

**Mid Suffolk District Council Planning Control Department
131 High Street Needham Market IP6 8DL**

**PLANNING PERMISSION
Town and Country Planning Act 1990**

Town and Country Planning (General Development Procedure) Order 1995

Date of Application: March 12, 2010

REFERENCE: 0724 / 10

Date Registered: April 6, 2010

Documents to which this decision relates: Site Layout Plan WPENGd1067 rev K received 1st April 2010, Design and Access Statement received 12th March 2010, Volume 1 - Non Technical Summary received 12th March 2010, Flood Risk Assessment received 1st April 2010, Volume 2 - Environmental Statement Main Text received 12th March 2010, Addendum to Chapter 5, Volume 2 received 1st April 2010, Volume 3 - Figures and Photomontages received 12th March 2010, Volume 4 - Appendices received 12th March 2010

CORRESPONDENCE ADDRESS:

Mr J du Pre
Wind Direct
The Gatehouse
White Cross, South Road
Lancaster
LA1 4XQ

NAME AND ADDRESS OF APPLICANT:

Roy Humphrey Group
Roy Humphrey Group
Ipswich Road
Eye
IP23 8AW

PROPOSED DEVELOPMENT AND LOCATION OF THE LAND:

Erection of 2no. 130m wind turbines, electricity transformer and temporary works compound, construction of access tracks, hard standings and temporary access alterations.

- Land alongside A140, Ipswich Road, Eye

The Council, as local planning authority, hereby gives notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans submitted subject to the following conditions:

1. TIME LIMIT FOR COMMENCEMENT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. DEVELOPMENT RESTRICTION

The development hereby permitted shall be carried out and completed in strict accordance with the details contained within the submitted application documents

cited above except as may be varied by details subsequently agreed, in writing, pursuant to any of the conditions attached to this decision or as may otherwise be agreed, in writing, by the local planning authority.

Reason – In order to secure a properly planned development

3. ACTION REQUIRED PRIOR TO COMMENCEMENT OF ANY WORKS

No development shall be commenced until precise details of the external colour finishes to be used on all parts of the development have been submitted to and agreed, in writing, by the Local Planning Authority. Such colours as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason – To secure an orderly and well designed development sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

4. LONGER TERM ACTION REQUIRED

The turbines hereby permitted shall cease operation and all works and development the subject of this permission shall be removed from the site 25 years and 3 months after the date of first generation of electricity of each turbine respectively, in accordance with a decommissioning and reinstatement scheme that shall have been submitted to and agreed in writing by the local planning authority no later than 24 years after the date of this permission. The scheme shall include the following information:

- A method statement and timetable for the disassembly and destruction of the structures.
- Details of the reuse and recycling of all waste materials where possible.
- A method statement and timetable for the reinstatement of the land to its former condition.

Reason – In order to secure the appropriate decommissioning and recycling of the development structures and reinstatement of the land.

5. ACTION REQUIRED BEFORE ANY DEVELOPMENT BEGINS

Prior to the commencement of development details of the precise siting of the turbines hereby permitted shall be submitted to and agreed in writing by the local planning authority. Thereafter the turbines shall only be erected in the positions as agreed.

Reason - To secure a properly planned development

6. ACTION REQUIRED- AVIATION SAFEGUARDING

Prior to the commencement of development notice of the following information shall be notified to the local planning authority and shall concurrently be notified to the

Ministry of Defence:

- The date(s) construction is intended to start and end
- The maximum height of construction equipment to be used in the development
- The latitude and longitude of every turbine

Reason – In the interests of aviation safeguarding

7. ACTION REQUIRED BEFORE ANY DEVELOPMENT BEGINS

Prior to the commencement of development details (which shall include position, luminance and timetable for installation) of omni-directional, infra-red, aviation safeguarding lighting to be installed at the highest practical points on the turbine structures shall be submitted to and agreed in writing by the local planning authority. The lighting shall be installed and be functionally operational in accordance with the details as may be agreed.

Reason – In the interests of aviation safeguarding.

8. ILLUMINATION RESTRICTION

There shall be no means of external illumination installed and/or operated on the development except as may be agreed pursuant to condition 7 of this decision or pursuant to the grant of planning permission on an application made in that behalf.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.

9. ACTION REQUIRED BEFORE ANY DEVELOPMENT BEGINS

Prior to the commencement of development a scheme to mitigate the impact of shadow flicker on surrounding residential properties shall be submitted to and agreed in writing by the local planning authority. The scheme shall be fully implemented and retained in all respects as may be agreed for the entire duration that the turbine structures are capable of giving rise to such harm unless otherwise agreed in writing by the local planning authority.

Reason – In order to protect the residential amenities of nearby dwellings that may be affected.

10. ACTION REQUIRED BEFORE ANY DEVELOPMENT BEGINS

Prior to the commencement of development a scheme to mitigate the impact of the development hereby permitted on telecommunications equipment (including telephone and television) within surrounding residential properties shall be submitted to and agreed in writing by the local planning authority. The scheme shall be fully implemented and retained in all respects as may be agreed for the entire duration that the turbine structures are capable of giving rise to such harm unless otherwise agreed in writing by the local planning authority.

Reason – In order to protect the residential amenities of nearby dwellings that may

be affected.

11. ACTION REQUIRED BEFORE ANY DEVELOPMENT BEGINS

Prior to the commencement of development a biodiversity protection scheme shall be submitted to and agreed in writing by the local planning authority. The scheme shall include the following:

- Provision for the monitoring and reporting of impacts on biodiversity (which shall at the outset be in relation to bat species) together with a timetable and procedure for periodic review of those monitoring and reporting requirements every 5 years from the first generation of electricity and which shall make express provision for review (and where appropriate cessation, instigation or re-instatement of monitoring and ongoing review for bats or other species) at the written request of the local planning authority
- A mechanism to secure mitigation measures for any appropriate bat species, or following review such other appropriate species, for the lifetime of the development or for such other period as may be agreed in writing by the local planning authority
- A timetable for the implementation of the scheme that shall cover the periods of construction, decommissioning and the lifetime of the development.

The scheme shall be implemented and adhered to in accordance with the details as may be agreed unless otherwise agreed in writing by the local planning authority.

Reason – In the interests of safeguarding biodiversity and their habitats and informing future development

12. DEVELOPMENT RESTRICTION - BIODIVERSITY SAFEGUARDING

The development hereby permitted shall be carried out, completed, operated and decommissioned entirely in accordance with the protected species mitigation measures specified at section 7.5 of the submitted Environmental Statement received 12 March/15 April 2010 and the scheme as may be agreed pursuant to condition 11 (above) of this permission.

Reason – In the interests of safeguarding biodiversity and their habitats.

13. ACTION REQUIRED - BLADE DETECTION SYSTEM

Prior to the first operation of either turbine, details of a blade condition monitoring system shall be submitted to and approved in writing by the local planning authority. Such system as may be agreed shall be installed and made functionally available concurrent with the first operation of the respective turbine structure to which the system relates.

Reason – In order to control the operation of the turbines in the interests of safety.

14. LISTING OF APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the following approved documents or such other drawings/documents as may be approved in writing pursuant to other conditions of this permission/consent; or such

drawings/documents as may subsequently be approved in writing as a non material amendment following an application in that regard :

*Site Layout Plan WPENGd1067 rev K received 1st April 2010,
Design and Access Statement received 12th March 2010,
Volume 1 - Non Technical Summary received 12th March 2010,
Flood Risk Assessment received 1st April 2010,
Volume 2 - Environmental Statement Main Text received 12th March 2010,
Addendum to Chapter 5,
Volume 2 received 1st April 2010,
Volume 3 - Figures and Photomontages received 12th March 2010,
Volume 4 - Appendices received 12th March 2010*

Reason - For the avoidance of doubt and in the interests of proper planning of the development

15. DEVELOPMENT RESTRICTION - TURBINE STRUCTURE

No logos, devices, signs, symbols or other information, other than those required for health and safety, shall be displayed on or within the fabric of the structure of the wind turbines unless otherwise agreed, in writing, by the local planning authority.

Reason - In the interests of the visual amenity of the surrounding countryside and to safeguard the historic environment of the locality.

16. ACTION REQUIRED - ARCHAEOLOGY

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - in order to safeguard the protection and appropriate recording of heritage assets.

17. ACTION MAY BE REQUIRED - CONTAMINATION

If, at any time during development, contamination not previously identified is found to be present no further development shall be carried out until a remediation strategy has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall proceed in accordance with the strategy as may be agreed.

Reason - To prevent contamination of Controlled Waters by the development.

REASONS FOR APPROVAL:

1. This permission has been granted having regard to policy(ies)

Cor11 - CS11 Supply of Employment Land

of the Mid Suffolk Core Strategy Document, and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

2. This permission has been granted having regard to policy(ies)

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT
RT12 - FOOTPATHS AND BRIDLEWAYS
CL8 - PROTECTING WILDLIFE HABITATS
H17 - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION
HB13 - PROTECTING ANCIENT MONUMENTS

of the Mid Suffolk Local Plan, and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

3. This permission has been granted having regard to policy(ies)

PPS1 - DELIVERING SUSTAINABLE DEVELOPMENT
PPS7 - SUSTAINABLE DEVELOPMENT IN RURAL AREAS
PPG15 - PLANNING AND THE HISTORIC ENVIRONMENT
PPS23 - PLANNING AND POLLUTION CONTROL
PPS22 - RENEWABLE ENERGY. INCLUDES THE COMPANION GUIDE
PPS25 - FLOOD RISK
PPG24 - PLANNING AND NOISE
PPS6 - PLANNING FOR TOWN CENTRES
PPG4 - INDUSTRIAL, COMMERCIAL DEVELOPMENT AND SMALL FIRMS
PPS23 - PLANNING AND POLLUTION CONTROL
PPS1 - DELIVERING SUSTAINABLE DEVELOPMENT
PPG15 - PLANNING AND THE HISTORIC ENVIRONMENT

of the Planning Policy Statement, and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

NOTES:

1. **Summary Reason(s) for Approval**

The application was considered at Planning Committee A on 23rd June 2010 and reference should be made to the agenda documentation and late representations. Presentations were made by both supporters and objectors to the project at that meeting and the Committee considered what had been said. The committee debated the merits and de-merits of the application at length. They were also mindful of the nearby 3 turbine project elsewhere on Eye airfield which had included a package of community benefits to be secured by Section 106.

In weighing the application the impacts of the development on the countryside, economic development, residential amenity and historic environment came to the fore, against which the sustainability benefits of the proposal as a renewable energy development were balanced. Members noted that PPS22 is positively framed for the advancement of renewable energy development to contribute towards national and regional targets subject to the weighing of this benefit against issues of environmental

protection.

Weighing development plan policy and other material considerations the Committee generally concurred with the officers' opinion that the majority of impacts are not unacceptably adverse and those impacts that are unacceptably adverse are clearly outweighed by the sustainability benefits of the development. On this basis, the proposed development accorded with the requirements of PPS22 and broadly accorded with the requirements of other policies and the Development Plan.

The main element of tension related to the impact of the northern turbine on the setting of a single historic asset (Goswold Hall). PPS5 and Local Plan policy HB1 highlight the need for development to safeguard and respect the character and appearance of the listed building. Officers noted that the effect on the setting of Goswold Hall was undesirable and Committee gave consideration to the various detailed aspects of this heritage impact concluding, on balance, that it was not considered so great as to outweigh the merits of the scheme. It was noted that the vendor of Goswold Hall had declined to accept monitoring equipment being placed on his land to facilitate the EIA work done by the applicant. *Consideration was given to the impact on the heritage assets in the locality of the site and their setting and to the merits of landscaping off the site on land beyond the control of the applicant.*

Consideration by committee led to a motion of refusal which was lost. Following that a motion to accept the officer recommendation was put and the Committee also saw serious planning benefit in securing Section 106 benefits to the local community on matters including the delivery of energy generated to the adjacent industrial area and in relation to landscape impact mitigation offsite and the promotion of energy conservation measures together with a Green Energy Plan. Committee delegated authority to seek a Section 106 in appropriate terms to secure their wishes before planning permission was granted.

Following the resolution of 23rd June 2010 officers negotiated a Section 106 with the applicant to contribute a local community benefit amounting to £1000 per MW (megawatt) of installed capacity each year for the duration of commercial operation of the turbines (expected to be 25 years). The installed capacity is expected to be circa 5 MW.

In essence the contribution is to be used to carry out measures for the promotion and education of renewable energy, energy saving, landscaping or environmental mitigation within the Local Community. This includes: funding the installation of energy efficiency measures within community buildings, off site planting, hedging and other landscaping measures, off site environmental improvements including the creation of new environments and managing existing environments. The Section 106 planning obligation also includes a commitment by the applicant to investigate the viability of delivering electricity to other companies on Eye industrial estate on 1st, 3rd and 7th anniversaries of starting commercial operation of the turbines. If that proves viable the applicant will prepare a Green Energy Plan for agreement with the Council.

Further clarification and explanation of the considerations and their evaluation may be obtained by reading the committee agenda bundle and minutes. Reference should also be made to the concluded Section 106 planning obligation.

2. The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:-

- (i) it is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with Sharon Berry Public Rights of Way Officer, Mid Suffolk District Council, 131 High Street, Needham Market, Suffolk IP6 8DL. The telephone number is 01449 724634. (email sharon.berry@midsuffolk.gov.uk)
- (ii) The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network.
- (iii) Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Suffolk County Council).

This relates to document reference: 0724 / 10

Signed: Philip Isbell
**Professional Lead Officer
Planning Services**

Dated: July 20, 2010

MID SUFFOLK DISTRICT COUNCIL, 131 HIGH STREET, NEEDHAM MARKET, IPSWICH IP6 8DL