



# Bedford Borough Council

## STATEMENT OF CASE

**APPEAL BY NUON RENEWABLES UNDER SECTION 76 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AGAINST THE REFUSAL OF BEDFORD BOROUGH COUNCIL TO GRANT PLANNING PERMISSION FOR THE ERECTION AND OPERATION OF 9 WIND TURBINES AND ASSOCIATED INFRASTRUCTURE, INCLUDING CONTROL BUILDINGS, ON SITE ACCESS TRACKS AND UNDERGROUND ELECTRICAL CABLING AT AIRFIELD FARM, AIRFIELD ROAD, PODINGTON, WELLINGBOROUGH, NOTHANTS, NN29 7JQ.**

**PINS REFS: APP/W0205/A/07/2060059/NWF**

**LPA REF: 05/02589/MAF**



Evidence will be given by the Borough Council at the Inquiry in respect of the following matters:-

## **1 THE APPEAL SITE**

1. The Council will seek to agree a description of the appeal site and its surroundings with the Appellant for inclusion within the Statement of Common Ground.

## **2 THE PROPOSAL**

- 2.1 The erection and operation of 9 wind turbines and associated infrastructure including control building, on site access tracks and underground electrical cabling

## **3.0 THE COUNCIL'S DECISION**

- 3.1 Bedford Borough Council as Local Planning Authority received a planning application for the development in September 2005. The application was considered by the planning committee on 11 June 2007.

- 3.2 Planning permission was refused on 12 June 2007 for the following reasons:

1. In the opinion of the Local Planning Authority the scale and number of turbines will be conspicuous and out of place in the rural landscape and would result in a significant harmful impact on landscape character (Wooded Wolds LCA and the Clay Tributaries LCAs) and the Area of Great Landscape Value. The proposal would therefore be contrary to Bedfordshire Structure Plan policies 1, 7, 8, 13, 18, 70, Bedford Borough Local Plan policies BE6, BE7, NE14, BE21, BE26 and policies CP2, CP13, CP24 and CP25 contained in the Bedford Borough Core Strategy and Rural Issues Plan (Submission Version July 2006).



2. In the opinion of the Local Planning Authority the scale, number of turbines and their proximity to residential properties would result in an unacceptable and significant harmful impact on the living conditions of the nearby residential properties. The proposal would therefore be contrary to Borough Local Plan policy BE30 and policy CP2 contained in the Bedford Borough Core Strategy and Rural Issues Plan (Submission Version July 2006).
3. In the opinion of the Local Planning Authority the scale, number of turbines and their proximity to public footpaths, bridleways and Public rights of way would result in an unacceptable and significant harmful impact on the users of these networks reducing their value as a recreational asset and their function to provide enjoyable access to the countryside. The proposal would therefore be contrary to Bedfordshire Structure Plan policies 30 and 70, Bedford Borough Local Plan policies BE30 and LR10.
4. In the opinion of the Local Planning Authority the proximity, scale and number of turbines will result in significant harmful impact on the setting of listed buildings known as Hinwick Hall, Hinwick House and listed Quietways, Rose Cottage, Park Farm and numbers 1 - 4 Wheatsheaf Lane). The proposal will also have an adverse impact on the setting and appearance of the historic park and garden at Hinwick House. The proposal would therefore be contrary to Bedfordshire Structure Plan policy 13, Bedford Borough Local Plan policies BE21 and BE26, and policies CP24 contained in the Bedford Borough Core Strategy and Rural Issues Plan (Submission Version July 2006).
5. The proximity, scale and number of turbines with particular reference to turbine 7 will result in a significant harmful impact on the setting of the schedule ancient monument known as Wold Moated Enclosure. The proposal would therefore be contrary to Bedfordshire Structure Plan policy 13 Bedford Borough Local Plan policies BE23, BE24, BE25 and policies CP24 contained in the Bedford Borough Core Strategy and Rural Issues Plan (Submission Version July 2006).

#### **4.0 CONSULTATIONS ON THE PLANNING APPLICATION**

- 4.1 The following consultations were carried out. The responses were submitted with the appeal questionnaire.

##### Technical Consultees:

- 4.2 **Arqiva**



Responsible for providing transmission services for television and radio broadcasters and also infrastructure systems and services to cellular operators, transport and interior public space businesses.

**4.3 Bedford Borough Council (Environmental Health)**

In relation to noise.

**4.4 Bedford Borough Council (Conservation and Heritage)**

In relation to impacts on the setting of listed buildings, the settlement of Hinwick, and the setting of Conservation Areas.

**4.5 Beds County Council (Rights of Way)**

Impact on the existing rights of way network.

**4.6 Beds County Council (Planning)**

In relation to ecology, archaeology & landscape.

**4.7 Beds County Council (Highways)**

Highway implications during the construction phase of the development, and once operational.

**4.8 British Horse Society**

Impact on equestrian users of bridleways.

**4.9 British Telecom**

Impact on BT's current and presently planned radio networks

**4.10 Countryside Agency**

No reply received - does not comment on individual planning cases.

**4.11 CSS Spectrum**

Operates private business radio systems for the water industry. There are two scanning telemetry systems nearby.



**4.12 Council for the Protection Of Rural England (CPRE)**

In relation to the protection of the rural area.

**4.13 Central Networks**

In relation to connection to the National Grid.

**4.14 Civil Aviation Authority**

In relation to aviation regulation.

**4.15 Cranfield Airport**

In relation to aviation impacts.

**4.16 Defence Estates**

In relation to impacts on the properties and lands owned by the Ministry Of Defence.

**4.17 Environment Agency**

In relation to the protection and improvement of the environment.

**4.18 English Nature (now Natural England)**

In relation to protected species, designated sites and proposed ecological enhancements.

**4.19 English Heritage**

In relation to the impact on historic assets.

**4.20 Highways Agency**

In relation to the impact on motorways and trunk roads.

**4.21 Joint Radio Company (Fuel and Power Network)**

An industry-owned independent Spectrum Management Organisation primarily responsible for the radio spectrum used by the UK Energy Industry.

**4.22 National Air Traffic Services**

In relation to air traffic control impacts.



#### 4.23 **NationalGrid Wireless**

The leading provider of transmission infrastructure to television and radio organizations and mobile telecommunications operators.

#### 4.24 **OFCOM (Office of Communications)**

Independent regulator and competition authority for the UK communications industries, with responsibilities across television, radio, telecommunications and wireless communications services.

#### 4.25 **Royal Society for the Protection of Birds**

In relation to the impact on bird life.

#### 4.26 **Wildlife Trust**

Wildlife issues on non-statutory designated wildlife sites

#### District, Town & Parish Councils:

4.27 Bozeat Parish Council

4.28 Carlton & Chellington Parish Council

4.29 Eastern Maudit Parish Council

4.30 Felmersham Parish Council

4.31 Harrold Parish Council

4.32 Higham Ferrers Town Council

4.33 Irchester Parish Council

4.34 Knotting and Souldrop Parish Council



4.35 Newton Bromswold Parish Council

4.36 Odell Parish Council

4.37 Pavenham Parish Council

4.38 Podington Parish Council

4.39 Rushden Town Council

4.40 Sharnbrook Parish Council

4.41 Wollaston Parish Council

4.42 Wymington Parish Council

4.43 East Northants District Council

4.44 Wellingborough District Council

Other Third Parties:

4.45 The Campaign to Limit Onshore Windfarm Development (CLOWD).

4.46 Other responses from third parties (944 letters of objection, and 982 letters of support were received. It should be noted there is thought to be a small amount of duplication).

## **5 PLANNING HISTORY**

5.1 The Council will seek to agree the planning history in the statement of common ground.



## **6 THE COUNCIL'S CASE**

- 6.1 The Council will adduce evidence of the following demonstrable harm caused by the Wind Farm:
- 6.2 Visually intrusive and harmful impact on the landscape character areas of Wooded Wolds LCA and the Clay Tributaries LCA and unacceptable impact on the Area of Great Landscape Value.
- 6.3 Harmful overbearing visual impact on the living conditions of nearby residential properties;
- 6.4 Harmful impact on the users of nearby public footpaths, bridleways public rights of way and long distance footpaths reducing their value as a recreational asset and their function to provide attractive enjoyable access to the countryside;
- 6.5 Harmful impact on the setting of a range of listed buildings in Hinwick and the surrounding area;
- 6.6 Significant and harmful impact to the setting of the schedule ancient monument known as Wold Moated Enclosure;
- 6.7 In consequence the proposal is contrary to *Policies BE6 and BE7 (Renewable Energy), NE6 (Woodland), NE8 (Replacement Provision), NE12 (Landscaping in association with development), NE13(Landscape management and protection), NE14 (Area of Great Landscape Value), BE21 (Setting of Listed Buildings), BE26 (Historic Parks and Gardens), BE23, BE24, BE25 (Archaeology), BE30 (Material Considerations in the control of new development), BE38, BE39, BE40 (Landscaping), LR10 (Access to*



*Countryside) of the Bedford Borough Local Plan 2002, and policies CP2 – Sustainable Development Principles, CP13 – The Countryside, CP24 – Heritage, CP25 – Landscape protection and enhancement, CP26 – Biodiversity, CP28 – Climate Change and Pollution – of the Draft Core Strategy and Rural Issues Plan.*

- 6.8 Because of the degree of local opposition to the development the Council reserves the opportunity to test any other propositions advanced in the Environmental Statement at the Public Inquiry.

## **7 THE COUNCIL WILL ADDUCE IN EVIDENCE THE FOLLOWING –**

- 7.1 An ordnance survey location maps of the appeal site and surrounding area.
- 7.2 Bedfordshire Structure Plan 2011 (Policy 7 only). Other policies of the Bedfordshire Structure Plan have not been saved beyond September 2007.
- 7.3 Bedford Local Plan 2002. All the policies of the local plan included in the reasons for refusal are saved until their replacement with policies in LDF Development Plan Documents (DPDs). Initial work on the Development Control DPD is scheduled to commence December 2010.
- 7.4 Emerging Local Development Framework. In particular the draft Core Strategy & Rural Issues Plan. It is likely that the draft plan will be adopted before the Inquiry.
- 7.5 Planning Policy Guidance Notes and Planning Policy Statements and Government Circulars, including but not limited to, PPS1, PPS7, PPS22.
- 7.6 The Assessment and Rating of Noise from Wind Farms (ETSU-R-97).



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- 7.7 Planning Committee Reports.
  - 7.8 Details of other applications in the Borough, as appropriate.
  - 7.9 Mapping of Zones of Visual Theoretical Influence and modelling of a sample number of views.
  - 7.10 Maps showing public rights of way in relation to the site.
  - 7.11 Landscape Character Assessments: - A Landscape Character Assessment of Bedfordshire LUC 2003; & Draft district-wide character assessment.
  - 7.12 Further evidence required in relation to the reasons for refusal or in conjunction with the above, as appropriate.

Please note that statements of case, written comments, information and other documents including the appeal questionnaire and documents referred to therein can be inspected and copied (subject to a reasonable copy charge) by request at the Council Offices, Town Hall, St Pauls Square Bedford MK40 1SJ Tel: 01234 221729. Given the scale of local interest and the large number of documents submitted and considered, it would be advisable for interested parties to make an appointment before arrival.