

PALGRAVE PARISH COUNCIL'S RESPONSE TO THE SECOND CONSULTATION ON PLANNING APPLICATION NUMBER 1574/13

Retention of wind turbine 24.8 metres to tip (18.3 metres to hub) in current position
(Turbine previously granted under Planning Permission ref 2777/10).
Palgrave Community Centre, Upper Rose Lane, Palgrave

This application was considered at the meeting of Palgrave Parish Council on 8 March 2018.

By a majority decision of the five councillors present it was resolved to OBJECT to this application for the same reasons as were given in the Council's response to the initial consultation in July 2013, namely:

Contrary to Policy CL24 – WIND TURBINES IN THE COUNTRYSIDE¹

PROPOSALS FOR WIND TURBINES SHOULD BE SITED TO MINIMISE THEIR VISUAL IMPACT ON THE LANDSCAPE. PARTICULAR CARE WILL NEED TO BE GIVEN TO THE DESIGN, SITING AND COLOUR OF ANCILLARY FACILITIES, INCLUDING TRANSFORMERS AND TRANSMISSION APPARATUS.

WIND TURBINES WILL NOT BE PERMITTED WHERE THEIR OPERATION WOULD RESULT IN A LOSS OF AMENITY FOR NEARBY RESIDENTIAL PROPERTY AND USERS OF RIGHTS OF WAY.

Its elevated position at the edge of the settlement renders the wind turbine visible along the Waveney Valley from Scole to the east, Roydon to the west, various points in Diss and properties bordering the A1066, from locations to the south beyond the parish boundary, across the 'Special Landscape Area' and from the Lows Public Footpath crossing it to the north and approaching the settlement along Rose Lane.

Contrary to Policy H16 – PROTECTING RESIDENTIAL AMENITY

TO PROTECT THE EXISTING AMENITY AND CHARACTER OF PRIMARILY RESIDENTIAL AREAS, THE DISTRICT PLANNING AUTHORITY WILL REFUSE:

- CHANGE TO NON-RESIDENTIAL USE WHERE SUCH A CHANGE WOULD MATERIALLY AND DETRIMENTALLY AFFECT THE CHARACTER AND AMENITY OF THE AREA BY MEANS OF APPEARANCE, TRAFFIC GENERATION, NUISANCE OR SAFETY;
- THE LOSS OF OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OR APPEARANCE OF AN AREA AND WHICH ARE IMPORTANT FOR RECREATION OR AMENITY PURPOSES;
- DEVELOPMENT THAT MATERIALLY REDUCES THE AMENITY AND PRIVACY OF ADJACENT DWELLINGS OR ERODES THE CHARACTER OF THE SURROUNDING AREA. THE CUMULATIVE EFFECT OF A SERIES OF PROPOSALS WILL BE TAKEN INTO ACCOUNT.

The location of the wind turbine near housing and in the recreational open space affects the amenity of those living nearby by inflicting noise and visual (flicker, reflections, shadows) nuisance. The visual impact was not considered nor assessed in the previous application but needs to be taken into consideration with this one as it cannot be eliminated. The noise nuisance (whether or not deemed a statutory nuisance) continues despite remedial measures and as such is likely to do so for the remaining 19-year life of the wind turbine. The environmental health officer is no longer responding to these on-going complaints but that does not mean that they do not exist. Councillors were concerned that the applicant still has not carried out the required flicker survey.

[continued...]

¹ Selected planning policies and their relevant sections are written out in full for the benefit of residents unfamiliar with MSDC's Local Plan

Contrary to Policy E12 – GENERAL PRINCIPLES FOR LOCATION, DESIGN AND LAYOUT OF INDUSTRIAL AND COMMERCIAL DEVELOPMENT

WHEN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT OR EXTENSIONS TO EXISTING INDUSTRIAL OR COMMERCIAL PREMISES, THE DISTRICT PLANNING AUTHORITY WILL HAVE REGARD TO THE FOLLOWING CRITERIA:

- DEVELOPMENT SHOULD NOT ADVERSELY AFFECT NEIGHBOURING PROPERTIES OR LAND USES BY REASON OF UNDUE ENVIRONMENTAL DISTURBANCE SUCH AS NOISE, VIBRATION, SMELL, NOXIOUS EMISSIONS OR DUST;
- [and others not applicable to the development in question]

IN APPROPRIATE CASES THE DISTRICT PLANNING AUTHORITY WILL IMPOSE PLANNING CONDITIONS OR SEEK TO ENTER INTO PLANNING AGREEMENTS IN SUPPORT OF THIS POLICY.

Contrary to Policy GP1 – DESIGN AND LAYOUT OF DEVELOPMENT

POOR DESIGN AND LAYOUT WILL NORMALLY BE REFUSED IN NEW DEVELOPMENT. THE DISTRICT PLANNING AUTHORITY WILL NORMALLY GRANT PERMISSION FOR PROPOSALS WHICH MEET THE FOLLOWING DESIGN CRITERIA:

- PROPOSALS SHOULD MAINTAIN OR ENHANCE THE CHARACTER AND APPEARANCE OF THEIR SURROUNDINGS, AND RESPECT THE SCALE AND DENSITY OF SURROUNDING DEVELOPMENT;
- [and others not applicable to the development in question]

The location is within land designated a 'Visually Important Open Space', held in trust for use as a recreation ground for the inhabitants of the Parish of Palgrave. It is the only such recreational space within the village, is used regularly by the pupils at the village primary school, and the presence of the wind turbine anywhere within this space is incompatible with these uses and users. There are no safeguards to limit the risks to members of the public in the event of any failure in the turbine structure or components.

Whilst the land is not strictly within the settlement boundary it is effectively enclosed by it. Housing to the south and part of the eastern boundaries with provision for possible further housing along the remainder of the eastern boundary to within a few metres of the wind turbine, housing to the north just beyond a small strip field, and the business park to the west.

Contrary to Policy CL8 – PROTECTING WILDLIFE HABITATS

THE DISTRICT PLANNING AUTHORITY WILL REFUSE DEVELOPMENT LIKELY TO BRING ABOUT:

- THE LOSS OR SIGNIFICANT ALTERATION OF IMPORTANT HABITATS INCLUDING HEATHLAND, WOODLAND, WATER MEADOWS, OTHER PERMANENT PASTURE, PARKLAND, MARCHES, STREAMS, PONDS, GREEN LANES, ALDER CARR AND OSIER BEDS;
- THE THREAT TO RARE OR VULNERABLE SPECIES, ESPECIALLY THOSE PROTECTED BY LAW.

The impact on the bats, birds, and other wildlife known to be living in or using the nearby hedge and tree-line and in the uncultivated land immediately beyond it has not been adequately assessed. The location is considerably closer to the hedge and tree-line than is usually recommended.

Contrary to Policy RT12 – FOOTPATHS AND BRIDLEWAYS

THE DISTRICT PLANNING AUTHORITY WILL, THROUGH ITS RESPONSIBILITY FOR CONTROLLING THE DEVELOPMENT AND USE OF LAND, SAFEGUARD THE FOOTPATH AND BRIDLEWAY NETWORK AND, WHERE APPROPRIATE, WILL SUPPORT PROPOSALS TO SECURE ITS IMPROVEMENT AND MODIFICATION, INCLUDING EXTENSIONS AND EXTINGUISHMENTS.

There is a permissive footpath running close to the other side of the hedge and tree-line forming the eastern boundary of the site. With the close proximity of the wind turbine there are no safeguards to limit the risks to members of the public in the event of any failure in the turbine structure of components, these are the same risks as those pertaining to users of the community land.

Palgrave Parish Council, 8 March 2018

From: Katherine Jones [mailto:palgravepc@gmail.com]
Sent: 12 July 2013 21:08
To: Planning Admin
Cc: John Pateman-Gee
Subject: Planning Application 1574/13 Retention of Wind Turbine in current position - Palgrave Parish Council response

For the Attention of John Pateman-Gee

Dear John

Please find comments below from Palgrave Parish Council and a supporting document attached in regard to the above Planning Application (an extension to Friday 12 July was agreed).

I would be very grateful if you would confirm receipt of this email.

Many thanks
Katherine Jones
Clerk to Palgrave Parish Council
07968 357088

1574/13 - Retention of wind turbine 24.8metres to tip (18.3 metres to hub) in current position (Turbine previously granted under Planning Permission ref 2777/10). Palgrave Community Centre, Upper Rose Lane, Palgrave

This application was considered at an additional meeting of the Parish Council on 9th July, when 6 Councillors and 5 members of the public were present, with Councillor David Burn also in attendance.

The meeting was adjourned and the present chairman of Palgrave and District Community Council (PDCC) was invited to comment on this application. His statement reflected that published in the July issue of the Palgrave Star, which is to the effect that it is intended to address the breaches of planning regulations and the planning contravention notice in order to correctly complete a process started two years ago and so tidy up the past. In response to a question he confirmed that the application had been made by those members of the PDCC who made the original application; the present PDCC executive committee had not been involved in the decision.

He then added that the PDCC executive committee had [on Wednesday 3rd July] considered the findings and recommendation of the Turbine Working Party [formed under the chairmanship of Councillor David Burn] and had agreed to submit a planning application to relocate the wind turbine [to a suitable position in the adjoining field to the east].

One other member of the public contributed to the discussion.

Councillors then formally considered the application in detail and at length. It was resolved to OBJECT to this application for the following reasons:

Contrary to CL24 WIND TURBINES IN THE COUNTRYSIDE

Its elevated position at the edge of the settlement renders the wind turbine visible along the Waveney Valley from Scole to the east, Roydon to the west, various points in Diss and properties bordering the A1066, from locations to the south beyond the parish boundary, across the 'Special Landscape Area' and from the Lows Public FP crossing it to the north, and approaching the settlement along Rose Lane.

Contrary to H16 PROTECTING RESIDENTIAL AMENITY

Contrary to E12 GENERAL PRINCIPLES FOR LOCATION, DESIGN AND LAYOUT

Contrary to GP1 DESIGN AND LAYOUT OF DEVELOPMENT

The location is within land designated a 'Visually Important open Space', held in trust for use as a recreation ground for the inhabitants of the Parish of Palgrave. It is the only such recreational space within the village, is used regularly by the pupils at the village primary school, and the presence of the wind turbine anywhere within this space is incompatible with these uses and users. There are no safeguards to limit the risks to members of the public in the event of any failure in the turbine structure of components.

Whilst the land is not strictly within the settlement boundary it is effectively enclosed by it. Housing to the south and part of the eastern boundaries with provision for further housing along the remainder of the eastern boundary to within a few metres of the wind turbine, housing to the north just beyond a small strip field, and the business park to the west.

The location of the wind turbine near housing and in the recreational open space affects the amenity of those living nearby by inflicting noise and visual (flicker, reflections, shadows) nuisance. The visual impact was not considered nor assessed in the previous application but needs to be taken into consideration with this one as it cannot be eliminated. The noise nuisance (whether or not deemed a statutory nuisance) continues despite remedial measures and as such is likely to do so for the remaining 23-year life of the wind turbine. The environmental health officer is no longer responding to these on-going complaints but that does not mean that they do not exist.

Contrary to CL8 PROTECTING WILDLIFE HABITATS

The impact on the bats, birds, and other wildlife known to be living in or using the nearby hedge and tree-line and in the uncultivated land immediately beyond it has not been assessed. The location is considerably closer to the hedge and tree-line than is usually recommended.

Contrary to RT12 FOOTPATHS AND BRIDLEWAYS

There is a permissive footpath running close to the other side of the hedge and tree-line forming the eastern boundary of the site. With the close proximity of the wind turbine there are no safeguards to limit the risks to members of the public in the event of any failure in the turbine structure of components, these are the same risks as those pertaining to users of the community land.

PRECEDENT

Councillors were concerned that granting approval to works that had been deliberately carried out in advance of any submission in respect of or agreement to the pre-commencement conditions may create a precedent that could be used by others to pre-empt the proper processes in order to secure a financial advantage.

EFFECTIVE DATE

Should the planning authority be minded to approve the application, Councillors were also concerned that back-dating the permission would similarly give an unwarranted legitimacy to the installation.

SUPPORTING DOCUMENTATION

A more comprehensive discussion of the background and context to this wind turbine, the rift and disharmony that has been caused by it in the community, the status of the land on which it was installed, and the basis for the objections are contained in the accompanying document.

It also includes responses to a number of the statements made within the APPLICATION DOCUMENTS submitted by the Agent, Ian Thorburn.

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Response to Consultation from Palgrave Parish Council - Supporting Evidence

BACKGROUND AND CONTEXT

An initial application (ref. 0914/10) by Palgrave & District Community Council (PDCC) for the installation of a wind turbine was submitted in March 2010. Following a site meeting in July 2010 (a copy of which is submitted with the latest application) this application was withdrawn and a revised application submitted (ref. 2777/10) with the wind turbine relocated to the north-east corner of the Community Land. Many concerns were expressed by residents; disregarding them and the recommendations for adopting less intrusive and community-divisive forms of renewable energy put forward by a working party, the PDCC was granted planning permission on 30th December 2010. This was despite significant individual objections to the application in public meetings, by the Parish Council and in individual submissions to the planning authority, and regardless of the rift that had already been created in this small community.

The position of the turbine had been previously agreed by the PDCC and a raft of MSDC officers, but three pre-commencement conditions were applied, relating to removal of the turbine at end-of-life, details of colours and finishes, and hard and soft landscaping works, all of which were to be approved prior to any work being carried out.

Despite the pre-commencement conditions not having been submitted, let alone approved, the turbine was erected in haste on 15th September 2011 (Palgrave Star, PDCC, October 2011), thereby ensuring that it would qualify for the then higher rate of feed-in-tariff, due to reduce the following April. The turbine immediately gave cause to complaints of noise nuisance and MSDC Environmental Health became involved, with the view that the complaints were justified and that the wind turbine could be creating a statutory nuisance. This also led to a planning contravention notice being raised.

[These statements represent the official view of the PDCC and so can be taken as an admission that, from the outset, there were noise problems sufficient to justify intervention by MSDC Environmental Health, which deemed them to be a probable statutory nuisance.]

The turbine generator was replaced and a review of the noise levels by MSDC Environmental Health was awaited (Palgrave Star, January 2012). The turbine was switched off on the 27th January 2012 at the request of MSDC Environmental Health Officer, who considered that noise being generated by the turbine at the time of her visit in the early hours of the morning was a statutory nuisance, due to the characteristic, tonal element and duration of the noise at that time. A meeting took place with the Planning Officer on 14th February regarding our answers to the planning contravention notice. The noise issue has a major effect on future options and PDCC was pressing Gaia for a comprehensive solution so it can get the turbine operating again (Palgrave Star, March 2012).

[This confirms that, despite the component replacement, the turbine remained a statutory nuisance.]

The May 2012 issue contains correspondence highlighting the widely differing views between an affected resident and John Kilgannon, PDCC chairman, and was representative of the differences across the wider community. Noise nuisance continued to be a problem but MSDC Environmental Health would not respond as the complaints were not 'on the proper form'; it was only through the strenuous efforts of and firm intervention by MSDC Ward Councillor David Burn that a means of adequately logging incidences and getting limited attendance by Environmental Health was possible.

The 2012 October issue had a lengthy article by John Kilgannon, of which the following is relevant: 'It is now just over a year since we managed to meet the deadline to install the wind turbine in the corner of the field so that we could obtain income from our utility Company in the form of Feed In Tariffs (FITs) for producing renewable electricity. In addition to being paid 29p (FITs) for every unit of electricity we produce, whether we use it or not, each unit of electricity produced by the turbine and used at the Centre saves us having to buy it from the utility company at about 13p a unit. Any

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electricity we do not use is “exported “ to the grid and we receive 3.5p a unit, the utility company do not actually measure how much is exported to the grid and make an assumption that we use 50% of what we produce and pay us accordingly. The FITS will continue for the twenty year life of the turbine and will increase with inflation.’

[This confirms the PDCC was willing to ignore the planning approval conditions for financial gain.]

Despite six separate officers from the Council saying there is not a noise nuisance over the Summer, at the time of writing Mid Suffolk are undertaking more monitoring as a result of complaints.

[The distinction is between those whose lives are definitely affected by the turbine noise and the Environmental Health officer whose judgement (not measurement) suggested that it was not necessarily sufficient to satisfy a court that it was a statutory nuisance. That there was a noise nuisance of some proportion was acknowledged by the Environmental Health officer’s advice that it was still possible to take civil action.]

‘The next activity that should take place relating to the turbine is to move it approximately 7 metres so that it complies exactly with the Planning Application. The current position of the turbine was agreed at a meeting with several Planning Officers of the Council some two years ago. Unfortunately the location plan included within the Planning application indicated the turbine would be 15m from the fence rather than a tree in the corner of the field - as agreed at the site meeting. In the scheme of things this did not make a great deal of difference, the principle of the application was the erection of a wind turbine “in the corner of the playing field”. At the meeting when the application was approved the Councillors did not debate the exact position, shown as a small red dot on a large scale plan.

Rules are rules however, and under pressure from some residents the Planning Department have told us that the turbine must be moved if it is to comply with the approval. The installers agreed to move the turbine in early summer but we still await paperwork from the Planners before this work proceeds.’

[The paperwork awaited is that to agree the incomplete pre-commencement conditions over 12 months after the premature installation date. Note particularly there has not been a single reference to the presence of a main foul sewer being the reason for the discrepancy in location.]

Any possibility of relocating the wind turbine was suspended by the application to register the Community Land as a Village Green, as development is prohibited during the determination period and leaving the turbine where it was had been compromised by MSDC legal opinion that the planning approval had not been implemented. The planning approval (decision notice) also requires that work commence within three years and this expires in December 2013, although in the circumstances it is quite conceivable that an application for an extension would be favourably considered.

At the PDCC AGM in November 2012 John Kilgannon, the retiring chairman, said ‘Approval of our response to the conditions attached to the Planning Approval was finally received in October. Officers from the Council have monitored the noise levels but we still await the outcome of their “intensive” monitoring in September.’ This meeting was well-attended by those residents suffering from the turbine noise and others who were not members of the PDCC. It was an acrimonious meeting but one proposition bore fruit, that being the formation of a Turbine Working Party (TWP) chaired by Ward Councillor David Burn and with representatives of the PDCC, Parish Council, Parochial Church Council, and individuals for, against and neutral to the wind turbine. The remit of the TWP was to attempt to find a way to relocate the wind turbine, mitigating the noise and visual impact on those living nearby, whilst retaining the income to the PDCC.

It was necessary to confirm whether any noise and visual nuisance complaints were justified and these was confirmed using structured interviews. The TWP has recommended a way forward and on 3rd July 2013 the PDCC Executive committee agreed to submit the planning application for relocation.

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AGENT'S LETTER AND ATTACHED DOCUMENTS

It is appropriate to comment on the following points made in the letter from Mr. Thorburn:

Purpose of New Application:

At no time previously has the presence of this large diameter foul water drain been stated as the reason for the relocation. No mention has been made of it in any reports issued by the PDCC, nor in a detailed report given by then Parish Councillor and Vice-Chairman Thorburn to the Parish Council during a meeting following the discharge of the pre-commencement conditions.

A competent surveyor would have ensured that the position of any utilities was previously established. MSDC Ward Councillor David Burn, for the TWP, had made enquiries regarding the line of the main foul sewer as it was known to run along the adjoining field boundary and its location and depth are highly relevant in the context of the alternative location for the wind turbine. The information from Anglian Water does not show any foul drain in the immediate vicinity of that site.

Material Facts:

2 - Makes the presumption that permission would have been granted in the revised location when a different one was agreed at the site meeting referred to. Of course to have obtained approval to the relocation would have meant that the planning officer would perforce be made aware that the conditions attached to the approval had been breached by PDCC with the premature installation;

4 - The installing contractor has previously accepted liability and agreed to pay the costs of relocation. The PDCC is therefore not required to commit to any expenditure, but would prefer to negotiate for the possibility of relocation to a satisfactory alternative location to the Community Land;

6 - Conversely a complete dismantling and reinstallation might also improve the situation and reduce the noise. What it will not do is eliminate the visual intrusion described later;

7 - The more recent noise studies referred to have clearly stated limitations and were unable to measure the full range of operation and noise generation. The continuing experiences of a number of people living nearby contradict those conclusions. The wind turbine has previously been deemed to be a statutory nuisance;

8 - Clearly the wind turbine in its present position has proven to be continually disruptive to those suffering from noise and/or visual intrusion. The negative consequences for community harmony and cohesion are significant and will not be healed by retaining the wind turbine in the present locality;

9 - At this point in time none of the generated income appears to have been spent on any of the long list of repairs, renovations and replacements that have been regularly touted as justification for the wind turbine. The community at large has yet to see any derived benefit from its presence, but is hopeful in time and under new management that this might change for the better.

Suggested Planning Conditions:

5 hard and soft landscaping - it would be appropriate to confirm that the planting comprises the correct species in the positions indicated, as there has been some doubt expressed over this.

Enclosures:

7 - The statement is too simplistic and misleading. The weight of the MSDC environmental acoustic advice is under-qualified and over-stated.

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RELEVANT PLANNING POLICIES AND CONSTRAINTS

CL24 WIND TURBINES IN THE COUNTRYSIDE

PROPOSALS FOR WIND TURBINES SHOULD BE SITED TO MINIMISE THEIR VISUAL IMPACT ON THE LANDSCAPE.

WIND TURBINES WILL NOT BE PERMITTED WHERE THEIR OPERATION WOULD RESULT IN A LOSS OF AMENITY FOR NEARBY RESIDENTIAL PROPERTY AND USERS OF RIGHTS OF WAY.

As the application is for retention of a wind turbine erected without benefit of planning permission (the MSDC solicitor has ruled and confirmed when challenged that the permission granted in respect of planning application 2777/10 has not been implemented) it provides the opportunity to actually see the impact on the landscape, confirm the loss of amenity for occupiers of nearby residential property and recognise the unmitigated risk to users of the Community Land and nearby permissive path.

The wind turbine is sited at the eastern margin of the settlement and at about the highest point by reference to the surrounding landscape.

It is visible on the skyline from: the east, within that expanse of the Waveney Valley between Scale/A140 bypass and the eastern outskirts of Diss town; the north-west, from Roydon; certain points within Diss and properties between A1066 Victoria Road and the R. Waveney; the northern end and approach route of the Lows Public FP between Palgrave and Diss across land designated in the Local Plan as a 'Special Landscape Area'; and approaching the village along Rose Lane.



I. View southwards from the northern margin of the Special Landscape Area, by The Lows Public FP. Wind turbine visible on skyline to the left of centre.

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2. View westwards showing height and position of turbine relative to houses on Common Hill, Upper Rose Lane and Lows Lane. A well-used permissive footpath runs from Upper Rose Lane along the field boundary adjacent to the Community Land and the wind turbine location.

HI 6 PROTECTING EXISTING RESIDENTIAL AMENITY

TO PROTECT THE EXISTING AMENITY AND CHARACTER OF PRIMARILY RESIDENTIAL AREAS, THE DISTRICT PLANNING AUTHORITY WILL REFUSE:- - CHANGE TO NON-RESIDENTIAL USE WHERE SUCH A CHANGE WOULD MATERIALLY AND DETRIMENTALLY AFFECT THE CHARACTER AND AMENITY OF THE AREA BY MEANS OF APPEARANCE, TRAFFIC GENERATION, NUISANCE OR SAFETY; - THE LOSS OF OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OR APPEARANCE OF AN AREA AND WHICH ARE IMPORTANT FOR RECREATION OR AMENITY PURPOSES; - DEVELOPMENT THAT MATERIALLY REDUCES THE AMENITY AND PRIVACY OF ADJACENT DWELLINGS OR ERODES THE CHARACTER OF THE SURROUNDING AREA. THE CUMULATIVE EFFECT OF A SERIES OF PROPOSALS WILL BE TAKEN INTO ACCOUNT.

The Community Land on which the turbine is sited was originally purchased c1960 by the Parish Council for the use of all residents of the Parish. It was turned into a charitable trust and later merged with another charitable trust formed to build and operate the Village Hall (Community Centre).

For the record the PDCC does not own the land for it is held in a charitable trust (Reg. no. 269132), of which the executive committee members act only as the trustees, and it is specified in the trust deed that the land '...shall be held upon trust for use as a recreation ground and site for a village hall for the use of the inhabitants of the Parish of Palgrave and the neighbourhood thereof...'

Whilst the incomplete (or inaccurate) declaration of ownership on the planning application may not be considered relevant in terms of planning law, the existence of the trust deed and the legally stated uses of the land make it very clear that the installation of a wind turbine is totally inconsistent with them and a significant number of the inhabitants of Palgrave have previously voiced and continue to state their objections to the loss of use of part of their recreation ground. Apart from the historic village green, being manorial land bisected by a public highway and divided further by accesses to adjoining properties, this Community Land provides the only public open recreational space for the settlement and is accordingly designated in the Local Plan as a 'Visually Important Open Space'. To erect a wind turbine, mobile phone mast, or anything not directly connected with and necessary for use for its intended purpose should not be contemplated, let alone permitted. It is as a consequence of all of these risks that an application was made during 2012 to register the land as a Village Green under Section 15(2) of the Commons Act 2006, and a determination is anticipated in September.

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Furthermore, the local primary school is amongst other organisations to make use of this land yet there are no safety measures around the turbine mast and of more concern absolutely no restriction of use within the potential wind turbine fall area. In fact the athletics track that has been marked out for the school children's use has one end close to the base of the wind turbine mast.

Although the Community Land is strictly not within the settlement boundary it is enclosed by it on three sides. There is housing all along the southern boundary on Upper Rose Lane, save for a car dealership/workshop, while to the north there is housing along and off The Lows which is only separated from it by a small field. The western boundary is shared with the Forge Business Park, where the metal-clad buildings act as reflectors for the noise generated by the turbine operating. To the east there was land reserved for a new school. Whilst the school may not materialise, part of the land has been already used for social housing with provision made to extend the site northwards, such that any further houses will be considerably closer to the wind turbine. It is obvious that the presence of the wind turbine and the noise it generates will sterilise that site for housing, for which there is a far greater need within the confines of the settlement boundary than there is for a turbine.

The visual impact and presence of the wind turbine on nearby housing is illustrated in the following:



3. Common Hill, showing area near wind turbine available for further housing.



4. Upper Rose Lane.



5. Car dealership and adjoining housing, Upper Rose Lane



6. The Lows

Apart from the physical proximity of the wind turbine there are the factors of variable rotation and aspect according to wind direction and speed. The human eye is naturally drawn to movement and so it becomes physiologically and psychologically difficult not to be constantly reminded of the presence of the wind turbine.

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The real and constant concerns regarding noise and the various visual impacts are considered in conjunction with the three relevant policies and constraints (viz. H16, E12 & GPI).

E12 GENERAL PRINCIPLES FOR LOCATION, DESIGN AND LAYOUT

WHEN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT OR EXTENSIONS TO EXISTING INDUSTRIAL OR COMMERCIAL PREMISES, THE DISTRICT PLANNING AUTHORITY WILL HAVE REGARD TO THE FOLLOWING CRITERIA:- - BUILDING DESIGN SHOULD BE TO A HIGH STANDARD WITH PROPER ATTENTION TO SITING, SCALE...

DEVELOPMENT SHOULD NOT ADVERSELY AFFECT NEIGHBOURING PROPERTIES OR LAND USES BY REASON OF UNDUE ENVIRONMENTAL DISTURBANCE SUCH AS NOISE, VIBRATION, SMELL, NOXIOUS EMISSIONS OR DUST...

GPI DESIGN AND LAYOUT OF DEVELOPMENT

PROPOSALS SHOULD MAINTAIN OR ENHANCE THE CHARACTER AND APPEARANCE OF THEIR SURROUNDINGS, AND RESPECT THE SCALE AND DENSITY OF SURROUNDING DEVELOPMENT...

THE SITING OF BUILDINGS AND THE CREATION OF OPEN SPACES BETWEEN EXISTING AND PROPOSED BUILDINGS SHOULD MAINTAIN OR ENHANCE THE CHARACTER OF THE SITE...

Before considering the noise impact on the amenity of adjoining residential areas, there is also the visual impact and intrusion that cannot be mitigated or eliminated should the wind turbine be retained in its present position or moved the short distance to the originally-approved location.

Whilst gathering evidence concerning the effects of noise it became apparent that there were also a variety of visual impacts that affected the amenity at different houses. In the process of gathering evidence in structured interviews to confirm the noise nuisance the research team, comprised of members of the Turbine Working Party (TWP), also recognised that these are significant. According to time of day, season and weather conditions, a number of individuals variously suffered from:

- × Direct blade flicker;
- × Shadows caused by blade rotation, slowly changing position with the movement of the sun;
- × Reflected images in glass of cabinets, doors, or windows of houses opposite, with at least one instance of reflected images being re-reflected;
- × Simultaneous or sequential combinations of the above.

Videos illustrating some of the above can be seen at: <http://www.youtube.com/user/PalgraveTurbine>

For some individuals the visual intrusion, which can vary in type during the day, is a greater nuisance to them than the noise.

From the outset there have been complaints concerning noise from the wind turbine and it is a matter of record that MSDC Environmental Health requested late in 2011 that it be turned off for corrective action and again required that it be turned off on the 27th January 2012 as the noise being generated by the turbine at the time of her visit in the early hours of the morning was a statutory nuisance, due to the characteristic, tonal element and duration of the noise.

Following intervention by MSDC Ward Councillor David Burn a formal logging and reporting procedure was put in place and it is understood that as many as 50 separate complaints were logged during this exercise (the information is confidentially held by the relevant department). Arrangements were also made for an officer to visit at the worst times but co-ordination and limited staff availability led to an unsatisfactory outcome for all parties.

1574/13 - Retention of wind turbine 24.8metres to tip (18.3 metres to hub) in current position
(Turbine previously granted under Planning Permission ref 2777/10).
Palgrave Community Centre, Upper Rose Lane, Palgrave

Consequent upon the merger of the staffing of Mid-Suffolk and Babergh councils a different officer became involved. A series of measurements were taken, as described in one of the documents submitted with the application. The formal conclusion from this testing was stated to be that 'although the turbine noise is undoubtedly audible at nearby properties, it is neither substantial nor unreasonable enough to amount to a Statutory Nuisance in legal terms.' That is to say that the stricter test of a court of law is not in the opinion of the officer likely to be met, but that does not mean that there is not a nuisance nor no loss of amenity suffered by those living within audible distance of the wind turbine and advice was again given regarding the alternative course of action available through the civil courts.

Regardless of that conclusion, and whether or not the characteristics of the noise have since changed, the officer concerned has stated that this ends the involvement of the Environmental Health team. Accordingly it is unreasonable to rely on an earlier report as representing the present position, nor to accept any statement that there is no longer any form of nuisance simply because an officer refuses to respond to subsequent complaints.

Also fundamental to this argument is that the acknowledged limitations of the testing equipment did not permit measurement at wind speeds greater than 3 metres/second, although a wind speed of 8 metres/second was used in a theoretical calculation. An assumption was made as to the possible increase in noise levels, but it appears from the tabulated results that the measured noise level at a wind speed of 3 m/s (after deduction for background noise) was identical to that expected at the considerably faster speed of 8 m/s! Since the actual noise levels could not be accurately measured, it is inappropriate to rely on the assumptions based on them.

The results of the impartial series of interviews undertaken during 2013 by members of the TWP can be summarised as follows in terms of noise and visual impact:

Noise Impact

- x 140 meters: a swishing noise and a metallic hum that fills up the whole of the garden. Can't sit in garden quietly any more, after a bit have to go inside to get away from the background noise. Also at night makes a squeaky noise like an old washing machine
- x 160 meters – a metallic noise, like tinnitus in your ears all the time. Can hear on still nights even with windows shut. Sometimes makes a whining noise. Would call it irritating even though it's not loud – a constant distant noise that never stops
- x 160 meters – when you arrive home late the noise hits you as soon as you get out of your car
- x Worse time for noise is early in the morning;
- x A house at 110 metres reported the noise is audible through double glazing;
- x 'Noise not really loud but obtrusive like an annoying wasp';
- x 'It has spoiled the enjoyment of my garden 100%' (resident, 130 metres way);
- x Not so noticeable in the day but more noticeable in evenings, mid mornings and weekends, especially Saturday afternoon and Sundays when the traffic is less;
- x Occupant of bedroom at back of house cannot sleep with window open (110 metres away).

Visual Impact

- x 140 metres - Clearly visible from kitchen sink. A continuous visual irritation, like a television flicker, worse in winter when there is less foliage to screen it;
- x 160 metres – shadow flicker noticeable in autumn and spring mornings
- x Reflection of rotating blades seen in houses opposite;
- x Can no longer enjoy sitting in conservatory (this property only 110 metres away);
- x Flicker effect in kitchen sometimes really strong (118 metres away);
- x When sitting in front room, irritated by reflection of turbine in windows opposite the house;
- x When eating at table there is the effect of constant movement from window.

1574/13 - Retention of wind turbine 24.8metres to tip (18.3 metres to hub) in current position
(Turbine previously granted under Planning Permission ref 2777/10).
Palgrave Community Centre, Upper Rose Lane, Palgrave

Amelioration

Requests are regularly made to the PDCC to consider switching off the wind turbine during summer evenings and at weekends and bank holidays, so that those affected can enjoy their properties or get their rest and sleep without the noise disturbance. To date such requests have not been acted on.

The TWP has sought information from Mosscliffe as to the feasibility of remote switching of the wind turbine. Whilst an answer remains awaited, research of the relevant technical material indicates that the necessary functionality is not available for smaller individual wind turbines.

CL8 PROTECTING WILDLIFE HABITATS

THE DISTRICT PLANNING AUTHORITY WILL REFUSE DEVELOPMENT LIKELY TO BRING ABOUT: - THE LOSS OR SIGNIFICANT ALTERATION OF IMPORTANT HABITATS...

This locality is well-known as being frequented by bats and birds, and is also close to a small field that is little used and may well support other wildlife, but the applicant has stated 'No' to the relevant questions on the application. It would be appropriate for an environmental or ecological assessment to be made prior to determining the application in order to independently validate that statement.

The location is well within the recommended and accepted 50 metre 'exclusion zone' from the trees.

RT12 FOOTPATHS AND BRIDLEWAYS

THE DISTRICT PLANNING AUTHORITY WILL, THROUGH ITS REponsibility FOR CONTROLLING THE DEVELOPMENT AND USE OF LAND, SAFEGUARD THE FOOTPATH AND BRIDLEWAY NETWORK...

As previously noted there is a well-used permissive footpath that runs immediately behind the hedge forming the eastern boundary between the Community Land and the agricultural land, and in fact at that corner of the Community Land there is well-defined break in the hedge used as a short cut between the two.

This footpath is probably within the fall radius of the turbine; consequently its users are potentially at risk should such an event occur. If it is deemed necessary to safeguard overhead power lines by restricting the siting of turbines within a distance of 1.5 times the maximum turbine height then it should be equally necessary to apply similar safeguards to people.



7. Permissive footpath from Rose Lane along common boundary between Community Land and field, alongside land earmarked for potential future housing.

1574/13 - Retention of wind turbine 24.8metres to tip (18.3 metres to hub) in current position
(Turbine previously granted under Planning Permission ref 2777/10).
Palgrave Community Centre, Upper Rose Lane, Palgrave

CREATION OF PRECEDENTS

There is great concern that similar arguments to those used here and the promotion of 'green credentials' will give rise to similar applications that will have similar negative outcomes for individuals and loss of their amenity.

Couple to this the lack of respect for planning law in the keen pursuit of 'free money' from the energy companies who are subsidised by those very sufferers who pay through their increasing energy bills.

To approve this retrospective application with the proof of the impact on the amenity of individuals and the resulting community discord, and not to take firm action when any conditions are breached, all create a set of most unwelcome and unwanted precedents that can similarly be exploited by others so minded.

EFFECTIVE DATE

It is strongly recommended that any approval, should the eventuality arise, be dated from the effective date of that decision and not back-dated at all. To retrospectively legitimise any breach of planning law or conditions, especially in these circumstances, would be entirely improper.

Consultee Comments for Planning Application 1574/13

Application Summary

Application Number: 1574/13

Address: Palgrave Community Centre Upper Rose Lane Palgrave

Proposal: Retention of wind turbine 24.8metres to tip (18.3 metres to hub) in current position (Turbine previously granted under Planning Permission ref 2777/10).

Case Officer: Gemma Walker

Consultee Details

Name: Mrs Susan Francis

Address: Mid Suffolk District Council, 131 High Street, Needham Market Ipswich, Suffolk IP6 8DL

Email: susan.francis@baberghmidsuffolk.gov.uk

On Behalf Of: Enforcement

Comments

There is a current planning enforcement investigation file relating to this application.

Subject:FW: MSDC Planning Re-consultation Request - 1574/13

-----Original Message-----

From: Tony Bass
Sent: 23 January 2018 14:39
To: BMSDC Planning Area Team Yellow
Subject: FW: MSDC Planning Re-consultation Request - 1574/13

Gemma,

No specific comment on this application.

Tony Bass
Strategic Leisure Advisor
Babergh and Mid Suffolk District Councils - Working Together
T: 07803 705803
tony.bass@baberghmidsuffolk.gov.uk

-----Original Message-----

From: Leigh Sherwin
Sent: 18 January 2018 15:40
To: BMSDC Communities Team <CommunitiesTeam@babergh.gov.uk>; Tony Bass <Tony.Bass@baberghmidsuffolk.gov.uk>
Subject: FW: MSDC Planning Re-consultation Request - 1574/13

Hi all

Please see attached planning application request. The deadline for comments is 31st January.

Regards
Leigh

-----Original Message-----

From: planningyellow@baberghmidsuffolk.gov.uk [<mailto:planningyellow@baberghmidsuffolk.gov.uk>]
Sent: 17 January 2018 13:09
To: Sue Clements <Sue.Clements@baberghmidsuffolk.gov.uk>
Subject: MSDC Planning Re-consultation Request - 1574/13

Please find attached planning re-consultation request letter relating to planning application - 1574/13 - Palgrave Community Centre, Upper Rose Lane, Palgrave,

Kind Regards

Planning Support Team

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimize any security risks. The information contained in this email or any of its attachments may be privileged or confidential and is intended for the exclusive use of the addressee. Any unauthorised use may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your email software. Opinions, conclusions and other information in this email that do not relate to the official business of Babergh District Council and/or Mid Suffolk District Council shall be understood as neither given nor endorsed by Babergh District Council and/or Mid Suffolk District Council.

From:David Harrold
Sent:Wed, 24 Jan 2018 10:05:15 +0000
To:BMSDC Planning Mailbox
Cc:Gemma Walker
Subject:Plan ref 1574/13 Palgrave Community Centre, Upper Rose Lane, Palgrave. EH - Land Contamination.

Thank you for re consulting me on the above application.

I can confirm in respect of land contamination that I do not have any adverse comments and no objection to the proposed development.

David Harrold MCIEH

Senior Environmental Health Officer

Babergh & Midsuffolk District Councils

t: 01449 724718

e: david.harrold@baberghmidsuffolk.gov.uk



Consultation Response Pro forma

1	Application Number	1574/13 Palgrave playing field	
2	Date of Response	25.1.18	
3	Responding Officer	Name:	Paul Harrison
		Job Title:	Heritage and Design Officer
		Responding on behalf of...	Heritage
4	Summary and Recommendation (please delete those N/A) Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	1. The Heritage Team considers that the proposal would cause <ul style="list-style-type: none"> • no harm to a designated heritage asset because it would not detract from the setting of nearby listed buildings or from the character or appearance of the Conservation Area. 	
5	Discussion Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	<p>Palgrave Conservation Area is focussed on the grouping of historic properties around the village green and Church. The layout is thought to represent a medieval planned settlement, unusual in Suffolk. To the east the Conservation Area is flanked by a business estate with several large modern commercial buildings, and by a motor business and modern residential development. To the east beyond these lies the playing field. The site of the turbine is in the north-east corner.</p> <p>In our view any contribution of the open space to the setting of listed buildings, including the Church, or the Conservation Area, is compromised to a considerably degree by modern developments, including the playing field, which have fundamentally changed the character of the land in this area. Accordingly the potentially intrusive visual impact of the tall turbine is reduced to the point where the proposal would not be considered harmful in heritage terms. We acknowledge that there may be other considerations which guide your recommendation, but in our view a refusal on heritage grounds alone would not be sustainable.</p>	
6	Amendments, Clarification or Additional Information Required (if holding objection)		

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.

	If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate	
7	Recommended conditions	

Please note that this form can be submitted electronically on the Council's website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Council's website and available to view by the public.



01 February 2018

Gemma Walker
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich IP1 2BX

By email only

Dear Gemma,

Application: 1574/13

Location: Palgrave Community Centre Upper Rose Lane Palgrave

Proposal: Retention of wind turbine 24.8metres to tip (18.3 metres to hub) in current position (Turbine previously granted under Planning Permission ref 2777/10).

Thank you for consulting Place Services on the above application.

No objection

The submitted Bat Activity Survey (Huckle Ecology, November 2017) includes sufficient ecological information to assess the impacts of development to bat species.

Bats are active on both sides of the hedgerow located to the east and north of the turbine in its current location and the operation of the turbine does not pose a significant risk to individual bats or the conservation status of local bat populations. The risks to bats from the turbine operating in its current location are not considered sufficient to require mitigation measures relating to the alteration of the turbine operation; bats have been shown to be actively flying close to and around the corner of the field both when the turbine is active and inactive.

Movement of the turbine to the consented location, approx. 6m closer to the hedgerow, would decrease the distance between the turbine blades and the edge of the vegetation present in the hedgerow. This would increase the risk of displacement of bats from using these habitats and potentially increase the risk of mortality of bats due to collision with the turbine blades. The consented location would therefore require mitigation measures to reduce the risks to bats arising from the turbine being closer to the hedgerow. This should be removal of the horse chestnut tree present in the corner of the field, management of trees and hedgerow species eg reduction in height and width of the hedgerow potentially to a maximum height of ca. 4m. or relocation of the hedge line, subject to landowner consent.

Please contact me with any further queries.

Regards,



Hamish Jackson BSc (Hons)
Junior Ecological Consultant
Place Services at Essex County Council
Hamish.Jackson@essex.gov.uk

Place Services provide ecological advice on behalf of Babergh and Mid Suffolk District Councils
Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

DISCLAIMER: This information has been produced by Suffolk County Council's Natural Environment Team on behalf of Mid Suffolk District Council, at their request. However, the views and conclusions contained within this report are those of the officers providing the advice and are not to be taken as those of Suffolk County Council.

Sue Hooton Senior Ecologist
Natural Environment Team

Endeavour House (B2 F5)
Russell Road
IPSWICH

IP1 2BX
Suffolk
Tel: 01473 264784
Fax: 01473 216889
Email: sue.hooton@suffolk.gov.uk
Web: <http://www.suffolk.gov.uk>

Your Ref: Palgrave turbine retention
Our Ref: 1574/13
Date: 17/10/2013

Ms E Truscott
Planning Dept
Mid Suffolk District Council
131 High St
Needham Market
Suffolk
IP6 8DL

Dear Ms Truscott,

Application 1574 /13: Retention of wind turbine 24.8metres to tip (18.3 metres to hub) in current position (Turbine previously granted under Planning Permission ref 2777/10) Palgrave Community Centre, Upper Rose Lane, Palgrave.

Based on the information provided by the applicant, and a site visit carried out on the 4th October, I offer the following comments:

The application

The proposal is to retain the Gaia 11kw twin blade turbine in its current position, but not the consented location as per 2777/10, on the Palgrave recreation ground. The existing location is within 50m from blade-tip of the boundary hedgerow and trees, a habitat feature which may be used by bats, as identified by the Suffolk Biodiversity Partnership flowchart "Recommended approach for bats and small wind turbines in Suffolk" (March 2013).

It is apparent that the applicant has not referred to the above guidance as the application form indicates that protected species are not likely to be affected. As no information has been provided about the risks to bats (both for species using hedgerows/trees and open-flying bat species such as Noctule bats) for this site, additional information will be required to allow this application to be determined.

Recommendation

If an evaluation of the risks to bats is not provided, (or not provided to a satisfactory standard), prior to determination, then I suggest that the application is refused.

In order to guide the applicant I offer the following comments:

1. The evaluation must be carried out by a suitably-qualified bat ecologist to quantify the risk of a criminal offence being committed and must include the cumulative effects, based on the quality of the habitats in & around the site and local bat records. These should be obtained from Suffolk Biological Records Centre and, given the proximity to Norfolk, from Norfolk Biodiversity Information Service.
2. If this risk is considered to be significant, effective mitigation should be identified e.g. modifying the turbine location or turning off the turbine at certain times or wind speeds. If this cannot be achieved, then a bat survey must be undertaken during the breeding season and an assessment of the results will be necessary to mitigate against killing or injuring or deliberate disturbance to bats.
3. The risks to protected species could be significantly reduced by moving the location 50m (from blade tip) from the boundary hedgerow although the potential impacts on open-flying bat species still need to be assessed as would any cumulative impacts.

Reasons

1. Retaining the turbine in the proposed location presents potential risks to bats which need to be assessed before the application can be determined.
2. It does not follow the Suffolk Biodiversity Partnership flowchart "Recommended approach for bats and small wind turbines in Suffolk" (March 2013) and therefore risks the applicant committing a criminal offence of killing or injuring these legally protected species.
3. The application to retain the turbine does not demonstrate how it meets saved Policy CL8 of Mid Suffolk Local Plan (1998) and Policy Cor5 of the Core Strategy.
4. Furthermore, In order for the Local Planning Authority to demonstrate its compliance with the Conservation of Habitats and Species Regulations (2012), the application requires an evaluation of the impacts to assess this risk to bats.

Yours sincerely

Sue Hooton
Senior Ecologist

Subject:FW: Gemma Walker. MSDC Planning Re-consultation Request - 1574/13

From: Almudena Quiralte, Landscape Consultant [mailto:Almudena.Quiralte@essex.gov.uk]

Sent: 08 February 2018 08:22

To: BMSDC Planning Area Team Yellow

Subject: FAO: Gemma Walker. MSDC Planning Re-consultation Request - 1574/13

Hi Gemma,

Apologies for late response to re-consultation for 1574/13 - Palgrave Community Centre, Upper Rose Lane, Palgrave.

Having had a look at the documents I have no further comments as the re-consultation is regarding Ecology matters.

Regards,

Almu

Almudena Quiralte, BA (Hons), Dip LA, ALI

Landscape Architect Consultant at Place Services

Working pattern: Monday, Tuesday, Wednesday / 7.30am – 3.30pm

telephone: 033301 36858 | mobile: 07891 588994

email: almudena.quiralte@essex.gov.uk

web: www.placeservices.co.uk

-----Original Message-----

From: Landscape

Sent: 22 January 2018 16:25

To: Almudena Quiralte, Landscape Consultant

Subject: FW: MSDC Planning Re-consultation Request - 1574/13 by 31st January

-----Original Message-----

From: planningyellow@baberghmidsuffolk.gov.uk
[mailto:planningyellow@baberghmidsuffolk.gov.uk]

Sent: 17 January 2018 13:10

To: Landscape

Subject: MSDC Planning Re-consultation Request - 1574/13

Please find attached planning re-consultation request letter relating to planning application - 1574/13 - Palgrave Community Centre, Upper Rose Lane, Palgrave,

Kind Regards

Planning Support Team

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimize any security risks. The information contained in this email or any of its attachments may be privileged or confidential and is intended for the exclusive use of the addressee. Any unauthorised use may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your email software. Opinions, conclusions and other information in this email that do not relate to the official business of Babergh District Council and/or Mid Suffolk District Council shall be understood as neither given nor endorsed by Babergh District Council and/or Mid Suffolk District Council.

BABERGH AND MID SUFFOLK DISTRICT COUNCIL

MEMORANDUM

TO: Steven Stroud Development Management

FROM: Environmental Protection Team DATE: 23.02.2018

YOUR REF: 1574/13

SUBJECT: Palgrave Community Centre, Upper Rose Lane, Palgrave

Thank you for re-consulting me on the above application for the retention of the wind turbine in the current position and previously granted under permission ref 2777/10.

In respect of noise issues my advice to the planning case officer dated 26 June 2013 remains the same, in so far as the fractional change in noise levels (plus or minus) as stated will have no perceivable impact on the noise climate and noise sensitive receptors. I can also confirm that since that date I am unaware that the Council has received any further noise complaints.

In respect of light issues and shadow flicker, government guidance at that time was Planning for Renewable Energy, A Companion Guide to PPS22, which advised that shadow flicker has only been proven to occur within a distance of ten times the rotor blade length (for this turbine, 120 metres) and within 130 degrees either side of north relative to the turbine position.

All the premises in Lows Lanes and Upper Rose Lane are either outside the 120-metre radius or 130-degree arc, with one exception in Common Hill. This premise is within the arc and at 117 meters, is within the radius, but does not appear to have any windows to habitable rooms directly facing the turbine. Neither has the Environmental Protection team received any complaints from this property regarding light issues.

I note the additional information supplied by the Applicant dated January 2018, "Justification for not carrying out a Flicker Survey for small wind turbine....". The information, in my opinion, is reasonable and acceptable. The likelihood of flicker occurring within the parameters above will be rare and if they are perceived to occur, short-lived so as not to have any significant adverse impact. It is possible that some residents witness flashes of reflected light from the turbine, which can be visible for some distance, but this is not the same thing as shadow flicker and the reflections have already been minimised in this case by the choice of a light-coloured turbine blade.

The current technical advice is that a shadow flicker assessment is not justified for this small sized turbine – either in its current location or the approved location.

David Harrold
Senior Environmental Health Officer

Application Reference: 1574/13/FUL	Officer Allocated to: DAH
Location of Proposed Development: Palgrave Community Centre, Upper Rose Lane, Palgrave	
Details: Retention of Wind Turbine	
Date Documents Received: 19/6/13	Date Reply Required by Planning: N/A
Objections:	
Recommendations/Comments:	
<p>Further to my response in June you have asked for further advice in respect of turbine noise on residential amenity and shadow flicker.</p> <p>The issue of protecting amenity and ensuring that there is no significant noise impact on health and quality of life is covered in government guidance for wind turbines: The Assessment and Rating of Noise from Wind Farms, ETSU-R-97.</p> <p>This guidance recommends day-time and night-time noise limits. These limits can be set between 35 and 40 dB (day) and 43 dB (night) or 5 dB above the background level for differing wind speeds, whichever is the greater.</p> <p>James Buckingham's letter to residents which has been included in the application confirms that the turbine in its' existing position, meets these limits. His letter and report to residents is I hope self explanatory.</p> <p>Although it is accepted that there has been much criticism around ETSU-R-7 it still remains the only official government guidance for wind turbines even after the most recent review of national planning policy and introduction of the new National Planning Policy Framework. The guidance advises that compliance with these noise limits is sufficient to protect both internal and external amenity of wind turbine neighbours.</p> <p>With regard to shadow flicker government guidance: Planning for Renewable Energy, A Companion guide to PPS22 advises that shadow flicker has only been proven to occur within ten rota diameters of a turbine (in this case a distance of 130 meters) and affect properties 130 degrees either side of north relative to the turbine position.</p> <p>From the applicant's plans submitted it would appear that houses in Lows Lane are more than 130 meters from the turbine. Houses south of the turbine in Lower Rose Lane are within 130 meters but outside of the 130 degree arc. Some new houses have been built in Common Hill which may be within the distance limit and are within the 130 degrees of the turbine position. At present it is difficult to advise further on these dwellings because their position is not marked on any plan or ordinance survey data that I have access to.</p>	
Signed: David Harrold	Date: 23.9 2013



**MID SUFFOLK DISTRICT
COUNCIL
ENVIRONMENTAL**

DEVELOPMENT CONTROL

Planning Consultation

Application Reference: 1574/13/FUL	Officer Allocated to: DAH
Location of Proposed Development: Palgrave Community Centre Upper Rose Lane Palgrave	
Details: Retention of wind turbine in current position	
Date Documents Received:	Date Reply Required by Planning:
Objections:	
Recommendations/Comments:	
<p>Thank you for consulting me on the above planning application.</p> <p>I understand that this application regularises the consent ref 2777/10 in so far as the turbine was placed 6 metres from the original consented position.</p> <p>In this (actual) position the applicant has provided distance measurements to the nearest noise sensitive receptors in Upper Rose Lane and Lows Lane.</p> <p>These are 117.6m and 147.5 metres respectively.</p> <p>The change in noise level in comparison with the location previously consented is + 0.6 dB at Upper Rose Lane and - 0.4 dB for Lows Lane.</p> <p>It is widely held by acousticians that a 1 dB change in level is very small and would not be noticed in day to day life. It would be just noticeable in perfect laboratory conditions.</p> <p>A 3 dB change in level is generally just noticeable, and is a small change in perceived level.</p> <p>I can therefore conclude that a fractional change (+ 0.6 dB) will have no perceivable impact on the noise climate.</p> <p>The current noise levels have been the subject of complaint to the Environmental Protection Team and we have recently written to all complainants outlining the monitoring which acknowledges the noise as being audible; it is not of such a level to be a statutory nuisance.</p> <p>I therefore confirm that I do not have any objection to this application.</p>	
Signed: David Harrold MCIEH Dip Acoustics	Date: 26.6 2013