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Our Ref: KET/2009/0549  
Your Ref:  
Date: 20 January 2010  
NBR3

Dear Sir/Madam

## Town and Country Planning Acts

**Applicant:** Infinergy Limited  
**Proposal:** Full Application with EIA: Erection of 7 no. wind turbines (100m high to the tip of a rotor blade in a vertical position). Provision of crane hard standings, control building, substation, underground cabling, temporary construction compound, widening of the existing site access, new site access tracks and permanent 65m high anemometer mast  
**Location:** New Albion Wind Farm Towns Close Farm (land at), Rushton  
**Case Officer:** Anne Dew

The Local Planning Authority has now determined this application.

The application has been **Approved**.

Where the application was approved subject to conditions, the conditions are set out below:-

Where the application was refused, the reasons for refusal are set out below:-

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this planning permission.

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, other than any temporary construction compound(s), the development hereby permitted 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 PPG15, PPG13, policy 25 and 26 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Before the erection of the wind turbines, details of their siting, design, specification and colour shall be submitted to and approved in writing by the local planning authority. Only the approved wind turbines shall be installed upon the development site and the turbines shall not bear any logos or other forms of advertisement.

REASON: To ensure the proposal does not have a detrimental impact on quality of life or the natural environment in accordance with PPS1, PPS22, PPG24 and policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The number of turbines shall not exceed 7. The blade tip height of the turbines shall not exceed 100 metres in height above ground level and the hub height shall not exceed 65 metres in height above ground level. The anemometer mast shall not exceed 65 metres in height above ground level.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with PPS1, PPS22, policies 26 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The blades of the turbines hereby permitted shall all rotate in the same direction.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with PPS1, PPS22, policies 26 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

6. 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 PPS1, PPS22, policies 26 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

7. 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 PPS1, PPS22, policies 26 and 27 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples to the substation 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 details.

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

9. The local planning authority shall be notified in writing of any wind turbine that fails to produce electricity for supply to the electricity grid for a continuous 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 unacceptable impact on the landscape and the surrounding environment in accordance with PPG15, PPG13, policy 25 and 26 of the East Midlands Regional Plan and policy 13 of the North Northamptonshire Core Spatial Strategy.

10. No development shall begin until a baseline television reception study in the area has been 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.

11. No development shall commence until a scheme to mitigate against shadow flicker which shall include a computerised control system designed to shut down turbines at relevant times has been submitted to and approved in writing by the Local Planning Authority. The turbines shall not operate other than in accordance with the approved scheme.

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

12. No development shall commence unless and until details of the wind turbines to be installed and their exact positions within the site have been submitted to and

approved in writing by the Local Planning Authority. Where the turbines are not 2.3 MW Enercon E70-E4 wind turbines a full update of the noise assessment, as contained in Chapter 9 of the Environmental Statement shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no further wind turbines other than those specified shall be installed on the site, under or in accordance with Part 8 of the Schedule to that Order, without a separate planning permission from the Local Planning Authority.  
REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

13. The noise emitted from the combined effects of all the wind turbines as measured in accordance with the guidelines stated within ETSU-R-97, at any dwelling in existence (at the time of this permission) shall not exceed the greater of 35dBLA90, 10minutes or 5dBA above background noise (LA90, 10 minutes) at wind speeds within the site not exceeding 10 metres per second for day time periods and shall not exceed the greater of 43 dBA90, 10 minutes or 5dBA above background noise (LA90, 10 minutes) at wind speeds within the site not exceeding 10 metres per second for night time periods. The measurements and or calculations shall be made in accordance with the methodology detailed in "ETSU-R-97: The assessment and rating of noise from wind farms", in particular the noise emission values for the wind turbines shall include the addition for any tonal penalty as recommended in the same document. The background noise levels shall be those measured and stated within the New Albion Wind Farm Environmental Statement, September 2009.  
REASON: In the interests of protecting the occupiers of nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

14. No wind turbine shall be operated on the site until a scheme detailing the monitoring of noise emitted from the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that noise monitoring is carried out at the nearest noise sensitive premises outside the curtilage of the development, or other location prior to submission to the Local Planning Authority, to ensure compliance with condition 13. The monitoring shall be carried out within 3 months of the commissioning of the turbines. Within 1 month of the monitoring a detailed report of results shall be submitted to the Local Planning Authority.  
REASON: In the interests of protecting the occupier of the nearby dwellings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy. Please refer to informative 1.

15. If requested by the Local Planning Authority, the operator of the wind farm shall, at its expense, employ an independent consultant approved by the Local Planning Authority, to measure and assess the level of noise emissions from the wind turbine generators at locations to be specified by the Local Planning Authority and otherwise following procedures set out in pages 102 to 108 of the "ETSU-R-97: The assessment and rating of noise from wind farms". The operator will arrange for the turbines not to be operated as may be necessary for the purposes of the investigation. The operator shall carry out this investigation and report to the Local Planning Authority within 8 weeks 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 condition 13 the operator shall immediately take such action as may be necessary, including ceasing to operate any or all of the turbines, so as to comply with condition 13 at all times.

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

16. No construction shall be undertaken as part of this development except in accordance with the noise and vibration assessment and mitigation contained within Chapter 9 of the New Albion Wind Farm Environmental Statement, September 2009.

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

17. All construction works and ancillary operations which are audible from the boundary of any noise sensitive receptor shall be carried out only between the hours of 07:30 and 19:00 Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays and at no times on Sundays and Bank Holidays, without the prior approval of the Local Planning Authority and the completion of any additional measures required by the Local Planning Authority in permitting construction outside the hours specified in this condition. The receipt of any materials or equipment for the construction of the site is not permitted outside of these hours, unless otherwise approved in writing by the Local Planning Authority. Fixed mobile plant used within the site during the construction period shall not incorporate any warning devices that are audible at the boundary of any noise sensitive property.

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

18. No works to decommission the development shall commence until a scheme for the protection of nearby residential dwellings 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 turbine farm.

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

19. Prior to commencement of development details of warning signs shall be submitted and approved in writing by the Local Planning Authority. The details to be approved shall include the size, location and the wording/symbols to be displayed on them. The approved signs warning highway users of their approach to the site access shall be erected at the approved locations prior to the development commencing and remain in place for the duration of the construction of the wind farm.

REASON: In the interests of highway safety in accordance with PPG13 and policy 13 of the North Northamptonshire.

20. Prior to the commencement of the development hereby permitted a Construction and Traffic Management Plan shall be submitted to and gain the

approval of the local planning authority. The Construction and Traffic Management Plan shall include: -

- a) The number, nature and route of all construction related vehicles which would be used to transport the constituent parts of the turbines
- b) Details and measures of how the route identified under part a) of this condition would be enforced including measures and actions for non compliance.

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- c) Details of how any damage to the highway along the route identified under part a) of this condition shall be determined and repaired
- d) Swept path details of all vehicles identified under part a) of this condition at all affected junctions along the route identified under part a) of this condition. Details required shall include topographical surveys of affected junctions including works required to accommodate the vehicles identified under part a) of this condition.
- e) Detailed highway condition survey of the route identified under part a) of this condition.

REASON: In the interests of highway safety in accordance with PPG13 and policy 13 of the North Northamptonshire Core Spatial Strategy.

21. Prior to the commencement of any other development hereby permitted all highway works identified by the Construction and Traffic Management Plan shall be completed and shall, thereafter be maintained for the duration of the construction and commissioning of all of the turbines. Any such works shall thereafter be removed and the highway reinstated in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority unless otherwise approved in writing by the local planning authority.

REASON: In the interests of of highway safety in accordance with PPG13 and policy 13 of the North Northamptonshire Core Spatial Strategy.

22. Prior to the commencement of the development hereby permitted details of the location, layout, access, signing and security of the public viewing area shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall thereafter be constructed and made available for the public and maintained in good order for the duration of the construction of all of the turbines and for a minimum period of six months after commissioning of the last turbine.

REASON: In the interests of highway safety in accordance with PPG13 and policy 13 of the North Northamptonshire Core Spatial Strategy.

23. Prior to the commencement of development, a scheme for aviation lighting of the turbines shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out or operated other than in accordance with the approved scheme.

REASON: In the interests of air safety in accordance with PPG13. The MOD have advised that all turbines shall be fitted with 25 cendela omni-directional red lighting at the highest practicable point.

24. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The wind farm shall not be operational until the approved scheme has been fully implemented in accordance with the approved details, and shall be retained thereafter..

REASON: In the interests of the interests of security and the amenity of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

25. Within 6 months prior to commencement of development an update survey to determine the presence of any of the protected species under the Wildlife & Countryside Act (as amended), and species of Principal Importance (as referred to in s40 of the Natural Environment and Rural Communities Act 2006), in the areas to be affected by construction activities shall be submitted to and approved in writing by the Local Planning Authority. If any of these species are found, the Construction Environment Management Plan required to be approved and implemented under Condition 30 shall include mitigation measures to avoid any damaging effects in respect of those species during the construction, the operation and the ultimate decommissioning of the wind farm.

REASON: In the interestes of protected species on the site in accordance with PPS9.

26. Within 6 months prior to the commencement of development, a further bat survey over areas to be approved in writing by the Local Planning Authority including any further identified mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Development, including mitigation measures, shall not be carried out other than in accordance with the approved survey.

REASON: In the interests of bats on or near the site in accordance with PPS9.

27. In conjunction with condition 31 the construction of the wind farm hereby approved shall not commence until additional tree planting has taken place to link New Wood to Alder Wood in accordance with a detailed planting plan that shall first be submitted to and approved in writing by the Local Planning Authority. The plan shall show the species of trees to be planted, their size and location and density of planting. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of wildlife and habitat in accordance with PPS9 and policy 5 of the North Northamptonshire Core Spatial Strategy. Please refer to informative 9.

28. In conjunction with condition 31 no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of for hedgerow enahcement and the creation of 2 new ponds as detailed in chapter 10 of the Environmental Statement. Plans shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following first operation of the windfarm. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of wildlife and habitat in accordance with PPS9.

29. Prior to the commencement of development details of a scheme for the provision of a septic tank and soakaway system (to BS 6297: 1983 standard) for surface and waste water drainage shall be 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 scheme.

REASON: To prevent pollution of the water environment in accordance with PPS25, policy 35 of the East Midlands Regional Plan and policy 13(q) of the North Northamptonshire Core Spatial Strategy.

30. Prior to the commencement of development a Construction Environment Management Plan is to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details.

REASON: To secure the safe development of the site.

31. The development shall not commence until an Ecological Management Plan (EMP) relating to short and long term monitoring and management of the whole of the development site, and to additionally include provision of a woodland strip between New Wood and Alder Wood, and to include other mitigation and enhancement proposals as outlined in the RPS letter (reference kj/NE) dated 13.11.09, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the EMP shall be implemented and all work shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and improving habitats, biodiversity and the nature conservation value of the site and its surroundings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

32. Prior to the commencement of development, a groundwater survey shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved survey.

REASON: In the interests of maintaining and improving habitats, biodiversity and the natural conservation value of the site and its surroundings in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

33. Prior to the commencement of development, details of the bunded structures for the storage of chemicals, oils and fuels shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of maintaining and improving habitats, biodiversity and the natural environment value of the site and its surroundings in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

If planning permission has been granted, the justification for that decision is set out below:-

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 22, 7, 9, 13, 15, 16, 24, and 25 Policies 24, 26, 27, 27, 40, 29, 30, 31, 35 and 40 of The East Midlands Regional Plan, Policies 5, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 7 of the Local Plan for Kettering Borough. The issues relating to the impact on the landscape, historical environment, noise and ecology are material planning considerations and, in reaching the decision to approve the proposal, have been carefully weighed against all relevant policy considerations.

Yours faithfully

Development Services