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## NOTICE OF APPROVAL

### TOWN & COUNTRY PLANNING ACT 1990 (as amended)

REFERENCE No: **KET/2014/0861**  
APPLICANT: **Mr K Clouston Infinergy Ltd,**  
DEVELOPMENT: **Erection of 3 no. 136.5m wind turbines, 1 no. 85m  
anemometer mast, control building and associated works to  
access and tracks**  
LOCATION: **Burton Wold Farm, Wold Road, Burton Latimer**

KETTERING BOROUGH COUNCIL, having considered a valid application submitted on 17 December 2014, for the above development in pursuance of their powers under the above mentioned Acts,

## GRANT PERMISSION

for the development as described and in accordance with the application and plans submitted, subject to the following conditions:-

1. The development hereby permitted shall begin not later than three years from the date of this decision.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The Local Planning Authority shall be notified in writing of the date when electricity from the development is first supplied to the grid and the development shall be removed from the site following the expiry of 25 years from that date: the turbines shall be decommissioned and the turbines and all related above-ground structures shall be removed from the site. Following the removal of the turbines and structures, the land shall be re-instated in accordance with a Decommissioning Method Statement that shall first be submitted for the approval of the Local Planning Authority at least 18 months before the date of the decommissioning of the wind farm. That method statement shall include details of the manner, management and timing of the re-instatement works to be undertaken and shall be accompanied by a Traffic Management Plan for the removal of the large turbine components. The removal works and the reinstatement of the site shall not be carried out other than in accordance with the approved scheme.

REASON: In recognition of the expected life of the proposal and to prevent an unacceptable impact on the landscape and the surrounding environment in accordance with Policy 4 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Prior to the erection of any wind turbines, details of their exact siting locations, design, specification, colour and any fencing shall be submitted to and approved in writing by the Local Planning Authority. Only turbine locations as approved shall be installed upon the development site.

REASON: To ensure the proposal does not have a detrimental impact on quality of life or the natural environment in accordance with policy 7 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The blade tip height of the turbines shall not exceed 136.5 metres in height above ground level and the hub height shall not exceed 85 metres in height above ground level. The blades of the turbines hereby permitted shall all rotate in the same direction. The anemometer mast shall not exceed 85 metres in height above ground level.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with policies 7 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Any lighting associated with the construction and operation of the wind farm shall only be installed and used in accordance with a scheme that has first been submitted to and approved in writing with the local planning authority before the commencement of development.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with policies 4 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

6. All cabling shall be laid underground in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to installation.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with policies 4 and 11 of the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy.

7. No development shall commence on site unless and until full plans and details including the materials, together with samples, to be used in the construction of the substation and compound have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved plans and details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The Local Planning Authority shall be notified in writing of any wind turbine that fails to continuously produce electricity for supply to the electricity grid for a period of 12 months. This wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period, in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. That scheme shall include the details of the manner, management and timing of the works to be undertaken and shall also include a traffic management plan for the removal of the large turbine components. That part of the site shall be

restored in accordance with a detailed scheme that has first been submitted to and approved in writing by the Local Planning Authority.

REASON: In recognition of the expected life of the proposal and to prevent an unnecessary impact on the landscape and the surrounding environment in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Prior to the "first export date" a baseline television reception study in the area will be submitted to and approved in writing by the Local Planning Authority. The study shall include a mitigation scheme setting out details of works necessary to mitigate any adverse effects to domestic television signals in the area caused by the development and shall include provision for investigating and dealing with any claim by any person for domestic loss or interference at their household within 12 months of the final commissioning of the wind farm. The development shall not be operated other than in accordance with the approved study and mitigation scheme.

REASON: In the interests of protecting the local amenity and to alleviate any adverse electromagnetic interference in accordance with Policy 13 of the North Northamptonshire Core Strategy.

10. No electricity shall be exported to the local grid until details of a scheme, to limit shadow flicker, have been submitted to and approved in writing by the Local Planning Authority. Those details shall include a protocol for the assessment and remediation of shadow flicker following a complaint from the owner or occupier of any dwelling affected which lawfully existed or had planning permission at the date of this permission. The turbines shall not be operated other than in accordance with the approved details.

REASON: In the interests of protecting residential amenity in the accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. 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 plan shall include details of:

- (i) The timetable for works on site;
- (ii) The routing of vehicles to and from the site;
- (iii) Arrangements for escorting abnormal loads;
- (iv) Temporary warning signage;
- (v) Temporary removal and replacement of highway infrastructure and street furniture;
- (vi) Any road closures;
- (vii) Expected levels and timings of development traffic;
- (vii) Measures to control traffic, in and around the site;
- (viii) All loading and unloading areas which will be used for the delivery or despatch of materials related to the development;
- (ix) Measures to ensure that delivery vehicles and construction traffic will not park on the county highway for loading, unloading or waiting for site entry; and
- (x) Revised tracking diagrams to depict abnormal load access.

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

REASON: In the interests of highway safety and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. At least 3 months before the development commences, the developer shall provide the Local Planning Authority with written confirmation of the following details, which are required by the Ministry of Defence and Civil Aviation Authority:

- i) the date when development is expected to commence;

- ii) the maximum height of any turbine; and
  - iii) the maximum extension height of any construction equipment.
- Within fourteen days of the "first export date", the developer shall provide the local planning authority with written confirmation of the following details, which are required by the Ministry of Defence and Civil Aviation Authority:
- iv) the date of completion of construction;
  - v) the height above ground level of the highest structure that has been erected as part of the development hereby permitted; and
  - vi) the position of that structure in terms of latitude and longitude.

REASON: In the interests of air safety in accordance with policy 4 of the NPPF.

13. In the interests of protecting ecology and ornithology the works shall be carried out in accordance with:

a) The recommendations and mitigation measures as outlined in chapters 8 and 9 of the submitted Environmental Statement, Volume 1: Written Statement dated November 2014; and

b) A construction environmental / ecological management plan and a long term ecological management plan which shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

REASON: In the interests of protecting ecology and biodiversity in accordance with policy 11 of the NPPF and policy 13 of the CSS.

14. No development shall take place until details of investigative archaeological works, to be undertaken on the site, have been submitted to and approved in writing by the Local Planning Authority. Those works shall be carried out as approved and the findings, together with details of any measures designed to protect archaeological remains, shall be reported to the Local Planning Authority within 3 months of completion of the investigative works. No development shall take place until the Local Planning Authority has given its written approval to the report and to any protective measures that it identifies. Protective measures shall be implemented in accordance with the approved details.

REASON: In the interest of the historic environment in accordance with Policy 12 of the NPPF and Policy 13 of the North Northamptonshire Core Spatial Strategy.

15. Construction of the development hereby permitted shall only take place on the site between the hours of 07:00 - 20:00 on Monday to Friday inclusive and 08:00 - 16:00 hours on Saturday. No such construction work shall take place on any Sunday or public holiday. Outside these hours, works at the site shall be limited to emergency works and dust suppression. Emergency works shall include works to make safe a turbine that is under construction. The Local Planning Authority shall be informed in writing of any emergency works within one working day of their occurrence.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

16. Delivery to the site of construction materials, and of equipment for the construction of the development, shall only take place between the hours of 07:00 - 18:00 on Monday to Friday inclusive and 08:00 - 16:00 hours on Saturday. Notwithstanding the terms of this Condition, the delivery of turbine, nacelle and/or crane components to the site may take place outside the hours as specified.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

17. The rating level of noise emissions from the combined effects of the wind turbines which are the subject of this consent, when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speeds set out in Tables 1 and 2, as appended to this report.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

18. No wind turbine shall be operated on the site until a scheme to monitor compliance with the (condition 17) noise limits, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of protecting the occupier of the nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

19. Within 21 days from receipt of a written request by the Local Planning Authority, which sets out the date and time of noise disturbance alleged in a complaint by the occupier of a dwelling which lawfully exists or has planning permission at the date of this permission, the wind farm operator shall, at its own expense, employ a consultant approved by the Local Planning Authority, to assess the rating level of noise emissions from the wind farm at the dwelling, in accordance with a protocol, that has been agreed in writing by the Local Planning Authority, and in accordance with the procedures described in the attached Guidance Notes. The assessment shall consider compliance with noise limits, that are set out in (Condition 18) Tables 1 and 2, under a range of meteorological and operational conditions which the Local Planning Authority has agreed, in writing, is representative of the conditions which prevailed when the alleged disturbance occurred. The operator will arrange for the turbines not to be operated as may be necessary for the purposes of the investigation. Any data provided to the Local Planning Authority, in accordance with the noise conditions, shall be provided in comma separated values in electronic format. The operator shall carry out this investigation and report to the Local Planning Authority within 28 days of such a request or other such period as the Local Planning Authority approves. If or where the rating level of noise emissions is in excess of those specified in this consent the operator shall immediately take such action as may be necessary, including ceasing to operate any or all of the turbines.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

20. The wind farm operator shall continuously log power production, nacelle wind speed and nacelle orientation at each wind turbine. The data obtained shall be retained for the duration of the planning permission. The wind farm operator shall provide the data to the Local Planning Authority within 14 days of being requested to do so by the Local Planning Authority. Any data provided to the Local Planning Authority shall be provided in comma separated values in electronic format.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

21. Within 28 days of receiving written notification by the Local Planning Authority, that the noise limits in this consent have been breached, the wind farm operator shall provide the Local Planning Authority with written details of a scheme to prevent any further breach, including a timetable for implementation of the scheme. The scheme shall be submitted for the Local Planning Authority's written approval and it shall be carried out in accordance with the terms of that approval. Any data provided to the Local



Planning Authority, in accordance with the noise conditions, shall be provided in comma separated values in electronic format.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

22. No works to decommission the development shall commence until a scheme for the protection of nearby residential dwellings, both outside and within the development curtilage, from noise resulting from the decommissioning of the wind turbine farm, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the commencement of the decommissioning of the wind farm.

REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

23. No development shall take place until details of the following works have been submitted to, and approved in writing by, the Local Planning Authority:

(i) the onsite track layout;

(ii) locations where gaps and gateways are to be created or widened in existing hedges;

(iii) measures that will be taken to minimise the gaps created in existing hedges; and

(iv) a scheme showing the exact location and species of 20 metres of hedgerow, to be planted as outlined in Section 8 of Volume 1: Written Statement of the Environmental Statement. The planting of the hedgerow shall be carried out in exact accordance with the approved scheme, which shall include timescales for planting and management of the hedgerows.

REASON: In the interests of protecting the natural environment in accordance with policy 11 of the NPPF and policy 13 of the CSS.

24. Prior to the commencement of development, a scheme detailing the security measures/standards to be incorporated within the development and construction site with reference to secure standards shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: To reduce the potential for crime in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

25. In the event that contamination is found when carrying out the approved development, which was not previously identified, it must be reported in writing within 3 days of discovery to the Local Planning Authority. An investigation and risk assessment must be undertaken by the applicant, in a timescale to be first agreed in writing with the Local Planning Authority and where remediation is necessary a remediation scheme must be prepared which shall first be approved in writing by the Local Planning Authority.

REASON: To reduce the risk to all receptors to acceptable levels and ensure that the site is suitable for its proposed use and to safeguard the environment of the area, in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

26. This permission shall only be implemented in substitution for and not in addition to planning permission KET/2012/0506 approved on 2nd April 2012.

REASON: To prevent an overdevelopment of the site in the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

27. No development shall take place until such a time as a Construction Method Statement (CMS) has been submitted to and approved in writing by the LPA. The CMS shall include details of:

- i. pollution prevention measures to be adopted during the construction phase to ensure that that suitable bunding is around fuel tanks and that excavation/construction works do not harm local sewerage, groundwater supplies, surface water quality or the quality of subsoil;
- ii. measures to control dust and mud arising from the development;
- iii. arrangements for the disposal of waste and surplus materials; and
- iv. emergency procedures and pollution response plans.

The development shall be carried out in accordance with the approved CMS.

REASON: In the interests of protecting the amenity of occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire CSS.

28. No transportation of wind turbines or their components to the site via abnormal load movements shall be undertaken until works as shown indicatively on drawing Figure 10.2 (Pinch Point A – A14 to A6 Junction) have been completed or in accordance with an alternative scheme which shall first be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure highway safety in accordance with Policy 13(n) of the North Northamptonshire Core Spatial Strategy.

29. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference January 2015/0211/3/FRA and the mitigation measures as outlined in this approved FRA. The approved mitigation measures shall be fully implemented prior to first commissioning of the turbines hereby permitted and in accordance with the timing and phasing arrangements as outlined in this FRA.

REASON: To prevent flooding in accordance with Policy 11 of the NPPF and Policy 13 (q) of the North Northamptonshire CSS.

Notes (if any):-

1. The traffic routing is to remain the same as for the previous application ensuring that at least one lane of the A6 remains open at all times, localised widening may be required during the delivery period and then returning to its previous width all under agreement with the Highway Authority. Turning may also necessitate widening to access junctions in the same vein, tracking diagrams for these manoeuvres will be required by the Authority. All works must be carried out in accordance with the agreed plans, with the appropriate licenses/agreements and with appropriate traffic management / NRSWA consent.

The existing access crosses over a culvert which may well require widening or replacing depending on its load bearing capacity. This will need to be agreed with the Highway Authority before any works may commence.

The applicant must comply with The Road Vehicles (Authorisation of Special Types) (General) Order 2003 (commonly known as STGO) which includes notification to all Highway Authorities, bridge owners and Police Authorities through whose area the route

will run.

Please note that the A14 is under the jurisdiction of the Highways Agency and the A6 is under Northamptonshire County Council.

The MOD should be contacted at least 6 weeks prior to the start of construction with a date when construction starts and ends; a maximum height of construction equipment; and the latitude and longitude of every turbine.

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency (the Agency) therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Agency's Section 278 Business Manager David Steventon to discuss these matters on david.steventon@highways.gsi.gov.uk.

The applicant should be made aware that any works undertaken to the Highways Agency (the Agency) network are carried out under the Network Occupancy Management policy, in accordance with the Agency's procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com.

With regards to condition 13(a) please note:

In respect of Chapter 8, necessary mitigation and enhancement measures, as set-out in the EIA throughout all of the relevant portions of the section sub-headed "Mitigation, Compensation and Monitoring"; that is, within Paragraphs 8.8.6 through to 8.8.13, on Pages 257 and 258, inclusive.

In addition, any other additional recommendations, for the retention, protection, enhancement and future management of ecological matters, as appropriate, as contained within either the section sub-headed "Residual Effects", on Pages 258 and 259, including, for instance, the requirement for the production of a 'proper' Ecological Management Plan document (an EMP), in Paragraph 8.9.5, on Page 259, and also the entire relevant content of Table 8.13, on Pages 260 through to 270, inclusive.

In respect of Chapter 9 itself, all of the relevant measures for ecological mitigation and enhancement, specifically in this case, of course, in order to benefit bird species, as set-out by the consultancy FPCR themselves, throughout all of the relevant portions of Section 9.7, sub-headed "Mitigation"; that is, within Paragraphs 9.7.1 through to 9.7.13, on Pages 307 to 310, inclusive.

#### Guidance Note 1

(a) Values of the LA90,10min noise statistic shall be measured at the approved measurement location using a sound level meter of BS EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 standard (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using a 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). The sound level meter shall be calibrated in accordance with the procedure specified in BS 4142:1997 (or the



replacement thereof). These measurements shall be undertaken in such a manner as to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level and shall be fitted with a two layer windshield or suitable equivalent system. The two layer windshield, or suitable equivalent system, shall be approved in writing by the Local Planning Authority prior to the commencement of measurements. The microphone shall be fitted with the approved windshield and shall be placed outside the complainant's dwelling and be not more than 35 metres from it. The microphone shall be placed at least 3.5 metres away from the building facade and from any reflecting surface except the ground. In the event that the complainant withholds consent for access to his or her property, to undertake compliance measurements, 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 LA90,10min measurements shall be synchronised with measurements of the 10-minute arithmetic mean standardised 10m wind speed, wind direction and rainfall and with power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the noise conditions to be evaluated, the wind farm operator shall during noise monitoring log the arithmetic mean wind speed in meters per second, arithmetic mean direction in degrees from north and power production, in each successive 10 minute period, by direct measurement of hub height wind speeds and direction at the nacelles of the wind turbine and by direction measurement of rainfall, at a suitable location. 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-minutes period for each wind turbine on the wind farm. Rainfall shall be measured, at the meteorological mast on the wind farm site or at the measurement location, using a rainfall detection system that has been approved, in writing, by the Local Planning Authority prior to the "first export date". 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 the noise conditions, shall be provided in comma separated values in electronic format.

#### 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 during the conditions specified by the Local Planning Authority, in its written request, but excluding any data collected during periods of rainfall on the wind farm site. These specified conditions shall include the range of wind speeds, wind directions, times of day, meteorological conditions and power generation requested by the Local Planning Authority. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid, in accordance with Guidance Note 2(b), values of the LA90,10min noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed 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" polynomial curve, of an order deemed appropriate by the independent consultant, shall be fitted to the data points and used to define the wind farm noise level at each integer wind speed.

#### Guidance Note 3

Where the Local Planning Authority has indicated that wind farm noise immissions are likely to contain a tonal component, at the location or locations where compliance measurements are being undertaken, a tonal penalty shall be calculated and applied using the following rating procedure.

(a) For each 10-minute interval for which LA90,10min data have been determined to be valid, in accordance with Guidance Note 2(b), a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods shall be regularly 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 2-minute period, of uncorrupted data, out of the affected overall 10-minute period, shall be selected. Any deviations from "the standard procedure" shall be reported.

(b) For each of the 2-minute samples, the tone level above audibility (Lta) shall be calculated in accordance with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-1997.

(c) The tone level above audibility (Lta) shall be plotted against 10 metre height standardised wind speed for each of the 2-minute samples. For samples where the tone level was below the audibility criterion, or no tone was identified, a value of zero audibility shall be substituted.

(d) 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 that has been considered pursuant to Guidance Note 2.

(e) The tonal penalty shall be derived from the average tone level above audibility of the tone according to the figure 2, as appended.

#### Guidance Note 4

(a) If a tonal penalty is applied, in accordance with Guidance Note 3, the rating level of the turbine noise at each wind speed shall be 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 requested by the Local Planning Authority in its written request made pursuant to condition 20.

(b) If no tonal penalty is applied, the rating level of the turbine noise at each wind speed shall be 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 of noise at the dwelling, to which a complaint relates, is higher at any wind speed than the noise limit agreed by the Local Planning Authority pursuant to condition 20, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rated 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 requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(i) Repeating the steps in Guidance Notes 1 and 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request.

(ii) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Guidance Note 3) to the derived wind farm noise L1 at that integer wind speed.

With regards to Condition 18 - Those details shall include a list of independent consultants who are qualified to carry out the monitoring and arrangements for amending that list with the agreement of the Local Planning Authority; shall make provision for the monitoring to be completed within 6 months of the "first export date"; and, shall provide for a written report of the results of monitoring to be submitted to the Local Planning Authority within 28 days of completing the monitoring.

The plans and documents, as subsequently referenced by the LPA and set out below, form the basis for this decision:

Title	KET Ref.	Agent's Ref	Received Date	Status
Location plan	KET/2014/0861/8		17.12.2014	Approved
Environmental Statement Vol.1 Written Statement	KET/2014/0861/1		17.12.2014	Approved
Environmental Statement Vol.2 Technical Appendices	KET/2014/0861/2		17.12.2014	Information
Environmental Statement Vol.3 Figures & photomontages	KET/2014/0861/3		17.12.2014	Information
Environmental Statement - Non Technical Summary	KET/2014/0861/4		17.12.2014	Information
D&A	KET/2014/0861/5		17.12.2014	Information
Planning Statement	KET/2014/0861/6		17.12.2014	Information
Statement of Community Consultation	KET/2014/0861/7		17.12.2014	Information
Photomontage Viewpoint 1	KET/2014/0861/9		17.12.2014	Information
Photomontage Viewpoint 2	KET/2014/0861/10		17.12.2014	Information
Photomontage Viewpoint 3	KET/2014/0861/11		17.12.2014	Information
Photomontage Viewpoint 4	KET/2014/0861/12		17.12.2014	Information
Photomontage Viewpoint 5	KET/2014/0861/13		17.12.2014	Information

Photomontage Viewpoint 6	KET/2014/0861/14		17.12.2014	Information
Photomontage Viewpoint 7	KET/2014/0861/15		17.12.2014	Information
Photomontage Viewpoint 8	KET/2014/0861/16		17.12.2014	Information
Photomontage Viewpoint 9	KET/2014/0861/17		17.12.2014	Information
Photomontage Viewpoint 10	KET/2014/0861/18		17.12.2014	Information
Photomontage Viewpoint 11	KET/2014/0861/19		17.12.2014	Information
Photomontage Viewpoint 12	KET/2014/0861/20		17.12.2014	Information
Photomontage Viewpoint 13	KET/2014/0861/21		17.12.2014	Information
Photomontage Viewpoint 14	KET/2014/0861/22		17.12.2014	Information
Photomontage Viewpoint 15	KET/2014/0861/23		17.12.2014	Information
Photomontage Viewpoint 16	KET/2014/0861/24		17.12.2014	Information

Date of Decision: 27 March 2015



Robert Harbour  
Head of Development Services

Contact:-

Miss R Gillen  
Stratus Environmental Ltd  
4245 Park Approach  
Thorpe Park  
LEEDS  
West Yorkshire  
LS15 8GB

1. In accordance with paragraphs 186 to 192 of the National Planning Policy Framework the Local Planning Authority has acted positively and proactively in dealing with this application.
2. Planning approvals may be monitored to ensure compliance. If development is found not to be in full accordance with the permission, the Council may stop the work, invite a fresh application and/or take enforcement action against the developer/owner. I would urge you to notify the Case Officer at least 8 weeks prior to commencement of any works by completing and returning the attached "Notice of Intention to Commence" form, so that any outstanding matters can be identified.
3. Please pay attention to the requirements of any conditions imposed on the approval, in particular, to any schemes and details that need approval **before development commences**. Under Article 30 of the Town & Country Planning (Development Management Procedure) (England) Order 2010, the Council has a further 8 weeks to agree conditions once details are submitted

4. Any details requiring approval by the Council must be submitted on the relevant form "Application for approval of details reserved by condition" (attached). There is a fee for requests to discharge conditions of Planning Permissions: currently £28 per submission for householder developments and £97 for all other developments. There is no fee to discharge conditions of other types of consent. Your development will be liable to enforcement action if you do not comply with the approved plans and all of the conditions.

This permission refers only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulations.



## Appeals Against Decision

The rules for lodging an appeal against this decision are set out in Article 33 of Town & Country Planning (Development Management Procedure) (England) Order 2010. The following is a summary of the rules:

1. If you wish to appeal against this decision you must do so on the Planning Appeal form. Appeals may be made online at <http://www.planningportal.gov.uk/pcs>. If you are unable to use the online service, please contact the Planning Inspectorate's Customer Services Team on 0303 444 5000 and ask for a Planning Appeal form.
2. Completed appeals (forms and supporting documents set out in the appeal form) must be received by the Planning Inspectorate within the relevant time scale set out in the table below. The Secretary of State has the power to allow a longer period for you to give notice of an appeal, but he will not normally exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.:

Appeal Type	Time Period
Appeal against decision where no enforcement action taken or pending	Six months from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none"> <li>• within two years before the date of the planning application, or</li> <li>• before the date of this planning decision and still in force.</li> </ul>	28 days from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none"> <li>• on or after the date of this planning decision, and</li> <li>• is still in force.</li> </ul>	The <b>earlier</b> of the following dates: <ul style="list-style-type: none"> <li>• 28 days from date enforcement notice is served, or</li> <li>• Six months from date of this decision notice</li> </ul>

These time scales are in relation to the appeal against the planning decision.

**The time scales for appeals against the enforcement notice (as set out in the enforcement notice) are not affected by this decision.**

## Purchase Notices

If permission is refused, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.