baroque/Queen Anne house, first erected between 1697 and 1700. It is of two storeys with rooms in the roof behind dormers, all raised above a semi-basement. Finishing and landscaping continued through the 18th century and included construction of an adjacent stable block by the same builder, listed Grade II*. The Hall was further altered in the 19th century. It lies between 3 and 4 kilometres north of the proposed wind farm on low level ground and is surrounded by an extensive park and farmland, designated as a Registered Park and Garden of Special Historic Interest (RHPG). In the terms of the methodology used to objectively quantify the impact of change on cultural assets, the Hall and RHPG are receptors of high sensitivity.

15. The first maps dated 1779 indicate a formal avenue of trees over 1.5 kilometres (km) long leading north from the house up Hovel Hill. This has survived more or less intact although a few gaps have appeared due to natural aging. Similar but shorter avenues to the northwest, west and southwest are apparent on 19th century maps though these are now less well preserved and some are being reinforced with new planting. To the south, two splayed more narrow avenues of trees cover the original angled approaches to the main stone frontage. A centrally positioned open gravel drive was added between these in the 1920s.
16. The house is designed with large windows of similar dimensions on all four sides, which admit much natural light to the house and allow the estate to be shown to advantage. The avenues draw the eye to the north, south, west and south west but the strongest are those on the north/south axis. Within the house, a view in both north and south directions simultaneously is available from the ground floor ballroom and central reception Hall through external glazed doors. From the parkland, views of the house can be appreciated along the established formal avenues of trees and in other more naturalistic glimpses, occasionally featuring water courses and lakes, as one moves through the grassed areas and pastureland. Even in the more outlying parts of the RHPG (except for the narrow western extension to Swinford, which has reverted to general agricultural use; and the area at the top of Gravel Hill north of Gravel Hill Spinney), one is aware that the Hall is there, because of the abundant old trees, the fencing style and the pattern of grazing areas.
17. There is a distinction to be made between the parkland near to the Hall (the 'inner park') and the areas with little intervisibility with the Hall which are agricultural and similar to land outside the RHPG. Seen from the Hall itself, the inner park extends away virtually seamlessly into grazing land and ultimately what appears to be a continuous line of trees in the middle distance, though the plans indicate that many are in separate plantations. Only the view up the northern avenue terminates in a clear horizon with a few small clumps of vegetation. The impression of continuous grass is uninterrupted even by the public road between Stanford village and South Kilworth which crosses the northern avenue twice, on rising ground; which is hard to perceive until it is traversed, fleetingly, by a vehicle.
18. There are some elaborate carved stone mileposts on surrounding roads but little evidence that land much beyond the boundary of the RHPG formed part of the estate. There are no visual links from the Hall, the tree-lined avenues, the lakes or any other feature to the surrounding landscape outside the RHPG. The important splayed southern view from the ballroom and main reception rooms may once have extended towards higher ground in Northamptonshire beyond the appeal site but is now blocked off by late 19th century tree planting south of the Stanford-Swinford Road. The northern view towards Hovel Hill does not terminate in a built feature, a viewing point or a clearly identifiable summit in the landform, only pasture on the horizon. Aside from the mileposts and the remains of a mediaeval village to the east (now subsumed into fields), there is very little outside the RHPG boundary that contributes to an understanding of the heritage value of the Hall and its parkland. For these reasons, I consider that the setting of the Hall is contained within the RHPG and primarily the inner park.

19. Having said that, it would not be right to say that any development outside the RHPG would not impact on people's experience of the Hall. The definition of setting in Annex 2 to PPS5 is broad. The Practice Guide (PG) to PPS5 says that views into and from a site need to be considered; paragraph 118 advises that any development or change capable of affecting the significance of a heritage asset or people's experience of it can be considered as falling within its setting. It would be no more than common sense and wrong to conclude, in my opinion, that defining the setting in this way would provide a free-for-all outside it. The long vista down the north avenue (albeit inaccessible to the general public) from Hovel Hill includes a view over the rear of the Hall towards the trees in front of the house and the countryside beyond. Insofar as the countryside beyond the RHPG is part of the experience of the viewer, it contributes to the setting seen from that direction. Development that would be visible outside the RHPG can still affect appreciation of the setting; but any effect on the significance of the Hall or the RHPG is a matter of fact and degree.
20. Dealing firstly with views out from the main reception rooms and the ballroom towards the south, the turbines would be hidden by mature trees in summer and only glimpsed through the bare branches in winter mainly by virtue of blade movement. The actual components visible would depend on line of sight over the trees; blades would be visible from the first floor bedrooms and hubs would be seen from the small rooms on the attic floor. However, I consider that the turbines would be firmly perceived to be located in an apparently arbitrary arrangement across countryside well outside the RHPG, unrelated to the layout of the grounds or planting in front of the Hall. The predominant elements in the southerly view are the splayed formal pattern of trees in the inner park, the gravel drive approach from the entrance gates and the trees beyond Swinford Road. There would be a change, but I consider that the degree of visual intrusion would be slight and the effect on the setting of the Hall not significant. In considering this matter I have had regard to the limited use of the attic rooms for staff (as described at the site visit) and the use of first floor rooms in the wings as sleeping accommodation or ancillary bathroom/dressing room purposes.
21. There would be no other impact on views out. The north, west and south west avenues would remain unaffected by the appeal development seen from the Hall (I consider the cumulative impact of the approved Swinford development later).
22. With regard to views towards the Hall, it is apparent that moving around the RHPG, the Hall is seen in various landscape settings both formal and informal. The main approach(es) towards the main front stone façade containing the central pedimented doorway to the ballroom and the 19th century east entrance is the most important and would not be affected by the proposed development to the south. Similarly, the views down the north west, west and south west avenues, from the caravan site and showground across the Serpentine water feature towards the house (which in these views has a substantial close and attractive backdrop of mature trees) would be unaffected. In these views, the Hall is visible in its entirety and its architecture and relationship to the surrounding park remains much as it was designed.

23. In contrast, views of the Hall from the north avenue would include turbines. From the rear lawn above the ha-ha close to the house nothing would be seen, but progressing northwards, blades and hubs would become increasingly visible over the roof. The first place where the public would certainly see turbine blades would be where the Stanford- South Kilworth road crosses the northern avenue furthest from the Hall¹ (the 'second' crossing point). From here, the brick rear elevation of the Hall is partially visible between straight rows of mature trees. It is altered with extensions set between the east and west wings and is in my view the least impressive of all the elevations. Nevertheless it displays a strong symmetrical appearance and bulk which suggests a building of significant age and character. A photomontage in the Environmental Impact Assessment (EIA), further enhanced in a later photo-montage² provided at the Inquiry, shows that the blades, hubs and parts of the towers of T2 and T3 would be visible between 4 and 5 km away above the roof, which is about 1 km from this position.
24. I consider that the introduction of modern turbines above a Grade 1 listed 17th /18th century building would appear markedly anachronistic. Even though coloured light grey and more than 3 km away, their movement would attract the eye and would be disruptive in a placid scene which has remained virtually unaltered for over 300 years. However, I consider that the circumstances in which blades would be seen in juxtaposition with the Hall itself are likely to be infrequent and incidental in nature. It would only be experienced at one point in the avenue that is of little importance in the overall journey. Moreover, progressing up the road towards South Kilworth, the existence of this particular view of the Hall is easy to miss and requires the observer to make a conscious effort, stopping on a gentle 'S' bend to look behind. A stream crosses under the road at the same point but there is no pause or recognition in the narrow carriageway of the presence of a view, nor any place to park a vehicle safely. In the other direction, approaching the Hall, T2 and T3 would be fleetingly visible only from the far eastern edge of the avenue but would rapidly disappear behind trees on proceeding further south.
25. Drivers may very well miss this view entirely, but pedestrians, horse riders and cyclists travel more slowly. Travelling south, I do not doubt that the turbines would be seen by recreational users. Pedestrians would be more likely to pause because of the sudden vista that opens up down the avenue and because a footpath across Gravel Hill to Swinford starts in roughly the same location. On the other hand, mitigating against that would be the distraction of looking out for oncoming traffic. Overall, I consider that the turbines would detract from the experience of the Hall and its setting for walkers and horse riders but somewhat less for cyclists. For these receptors, briefly, the impact would be moderate with major/moderate significance.
26. A third party suggests that blade tips may be visible from a point closer to the Hall³ where the road crosses the avenue again. The appellant disputes this on technical grounds but the EIA photomontage indicates that they would just clip the ridge. The building is much larger and impressive in the view here compared with further up the avenue, though still somewhat curtailed at each

¹ Supplementary Environmental Information (SEI) V3 or Rebecca Rylott Appendix 2 (RR2) Figure B.2a

² Doc 30

³ SEI V2 or RR2 Figure B.1a

side by trees. The pattern of windows, the surrounding lawns and a ha-ha are visible in greater detail and attract attention. Even if blade tips are just visible from this point, in my opinion, it would be unlikely that they would be noticed. In addition, though the Hall is prominent from this position, it is inconvenient to stop or park if driving and there is no designed viewing point.

27. From Hovel Hill at the top of the avenue, a far-reaching vista encompasses the whole of the northern avenue, the Hall, the trees beyond the Hall and open countryside beyond that⁴. The appeal site lies on higher ground in this view in the middle distance; from here 5 turbines would be visible and possibly more in the winter months. The RHPG is distinguishable from the surrounding landscape by virtue of the mature trees which have retained their plan arrangement, by and large, for more than 300 years. There is nothing in the field layout, the topography or vegetation visible beyond the RHPG to link it to the Hall or the RHPG. I consider that the turbines would be perceived as part of a separate zone of activity outside the Hall and its parkland setting.
28. English Heritage (EH) refer to the turbines breaking the horizon in an important historic landscape, but there is no evidence that there is a historic landscape beyond the RHPG (of greater significance than the usual changes due to agricultural activity) or that the skyline is of any particular importance in the setting of the Hall or the RHPG. EH guidance in *Wind Energy and the Historic Environment* identifies situations where wind turbines should be avoided including key views, but there is no evidence to suggest that the view down Hovel Hill to the Hall was part of the original landscape concept as opposed to the view out from the Hall, in which the lawn merges with the pastureland. There are grounds to suppose that the channelled vistas were primarily intended for the viewer to look out at the countryside rather than in to the Hall; none of the original approaches to the Hall took advantage of the broad sweep of the avenues but were within trees, revealing the Hall in stages or at the last minute. There is neither a sign of any path for the occupants or anyone else to reach Hovel Hill nor a designed viewing point within the RHPG. Nor is there a key objective in the landscape beyond the house such as a church steeple which may have provided a pointer to a designed vista in which turbines might have competed. The lack of public access is also a material consideration that limits the sensitivity of the setting.
29. That is not to say that the view down the northern avenue has no significance. It provides opportunities to appreciate the Hall in its parkland setting and is an obvious consequence of providing a view in the other direction. But there would only be a limited degree of visual change. The turbines would be outside the setting of the Hall in a contemporary agricultural landscape. Wind turbines are necessarily large and intrusive elements; there is frequently an adverse effect and there is one here, but in respect of the north avenue I consider that it would only have a moderate impact on the significance of the setting.

The effect on the RHPG

30. Turning to the setting and character of the RHPG, there are places within the parkland where the proposal would be visible in whole or part. In general, the visibility of the development varies according to height and the proximity of

⁴ SEI Additional photomontage location Figure 4a

trees. It would be most apparent from the 2 highest points, Hovel Hill and Gravel Hill; and from the perimeter of the RHPG where it runs alongside the Swinford -South Kilworth road on high ground. I have already considered Hovel Hill; the circumstances that pertain there with respect to the setting of the Hall are similar to those which apply to the setting of the RHPG; except that on Hovel Hill, from any point in the RHPG away from the northern avenue, fewer turbines would be visible but the Hall would not. Hovel Hill is also at the northernmost extremity of the RHPG furthest away from the proposal; the turbines would be no more than a coincidental distant element outside the setting of the RHPG.

31. A public right of way crosses Gravel Hill in an approximately north west/south east direction. The south east slope is closer to the Hall and from several locations the turbines would be a significant feature in the landscape, outside the boundary of the park. There are wider views than are available from Hovel Hill, some of which would include the Hall, but the turbines would be in a distinct group well outside the confines of the RHPG. For these reasons, I do not consider any significant harm arises to its setting or character.

Cumulative impact

32. Studies in the EIA demonstrate that the proposal would be seen in some views along with the 11 turbines at Swinford permitted at appeal in 2009, but not yet constructed (APP/F2415/A/09/2096369). These would be located to the north west of Stanford Hall but within about 2 km, significantly closer to the Hall than the appeal scheme. Turbine blades and hubs would be visible over trees from the Hall and the RHPG. The Inspector dealing with the case (determined without the benefit of PPS5 in its final form) identified a degree of harm, particularly in relation to one turbine which would detract from a limited part of the overall setting of the RHPG. In my opinion, the developments would be sufficiently distinct in two well defined groups, separate in terms of proximity and direction of view. Opportunities for seeing both schemes from one location would be limited to the higher parts of the RHPG such as Gravel Hill and Hovel Hill and from the upper parts of the Hall itself. I consider that the cumulative visual impact on the setting of the Hall and RHPG would not be significant.
33. The permitted scheme at Crick (2 turbines) would be approximately 2.5 km to the south southwest of the appeal proposal but would be of lower height (90m). I consider these would be strongly associated with extensive industrial development nearby and would not significantly add to the impact of the appeal scheme.
34. Several other schemes are passing through the planning approval process at various stages. Most relevant are Lilbourne (8 turbines, 0.5 and 1.5 km north of the appeal scheme and south west of Stanford Hall), Watford Lodge (5 turbines, about 5 km to the south), Winwick (8 turbines about 6 km to the east) and North Kilworth (1 turbine, around 9 km to the north).
35. Lilbourne consists of 2 groups of 4 turbines, one adjacent to the appeal scheme near the M1 and one between the village of Lilbourne and Stanford Hall, but just south of the A14. I consider this scheme would visually reinforce Yelvertoft, more especially seen from Crick, Crack's Hill and from parts of the M1 in which both groups would be seen together with the proposal. It is likely

that to some extent, the northern group of Lilbourne turbines would be seen over and between trees from Stanford Hall and the RHPG, between those at Swinford and Yelvertoft. All would be outside the setting of the Hall and the RHPG and it is unlikely any would be visible along the northern avenue.

36. With regard to the other planned wind farm developments, ZTV analysis indicates that within 10 km of the appeal site there would be potential intervisibility between Watford Lodge, Lilbourne, Winwick and Yelvertoft in addition to the approved developments at Swinford and Crick. The visual impact would be substantially mitigated by intervening trees and vegetation, but it seems to me that from many places in the local countryside there would be wind turbines in whole or partial view in one direction or several at the same time. Because of surrounding trees, the cumulative impact on Stanford Hall would be likely to be limited to the higher ground in the RHPG. Seen from Gravel Hill and Hovel Hill, it seems to me that turbines would be concentrated in the southern and north western quadrants but would be outside the view down the northern avenue. I do not have visualisations of all the circumstances in which any of the proposed turbines would be visible from Stanford Hall in combination with Swinford and Yelvertoft which would enable me to assess the cumulative effect but there is nothing before me that weighs against granting planning permission for the appeal proposal.

Other matters

Landscape considerations

37. The Council does not object to the proposal on grounds of an unacceptable impact on landscape character. I have taken account of the written submissions, comments and objections made by third parties. Site visits, accompanied and unaccompanied, were carried out to all the locations drawn to my attention. Some locations are frequented by visitors and tourists to the area, including the Jurassic Way footpath and the Grand Union Canal.
38. The appeal site is located in the *Vale of Rugby* (VoR) local landscape character area, characterised by a smooth, broad open vale landform. There is a noticeable change in landscape character to the west and south of the village of Yelvertoft where the VoR gives way gradually to *Long Buckby Hills and Valleys* (LBHV), a more intimate landscape of undulating hills and valleys with more tree cover, much of which is designated as a SLA. Significantly, the area around the appeal site is dominated by the M1 motorway which passes by partly on an embankment; and to the north, the A14 trunk road, a dual carriageway. The substantial industrial and commercial developments at and around DIRFT, the radio station and the power transmission lines add to a perception of an agricultural landscape heavily influenced by built development.
39. There is considerable agreement between the parties as to the level of significance of the proposal in its effect on landscape character as set out in the appendices of Ms Rylott⁵. I concur with these judgements. Additional viewpoints have been put forward and I deal with these and areas of difference in turn.

⁵ RR2 table 2a

40. Where Shawell Road crosses the M1 west of Swinford⁶, the turbines would be seen in the context of the M1 and the motorway lighting columns. Although the M1 and the columns are a strong linear feature that dominates this scene, the development would spread much more widely across open countryside and would not only be seen from the centre of the bridge. I consider the effect would be significant.
41. I have considered the view from the front of Stanford Hall⁷ above and consider the effect not significant. Seen from the Jurassic Way in West Haddon and from near the A428 by-pass⁸ and other parts of the village including the footpath around the western edge of the school, blades and possibly some hubs would be visible occasionally depending on the intervening pattern of vegetation, more particularly when the leaves have fallen. However the distance to the nearest turbine would be over 5 km. They would not be a prominent feature and I regard the magnitude of the impact as slight.
42. The turbines would be visible as a group from roads approaching Yelvertoft from West Haddon and Crick, both in the LBHV. Views of the turbines would be intermittent due to the increased vegetation in the LBHV and the frequently indirect approach of the roads concerned, as well as changes of level. Although they would become more obvious as distance decreases, the character of the landscape changes and its sensitivity reduces. I do not consider that the visual impact would be significant. However on entering Yelvertoft, the turbine blades would be visible above trees⁹; and at the western end of the High Street near the school T1 and T4 would be in line with the road and clearly visible at a distance of about 1.3 km. I consider that the visual impact here would be significant.
43. Whilst there is agreement on the significant effect of the scheme seen from the Jurassic Way where it skirts Honey Hill¹⁰, other large built objects are prominent from here such as the Rugby Cement Works and DIRFT. I consider that the proposal, which would form a compact group, would add an interesting focal point in the middle distant landscape which would be far enough away to be perceived as distinctly separate from the LBHV and the surrounding raised ground. Although I agree the effect is significant, it would not be seriously adverse in my view.
44. The wind farm from viewpoints 25, 27 and 29 is considered to be not significant in the EIA but significant by objectors and the appellant's landscape consultant (in evidence). I agree with the objectors and with the consultant's opinion that the impact would be significant. These viewpoints are between 3.5 and 3.75 km from the proposal. It would be a noticeable feature in these views. However, it would only be slightly adverse at viewpoints 27 and 29 due to lower sensitivity because of major road infrastructure. I consider that the impact at viewpoint 25, across fields at Stanford mediaeval village, a view of high sensitivity, would be moderately adverse.

⁶ EIA VP8

⁷ EIA VP9

⁸ EIA VP13

⁹ EIA VP26

¹⁰ EIA VP 15

45. Turning to cumulative effects on landscape character, I do not regard the combined impact of approved schemes at Crick and Swinford with Yelvertoft to be unacceptable because they are very distinct from each other. The EIA assesses the potential combined cumulative level of effect of other planned wind farms in addition and I agree with the conclusions reached; apart from viewpoints a considerable distance away, Lilbourne would have a substantial effect because of its closer proximity, followed by Watford Lodge and Winwick. These effects would be particularly noticeable from high points such as Honey Hill and Crack's Hill. The acceptability of one or all of the proposed developments and in what combination is a matter for others. I do not doubt that wind farm development in the area can be controlled in a way that takes account of the defining characteristics of the landform and the interests of all its users.
46. To conclude on landscape impact, I consider that although I find a greater effect on character from certain viewpoints than suggested in the EIA, the landscape is capable of accommodating the proposed wind farm which would be in a well defined group and consistent in its appearance seen from different directions. It would be prominent but would not significantly diminish appreciation or enjoyment of the countryside, which is modified by existing development.

Other Heritage Assets

47. The setting of Claycoton Church, now a dwelling conversion, is closely defined by the surrounding churchyard, dense planting and closely situated dwellings. The hamlet has a pleasing sense of intimacy, enhanced by its isolated location surrounded by fields. Although the closest turbine would be only about 1.5 km away, I do not consider there would be any significant effect on its setting or that its historic interest would be diminished.
48. I have taken account of the impact of the proposal on other historic assets including the churches at Stanford, Swinford and Crick but these would be much further away. Although turbine blades would be visible if an effort was made to look for them, they would not impinge on their special historic interest or harm their settings.

Living conditions

49. I have taken account of representations from the occupiers of dwellings in nearby settlements and farms in the area. Concerns raised include the potential for visual distraction at home, in schools and at places of work, but it seems to me that the distances involved and the particular orientation of houses relative to the proposal would be very unlikely to lead to any noticeable problem in this respect. The likelihood of shadow flicker at certain times of the year has been raised but the companion guide to PPS22 advises that shadow flicker has been proven to occur only within 10 rotor diameters of a turbine. The EIA analysis¹¹ concludes that a very small number of dwellings may experience a degree of shadow flicker in early mornings or early evenings mainly in spring or autumn. A planning condition can be imposed to ensure that any nuisance can be controlled. Bearing this in mind together with the

¹¹ EIA Appendix 13

limited shadow density and durations predicted and allowing for times when the sun is behind clouds or the turbines are inoperative, or orientated at 90 degrees to the sun, I consider the effect on living conditions would be insignificant.

Leisure aspects

50. The turbines would be at least 200 metres from the nearby bridleway in accordance with the recommendations of the British Horse Society. Riders, walkers, ramblers and other recreational users of the area including the Grand Union Canal would certainly notice a change; perhaps riders more than most due to their more elevated position. However passing through or seeing the turbines would only form a small part of most people's experience of the area and I do not consider their concerns weigh heavily against the proposal.
51. I have paid attention to the concerns of those who use the recreational area at Yelvertoft including regular cricket players and those who use an amphitheatre built into an east facing slope. The turbines would form a moving backdrop to their activities to the west but there is nothing to suggest that moving blades or noise would have any noticeable effect on matches or theatrical events. The cricket pitch is orientated in a north/south direction and the amphitheatre audience would be facing away from the proposal. There is no evidence that the noise produced by a combine harvester, a frequently heard country sound which I heard has disrupted plays in the past, can be compared to the noise which would be produced by turbines at this location.

Noise

52. The Council does not object on grounds of unacceptable noise and disturbance, providing certain conditions are imposed. The M1 and A14 are responsible for a relatively high level of background noise at this site which is reflected in the acoustic measurements taken by the appellant's consultant and reproduced in the EIA. In all the predicted circumstances, the level of noise from the appeal development would fall below the average background level by at least 6 dB.
53. Mr Cox suggests that the methodology used to obtain the background readings is flawed and that Government guidelines (ETSU-R-97)¹² have been exploited to give a favourable result. This is vigorously contested by the appellant. I note that periods of rainfall and a bank holiday weekend were omitted from the data. I undertook visits to Yelvertoft at various times of the day and night in different weather conditions. Whilst not a scientific approach, I experienced the background noise levels myself. Mr Cox acknowledges that background noise is dominated by the M1 motorway.
54. The effects of the local landform, dampness in the air and wind direction play a significant part in the actual noise levels recorded even if wind speed remains the same. Mr Cox suggests that the night time noise limit applied should be $30 \text{ dB(A)} + 5 \text{ dB} = 35 \text{ dB(A)}$ but this would be just above the lowest night time readings taken and equivalent to the level in a quiet bedroom. The predicted noise contour map indicates that very few dwellings indeed will actually experience a noise level from the turbines of over 35dB. The great majority of homes in Yelvertoft will be outside the 35dB contour which runs through the

¹² CD40

school near the western edge; and all will be outside the 37 dB contour. I do not regard the difference of 2dB to be insignificant.

55. The fact that some lower readings were recorded at Foxes Farm and Ashwells Lane in certain wind conditions does not call into question the general accuracy of the data or mean that such a low night time cut-off is reasonable. There is nothing to suggest that the presence of leaves on trees would significantly reduce motorway noise in summer, though they would tend to increase background noise in windy conditions when the turbines would operate. Whilst resurfacing work may reduce tyre roar, the reduction is likely to be in the region of 3dB as demonstrated at Sixpenny Wood¹³; even if this reduction is improved on in practice, background noise would still exceed anticipated turbine noise at the monitoring sites by a considerable margin most of the time. There is nothing in the noise assessments that would not be expected having regard to the proximity of major roads and whilst I appreciate that turbines do make noise, I give these points of objection only limited weight. They do not constitute a convincing argument for refusing planning permission.
56. Mr Cox makes other observations in respect of low frequency noise (or 'infrasound'; noise at frequencies lower than that at which sound is normally audible), amplitude modulation (AM, or blade swish) and the effect of wind shear (differing wind velocity with height). The general applicability of ETSU-R-97 is called into question; concern is expressed that the noise limits suggested are out of date and that changes suggested recently that would reduce noise levels at night (following a Government sponsored report by consultants) had not been incorporated. I accept that ETSU-R-97 is now of some age and predated the development of the larger turbines which are now being constructed, but the Government has decided that it should remain the standard that should be applied. Other countries may well apply different standards for reasons peculiar to them, but whilst ETSU-R-97 is current, it is difficult to see why they are transferable to the UK or that practice abroad should be accorded significant weight.
57. I understand that this is likely to leave an element of uncertainty in the minds of objectors. The Government is aware of ongoing concern and has carried out more recent research some of which is reproduced in the Core Documents¹⁴. Having regard to that, other research referred to¹⁵ and the submissions of Mr Cox I consider that the incidence of AM being experienced in the UK is very low indeed and has been reduced further as lessons have been learnt in respect of the construction, spacing and layout of turbines and the effects of aerodynamic interaction between them in different conditions. Problems caused by low frequency noise are also infrequently reported, not least because only a very small proportion of the population appear to be sensitive to it. The evidence suggests that the likelihood of wind shear being a factor at this site is low but notwithstanding that, the background noise levels here are such that turbine noise would still be masked even if ground level wind speeds were significantly lower than at hub height. Survey work since the EIA was prepared using mast mounted anemometer readings bears this out.

¹³ CD17(I)

¹⁴ CD41-45

¹⁵ CD46

58. Separation distance is the best means of reducing unacceptable noise impact. In this case, there are very few dwellings within 1 km of a turbine. The nearest are Shenley Farm at about 0.5 km from T3, and Crick Lodge Farm and The Lodge on Yelvertoft Road, both about 0.7 km away from T5 and T1 respectively. Shenley Farm is close to and on the opposite side of the M1 which heavily influences noise levels there. Crick Lodge Farm is 0.5 km from the M1. Background levels at Clarkes Farm near The Lodge indicate a high average level of night time noise of 47dB(A)_{L90} with very few individual readings below 40dB(A). I consider that the likelihood of any sleep disturbance being experienced by local occupiers as a result of turbine noise is very low indeed.
59. Insofar as it was possible I have seen all the noise monitoring locations except for that at Crick Lodge Farm. That at Foxes Farm was located in an adjacent field and not in the recreational area used by residents, but this was recorded in the tables and I do not consider the sound levels have been compromised as a result.
60. The suggestion was made that residents would suffer particularly when the wind blows from the east and northeast carrying M1 noise away from Yelvertoft and Crick. In these circumstances noise from the turbines would also tend to be flow towards the M1 away from these settlements. Mr Cox draws attention to alleged discrepancies in the noise levels recorded when the wind is from an easterly direction but I consider these can be explained by the other variables that could pertain singly or in combination, such as humidity. I do not give this observation a great deal of weight.
61. I have had regard to all the other points made by objectors on noise. Current Government guidance and the most recent research that can be given weight indicate that the noise produced by turbines at Yelvertoft will be within acceptable limits. PPG24 *Planning and Noise* advises that much development necessary for the improvement of essential infrastructure will generate noise and that the planning system should not place unjustifiable obstacles in the way of such development. PPS22 advises that renewable technologies may generate small increases in noise levels. The proximity of the M1 and A14 at this site means that background noise levels are not low and the area is characterised by a significant amount of activity related to transport and industry as well as agriculture. With conditions attached to ensure that maximum noise levels related to background are not exceeded, I consider that the degree of noise and disturbance caused by the appeal development would be acceptable.

Section 106 (S106) undertaking and agreement

62. A signed and dated undertaking was submitted at the Inquiry which has the effect of facilitating a monitoring scheme in respect of badgers, great crested newts and bats. The monitoring scheme will take into account the written comments of the Council and Natural England and will be undertaken in accordance with an agreed timetable.
63. A signed and dated agreement between the developer, the Council and the landowners was submitted at the Inquiry. As well as the provision of contributions to kissing gates, a footbridge and publicity leaflets, this also has the effect of providing a decommissioning bond, ensuring that the built

development is removed to a depth of 1 metre below ground at the end of the period of planning permission.

64. I am satisfied that the undertaking and agreement are necessary to make the development acceptable in planning terms and fairly and reasonably related in scale and kind to the development.

Conclusion

65. I have taken into account all the other matters raised. I do not doubt the genuine concerns expressed by residents opposed to the development or the enthusiastic support of others, many of whom live locally.
66. I have considered the request to consider asking for a 'blimp' to be flown. A blimp was flown twice previously for the benefit of local residents but in my experience blimps may not give a true indication of height due to the lateral impact of wind. The documentation provided from all who attended the Inquiry gives a comprehensive assessment of visual effects which has been fully aired and in my opinion gives sufficient information for the impact to be properly assessed.
67. I have also had regard to the suggestion that smaller turbines may provide similar benefits. However it is unlikely that lower hubs with a necessarily much smaller blade sweep would produce the energy likely from the appeal proposal without a significant increase in the number of units; with concomitant visual disadvantages.
68. Many objectors refer to a perception of ever growing urban encroachment and disappearing countryside in Northamptonshire. I understand these concerns, but the disposition of development across the country and control of its effects is a matter for central Government and local authorities through the planning process. I do not consider that a general resistance to all development in the countryside can be given a great deal of weight if a proposal has been properly considered and all the competing points of view aired against the guidance given by relevant policies and national advice that have been consulted on.
69. Concerns expressed regarding the level of the wind resource in Northamptonshire, its variability, the capacity rating of onshore wind turbines and the value of their contribution in the context of national power supplies together with the means of finance are not matters that I can take into account in this appeal, in the light of national advice.
70. Wind farms have a positive role to play in the mitigation of climate change that affects us all. The energy that would be provided by the wind farm must be taken into account as a factor that helps to preserve not only the environment as a whole, but also historic assets for future generations. Moreover, any planning permission granted would be for 25 years only, following which the turbines must be removed. That may be a long period for one generation but is a relatively short time in the lifespan of Stanford Hall, during which a very limited degree of harm to its setting would be experienced. I accept that the need for renewable energy at that time may dictate their replacement rather than removal but a new planning application would be necessary. I have no doubt that in the meantime the relative merits of other means of power generation will have been scrutinised by Government.

71. A key principle of PPS22 is that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. The limited intrusion of turbines in the views from and to the Hall and in the setting of the Hall and the RHPG would conflict with the heritage protection aims of policy GN2 of the LP, but a balance has to be struck between the harm to heritage assets and the wider public benefit, as set out in PPS5 and PPS22. I conclude that the negative impact would not be so substantial as to seriously affect appreciation of the asset or to compromise its intrinsic special interest. As such it does not outweigh the environmental and economic benefits of granting planning permission for the development.

Conditions

72. I have considered the suggested conditions in the light of Circular 11/95 *The Use of Conditions in Planning Permissions*. I have adapted the wording where necessary to ensure conditions are precise, necessary and relevant to planning. The guidance notes on noise form part of the conditions.

73. A 5 year period of consent is reasonable having regard to the current economic climate and the need to obtain equipment that is on long order. Conditions are necessary to ensure that after 25 years the development is removed and the land restored. In the event of a turbine not operating for a period of 12 months, then it should be removed to avoid an unnecessary impact on the landscape.

74. Conditions ensuring the implementation of a construction management plan and method statement are necessary in view of the exceptional nature of the structures proposed; these should provide a mechanism to allow for last minute changes to be approved. I consider there is a practical need to store excavated material before it is disposed of off-site which needs to be controlled as part of the method statement. The hours of working and deliveries need to be controlled to prevent undue disturbance to local residents, except for large items that may need to be delivered out of hours for practical reasons.

75. The appearance, finish, height and rotation of the turbines is subject to control to ensure that they are visually acceptable. Illumination is necessary for aviation safety purposes. Details of the control building need to be approved and all cables should be laid underground to protect the character of the countryside, allowing for any 'ridge and furrow' areas that may be affected. The public road leading to the scheme is a narrow rural access road that should be restored after any damage resulting from construction traffic. I do not consider that provision of a scheme to secure satisfactory repairs to this minor public road, which is not a through road and only provides access to a very small number of properties, will necessarily require the payment of money to the Council.

76. To allow for unanticipated difficulties that may arise, a micro-siting allowance of 10 metres is permitted for the final positioning of the development components. An archaeological scheme is necessary to ensure that artefacts or remains are properly recorded.

77. A habitat creation and management plan, together with the monitoring scheme for badgers, great crested newts and bats provided under the S106

undertaking, including restoration of hedgerows and disturbed habitat, will provide the Council with the necessary tools to ensure that enhancement of habitats occurs in accordance with the EIA mitigation strategy and the comments of Natural England. The inclusion of specific monitoring for noctule bats which use the area for foraging should form part of the scheme, as set out in the SEI. I have altered the wording to ensure that habitat enhancement takes place in accordance with an agreed timetable.

78. A scheme to ensure that TV reception is maintained is required due to the likelihood that the turbines may interfere with transmission quality. Another condition requires the relevant aviation bodies to be advised of the existence of the development for safety reasons.
79. With regard to noise, conditions are imposed to ensure that the noise levels from turbines remain within defined limits having regard to existing levels of background noise.
80. I do not consider the addition of a condition requiring a noise management plan is necessary covering the actual turbine selected or a monitoring scheme, as it would place an unnecessary burden on the developer bearing in mind that the existing noise condition limits immissions within defined limits. I also doubt the true value of such a scheme given the number of variables that would apply at this site and the differing sensitivities of individuals to noise. Whilst it might allow the Council to be pro-active, I am not convinced that it would lead to any advantage in controlling immissions in practice.
81. I consider that the likelihood of shadow flicker occurring is small. Nevertheless it might occur at a particular time when certain occupiers are enjoying evening summer sunshine. Rather than having no control at all and bearing in mind the limited impact on turbine operation of any remedial measures that might be necessary, I consider that a condition requiring investigation and alleviation of any such effect is reasonable.
82. I have not imposed standard conditions suggested to control surface water drainage or deal with risks of site contamination. There is nothing to suggest that any unusual risks exist in these respects that need to be controlled using planning conditions.

Paul Jackson

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be commenced within 5 years of the date of consent.
2. The development hereby permitted shall be carried out in accordance with the approved Plan No. YO0140003A drawing titled Figure 4.1 *The Proposal* dated April 2010.
3. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from any of the wind turbines to the electricity grid network ("First Export Date"). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.
4. Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority, such scheme to include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.
5. If any of the turbines hereby permitted ceases to operate 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 the site in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority within three months of the end of that 12 month period and which shall provide for the removal of the relevant turbine and associated above ground works approved under this permission and the turbine foundation to a depth of at least one metre below ground. The approved scheme shall be implemented within 12 months of the date of its approval by the Local Planning Authority.

Construction Traffic Management Plan and Construction Method Statement

6. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include measures for the routing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary warning signs, temporary removal and replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic and banksman/escort details. The measures shall be carried out in accordance with the approved Construction Traffic Management Plan, unless otherwise agreed in writing by the Local Planning Authority.
7. No development shall take place until a Construction Method Statement has

been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Statement, subject to any variations approved in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:

- a) Details of the phasing of construction works
- b) Details of the construction and surface treatment of hard surfaces and tracks
- c) Details of the proposed storage of materials
- d) Dust management
- e) Siting and details of wheel washing facilities
- f) Details of the proposed temporary site compound for storage of materials, machinery (including areas designated for car parking)
- g) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway
- h) Pollution control, protection of water courses, bunding of fuel storage areas, surface water drainage, flood risk, sewage disposal and discharge of foul drainage
- i) Details and timetable for post construction restoration/reinstatement of the temporary working areas
- j) Details of emergency procedures and pollution response plans
- k) Details of the protection of public footpaths and bridleways during construction
- l) Ecological monitoring during construction
- m) Monitoring of Private Water Supplies (PWS)
- n) Details for the protection of trees and hedgerows during construction (to include specification and location of protective fencing where required)
- o) Noise and vibration during construction
- p) Storage and off-site disposal of excavated material

Construction and Delivery Hours

8. Construction work shall only take place between the hours of 07:00 – 19:00 on Monday to Friday inclusive, 07:00 – 16:00 hours on Saturdays with no such construction work on Sundays or Public Holidays. Outside these hours, works at the site shall be limited to emergency works and dust suppression, 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.
9. The delivery of any construction materials or equipment for the construction of the development, other than turbine blades, nacelles and towers, shall be restricted to the hours of 07:00 – 19:00 on Monday to Friday inclusive, 07:00 – 16:00 hours on Saturdays with no such deliveries on Sundays or Public Holidays unless otherwise approved in writing by the Local Planning Authority, having been given a minimum of two working days notice of the proposed delivery.

Appearance

10. Prior to the erection of any turbine, a scheme for the finish and colour of the wind turbines, any external transformer units and the anemometry mast shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, symbol or logo shall be displayed on any external surfaces of the turbines or any external transformer unit or the anemometry mast other than those required to meet statutory health and safety requirements. The approved colour and finish of the wind turbines and the approved colour and finish of the anemometry mast shall be implemented as approved.
11. The overall height of the wind turbines shall not exceed 125m to the tip of the blades when the turbine is in the vertical position as measured from natural ground level immediately adjacent to the turbine base.
12. All wind turbine blades shall rotate in the same direction.
13. Prior to erection of any turbine, a scheme for illumination for the purposes of aviation safety shall be submitted to and approved in writing by the Local Planning Authority. The illumination shall be implemented as approved.
14. Construction of the control building shall not commence until details of the siting, external appearance, dimensions, layout and materials of that building and any associated compound or parking area have been submitted to and approved in writing by the Local Planning Authority. The control building shall be constructed as approved.
15. All cabling between wind turbines and the control building shall be laid underground in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to erection of any turbine. The submitted details must take account of and allow for the restoration of any 'ridge and furrow' areas that may be affected.

Highways

16. No development shall take place until a scheme to secure any repairs to the length of unclassified road known as U61352 as a consequence of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall contain proposals for a visual/video survey of the road and a programme and methodology for any necessary repairs following the completion of construction. The scheme shall be implemented as approved.

Micro-siting

17. The turbines, hardstandings, anemometry mast, control building and access tracks shall be sited within 10 metres of the positions shown on the submitted plan at the replacement Figure 4.1 of the Environmental Statement dated April 2010. A plan showing the final position of the turbines, hardstandings, anemometry mast, control building and access

tracks shall be submitted to the Local Planning Authority within one month of the First Export Date.

Archaeology

18.No development shall take place until a scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved, subject to any variations approved in writing by the Local Planning Authority.

Ecology and Wildlife

19.No development shall take place until a Habitat Creation and Management Plan including a timetable has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a programme of both new and strengthened hedgerow planting with hedgerow trees. The Plan shall be implemented as approved in writing by the Local Planning Authority in accordance with the agreed timetable.

Television Interference

20.Prior to the First Export Date a scheme providing for the investigation and alleviation of any electro-magnetic interference to any TV signal caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the investigation by a qualified television engineer of any complaint of interference with television reception at a lawfully occupied dwelling which existed or had planning permission at the time consent was granted where such complaint is notified to the developer by the Local Planning Authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the wind farm, details of the mitigation works which have been approved in writing by the Local Planning Authority shall be implemented as approved.

Air Safeguarding

21.Within 30 days of the First Export Date, written confirmation to the Local Planning Authority shall be provided confirming that the necessary aviation bodies such as MOD, CAA have been given written notice of the date of completion of construction; the height above ground level of the highest structure in the development and the position of each wind turbine in latitude and longitude.

Shadow flicker

22. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging disturbance from shadow flicker at a dwelling that is lawfully occupied and lawfully existing at the time of this consent a scheme for the investigation and alleviation of shadow flicker at that dwelling likely to be caused by the turbines hereby permitted shall be submitted to and approved in writing by the Local

Planning Authority. The approved mitigation measures shall be carried out in accordance with the approved scheme.

Noise Conditions

23. The rating level of noise immissions from the combined effects of the wind turbines, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in the tables attached to these conditions and:

- A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
- B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph (B), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (H) to the Local Planning Authority in the format set out in Guidance Note 1(e).
- C. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Local Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The representative background noise environment and proposed noise limits shall be submitted for approval in writing by the Local Planning Authority. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

- D. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Local Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.
- E. Prior to the submission of the independent consultant's assessment of the rating level of noise immissions in accordance with paragraph (F), the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:
- i. the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions; and
 - ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (B), and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

- F. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
- G. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the

further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (F) above unless the time limit has been extended in writing by the Local Planning Authority.

- H. The wind farm operator shall continuously log wind speed, wind direction and rainfall data at the permanent meteorological monitoring mast erected in accordance with this consent, and shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d). These data shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

Table 1 - Between 07:00 and 23:00 - Noise level dB L_{A90}, 10-minute

Location	Wind Speed at 10 metres Height (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
Properties in Lilbourne	52	53	55	56	57	58	60	61	62	64	65	66
Glebe Farm	45	45	45	45	45	45	45	45	45	45	45	45
Properties in Yelvertoft	43	44	44	45	45	45	46	46	46	47	47	48
Crick Lodge Farm	51	51	51	51	51	51	51	51	51	51	51	51
Lilbourne Lodge	51	51	51	51	51	51	51	51	51	51	51	51
Properties in Clay Coton	48	48	49	49	49	50	50	50	51	51	51	52
Foxes Farm	47	47	47	47	47	47	47	47	47	47	47	47
Clarkes Farm	53	53	53	53	53	53	53	53	53	53	53	53
The Lodge	53	53	53	53	53	53	53	53	53	53	53	53
1 Yelvertoft Road	43	44	44	45	45	45	46	46	46	47	47	48
Shenley Farm	52	53	55	56	57	58	60	61	62	64	65	66
Lilbourne Fields Farmhouse	52	53	55	56	57	58	60	61	62	64	65	66

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

Location	Wind Speed at 10 metres Height (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
Properties in Lilbourne	53	53	54	55	55	56	56	57	57	58	58	59
Glebe Farm	46	46	46	46	46	46	46	46	46	46	46	46
Properties in Yelvertoft	46	46	46	46	46	46	46	46	47	47	47	47
Crick Lodge Farm	49	49	49	49	49	49	49	49	49	49	49	49
Lilbourne Lodge	49	49	49	49	49	49	49	49	49	49	49	49
Properties in Clay Coton	49	49	50	50	50	50	50	50	50	50	50	51
Foxes Farm	48	48	48	48	48	48	48	48	48	48	48	48
Clarkes Farm	52	52	52	52	52	52	52	52	52	52	52	52
The Lodge	52	52	52	52	52	52	52	52	52	52	52	52
1 Yelvertoft Road	46	46	46	46	46	46	46	46	47	47	47	47
Shenley Farm	53	53	54	55	55	56	56	57	57	58	58	59
Lilbourne Fields Farmhouse	53	53	54	55	55	56	56	57	57	58	58	59

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Properties in Lilbourne	456540	276852
Glebe Farm	459111	275495
Properties in Yelvertoft	459305	275580
Crick Lodge Farm	457840	274520
Lilbourne Lodge	457246	276757
Properties in Clay Coton	459111	276889
Foxes Farm	459144	273960
Clarkes Farm	457788	276682
The Lodge	457939	276555
1 Yelvertoft Road	459300	276315
Shenley Farm	457163	274856
Lilbourne Fields Farmhouse	456788	276563

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. For Lilbourne, Yelvertoft and Clay Coton, the co-ordinates given are for the nearest properties to the wind farm site. For the purposes of this condition, a “dwelling” is a building within Use Class C3 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

Guidance Notes for Noise Conditions

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 deployed in the assessment of complaints about noise immissions 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 Note 2 of these Guidance Notes and any tonal penalty applied in accordance with 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).

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). If required, 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 wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

- (c) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic average wind speed, measured at a height of 10 metres, and with 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 wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in degrees from north and rainfall data in each successive 10-minute periods by direct measurement at a height of 10 metres on the permanent meteorological monitoring mast erected in accordance with the planning permission on the wind farm site. It is this 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). In addition, the wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minute period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time.
- (e) Data provided to the Local Planning Authority in accordance with paragraphs (F) (G) and (H) of the noise condition shall be provided in comma separated values in electronic format.

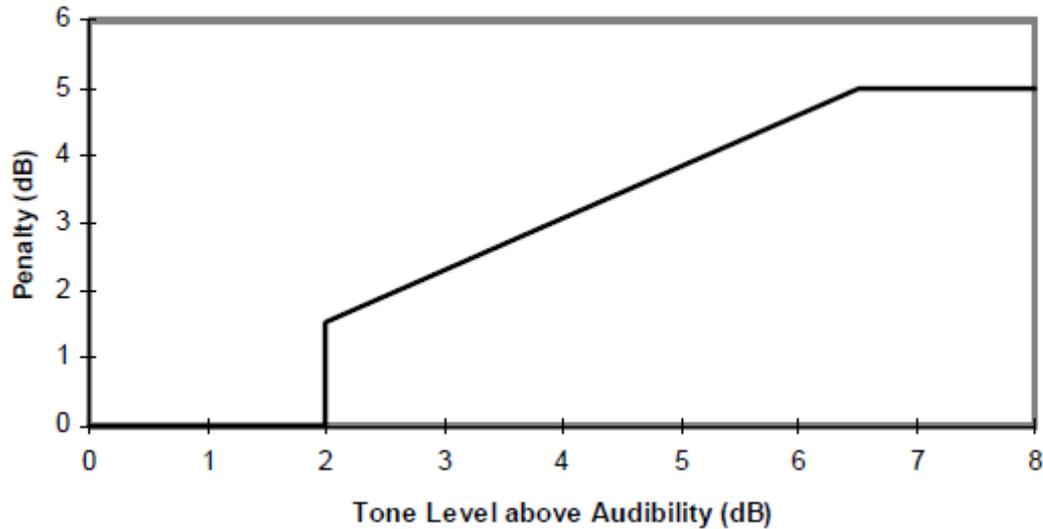
Note 2

- (a) The noise measurements should be made so as to provide not less than 40 valid data points as defined in Note 2 paragraph (b).
- (b) Valid data points are those measured in the conditions set out in the assessment protocol approved by the Local Planning Authority under paragraph (E) of the noise condition but excluding any periods of rainfall measured at the permanent meteorological mast erected in accordance with the planning permission on the wind farm site.
- (c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute ten metre height wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and 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.

Note 3

- (a) Where in accordance with the approved assessment protocol under paragraph (E) of the noise condition, noise immissions 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 Note 2 a tonal assessment shall be performed on noise immissions 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 standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above 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 substituted.
- (e) A least squares "best fit" linear regression 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 fitted to values within $\pm 0.5\text{m/s}$ of 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 Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Note 4

- (a) If a tonal penalty is to be applied in accordance with 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 Note 2 and the penalty for tonal noise as derived in accordance with Note 3 above at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) 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 Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant’s dwelling approved in accordance with paragraph (C) 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 immission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant or local planning authority requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
 - i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.
 - ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

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

- iii. The rating level shall be re-calculated by adding 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.

If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) 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 (C) 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 (C) of the noise condition then the development fails to comply with the conditions.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Asitha Ranatunga	Of Counsel, instructed by Brian Hurwitz of Sharpe Pritchard, solicitors
He called Rachel Booth BSc (Hons) MSc MSc (Oxon) IHBC	Conservation Officer, Daventry District Council
Eamonn McDowell BA (Hons) BTP MRTPI	Area Planning Officer, Daventry District Council

FOR THE APPELLANT:

David Hardy LLB (Hons) BCL (Oxon)	Barrister and Solicitor, Cobbetts Llp
He called Rebecca Rylott MLI BA (Hons) Urban Design Dip	Entec UK Ltd
Dr Stephen Carter BSc PhD MIFA FSA Scot	Headland Archaeology (UK) Ltd
Dr Andrew McKenzie PhD BSc MIOA	Hayes McKenzie Partnership
David Stewart MA (Cantab) Dip TP MRTPI	DSA Planning

INTERESTED PERSONS:

Richard Cox	
Cllr Alan Chantler	
Alan Hesketh	Chairman, NOWAY
Richard Humphreys	On behalf of West Haddon Parish Council
Anthea Frater	On behalf of Watford Parish Council
Prof John Twidell	
Roald Evans	
Ian Dexter	Western Area Secretary, STOP (Stop Overdevelopment Plans for Northamptonshire)
Brian Skittrall	On behalf of CPRE

DOCUMENTS

- 1 Letter of notification.
- 2 S106 Deed dated 29 June 2010.
- 3 S106 Unilateral Undertaking dated 29 June 2010.
- 4 Comments on application submitted by Mr Robert Morris, Strawfield House, Hillmorton Lane, Yelvertoft.
- 5 Notes on PPS5 definition of setting, provided by Mr Hardy at the

- request of the Inspector.
- 6 Written submissions from STOP provided by Mr Dexter.
- 7 Bundle of letters in support of the proposal.
- 8 Email from Rachel Hoskin of Natural England dated 16 June 2010 concerning the revised access track layout, submitted by the Council.
- 9 Extract from Planning Policy Statement 3 *Housing*, submitted by the Council.
- 10 Secretary of State decision ref APP/E2001/A/09/2101421 (Sober Hill Farm) submitted by the appellant.
- 11 Secretary of State decisions (various refs) appeals by Coronation Power, submitted by the appellant.
- 12 Copy of statement to Daventry Planning Committee on 25 November 2009 by Richard Mardon, MD of Your Energy, submitted by the Council.
- 13 Statement by Brian Skittrall of CPRE.
- 14 Statement by Richard Humphreys.
- 15 Statement by Prof John Twidell.
- 16 Statement by Cllr Alan Chantler.
- 17 Lists of suggested conditions and related email correspondence.
- 18 Letter dated 27 June 2010 from William Mollett of Cetus Wind Projects.
- 19 Letter from Dr Phil Marsh in reply to Doc 18.
- 20 Statement from Anthea Frater.
- 21 Comments from Richard Cox on the suggested conditions.
- 22 Statement with attachments from Alan Hesketh (NOWAY and Yelvertoft Parish Council).
- 23 *Regina v Cornwall County Council* (22 September 2000) submitted by the appellant.
- 24 Email from Dr Phil Marsh confirming height of turbines 2 and 3 following query by Inspector.
- 25 Email dated 28 June 2010 from Bridget Savage of Your Energy Ltd regarding blimp flown in 2008.
- 26 Extract from Vestas Safety Regulations for operators and technicians, submitted by Mr Evans.
- 27 Statement of Roald Evans with Secretary of State decision APP/X4725/A/09/2101120 (Darrington).
- 28 *The Queen (on the application of Simon Woolley) v Cheshire East Borough Council* (5 June 2009) submitted by the appellant.
- 29 Folder of documents submitted by Mr Cox in support of his presentation at the Inquiry.
- 30 Enhanced SEI viewpoint 3 Figure B.2d showing turbines behind Hall.

PLANS

- A1- A3 Application plans.
- A4 Revised access track layout.