

FILE COPY

Town and Country Planning Act 1990

Planning Permission

Reference: H13-1558-07 **Received:** 22nd July 2010

Type: FULL

Name: Mr W Ravell
'Snake Hall'
Eaugate Road
Moulton Eaugate
Spalding Lincs
PE12 0TB

Agent: Seren Energy
1B High Street
Clydach
Swansea
SA6 5LG

Description: Installation of wind turbine (height to blade tip 74 metres) and ancillary works/ structures, plus temporary anemometry mast.

Location : Chapel Farm Moulton Chapel

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg no. WGF-140710-1 received 21 July 2010.
Additional Planning Information (dated July 2010) received 21 July 2010.
Updated photomontages (dated December 2011) received 17 February 2012.
Bird Assessment (dated December 2011) received 17 February 2012.
unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The planning permission is for a period not exceeding 25 years from the date that the development is first connected to the electricity grid. The dates of:

Council Offices
 Priory Road
 Spalding
 Lincolnshire
 PE11 2XE

contacts:
 admin: 01775 764723
 dc officers: 01775 764703
 s/board: 01775 781161
 facsimile: 01775 762937
 planningadvice@sholland.gov.uk
 www.sholland.gov.uk

(a) first connection to the grid, and;
 (b) of the full operation of the turbine
 shall be notified in writing to the Local Planning Authority within 28 days of each of these two events occurring.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures.

This Condition is imposed in accordance with Policies SG4 and SG17 of the South Holland Local Plan, 2006.

- 4 If the wind turbine hereby permitted fails to produce electricity for a continuous period of 12 months (unless such a cessation is due to the turbine being under repair or replacement) then a scheme for the decommissioning and removal of the turbine and any ancillary equipment and structures relating to the turbine shall be submitted for approval in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall make provision for the removal of the wind turbine and associated ancillary equipment to a depth of at least 1 metre below ground, and shall include management and timing of any works and a traffic management plan to address traffic issues during the decommissioning period. The scheme shall be fully implemented within 6 months of the approval of the scheme.

Reason: In the interests of the amenities of the locality and to ensure the removal of any non-productive element of the scheme in the interest of regulating the impact of the development.
 This Condition is imposed in accordance with Policies SG4 and SG17 of the South Holland Local Plan, 2006.

- 5 At the end of the 25 year period, the turbine shall be decommissioned and all related above ground structures shall be removed from the site. Not less than twelve months before the decommissioning of the turbine, a scheme for the restoration of the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall make provision for the removal of the wind turbine and associated ancillary equipment to a depth of at least 1 metre below ground. The scheme shall include management and timing of the works and a traffic management plan and shall be implemented as approved.

Reason: To ensure the removal of the turbine in order to limit the long term effects of the development and in recognition of the temporary lifespan of the structures.
 This Condition is imposed in accordance with Policies SG4 and SG17 of the South Holland Local Plan, 2006.

- 6 The hours of operation of the construction phase of the development and any traffic movements to or from the site associated with the construction of the development hereby permitted shall be limited to 0600 hours to 2000 hours Monday to Saturday and no work shall take place on

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 Spalding
 Lincolnshire
 PE11 2XE

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Sundays or Bank Holidays unless previously agreed in writing by the Local Planning Authority. Outside these hours, development at the site shall not be audible from the boundary of any noise-sensitive property and be limited to turbine erection, commissioning, maintenance, emergency works (provided that the developer retrospectively notifies the Local Planning Authority of the emergency works within 24 hours), dust suppression and the testing of plant and equipment.

Reason: To ensure a satisfactory development in the interests of the amenities of the locality. This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

- 7 Before construction of the turbine is commenced details of its external finish and colour shall be submitted to and approved in writing by the Local Planning Authority. The rotor blades, nacelle and upper 2/3 of the supporting mast shall be painted white.

Reason: To ensure a satisfactory development in the interests of the amenities of the locality and to ensure it meets the requirements of the International aviation regulations. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

- 8 All cabling between the wind turbine and the grid connection point shall be installed underground.

Reason: To limit the effects of the development in the interests of the amenities of the locality. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

- 9 Construction of the turbine shall not be commenced until full details of landscaping works, tree and shrub planting have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the number, species and heights on planting and positions of all the trees, together with details of post-planting maintenance. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following completion of the turbine, and any trees or plants which within a period of 5 years from the completion of the development 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: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006.

- 10 The development shall be carried out in accordance with the recommendations within the Bird

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Assessment Report (Reference RT-MME-108947, dated December 2011) received by the Local Planning Authority on 17 February 2012.

Reason: To safeguard wildlife and ensure that breeding birds, their nests, eggs and fledglings are not killed, injured or damaged.

This Condition is imposed in accordance with Section 11 of the National Planning Policy Framework, March 2012 and Section 1 of the Wildlife and Countryside Act 1981 (as amended).

- 11 Construction of the turbine shall not be commenced until a detailed scheme for regular survey work for post-construction wildlife monitoring has been submitted to and approved in writing by the Local Planning Authority. It shall thereafter be implemented as approved.

Reason: In the interest of safeguarding wildlife.

This Condition is imposed in accordance with Section 11 of the National Planning Policy Framework, March 2012.

- 12 No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
- The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.

This Condition is imposed in accordance with Section 12 of the National Planning Policy Framework, March 2012.

- 13 The applicant will notify the Lincolnshire County Council Historic Environment Department of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 12 above in order to facilitate adequate monitoring arrangements. No variation shall take place without prior written consent of the Local Planning Authority.

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Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds.
 This Condition is imposed in accordance with Section 12 of the National Planning Policy Framework, March 2012.

- 14 A copy of the final report required in connection with Condition 12 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains.
 This Condition is imposed in accordance with Section 12 of the National Planning Policy Framework, March 2012.

- 15 All constructional traffic shall gain access to the development via Eaugate Road and not Woodgate Road.

Reason: In the interests of highway safety and the amenities of the locality.
 This Condition is imposed in accordance with Policies SG14, SG15 and SG17 of the South Holland Local Plan, 2006.

- 16 No part of the development hereby permitted shall be commenced until details of works to be undertaken to Eaugate Road and its junction with the access track to accommodate large constructional vehicles have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in their entirety in accordance with the approved details before work commences on the turbine, unless agreed otherwise in writing with the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.
 This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

- 17 The applicants/developers of the development shall, for the duration of the construction period, be responsible for ensuring that the Eaugate Road junction with the access road is maintained in good order and kept free of detritus.

Reason: In the interests of the safety and free passage of those using the local highway network.
 This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland

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Local Plan, 2006.

- 18 No part of the development hereby permitted shall be commenced until constructional details of the access roadway and crane hardstanding to accommodate large constructional vehicles have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in their entirety in accordance with the approved details before work commences on the turbine, unless agreed otherwise in writing with the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

- 19 Noise from the operational turbine as measured at the nearest noise sensitive receptor (as legally existing at the time of this consent) shall be limited to an LA90 10 min of 35dB(A) at wind speeds of up to 10m/s-1 as measured or calculated at 10m height.

Reason: In the interests of protecting the occupiers of residential property from excessive noise disturbance.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

- 20 Before the temporary anemometry mast is installed details of its height, design and appearance (including details of aviation lighting) shall be submitted to and approved in writing by the Local Planning Authority. The mast shall be erected in accordance with the approved details and thereafter removed within 18 months of its erection, unless agreed otherwise in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the rural locality and also aviation safety.

This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan and also advice within Section 10 of the National Planning Policy Framework, March 2012.

- 21 Construction of the turbine shall not be commenced until details of a scheme to mitigate the impact of the development on the Precision Approach Radar (PAR) at RAF Wittering and the air traffic control operations of the Ministry of Defence (MoD) that are reliant upon the radar has been submitted to and approved in writing by the Local Planning Authority, following consultation with the MoD. The turbine shall not become operational unless and until the scheme has been carried out in its entirety in accordance with the approved details.

Reason: Without mitigation the turbine would have an unacceptable effect on the Precision Approach Radar (PAR) at RAF Wittering, to the detriment of aviation safety and vital public

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interest.

This Condition is imposed in accordance with advice within Section 10 of the National Planning Policy Framework, March 2012.

- 22 The developer shall install MoD accredited 25 candela aviation lighting or infra-red warning lighting on the nacelle of the turbine. The turbine shall be erected with this lighting installed and the lighting shall remain operational throughout the duration of this permission. No aircraft warning devices using visible spectrum lighting shall be attached to the turbine without the prior written consent of the Local Planning Authority.

Reason: In the interest of aviation safety.

This Condition is imposed in accordance with advice within Section 10 of the National Planning Policy Framework, March 2012.

- 23 Construction of the turbine shall not be commenced until a scheme to secure the investigation and alleviation of any electro-magnetic interference to TV and radio reception caused by the operation of the turbine has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of safeguarding residential amenity.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

- 24 Construction of the turbine shall not be commenced until details of measures to be undertaken to prevent possible ice fall/throw have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of health and safety and the amenities of the locality.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

- 25 Within a period of 28 days from the receipt of a written request from the Local Planning Authority, following a complaint to it, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of shadow flicker from the wind turbine. If the level of shadow flicker is found to be sufficient to result in a serious affect on amenity or cause danger to traffic, details of remedial measures to be undertaken to prevent such problems shall be submitted to the Local Planning Authority for written approval within 28 days of such problems being identified. The remedial measures shall thereafter be carried out in their entirety within 3 months of the date of their approval by the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

Council Offices
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Spalding
Lincolnshire
PE11 2XE

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This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

Reason For Approval

The proposal is in accordance with national and local policies as set out in;
Paragraphs 14 and 17 and Sections 10, 11 and 12 of the National Planning Policy Framework, March 2012;
National Policy Statements EN-1 and EN-3;
Planning for Renewable Energy - A Companion Guide;
Policy 40 of the East Midlands Regional Plan, 2009;
Policies SG1, SG4, EC4, SG13, SG14, SG15, SG17, SG18 and EN1A of the South Holland Local Plan, 2006.

Although there is some conflict with the Authority's Supplementary Planning Guidance on Wind Energy (adopted March 2004), in this instance the issues raised do not outweigh national guidance and policies referred to above.

Issues relating to such matters as visual/cumulative impact, noise/disturbance, vibration, shadow flicker, health issues, highway safety, danger to wildlife/horses, aviation safety and electromagnetic interference are material considerations but are not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal, subject to conditions.



Paul Jackson
Planning Manager

16th May 2012

H13-1558-07

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.